

**LAWS=NEW JERSEY
1988**

New Jersey State Library

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



New Jersey State Library

1988

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

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† Sworn in 12/9/88.

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* Resigned 7/11/88.

† Sworn in 9/29/88.

LAWS

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

CHAPTER 1

AN ACT concerning county and municipal budgets for the 1988 local budget year.

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

1. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of local budgets for 1988 shall be as follows:

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

(1) In the case of a county, not later than February 12, of the fiscal year; and

(2) In the case of a municipality, not later than February 26, of the fiscal year.

b. The budget shall be adopted in the case of a county not later than March 18, and the case of a municipality not later than March 31 of the fiscal year, except that the governing body may adopt the budget at any time within 10 days after the Director of the Division of Local Government Services in the Department of Community Affairs has certified his approval thereof and returned the same, if the certification is later than the date of the advertised hearing.

2. Notwithstanding the provisions of any law to the contrary, the dates concerning budget transmission to the county board of taxation, county board advisement to the director of the failure to receive a budget, and the filling out of the table of aggregates for late budgets for the year 1988 shall be as follows:

a. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board of taxation not later than April 14 of the fiscal year.

b. Where the county board of taxation has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district not later than April 14 of the fiscal year, the board shall immediately notify the director of that failure.

c. Immediately upon receipt of the director's certificate and in any event on or before April 21 of the fiscal year, the county board of taxation shall fill out the table of aggregates required by R.S. 54:4-52 and shall determine the amount of "other local taxes" for the year based upon the certificate of the director.

If the local unit has adopted a budget for the fiscal year and has transmitted a certified copy thereof to the county board on or before April 21 of the fiscal year, the board may substitute the adopted budget in the place of the amount certified by the director, but no substitution shall be made after April 21 of the fiscal year.

3. Notwithstanding the provisions of any law to the contrary, the date concerning the preparation of the table of aggregates for the year 1988 shall be extended to May 10.

In the event a county board of taxation is unable to prepare the table of aggregates on or before May 10 due to failure of any of the several taxing districts of the county to transmit an adopted budget showing the amount to be raised by taxation for the purposes of the taxing district, the board shall prepare a certified schedule of the general tax rate for each of those taxing districts which has submitted an adopted budget. Each certified schedule so prepared shall be signed by the members of the county board of taxation and, within three days thereafter, shall be transmitted to the Director of the Division of Taxation, the county treasurer and the clerk and tax collector of the affected municipality.

4. Notwithstanding the provisions of any law to the contrary, the date concerning the delivery of the corrected, revised and completed duplicates by the county board of taxation to the collectors of the various taxing districts in the county for the year 1988 shall be May 20.

5. The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the 1988 budget,

shall, by resolution, adopted prior to March 1, 1988 make appropriations, in addition to any temporary appropriations made pursuant to N.J.S. 40A:4-19, to provide for the period between February 25, in the case of a county, or March 20, in the case of a municipality, and the adoption of the 1988 budget. The total of the appropriations so made shall not exceed 1/12 of the total of the appropriations made for all purposes in the budget for the 1988 fiscal year, excluding, in both instances, appropriations made for the interest and debt redemption charges, capital improvement fund and public assistance.

6. Notwithstanding the provisions of section 1 of P.L. 1979, c. 268 (C. 40A:4-45.3a) to the contrary, any referendum conducted during the 1988 budget year by a municipality pursuant to subsection i. of section 3 of P.L. 1976, c. 68 (C. 40A:4-45.3), for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, shall be held on Tuesday, February 23, or Tuesday, March 22, 1988, as the governing body shall determine. The municipal budget proposing the increase shall be introduced and approved in the manner otherwise provided in N.J.S. 40A:4-5 at least 20 days prior to the date on which the referendum is to be held, and shall be published in the manner otherwise provided in N.J.S. 40A:4-6 at least 12 days prior to the referendum date.

7. Notwithstanding the provisions of N.J.S. 40A:4-27 or of any other law to the contrary, a local unit may anticipate as a miscellaneous revenue in its 1988 budget the total amount of all payments due and payable to the local unit during the fiscal year, directly or indirectly as a result of the sale of property by the local unit, when the obligation to make the payment is entered into prior to February 20, 1988.

8. Notwithstanding the provisions of section 3-16 of P.L. 1950, c. 210 (C. 40:69A-46), the mayor shall submit to the council his recommended 1988 budget on or before February 10, 1988.

9. Notwithstanding the provisions of section 9-17 of P.L. 1950, c. 210 (C. 40:69A-97), the municipal manager shall submit to the council his recommended 1988 budget on or before February 10, 1988.

10. This act shall take effect immediately, shall apply to the 1988 local budget year and shall expire December 31, 1988.

Approved February 2, 1988.

CHAPTER 2

AN ACT extending the option for short-term juvenile incarceration and amending P.L. 1982, c. 77.

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

1. Section 34 of P.L. 1982, c. 77 is amended to read as follows:

34. This act shall take effect on December 31, 1983; provided, however, that subsection c. of section 24 of this act shall expire 54 months following the effective date of this act.

2. This act shall take effect immediately and shall be retroactive to December 31, 1987.

Approved February 24, 1988.

CHAPTER 3

AN ACT to amend the "Local Tax Authorization Act," approved December 23, 1970 (P.L. 1970, c. 326), as said short title was amended by P.L. 1981, c. 507.

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, 1990, 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, 1990.

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, 1990.

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, 1990.

4. This act shall take effect immediately and shall be retroactive to December 31, 1987.

Approved February 29, 1988.

CHAPTER 4

AN ACT concerning farmland preservation and amending and supplementing P.L. 1983, c. 32.

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

1. Section 3 of P.L. 1983, c. 32 (C. 4:1C-13) is amended to read as follows:

C. 4:1C-13 Definitions.

3. As used in this act:

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

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

c. "Board" means a county agriculture development board estab-

lished pursuant to section 7 or a subregional agricultural retention board established pursuant to section 10 of this act;

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

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

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

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

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

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

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

k. "Secretary" means the Secretary of Agriculture;

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

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

n. "Agricultural deed restrictions for farmland preservation purposes" means a statement containing the conditions of the conveyance and the terms of the restrictions set forth in P.L. 1983, c. 32 and as additionally determined by the committee on the use and the development of the land which shall be recorded with the deed in the same manner as originally recorded.

2. Section 4 of P.L. 1983, c. 32 (C. 4:1C-8) is amended to read as follows:

C. 4:1C-8 Use of appropriations.

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

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

3. Section 24 of P.L. 1983, c. 32 (C. 4:1C-31) is amended to read as follows:

C. 4:1C-31 Development easement purchases.

24. a. Any landowner applying to the board to sell a development easement pursuant to section 17 of this act shall offer to sell the development easement at a price which, in the opinion of the land-

owner, represents a fair value of the development potential of the land for nonagricultural purposes, as determined in accordance with the provisions of this act.

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

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

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

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

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

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

c. Two independent appraisals paid for by the board shall be conducted for each parcel of land so offered and deemed suitable. The appraisals shall be conducted by independent, professional appraisers selected by the board and the committee from among members of recognized organizations of real estate appraisers. The appraisals shall determine the current overall value of the parcel for nonagricultural purposes, as well as the current market value of the parcel for agricultural purposes. The difference between the two values shall represent an appraisal of the value of the development easement. If a development easement is purchased using moneys appropriated from the fund, the State shall provide no more than 80%, except 100% under emergency conditions specified by the committee pursuant to rules or regulations, of the cost of the appraisals conducted pursuant to this section.

d. Upon receiving the results of the appraisals, the board and the

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

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

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

e. Upon approval by the committee and the board, the secretary is authorized to provide the board, within the limits of funds appropriated therefor, an amount equal to no more than 80%, except 100% under emergency conditions specified by the committee pursuant to rules or regulations, of the purchase price of the development easement, as determined pursuant to the provisions of this section. The board shall provide its required share and accept the landowner's offer to sell the development easement. The acceptance shall cite the specific terms, contingencies and conditions of the purchase.

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

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

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

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

4. Section 28 of P.L. 1983, c. 32 (C. 4:1C-35) is amended to read as follows:

C. 4:1C-35 Appraisal of value of donation.

28. If a person wishes to donate all or a portion of the value of the development easement to the board, the value of the donation shall be appraised pursuant to the provisions of section 24 of this

act. This requirement shall apply only if the board is requesting State funds. In order to qualify for State funds, pursuant to the provisions of this act, the county shall make up the difference between its required share of the total appraised value of the easement and the appraised value of the donation. In the event the value of the donation exceeds the required county share, the amount in excess shall be deducted from the State share.

C. 4:1C-31.1 Fee simple absolute purchases.

5. a. Any landowner of farmland within an agricultural development area certified by the committee may apply to the committee to sell the fee simple absolute title at a price which, in the opinion of the landowner, represents a fair market value of the property.

b. The committee shall evaluate the offer to determine the suitability of the land for purchase. Decisions regarding suitability shall be based on the eligibility criteria for the purchase of development easements listed in subsection b. of section 24 of P.L. 1983, c. 32 (C. 4:1C-31) and the criteria adopted by the committee and the board of that county. The committee shall also evaluate the offer taking into account the amount of the asking price, the asking price relative to other offers, the location of the parcel relative to areas targeted within the county by the board and among the counties, and any other criteria as the committee has adopted pursuant to rule or regulation. The committee may negotiate reimbursement with the county and include the anticipated reimbursement as part of the evaluation of an offer.

c. The committee shall rank the offers according to the criteria to determine which, if any, should be appraised. The committee shall reject any offer for the purchase of fee simple absolute title determined unsuitable according to any criterion in this subsection or adopted pursuant to this subsection, or may defer decisions on offers with a low ranking. The committee shall state, in writing, its reasons for rejecting an offer.

d. Appraisals of the parcel shall be conducted to determine the fair market value according to procedures adopted by regulation by the committee.

e. The committee shall notify the landowner of the fair market value and negotiate for the purchase of the title in fee simple absolute.

f. Any land acquired by the committee pursuant to the provisions

of this amendatory and supplementary act shall be held of record in the name of the State and shall be offered for resale by the State, notwithstanding any other law, rule or regulation to the contrary, within a reasonable time of its acquisition with agricultural deed restrictions for farmland preservation purposes as determined by the committee pursuant to the provisions of this act.

g. The committee shall be responsible for the operation and maintenance of lands acquired and shall take all reasonable steps to maintain the value of the land and its improvements.

h. To the end that municipalities may not suffer loss of taxes by reason of acquisition and ownership by the State of New Jersey of property under the provisions of this act, the State shall pay annually on October 1 to each municipality in which property is so acquired and has not been resold a sum of money equal to the tax last assessed and last paid by the taxpayer upon this land and the improvement thereon for the taxable year immediately prior to the time of its acquisition. In the event that land acquired by the State pursuant to this act had been assessed at an agricultural and horticultural use valuation in accordance with provisions of the "Farmland Assessment Act of 1964," P.L. 1964, c. 48 (C. 54:4-23.1 et seq.), at the time of its acquisition by the State, no rollback tax pursuant to section 8 of P.L. 1964, c. 48 (C. 54:4-23.8) shall be imposed as to this land nor shall this rollback tax be applicable in determining the annual payments to be made by the State to the municipality in which this land is located.

All sums of money received by the respective municipalities as compensation for loss of tax revenue pursuant to this section shall be applied to the same purposes as is the tax revenue from the assessment and collection of taxes on real property of these municipalities, and to accomplish this end the sums shall be apportioned in the same manner as the general tax rate of the municipality for the tax year preceding the year of receipt.

C. 4:1C-31.2 Rules, regulations.

6. The committee shall adopt rules and regulations necessary to carry out the purposes of this amendatory and supplementary act according to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.).

7. This act shall take effect immediately.

Approved March 9, 1988.

CHAPTER 5

AN ACT to extend the expiration date of the New Jersey Railroad and Transportation Museum Study Commission, amending P.L. 1987, c. 41, and making an appropriation.

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

1. Section 6 of P.L. 1987, c. 41 is amended to read as follows:

6. The commission may meet and hold hearings at any place or places as it shall designate during the sessions or recesses of the Legislature. The commission shall report its findings, conclusions and recommendations to the Governor and the Legislature as soon as practicable but not later than September 1, 1989, accompanying them with any legislative bills which it may desire to recommend for adoption by the Legislature.

2. Section 8 of P.L. 1987, c. 41 is amended to read as follows:

8. This act shall take effect immediately and shall expire on September 30, 1989.

3. In addition to any sums appropriated in section 7 of P.L. 1987, c. 41, there is appropriated \$30,000.00 to the commission from the General Fund to effectuate the purposes of the commission.

4. This act shall take effect immediately.

Approved March 11, 1988.

CHAPTER 6

AN ACT concerning fiscal intermediaries for the Medicaid program and amending P.L. 1968, c. 413.

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

1. Section 7 of P.L. 1968, c. 413 (C. 30:4D-7) is amended to read as follows:

C. 30:4D-7 Duties of commissioner.

7. Duties of commissioner. The commissioner is authorized and empowered to issue, or to cause to be issued through the Division

of Medical Assistance and Health Services, all necessary rules and regulations and administrative orders, and to do or cause to be done all other acts and things necessary to secure for the State of New Jersey the maximum federal participation that is available with respect to a program of medical assistance, consistent with fiscal responsibility and within the limits of funds available for any fiscal year, and to the extent authorized by the medical assistance program plan; to adopt fee schedules with regard to medical assistance benefits and otherwise to accomplish the purposes of this act, including specifically the following:

a. Subject to the limits imposed by this act, to submit a plan for medical assistance, as required by Title XIX of the federal Social Security Act, to the federal Department of Health and Human Services for approval pursuant to the provisions of such law; to act for the State in making negotiations relative to the submission and approval of such plan, to make such arrangements, not inconsistent with the law, as may be required by or pursuant to federal law to obtain and retain such approval and to secure for the State the benefits of the provisions of such law;

b. Subject to the limits imposed by this act, to determine the amount and scope of services to be covered, that the amounts to be paid are reasonable, and the duration of medical assistance to be furnished; provided, however, that the department shall provide medical assistance on behalf of all recipients of categorical assistance and such other related groups as are mandatory under federal laws and rules and regulations, as they now are or as they may be hereafter amended, in order to obtain federal matching funds for such purposes and, in addition, provide medical assistance for the foster children specified in section 3i.(7) of this act. The medical assistance provided for these groups shall not be less in scope, duration, or amount than is currently furnished such groups, and in addition, shall include at least the minimum services required under federal laws and rules and regulations to obtain federal matching funds for such purposes.

The commissioner is authorized and empowered, at such times as he may determine feasible, within the limits of appropriated funds for any fiscal year, to extend the scope, duration, and amount of medical assistance on behalf of these groups of categorical assistance recipients, related groups as are mandatory, and foster children authorized pursuant to section 3i.(7) of this act, so as to include, in whole or in part, the optional medical services authorized under federal laws and rules and regulations, and the commissioner shall

have the authority to establish and maintain the priorities given such optional medical services; provided, however, that medical assistance shall be provided to at least such groups and in such scope, duration, and amount as are required to obtain federal matching funds.

The commissioner is further authorized and empowered, at such times as he may determine feasible, within the limits of appropriated funds for any fiscal year, to issue, or cause to be issued through the Division of Medical Assistance and Health Services, all necessary rules, regulations and administrative orders, and to do or cause to be done all other acts and things necessary to implement and administer demonstration projects pursuant to Title XI, section 1115 of the federal Social Security Act, including, but not limited to waiving compliance with specific provisions of this act, to the extent and for the period of time the commissioner deems necessary, as well as contracting with any legal entity, including but not limited to corporations organized pursuant to Title 14A, New Jersey Statutes (N.J.S. 14A:1-1 et seq.), Title 15, Revised Statutes (R.S. 15:1-1 et seq.) and Title 15A, New Jersey Statutes (N.J.S. 15A:1-1 et seq.) as well as boards, groups, agencies, persons and other public or private entities;

- c. To administer the provisions of this act;
- d. To make reports to the federal Department of Health and Human Services as from time to time may be required by such federal department and to the New Jersey Legislature as hereinafter provided;
- e. To assure that any applicant, qualified applicant or recipient shall be afforded the opportunity for a hearing should his claim for medical assistance be denied, reduced, terminated or not acted upon within a reasonable time;
- f. To assure that providers shall be afforded the opportunity for an administrative hearing within a reasonable time on any valid complaint arising out of the claim payment process;
- g. To provide safeguards to restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with administration of this act;
- h. To take all necessary action to recover any and all payments incorrectly made to or illegally received by a provider from such provider or his estate or from any other person, firm, corporation, partnership or entity responsible for or receiving the benefit or possession of the incorrect or illegal payments or their estates, successors

or assigns, and to assess and collect such penalties as are provided for herein;

i. To take all necessary action to recover the cost of benefits incorrectly provided to or illegally obtained by a recipient, including those made after a voluntary divestiture of real or personal property or any interest or estate in property for less than adequate consideration made for the purpose of qualifying for assistance. The division shall take action to recover the cost of benefits from a recipient, legally responsible relative, representative payee, or any other party or parties whose action or inaction resulted in the incorrect or illegal payments or who received the benefit of the divestiture, or from their respective estates, as the case may be and to assess and collect the penalties as are provided for herein, except that no lien shall be imposed against property of the recipient prior to his death except in accordance with section 17 of P.L. 1968, c. 413 (C. 30:4D-17). No recovery action shall be initiated more than five years after an incorrect payment has been made to a recipient when the incorrect payment was due solely to an error on the part of the State or any agency, agent or subdivision thereof;

j. To take all necessary action to recover the cost of benefits correctly provided to a recipient from the estate of said recipient in accordance with sections 6 through 12 of this amendatory and supplementary act;

k. To take all reasonable measures to ascertain the legal or equitable liability of third parties to pay for care and services (available under the plan) arising out of injury, disease, or disability; where it is known that a third party has a liability, to treat such liability as a resource of the individual on whose behalf the care and services are made available for purposes of determining eligibility; and in any case where such a liability is found to exist after medical assistance has been made available on behalf of the individual, to seek reimbursement for such assistance to the extent of such liability;

l. To compromise, waive or settle and execute a release of any claim arising under this act including interest or other penalties, or designate another to compromise, waive or settle and execute a release of any claim arising under this act. The commissioner or his designee whose title shall be specified by regulation may compromise, settle or waive any such claim in whole or in part, either in the interest of the Medicaid program or for any other reason which the commissioner by regulation shall establish;

m. To pay or credit to a provider any net amount found by final audit as defined by regulation to be owing to the provider. Such payment, if it is not made within 45 days of the final audit, shall include interest on the amount due at the maximum legal rate in effect on the date the payment became due, except that such interest shall not be paid on any obligation for the period preceding September 15, 1976. This subsection shall not apply until federal financial participation is available for such interest payments;

n. To issue, or designate another to issue, subpoenas to compel the attendance of witnesses and the production of books, records, accounts, papers and documents of any party, whether or not that party is a provider, which directly or indirectly relate to goods or services provided under this act, for the purpose of assisting in any investigation, examination, or inspection, or in any suspension, debarment, disqualification, recovery, or other proceeding arising under this act;

o. To solicit, receive and review bids pursuant to the provisions of P.L. 1954, c. 48 (C. 52:34-6 et seq.) and all amendments and supplements thereto, by any corporation doing business in the State of New Jersey, including nonprofit hospital service corporations, medical service corporations, health service corporations or dental service corporations incorporated in New Jersey and authorized to do business pursuant to 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.), or P.L. 1968, c. 305 (C. 17:48C-1 et seq.), and to make recommendations in connection therewith to the State Medicaid Commission;

p. To contract, or otherwise provide as in this act provided, for the payment of claims in the manner approved by the State Medicaid Commission;

q. Where necessary, to advance funds to the underwriter or fiscal agent to enable such underwriter or fiscal agent, in accordance with terms of its contract, to make payments to providers;

r. To enter into contracts with federal, State, or local governmental agencies, or other appropriate parties, when necessary to carry out the provisions of this act;

s. To assure that the nature and quality of the medical assistance provided for under this act shall be uniform and equitable to all recipients;

t. To provide for the reimbursement of State and county-administered skilled nursing and intermediate care facilities through the use of a governmental peer grouping system, subject to federal approval and the availability of federal reimbursement.

(1) In establishing a governmental peer grouping system, the State's financial participation is limited to an amount equal to the nonfederal share of the reimbursement which would be due each facility if the governmental peer grouping system was not established, and each county's financial participation in this reimbursement system is equal to the nonfederal share of the increase in reimbursement for its facility or facilities which results from the establishment of the governmental peer grouping system.

(2) On or before December 1 of each year, the commissioner shall estimate and certify to the Director of the Division of Local Government Services in the Department of Community Affairs the amount of increased federal reimbursement a county may receive under the governmental peer grouping system. On or before December 15 of each year, the Director of the Division of Local Government Services shall certify the increased federal reimbursement to the chief financial officer of each county. If the amount of increased federal reimbursement to a county exceeds or is less than the amount certified, the certification for the next year shall account for the actual amount of federal reimbursement that the county received during the prior calendar year.

(3) The governing body of each county entitled to receive increased federal reimbursement under the provisions of this amendatory act shall, by March 31 of each year, submit a report to the commissioner on the intended use of the savings in county expenditures which result from the increased federal reimbursement. The governing body of each county, with the advice of agencies providing social and health related services, shall use not less than 10% and no more than 50% of the savings in county expenditures which result from the increased federal reimbursement for community-based social and health related programs for elderly and disabled persons who may otherwise require nursing home care. This percentage shall be negotiated annually between the governing body and the commissioner and shall take into account a county's social, demographic and fiscal conditions, a county's social and health related expenditures and needs, and estimates of federal revenues to support county operations in the upcoming year, particularly in the areas of social and health related services.

(4) The commissioner, subject to approval by law, may terminate the governmental peer grouping system if federal reimbursement is significantly reduced or if the Medicaid program is significantly altered or changed by the federal government subsequent to the enactment of this amendatory act. The commissioner, prior to terminating the governmental peer grouping system, shall submit to the Legislature and to the governing body of each county a report as to the reasons for terminating the governmental peer grouping system;

u. The commissioner, in consultation with the Commissioner of Health, shall:

(1) Develop criteria and standards for comprehensive maternity or pediatric care providers and determine whether a provider who requests to become a comprehensive maternity or pediatric care provider meets the department's criteria and standards;

(2) Develop a program of comprehensive maternity care services which defines the type of services to be provided, the level of services to be provided, and the frequency with which qualified applicants are to receive services pursuant to P.L. 1968, c. 413 (C. 30:4D-1 et seq.);

(3) Develop a program of comprehensive pediatric care services which defines the type of services to be provided, the level of services to be provided, and the frequency with which qualified applicants are to receive services pursuant to P.L. 1968, c. 413 (C. 30:4D-1 et seq.);

(4) Develop and implement a system for monitoring the quality and delivery of comprehensive maternity and pediatric care services and a system for evaluating the effectiveness of the services programs in meeting their objectives;

(5) Establish provider reimbursement rates for the comprehensive maternity and pediatric care services;

v. The commissioner, jointly with the Commissioner of Health, shall report to the Governor and the Legislature no later than two years following the date of enactment of P.L. 1987, c. 115 (C. 30:4D-2.1 et al.) and annually thereafter on the status of the comprehensive maternity and pediatric care services and their effectiveness in meeting the objectives set forth in section 1 of P.L. 1987, c. 115 (C. 30:4D-2.1) accompanying the report with any recommendations for changes in the law governing the services that the commissioners deem necessary.

2. Section 8 of P.L. 1968, c. 413 (C. 30:4D-8) is amended to read as follows:

C. 30:4D-8 Claim payment method.

8. The determination of the method of providing payment of claims under this act shall be made by the State Medicaid Commission on recommendation of the commissioner which method may be:

a. By contract with insurance companies incorporated and licensed to do business in the State of New Jersey or with nonprofit health service corporations, dental service corporations, hospital service corporations or medical service corporations, incorporated in New Jersey, and authorized to do business pursuant to P.L. 1985, c. 236 (C. 17:48E-1 et seq.), P.L. 1968, c. 305 (C. 17:48C-1 et seq.), P.L. 1938, c. 366 (C. 17:48-1 et seq.) or P.L. 1940, c. 74 (C. 17:48A-1 et seq.), to underwrite, but not for profit, on an insured premium approach, that portion of the program covering all cash grant beneficiaries plus all other State certified recipients of medical assistance within the classes set forth in section 3i. of this act, with the exception of those persons who are confined in institutions for tuberculosis and mental care or who are required by medical necessity to be confined on a presumably permanent basis in other medical care institutions by reason of disease or injury, which contract executed pursuant to this subsection shall provide that for those persons included in the program but not covered on an underwritten basis, the same carrier selected under this subsection shall act as fiscal agent for the department, but not for profit, for such medical assistance benefits as may be available, and any carrier selected pursuant to the provisions of this act is hereby expressly authorized and empowered to undertake the performance of the requirements of such contract.

b. By contract with any corporation doing business in the State of New Jersey, including nonprofit organizations incorporated in New Jersey and authorized to do business pursuant to P.L. 1985, c. 236 (C. 17:48E-1 et seq.), P.L. 1968, c. 305 (C. 17:48C-1 et seq.), P.L. 1938, c. 366 (C. 17:48-1 et seq.) or P.L. 1940, c. 74 (C. 17:48A-1 et seq.), to act as fiscal agent.

c. By direct administration by the Department of Human Services.

3. This act shall take effect immediately.

Approved March 17, 1988.

CHAPTER 7

AN ACT providing for the town form of government, repealing parts of the statutory law, amending P.L. 1884, c. 31 and adding chapter 62 to Title 40A of the New Jersey Statutes.

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

1.

TITLE 40A
CHAPTER 62
TOWNS

- 40A:62-1. Incorporation; Corporate Seal.
- 40A:62-2. Elected Officers.
- 40A:62-3. Organization; Officers.
- 40A:62-4. General Powers.
- 40A:62-5. Powers of the Mayor.
- 40A:62-6. Powers of the Council.
- 40A:62-7. Miscellaneous.
- 40A:62-8. Statutes Repealed.

40A:62-1. Incorporation; Corporate Seal.

a. The inhabitants of each of the several towns are hereby continued as a body politic and corporate in law as heretofore constituted and established and shall be known by the name of "the mayor and council of the town of , in the county of " (as the case may be), and the boundaries of the several towns shall be and remain as heretofore established by law.

b. This act shall apply to all towns which, prior to the effective date of this act, used the provisions applicable to towns as set out in the Revised Statutes, Title 40, chapters 123 to 141 inclusive, and those towns whose incorporation was by special act of the Legislature prior to 1875.

c. Each town governed by the laws pertaining to the town form of government shall have full power to sue and be sued and have a corporate seal.

d. Any existing town may, by resolution of the council, adopt a name, as prescribed in subsection a. of this section, and the town clerk shall then file a copy of the resolution adopting the name with the county clerk, certified by the town clerk. After the filing of the certificate, the town shall be known and designated by the name so

adopted, but no suit, proceeding or instrument shall abate or in anywise be affected by any change of corporate name.

(Source: R.S. 40:86-2, R.S. 40:142-1, and New.)

40A:62-2. Elected Officers.

a. The mayor shall be elected by the voters of the municipality at large and shall be known as the councilman-at-large. He shall serve for a term of two years, except as otherwise provided by referendum of the voters.

b. The legal voters of any town divided into wards, in which the mayor and council members are elected for two-year terms of office, may by petition and referendum, require that the mayor shall be elected for a three-year term of office.

Upon the submission to the town clerk of a petition, signed by at least fifteen per centum (15%) of the legal voters of the municipality who cast their votes in the municipality at the last election in which members of the General Assembly were elected, the proposition shall be submitted to the voters at the next general election. The proposition shall not be submitted more than once in any three-year period.

The notice, advertisement and conduct of the election shall be in the same manner as for offices voted at the election.

The proposition shall be submitted to the voters at the election in substantially the following form: "Shall the term of the mayor in (name of town) be increased to three years?"

A canvass and return of the vote upon the proposition shall be made by the election officers in the same manner as for officers voted for at the election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to make the change.

Notwithstanding any other provisions of law to the contrary, upon approval by the legal voters of the town of the proposition to increase the term of the mayor to three years, the mayor elected at the first annual election after the approval of the proposition, and at an election held every third year thereafter, shall serve for a term of three years.

c. The council shall consist of eight members, two elected from each of four wards, and they shall serve for a term of two years. Their terms shall be arranged, to be designated on the ballot if necessary,

so that one member of the council shall be elected from each ward at each election.

d. Notwithstanding the provisions of subsection c. of this section, any town, whose council immediately prior to the effective date of this act had a council whose method of election, composition or tenure of its membership differed in any way from the provisions set out in subsection c. of this section, shall continue to be governed by those provisions which determined the council's method of election, composition or tenure of its membership, as the case may be, until such time it wishes to adopt the provisions as set out in subsection c. of this section. Any adoption shall be by referendum of voters, after the town council shall have passed an ordinance not less than 60 days preceding any general election calling for the referendum to be placed upon the ballot. The referendum shall not be submitted to the voters more than once in any three-year period.

e. The annual election for town officers shall be held at the same time and places as the general election. No person shall be permitted to vote at any such election unless he is an actual resident of the election district in which he offers his vote.

(Source: R.S. 40:124-1 to R.S. 40:124-3, R.S. 40:131-2 to R.S. 40:131-3, P.L. 1981, c. 427, s. 17.)

40A:62-3. Organization; Officers.

a. The mayor and council members of every town shall constitute the council thereof. They shall hold an annual meeting on the first day of January at twelve o'clock noon, or during the first seven days of January in any year.

b. The mayor, heretofore known as the councilman-at-large, shall be chairman of the council and preside at all meetings of the council. In his absence, the council may elect one of its own as chairman for the time being.

c. The council shall appoint the times of meetings and determine and establish the rules of its own proceedings.

d. A majority of the council shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from day to day.

e. The mayor or any two councilmen may call for a special meeting by written notice to each of the members, served personally or left at the member's usual place of residence at least 24 hours before

the time appointed for the meeting. No other business than that specified in the call for the meeting shall be discussed or transacted.

f. The council may, at its annual meeting, establish for its members such committees of the council as will assist it for the ensuing year.

g. No officer, who has obtained tenure by any provision of any section herein repealed by section 40A:62-8 of this act, shall be affected in any way by such repeal.

(Source: R.S. 40:125-1, R.S. 40:125-4, R.S. 40:126-1, R.S. 40:126-2, and New.)

40A:62-4. General Powers.

Every town, governed by the town form of government pursuant to this act, shall, subject to the provisions of this act or other general law, have full power to exercise all powers of local government in such manner as council may determine.

(Source: P.L. 1950, c. 210, ss. 2-4.)

40A:62-5. Powers of the Mayor.

a. The councilman-at-large shall be officially known and designated as the mayor of (the name of the town in which he is elected). He shall be so designated in all official documents and instruments of every kind, and shall sign all ordinances, warrants, bonds, notes, contracts and all other official documents and instruments by said title.

b. The mayor shall be the head of the municipal government.

c. The mayor shall have all those powers placed in the mayor by general law.

d. The mayor shall be known as the chairman of the council, preside at all its meetings and possess all the powers of a member of council.

e. Every ordinance adopted by the council shall be presented to the mayor within five days after its passage, Sundays excepted, by the town clerk. The mayor shall, within 10 days after receiving the ordinance, either approve it by affixing his signature thereto or return it to the council by delivering it to the clerk together with a statement setting forth his objections thereto. No ordinance shall take effect without the mayor's approval, unless the mayor fails to return the

ordinance to the council, as prescribed above, or unless the council, upon consideration of the ordinance following its return, shall, by a vote of two-thirds of all members of the council, resolve to override the veto.

f. No ordinance shall be passed except by a vote of a majority of the members of the council present at the meeting, provided that at least four affirmative votes shall be required for such purpose.

(Source: R.S. 40:125-4, R.S. 40:126-1, R.S. 40:133-1 to R.S. 40:133-4 and New.)

40A:62-6. Powers of the Council.

a. The council shall be the legislative body of the municipality.

b. The council may subject to general law and the provisions of this act:

(1) Pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

(2) Control and regulate the finances of the municipality and raise money by borrowing and taxation;

(3) Create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the council. Other than the town attorney, engineer, building inspector, clerk, tax collector and tax assessor, these officers shall serve at the pleasure of the council. The town attorney, engineer, clerk, tax collector and tax assessor shall serve for terms as provided in chapter 9 of Title 40A of the New Jersey Statutes;

(4) Investigate any activity of the municipality;

(5) Remove any officer of the municipality, other than those officers excepted by law, for cause; and

(6) Override a veto of the mayor by a two-thirds majority of all the members of the council.

c. The council shall have all the executive responsibilities of the municipality not placed, by general law or this act, in the office of the mayor.

d. The council may, by ordinance, appoint such subordinate of-

ficers as it may deem necessary, except that the clerk, the tax assessor and the tax collector shall be appointed by the mayor and council.

e. Every officer appointed pursuant to this section shall hold office during his official term and until his successor shall have been duly appointed and qualified.

(Source: R.S. 40:125-3, R.S. 40:125-37, R.S. 40:133-3 and New.)

40A:62-7. Miscellaneous.

a. The town council may, by ordinance, delegate all or a portion of the executive responsibilities of the municipality to an administrator, who shall be appointed pursuant to N.J.S. 40A:9-136.

b. The town council may, by ordinance, adopt an administrative code. The administrative code shall restate the major provisions of the town's charter and the general law supplementing the charter. The administrative code shall set forth the manner in which the council shall perform its duties. If the council organizes itself into standing committees or if the council members serve as heads of departments, with administrative control over said departments, the administrative code shall specify the powers and duties of such committees or department heads and the manner in which they are appointed. The administrative code shall also set forth the titles of the principal municipal officers, how the officers are appointed, how they are organized into departments, boards, commissions, and other agencies; whom they supervise; by whom they are supervised; what powers they have; and what procedures should be followed to carry on the activities of the city government. The administrative code shall not grant any power or authority nor authorize any procedure, unless such power, or authority or procedure is authorized implicitly by the wording of the statute or derived by reasonable implication therefrom.

c. The assets and liabilities of any board, commission or district created pursuant to the statutes repealed in section 40A:62-8 of this act shall be transferred to the municipality.

d. The town council may create such advisory councils to the municipality as it may choose, including councils for the functions absorbed by it of any heretofore existing board, commission or district.

(Source: New.)

40A:62-8. Statutes Repealed.

The following acts are hereby repealed:

P.L. 1981, c. 427, s. 8 (C. 40:123-6.1)

R.S. 40:123-9

R.S. 40:124-1 to R.S. 40:124-3

R.S. 40:125-1 to R.S. 40:125-5

P.L. 1981, c. 427, s. 9 (C. 40:125-4.1)

R.S. 40:125-11 to R.S. 40:125-12

R.S. 40:125-14 to R.S. 40:125-24

R.S. 40:125-30 to R.S. 40:125-35

R.S. 40:125-37 to R.S. 40:125-40

R.S. 40:126-1 to R.S. 40:126-5

R.S. 40:127-1 to R.S. 40:127-3

R.S. 40:128-1 to R.S. 40:128-5

R.S. 40:129-1 to R.S. 40:129-3

R.S. 40:130-1 to R.S. 40:130-5

R.S. 40:131-1

P.L. 1981, c. 427, s. 16 (C. 40:131-1.1)

R.S. 40:131-2 to R.S. 40:131-4

R.S. 40:131-7 to R.S. 40:131-8

R.S. 40:132-1

P.L. 1981, c. 427, s. 17 (C. 40:132-1a)

R.S. 40:132-3

R.S. 40:132-10

R.S. 40:132-12 to R.S. 40:132-16

R.S. 40:133-1 to R.S. 40:133-4

R.S. 40:134-1 to R.S. 40:134-2

R.S. 40:135-1 to R.S. 40:135-2

R.S. 40:136-1 to R.S. 40:136-2

R.S. 40:137-1 to R.S. 40:137-2

R.S. 40:138-1 to R.S. 40:138-7

R.S. 40:138A-1 to R.S. 40:138A-6

R.S. 40:139-1 to R.S. 40:139-6

R.S. 40:140-1 to R.S. 40:140-3

L. 1902, c. 124

L. 1914, c. 126

L. 1917, c. 67

L. 1917, c. 165

2. Section 1 of P.L. 1884, c. 31 (R.S. 40:141-1(1)) is amended to read as follows:

R.S. 40:141-1(1) Board of Water Commissioners.

1. a. Any incorporated town in this State which has adopted the

provisions of this act and its supplements prior to the effective date of this act, is hereby authorized to establish and continue a Board of Water Commissioners, empowered to construct waterworks for the extinguishment of fires and supplying the inhabitants of the town with pure and wholesome water. The governing body of such town shall appoint three commissioners to be called "water commissioners," who shall have the powers and perform the duties hereinafter mentioned; the first of said water commissioners shall hold his office until the first Monday in May succeeding his appointment, the second for one year, and the third for two years from the first Monday in May succeeding their appointment; on the first Monday in May in each year after their appointment, one water commissioner shall be appointed by such town, who shall hold his office for the term of three years; in case a vacancy should occur in the office of water commissioners, the governing body of such town shall appoint a proper person to fill the same and serve the unexpired term; no member of the governing body of such town shall be eligible to the office of water commissioner.

b. Notwithstanding any provisions of law to the contrary, the governing body of any town, which has established a board of water commissioners pursuant to this act, may, by ordinance, abolish the board and assume to itself the functions exercised by the board. Upon the adoption of an ordinance abolishing the board, all of the assets and liabilities of the board shall be transferred to the municipality.

3. This act shall take effect January 1, 1989.

Approved April 4, 1988.

CHAPTER 8

AN ACT concerning motor vehicle drivers' licenses and amending P.L. 1987, c. 20 and R.S. 39:3-10.

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

1. Section 2 of P.L. 1987, c. 20 (C. 39:3-9a) is amended to read as follows:

C. 39:3-9a Legal name of licensee; endorsement.

2. Each driver's license issued pursuant to R.S. 39:3-10 shall have

the legal name of the licensee endorsed thereon in his own handwriting. For purposes of this section, legal name shall mean the name recorded on a birth certificate unless otherwise changed by marriage, divorce or order of court. The director may require that only the legal name be recorded on the driver's license. A person who has been issued a driver's license pursuant to R.S. 39:3-10 whose name is changed due to marriage, divorce or by order of court shall notify the director of the change in name within two weeks after the change is made.

A person who fails to notify the Director of the Division of Motor Vehicles of a change in name as required in this section shall be subject to a fine of \$10.00. A person who fails to endorse a driver's license in his own handwriting as required in this section shall be subject to a fine of \$20.00. A person who is fined under this section for a violation of this section shall not be subject to a surcharge under the New Jersey Merit Rating Plan as provided in section 6 of P.L. 1983, c. 65 (C. 17:29A-35).

2. R.S. 39:3-10 is amended to read as follows:

Licensing of drivers; classifications.

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless licensed to do so in accordance with this article. No person under 17 years of age shall be licensed to drive motor vehicles, nor shall a person be licensed until he has passed a satisfactory examination as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road and a demonstration of his ability to operate a vehicle of the class designated.

The director shall expand the driver's license examination by 20%. The additional questions to be added shall consist solely of questions developed in conjunction with the State Department of Health concerning the use of alcohol or drugs as related to highway safety. The director shall develop in conjunction with the State Department of Health supplements to the driver's manual which shall include information necessary to answer any question on the driver's license examination concerning alcohol or drugs as related to highway safety.

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the director any current driver's license issued to him by another state upon his receipt of a driver's license for this State. The director shall refuse to issue a driver's license if the applicant fails to comply with this provision.

The director shall create classified licensing of drivers covering the following classifications:

a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering;

b. Omnibuses as classified by R.S. 39:3-10.1 and school buses classified under N.J.S. 18A:39-1 et seq.;

c. Articulated vehicles means a combination of a commercial motor vehicle registered at a gross weight in excess of 18,000 pounds and one or more motor-drawn vehicles joined together by means of a coupling device;

d. All motor vehicles not included in classifications a., b. and c. A license issued pursuant to this classification d. shall be referred to as the "basic driver's license."

Every applicant for a license under classification b. or c. shall be a holder of a basic driver's license. Any issuance of a license under classification b. or c. shall be by endorsement on the basic driver's license.

A driver's license for motorcycles may be issued separately, but if issued to the holder of a basic driver's license, it shall be by endorsement on the basic driver's license.

The director, upon payment of the lawful fee and after he or a person authorized by him has examined the applicant and is satisfied of the applicant's ability as an operator, may, in his discretion, license the applicant to drive a motor vehicle. The license shall authorize him to drive any registered vehicle, of the kind or kinds indicated, and shall expire, except as otherwise provided, on the last day of the 48th calendar month following the calendar month in which such license was issued.

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for such

licenses shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

The required fee for a license for the 48-month period shall be as follows:

Motorcycle license or endorsement	\$ 8.00
Omnibus or school bus endorsement	\$16.00
Articulated vehicle endorsement	\$ 8.00
Basic driver's license	\$16.00

The director shall waive the payment of fees for issuance of omnibus endorsements whenever an applicant establishes to the director's satisfaction that said applicant will use the omnibus endorsement exclusively for operating omnibuses owned by a nonprofit organization duly incorporated under Title 15 or 16 of the Revised Statutes or Title 15A of the New Jersey Statutes.

The director shall issue licenses for the following license period on and after the first day of the calendar month immediately preceding the commencement of such period, such licenses to be effective immediately.

All applications for renewals of licenses shall be made on forms prescribed by the director and in accordance with procedures established by him.

The director in his discretion may refuse to grant a license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a license, but no defect of the applicant shall debar him from receiving a license unless it can be shown by tests approved by the Director of the Division of Motor Vehicles that the defect incapacitates him from safely operating a motor vehicle.

A person violating this section shall be subject to a fine not exceeding \$500.00 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, he shall be subject to a fine of not less than \$200.00 and, in addition, the court shall issue an order to the Director of the Division of Motor Vehicles requiring the director to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the Division of Motor Vehicles.

Nothing in this section shall be construed to alter or extend the expiration of any license issued prior to the date this amendatory and supplementary act becomes operative.

3. This act shall take effect immediately.

Approved April 4, 1988.

CHAPTER 9

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
78 DEPARTMENT OF TRANSPORTATION
60 Transportation Programs
62 Public Transportation

04-6050 Railroad and Bus	
Operations	\$16,500,000
Special Purpose:	
Passenger service subsidies	
for rail and bus operations ...	(\$16,500,000)

2. This act shall take effect immediately.

Approved April 4, 1988.

CHAPTER 10

AN ACT permitting certain school districts to reappropriate unspent bond proceeds without a referendum of the voters and supplementing chapter 24 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:24-11.2 Bond authorization process continued.

1. In municipalities with a population in excess of 125,000 according to the 1980 Federal Census, that change the local school district governmental structure from a Type I to a Type II district, any bond authorization process begun, under the provisions of N.J.S. 18A:22-18, prior to the referendum authorizing the change from a Type I to a Type II district shall be subject to the laws, rules and regulations governing the authorization, issuance and sale of bonds in Type I school districts and such bonds may be issued and sold and the proceeds disposed of in the manner provided by law at the time said proceedings were begun as if the city had remained under the Type I school district structure.

2. This act shall take effect immediately.

Approved April 6, 1988.

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 a supplemental debt statement was not prepared and filed as required by the provisions of N.J.S. 18A:24-17, provided however, that such supplemental debt statement heretofore has been prepared and filed in

the place required by N.J.S. 18A:24-17, and notwithstanding that notice of the election was not published in a newspaper as required by the provisions of N.J.S. 18A:14-19 and notwithstanding that notice of the election was not posted within the municipality as required by the provisions of N.J.S. 18A:14-19; 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 April 6, 1988.

CHAPTER 12

AN ACT concerning the education of persons of school age who reside on certain federal property and supplementing chapter 38 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:38-7.7 Finding, declaration.

1. The Legislature finds and declares that all persons of school age who reside on federal property located within this State are entitled under the New Jersey Constitution and the laws of this State to a free public education.

C. 18A:38-7.8 Designated district.

2. a. After July 1, 1988, persons of school age who reside on federal property which is located entirely within the geographic boundaries of two or more school districts, one of which is a constituent district of a limited purpose regional district with more than six constituent districts in a county of the fifth class shall be deemed to be domiciled in a district to be designated by the county superintendent of schools. These persons shall attend the schools of the designated district and the designated district shall count these pupils in the resident enrollment of the district for all State aid and all federal funds provided under Pub. L. 81-874, 20 U.S.C. §236 et seq.

b. The designated district shall be a district that contains within its boundaries a portion of the federal property on which the pupils reside. Not later than 10 days after the effective date of this act, the board of education of any school district that seeks to be designated by the county superintendent of schools pursuant to this section shall adopt a resolution by majority vote of its members indicating its interest and the resolution shall be forwarded to the county superintendent. Based on a determination of the best interests of the pupils residing on federal property and pupils residing in the districts seeking designation, the county superintendent shall, within 30 days of the effective date of this act, certify to the Commissioner of Education which local school district, if any, shall be the designated district. Once the county superintendent has certified the designated district, the county superintendent may not revoke or alter that certification. In the event that no board of education adopts a resolution indicating an interest in being designated pursuant to this section, the county superintendent shall not designate a district and the pupils residing on the federal property shall attend the schools of the district in which they reside.

c. Notwithstanding the provisions of this section, those pupils residing on federal property prior to October 1, 1987 shall be permitted at the option of each pupil to continue in the school they were attending on September 30, 1987 until graduation from the school. For the purpose of calculating State and federal aid, each pupil who elects to remain shall continue to be included in the resident enrollment of the district in which they reside.

C. 18A:38-7.9 Proportional assignment.

3. a. In the event the designated district is composed of more than one municipality, when allocating equalized valuations, pursuant to the provisions of section 3 of P.L. 1975, c. 212 (C. 18A:7A-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, pursuant to the provisions of section 3 of P.L. 1975, c. 212 (C. 18A:7A-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.

4. a. For the purpose of determining State aid for the 1988-89 school year, the September 30, 1987 resident enrollment of the district designated pursuant to section 2 of this act shall be increased by the sum of a. the estimated number of pupils who will reside on federal property and who will be enrolled on September 30, 1988 and b. 60% of the estimated number of pupils who will reside on federal property and who are expected to be enrolled during the 1988-89 school year after September 30, 1988. The net current expense budget for the district for the 1987-88 school year shall be increased by the amount necessary to be budgeted for these pupils.

b. For the purpose of determining State aid for the 1989-90 school year, the September 30, 1988 resident enrollment of the district designated pursuant to section 2 of this act shall be increased by the estimated number of pupils who will reside on federal property and who are expected to be enrolled during the 1988-89 school year after September 30, 1988.

c. In the event the actual average daily enrollment of pupils on federal property is less than the number of pupils estimated for the purposes of this section, State aid for the designated district shall be adjusted accordingly in a subsequent year.

d. In the event the provisions of this section require any changes in the 1988-89 school year State aid entitlements of the district in which the federal property is located or for any limited purpose regional district of which the designated district may be a constituent district, State aid for those districts shall be adjusted accordingly in the 1989-1990 school year.

5. This act shall take effect immediately.

Approved April 6, 1988.

CHAPTER 13

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 notice relating to such election was not published in accordance with the provisions of N.J.S. 18A:14-19, provided that notices of such election were posted in accordance with the provisions of N.J.S. 18A:14-19, and 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 such supplemental debt statement heretofore has been prepared and filed in the place required by 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 April 6, 1988.

CHAPTER 14

AN ACT establishing forensic laboratory fees and amending N.J.S. 2C:35-20.

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

1. N.J.S. 2C:35-20 is amended to read as follows:

Forensic laboratory funds.

2C:35-20. a. In addition to any disposition made pursuant to the provisions of N.J.S. 2C:43-2, any person convicted of an offense under

this chapter shall be assessed a criminal laboratory analysis fee of \$50.00 for each offense for which he was convicted. Any person who is placed in supervisory treatment pursuant to N.J.S. 2C:43-12 shall be assessed a criminal laboratory analysis fee of \$50.00 for each such offense for which he was charged.

b. In addition to any other disposition made pursuant to the provisions of section 24 of P.L. 1982, c. 77 (C. 2A:4A-43) or any other statute indicating the dispositions that can be ordered for adjudications of delinquency, any juvenile adjudicated delinquent for a violation of this chapter, shall be assessed a laboratory analysis fee of \$25.00 for each adjudication.

c. All criminal laboratory analysis fees provided for in this section shall be collected as provided for the collection of fines and restitutions in section 3 of P.L. 1979, c. 396 (C. 2C:46-4), and shall be forwarded to the appropriate forensic laboratory fund as provided in subsection d. of this section.

d. Forensic laboratory funds shall be established as follows:

(1) Any county or municipality which maintains a publicly funded forensic laboratory that regularly employs at least one forensic chemist engaged in the analysis of controlled dangerous substances may establish a forensic laboratory fund within the office of the county or municipal treasurer.

(2) A separate account shall be established in the State Treasury and shall be designated the "State Forensic Laboratory Fund."

e. The \$50.00 analysis fee provided for in subsection a. of this section shall be forwarded to the office of the treasurer of the county or municipality that performed the laboratory analysis if that county or municipality has established a forensic laboratory fund or, where appropriate, to the State forensic laboratory that performed the analysis. If the county or municipality has not established a forensic laboratory fund, then the \$50.00 analysis fee shall be forwarded to the State forensic laboratory fund with the State Treasury. The county or municipal treasurer and State Treasurer may retain an amount of this money equal to the administrative costs incurred pursuant to carrying out their respective responsibilities under this section.

f. Moneys deposited in the county or municipal forensic laboratory fund created pursuant to paragraph (1) of subsection c. of this section shall be in addition to any allocations pursuant to existing

law and shall be designated for the exclusive use of the county or municipal forensic laboratory. These uses may include, but are not limited to, the following:

- (1) costs incurred in providing microscopic and chemical analyses for controlled substances in connection with criminal investigations conducted within this State;
- (2) purchase and maintenance of equipment for use in performing analyses; and
- (3) continuing education, training and scientific development of forensic scientists regularly employed by these laboratories.

g. Moneys deposited in the State forensic laboratory fund created pursuant to paragraph (2) of subsection c. of this section shall be used by State forensic laboratories that the Attorney General designates pursuant to N.J.S. 2C:35-19, and the Division of State Police in the Department of Law and Public Safety. These moneys shall be in addition to any allocations pursuant to existing law and shall be designated for the exclusive use of State forensic facilities. These uses may include those enumerated in subsection e. of this section.

2. This act shall take effect immediately.

Approved April 7, 1988.

CHAPTER 15

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement

24-1200 Marine Police	
Operations	\$3,357,000
Special Purpose:	
Burlington Station	(\$962,000)
Newark Bay Station	(1,288,000)
Tactical Patrol	(992,000)
Headquarters Expansion	(115,000)
Total Appropriation,	
Direct State Services	\$3,357,000

CAPITAL CONSTRUCTION
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
12 Law Enforcement

Capital Projects:	
Marine Police Facility	
Improvements Point Pleasant	(\$682,000)
Total Appropriation,	
Capital Construction	\$682,000

The sum hereinabove is appropriated for expenditure, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, in accordance with Phase 1 of the six-year implementation program of "Report '87—A Plan to Enhance New Jersey's Marine Police Services," issued by the Marine Law Enforcement Bureau, Division of State Police, New Jersey Department of Law and Public Safety.

2. This act shall take effect immediately.

Approved April 11, 1988.

CHAPTER 16

AN ACT directing that the P.O.W.-M.I.A. flag be displayed at certain public buildings in this State.

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

C. 52:3-9 Findings, declarations.

1. The Legislature finds and declares that:
 - a. Over 2,400 Americans, including 64 from the State of New Jersey, who served in the United States armed forces during the war in Indochina are still listed as prisoners of war or missing in action.
 - b. There is significant evidence that many of these missing American servicemen are still alive and being held against their will in Indochina.
 - c. This nation is deeply indebted to its servicemen of all wars and conflicts for their courage and sacrifice and should demonstrate its special commitment to the missing men of all wars and conflicts and their families by obtaining the release of those still held prisoner and the fullest possible accounting from the responsible governments of Americans listed as missing.
 - d. The P.O.W.-M.I.A. flag is an appropriate symbol of the plight of these missing Americans which serves to remind the public of the commitment this nation must have to determining the fate of its servicemen.
 - e. It is appropriate, therefore, that the P.O.W.-M.I.A. flag should be displayed at public buildings throughout this State in order to increase public awareness of the P.O.W.-M.I.A. issue and to gain public support for the efforts of the United States government to resolve this matter.

C. 52:3-10 P.O.W.-M.I.A. flag display.

2. The P.O.W.-M.I.A. flag, which depicts a prisoner's profile against the background of a P.O.W. camp watchtower, shall be displayed at public buildings in the State of New Jersey during normal business hours.

As used in this section, "public buildings" means the principal municipal building in each municipality, the principal county building in each county seat and the State House in Trenton.

3. This act shall take effect immediately.

Approved April 25, 1988.

CHAPTER 17

AN ACT concerning the retail display of obscene material and supplementing chapter 34 of Title 2C of the New Jersey Statutes.

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

C. 2C:34-3.1 Retailer defined.

1. "Retailer," as used in this act, means any person who operates a store, newsstand, booth, concession or similar business with unimpeded access for persons under 18 years old, who is in the business of making sales of periodicals or other publications at retail containing pictures, drawings or photographs.

C. 2C:34-3.2 Display of obscene material.

2. A municipality may enact an ordinance making it a petty disorderly persons offense for a retailer to display or permit to be displayed at his business premises any obscene material as defined in N.J.S. 2C:34-3, at a height of less than five feet or without a blinder or other covering placed or printed on the front of the material displayed. Any such ordinance shall contain a provision stating that public display of the obscene material shall constitute presumptive evidence that the retailer knowingly made or permitted the display.

3. This act shall take effect on the first day of the second month after enactment.

Approved April 26, 1988.

CHAPTER 18

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) or as required by N.J.S. 18A:14-25; and notwithstanding that the notices to persons desiring Military Service and Civilian Absentee Ballots failed to indicate the correct date of the school election as required by the provisions of section 7 of the "Absentee Voting Law (1953)," P.L. 1953, c. 211 (C. 19:57-7) and 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 April 26, 1988.

CHAPTER 19

AN ACT appropriating \$11,709,862.00 from the "Shore Protection Fund" to finance State projects, and to provide State matching grants to counties and municipalities to research, plan, acquire, develop, construct, and maintain county and municipal shore protection projects.

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

1. a. There is appropriated to the Department of Environmental Protection from the "Shore Protection Fund" created pursuant to section 14 of the "Shore Protection Bond Act of 1983" (P.L. 1983, c. 356), the sum of \$11,709,862.00 to finance State shore protection projects, and to provide State matching grants to counties and municipalities, or agencies thereof, to research, plan, acquire, develop, construct, and maintain county and municipal shore protection projects. This sum shall be used for the following projects: Sea Bright/Monmouth Beach, seawall repairs; Old Bridge, beach rehabilitation; North Wildwood, seawall completion; Sea Bright/Monmouth Beach/Long Branch, dredging project at Earle Naval Arsenal for beach nourishment; unanticipated projects.

b. These shore protection projects shall be consistent, to the maximum extent practicable and feasible, with the New Jersey Shore Protection Master Plan prepared by the department pursuant to section 5 of P.L. 1978, c. 157. The department shall utilize the sums appropriated by this act to fund shore protection projects only in municipalities which have implemented dune protection programs approved by the department, which agree to adopt the municipal ordinances necessary to establish and implement dune protection programs approved by the department, or which can demonstrate to the department's satisfaction that dune protection programs are not technically feasible due to the nature of their shoreline.

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L. 1983, c. 356, and if any of the projects listed in section 1 of this act are not undertaken, the funds shall be applied to the project or projects next on the New Jersey Shore Protection Master Plan.

3. This act shall take effect immediately.

Approved May 4, 1988.

CHAPTER 20

AN ACT concerning boxing, wrestling, kick boxing and the combative sports, amending and supplementing P.L. 1985, c. 83 and making an appropriation.

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

1. Section 8 of P.L. 1985, c. 83 (C. 5:2A-8) is amended to read as follows:

C. 5:2A-8 Medical advisory council.

8. a. A State Athletic Control Board Medical Advisory Council is created to assist the board. It shall consist of seven members to be appointed by the Governor. Of the members first appointed by the Governor, three shall be appointed for terms of one year, three for terms of two years, and one member for a term of three years, from the effective date of this section. The Governor shall designate one member as chairman of the council. The term of a member thereafter appointed, except to fill a vacancy, shall be three years from the expiration of the term of his predecessor. Upon the appointment of a successor to the chairman of the council, the Governor shall designate the successor or other member of the council as chairman. A vacancy occurring otherwise than by expiration of term shall be filled by appointment by the Governor for the remainder only of the term. Each member of the council shall be duly licensed to practice dentistry, medicine or osteopathy in the State of New Jersey and, at the time of appointment, shall have had at least five years' experience in the practice of his profession. Consideration shall be given to the appointment of members from the fields of dentistry, cardiology, neurology, ophthalmology and orthopedics. The members of the council shall receive such compensation and shall be reimbursed for actual expenses as may be established for professional boards and commissions pursuant to section 2 of P.L. 1977, c. 285 (C. 45:1-2.5). The members of the council shall not be eligible for membership in any State administered retirement system.

b. The council shall recommend for board approval regulations, rules and standards for the physical and mental examination of all participants, including, without limitation, pre-fight and post-fight examinations, periodic comprehensive examinations and an extensive medical examination prior to licensure and the renewal of any license to be granted by the board. The council shall serve in an advisory capacity to the board and from time to time prepare and

submit to the board for its approval, such additional regulations, rules and standards of examination as in its judgment will safeguard the physical welfare of all participants licensed by the board. The council shall from time to time designate such qualified physicians for the purposes of conducting physical examinations and other services as the rules of the board shall provide, and shall recommend to the board a schedule of fees to be paid to physicians for examinations and other services required by this act.

c. The council shall develop appropriate medical education programs for all board personnel involved in the conduct of exhibitions, events, performances or contests, so that the personnel can recognize and act upon evidence of potential or actual adverse medical indications in a participant.

d. The council shall review the credentials and performance of each physician designated pursuant to subsection b. of this section on an annual basis as a condition of reappointment of each such physician, including the physician's comprehension of the medical literature referred to in subsection e. of this section.

e. The council shall recommend to the board a compilation of medical publications which shall be maintained by the board and be made available for review to all board personnel involved in the conduct of any exhibition, event, performance or contest.

f. The council shall also advise the board with respect to any study of equipment, procedures or personnel which will, in its opinion, promote the safety of participants.

2. Section 15 of P.L. 1985, c. 83 (C. 5:2A-15) is amended to read as follows:

C. 5:2A-15 Licensure of boxers.

15. a. The board shall not grant a license to any person who does not possess good character, honesty, integrity and responsibility.

b. No license shall be granted or renewed if the applicant has been delinquent in paying tax which has been assessed pursuant to section 20 of this act unless good cause is shown.

c. Each applicant for licensure pursuant to this act shall produce such information, documentation and assurances as may be required to establish by clear and convincing evidence the applicant's reputation for good character, honesty, integrity and responsibility, which may include but not be limited to information, documentation and

assurances that the applicant has not engaged in activities with or associated with members of organized crime.

d. The board may exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation for use in considering applicants for licensure.

e. The board shall adopt rules and regulations for the conduct of an extensive medical examination prior to licensure and the renewal of any license, giving due consideration to the advice of the State Athletic Control Board Medical Advisory Council, established under section 8 of P.L. 1985, c. 83 (C. 5:2A-8).

f. The board shall adopt rules and regulations providing for the issuance of a passport book to each licensed boxer, which shall contain a current photograph of the boxer; the address, telephone number, social security number or other number assigned by the board to the boxer and his manager; and an accurate history of all matches that the boxer has engaged in since becoming a professional, which history shall include information on the matches won and lost and the matches in which there was a technical knockout or a knockout. A boxer who shall fail to provide accurate information in the passport book in accordance with the rules and regulations of the board shall be denied a license or shall have his license suspended immediately, as the case may be.

3. Section 25 of P.L. 1985, c. 83 (C. 5:2A-25) is amended to read as follows:

C. 5:2A-25 Study, report.

25. The board shall adopt rules and regulations concerning the conduct of a study into the advisability of the use of thumbless gloves and the use of headgear in boxing events and shall report its findings to the Governor and the Legislature within 12 months after the appointment of all the members.

C. 5:2A-6.1 Prohibited officeholding.

4. No board member, employee or agent, including the commissioner, shall hold an office or position in any body, organization, association or federation which is established for the purpose of sanctioning boxing, wrestling, kick boxing and combative sports exhibitions, events, performances and contests in this State or other states.

C. 5:2A-14.1 Casino hotel events.

5. No promoter shall hold or conduct any public boxing, wrestling, kick boxing or combative sports exhibition, event, performance

or contest in a casino hotel which is licensed pursuant to or is an applicant for licensure pursuant to the "Casino Control Act," P.L. 1977, c. 110 (C. 5:12-1 et seq.) unless the promoter is licensed as a casino service industry or is an applicant for licensure as a casino service industry pursuant to the "Casino Control Act," P.L. 1977, c. 110 (C. 5:12-1 et seq.) or is registered as a vendor in accordance with the rules and regulations promulgated by the Casino Control Commission. Within one year of the effective date of this act, all seconds and managers and all promoters, other than those promoters who are applicants for licensure or who are licensed as a casino service industry under section 92 of P.L. 1977, c. 110 (C. 5:12-92) or who are registered as vendors in accordance with the rules and regulations promulgated by the Casino Control Commission, shall undergo background checks conducted by the State Athletic Control Board prior to holding, conducting or participating in any public boxing, wrestling, kick boxing or combative sports exhibition, event, performance or contest in this State. Those promoters who are subject to background checks by the State Athletic Control Board pursuant to this section shall bear the costs involved in the conduct of such background checks.

The State Athletic Control Board may incur such expenses as are reasonable and necessary in conducting a background check authorized by this section. An amount equivalent to the expenses incurred shall be assessed as a fee against a promoter who is the subject of a background check by the State Athletic Control Board pursuant to this section and shall be collected by the State Athletic Control Board. The amount collected shall be deposited in a special account in the General Fund and this amount is hereby appropriated to the State Athletic Control Board in the Department of Law and Public Safety to reimburse the board for expenses incurred in conducting the background check.

The State Athletic Control Board shall promulgate rules and regulations governing the nature of and procedures concerning background checks to be conducted by the board pursuant to this section.

C. 5:2A-18.1 Ringside physicians, ambulance.

6. No boxing, kick boxing or combative sports exhibition, event, performance or contest shall commence or proceed unless two qualified physicians designated by the council shall be at ringside for each boxing, kick boxing or combative sports exhibition, event, performance or contest and unless an ambulance containing the standard medical equipment necessary to treat cerebral injuries is sta-

tioned at the exhibition, event, performance or contest during the entire time the exhibition, event, performance or contest is taking place. The commissioner or his designee shall delay an exhibition, event, performance or contest until the ambulance and the two qualified ringside physicians required by this section are present.

C. 5:2A-18.2 Ophthalmological, neurological examination.

7. Upon the recommendation of a ringside physician, each boxer, kick boxer or combative sports participant shall be required to undergo an ophthalmological and neurological examination after each exhibition, event, performance or contest by a qualified physician or hospital designated by the council. The cost of such examination shall be borne by the promoter of the exhibition, event, performance or contest. A certified copy of the findings shall be submitted to the council and board as soon as possible after the examination. A boxer, kick boxer or combative sports participant shall not be permitted to engage in another exhibition, event, performance or contest if the council or board determines that his previous examination report is unsatisfactory or if no examination report was submitted.

C. 5:2A-8.1 Temporary bans.

8. If a boxer, kick boxer or combative sports participant has competed anywhere in a bout, he shall not be permitted to box or engage in his sport in this State until 30 days have elapsed since his last bout or a period of time to be determined by the commissioner, regardless of the number of rounds of his last bout. If a boxer, kick boxer or combative sports participant was knocked out in his last bout, he shall not be permitted to box or participate in a combative sport in this State until 60 days have elapsed since his last bout. If a boxer, kick boxer or combative sports participant lost his last bout on account of a technical knockout, he shall not be permitted to box or participate in a combative sport in this State for at least 30 days or longer depending upon the recommendation of the ringside physicians.

C. 5:2A-14.2 Mandatory insurance.

9. a. Promoters licensed pursuant to P.L. 1985, c. 83 (C. 5:2A-1 et seq.) shall carry medical insurance covering all professional boxers, kick boxers or combative sports participants whom they promote.

b. The cost of the insurance required pursuant to this section shall be borne by the promoter.

c. The promoter shall obtain medical insurance coverage in an amount to be determined by the commissioner, which amount shall cover the expenses for the treatment of any injuries the boxer, kick

boxer or combative sports participant may suffer as a result of a professional boxing, kick boxing or combative sports exhibition, event, performance or contest.

d. The insurance coverage required under this act shall extend for at least six months from the date of the bout.

e. No professional boxing, kick boxing or combative sports exhibition, event, performance or contest shall be approved in this State unless the promoter is in full compliance with the requirements of this section concerning medical insurance coverage.

10. There is appropriated out of the General Fund the sum of \$90,000.00 to the State Athletic Control Board within the Department of Law and Public Safety for the purpose of the reform of State regulation of boxing and other combative sports to effectuate the intent of this 1988 amendatory and supplementary act.

11. This act shall take effect immediately.

Approved May 4, 1988.

CHAPTER 21

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

34 Educational Support Services

30-5063 General Academic

Education	\$314,000

Personal Services:

Salaries and Wages	(\$51,000)
Employee Benefits	(12,000)
Materials and Supplies	(136,000)
Services Other Than Personal	(92,000)
Special Purpose:	
Other Special Purpose	(17,000)
Additions, Improvements and	
Equipment	(6,000)

2. This act shall take effect immediately.

Approved May 10, 1988.

CHAPTER 22

AN ACT empowering the waterfront and airport commission of New York and New Jersey to grant permanent registration to certain longshoremen with temporary registration and amending P.L. 1966, c. 18.

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

1. Section 2 (5-p) of P.L. 1966, c. 18 (C. 32:23-114) is amended to read as follows:

C. 32:23-114 Longshoremen's register.

2. 5-p 1. The commission shall suspend the acceptance of applications for inclusion in the longshoremen's register for a period of 60 days after the effective date of this act. Upon the termination of such 60 day period the commission shall thereafter have the power to make determinations to suspend the acceptance of applications for inclusion in the longshoremen's register for such periods of time as the commission may from time to time establish and, after any such period of suspension, the commission shall have the power to make determinations to accept applications, which shall be processed in the order in which they are filed with the commission, for such period of time as the commission may establish or in such number as the commission may determine, or both. Such determinations to suspend or accept applications shall be made by the commission on its own initiative or upon the joint recommendation in writing of

stevedores and other employers of longshoremen in the Port of New York District, acting through their representative for the purposes of collective bargaining with a labor organization representing such longshoremen in such district and such labor organization, which joint recommendation the commission shall have the power to accept or reject.

2. In administering the provisions of this section, the commission shall observe the following standards:

(a) To encourage as far as practicable the regularization of the employment of longshoremen;

(b) To bring the number of eligible longshoremen into balance with the demand for longshoremen's services within the Port of New York District without reducing the number of eligible longshoremen below that necessary to meet the requirements of longshoremen in the Port of New York District;

(c) To encourage the mobility and full utilization of the existing work force of longshoremen;

(d) To protect the job security of the existing work force of longshoremen;

(e) To eliminate oppressive and evil hiring practices injurious to waterfront labor and waterborne commerce in the Port of New York District, including, but not limited to, those oppressive and evil hiring practices that may result from either a surplus or shortage of waterfront labor;

(f) To consider the effect of technological change and automation and such other economic data and facts as are relevant to a proper determination.

In observing the foregoing standards and before determining to suspend or accept applications for inclusion in the longshoremen's register, the commission shall consult with and consider the views of, including any statistical data or other factual information concerning the size of the longshoremen's register submitted by, carriers of freight by water, stevedores, waterfront terminal owners and operators, any labor organization representing employees registered by the commission, and any other person whose interests may be affected by the size of the longshoremen's register.

3. Any determination by the commission pursuant to this section to suspend or accept applications for inclusion in the longshoremen's

register shall be made upon a record, shall not become effective until five days after notice thereof to the collective bargaining representative of stevedores and other employers of longshoremen in the Port of New York District and to the labor organization representing such longshoremen and shall be subject to judicial review for being arbitrary, capricious, and an abuse of discretion in a proceeding jointly instituted by such representative and such labor organization. Such judicial review proceeding may be instituted in either state in the manner provided by the law of such state for review of the final decision or action of administrative agencies of such state, provided, however, that such proceeding shall be decided directly by the appellate division as the court of first instance (to which the proceeding shall be transferred by order of transfer by the Supreme Court in the State of New York or in the State of New Jersey by notice of appeal from the commission's determination), and provided further that notwithstanding any other provision of law in either state no court shall have power to stay the commission's determination prior to final judicial decision for more than 15 days. In the event that the court enters a final order setting aside the determination by the commission to accept applications for inclusion in the longshoremen's register, the registration of any longshoremen included in the longshoremen's register as a result of such determination by the commission shall be canceled.

This section shall apply, notwithstanding any other provision of this act, provided, however, such section shall not in any way limit or restrict the provisions of section 5 of article IX of this act empowering the commission to register longshoremen on a temporary basis to meet special or emergency needs or the provisions of section 4 of article IX of this act relating to the immediate reinstatement of persons removed from the longshoremen's register pursuant to article IX of this act. Nothing in this section shall be construed to modify, limit or restrict in any way any of the rights protected by article 15 of this act.

4. Notwithstanding any other provision of this act, the commission may include in the longshoremen's register under such terms and conditions as the commission may prescribe:

(a) A person issued registration on a temporary basis to meet special or emergency needs, who, on the effective date of this act, is still so registered by the commission;

(b) A person defined as a "longshoreman" in subdivision (6) of section 1 (5-a) of P.L. 1954, c. 14 (C. 32:23-85), who is employed by

a stevedore as defined in paragraph (b) or (c) of subdivision (1) of the same section (C. 32:23-85) and whose employment is not subject to the guaranteed annual income provisions of any collective bargaining agreement relating to longshoremen;

(c) No more than 20 persons issued and holding registration pursuant to paragraph (b) of this subdivision who are limited to acting as scalemen and who are no longer employed as scalemen on the effective date of this 1987 amendatory act; and

(d) A person issued registration on a temporary basis as a checker to meet special or emergency needs who applied for such registration prior to January 15, 1986 and who is still so registered by the commission.

2. 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 this act shall take effect immediately.

Approved May 12, 1988.

CHAPTER 23

AN ACT appropriating \$23,700,000 from the "Green Trust Fund" to enable local government units to acquire and develop land for recreation and conservation purposes.

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

1. a. There is appropriated to the Department of Environmental Protection from the "Green Trust Fund," established pursuant to section 16 of the "New Jersey Green Acres Bond Act of 1983," P.L. 1983, c. 354, the sum of \$23,700,000 to provide loans to assist local government units to acquire and develop land for recreation and conservation purposes, which sum shall include administrative costs. Of the amount appropriated herein, \$3,200,000 shall be made available from repaid Green Trust Fund loans and interest earnings on the fund. The following projects are eligible for funding with the moneys appropriated pursuant to this section:

**LOCAL GOVERNMENT
UNIT**

COUNTY

PROJECT

Garfield City	Bergen	Passaic River Park Acquisition
Lyndhurst Twp	Bergen	Passaic River Linear Park Acquisition
Oakland Boro	Bergen	Ramapo Mountain Acquisition
Berlin Boro	Camden	Shaw/Moss Recreation Complex Acquisition
Camden County	Camden	Wiggins Waterfront Phase IV
Gibbsboro Boro	Camden	Millards Creek Acquisition
Gloucester City	Camden	Proprietors Riverfront Park
Voorhees Twp	Camden	North Branch Conservation Acquisition
Montclair Twp	Essex	Nishuane Pool Redevelopment
Bayonne City	Hudson	Veterans Park II
Jersey City	Hudson	LaPointe Park
Kearny Town	Hudson	Riverbank Park
West New York Town	Hudson	Little Miss Field
Delaware Twp	Hunterdon	Locktown Stone Church Acquisition
Readington Twp	Hunterdon	Hollands Brook Park Acquisition
West Windsor Twp	Mercer	Central Community Park Acquisition
Dunellen Boro	Middlesex	Columbia Park Acquisition
Old Bridge Twp	Middlesex	Geick Park
Perth Amboy City	Middlesex	Waterfront Park Marina Phase 2
Asbury Park City	Monmouth	Casino Plaza Acquisition
Asbury Park City	Monmouth	Wesley Lake Waterfront Park

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT
Eatontown Boro	Monmouth	80 Acre Park Acquisition
Eatontown Boro	Monmouth	Wampum Lake Preserve Acquisition
Howell Twp	Monmouth	Howell Township Park Acquisition
Little Silver Boro	Monmouth	Sickles Farm Acquisition
Monmouth County	Monmouth	Bayshore Park Acquisition
Monmouth County	Monmouth	Clayton Park Additions Acquisition
Neptune Twp	Monmouth	Ocean Grove Beachfront Acquisition
Red Bank Boro	Monmouth	Eastside Park Acquisition
Union Beach Boro	Monmouth	Union Beach Bayfront Acquisition
Boonton Twp	Morris	Critical Water Resource 1
Harding Twp	Morris	Blue Mill Fields Acquisition
Parsippany-Troy Hills Twp.	Morris	Craftsman Farms Acquisition
Ocean County	Ocean	Cattus Island Acquisition
Paterson City	Passaic	Park Development Program
Hampton Twp	Sussex	Hampton Twp Recreation Area Acquisition
Elizabeth City	Union	Ballfield Acquisition
Warren County	Warren	Morris Canal Acquisition

b. To the extent that funds remain available after the projects listed in subsection a. of this section are offered funding, the following projects shall be eligible for funding in a sequence consistent with the priority system established by the Department of Environmental Protection:

**LOCAL GOVERNMENT
UNIT**

COUNTY

PROJECT

Atlantic County	Atlantic	Weymouth Furnace History Park
Hamilton Twp	Atlantic	Underhill Park
Margate City	Atlantic	Public Library Park
East Rutherford Boro	Bergen	Marina/Waterfront Park Acquisition
Lyndhurst Twp	Bergen	Gallagher/Deloy Park
Paramus Boro	Bergen	Paramus Golf Course Improvement
Ramsey Boro	Bergen	Garrison's Pond Acquisition
Evesham Twp	Burlington	Evans Mill Pond
Moorestown Twp	Burlington	Memorial Field
Oaklyn Boro	Camden	Veterans Park
Middle Twp	Cape May	Shellbay Fishing/ Boat Ramp
Ocean City	Cape May	59th Street Fishing Pier Renovation
Sea Isle City	Cape May	Marina Recreation Complex Development
Mantua Twp	Gloucester	Township Recreation Area
Monroe Twp	Gloucester	Earling E. Owens Memorial Park
Washington Twp	Gloucester	Washington Lake Park
West Deptford Twp	Gloucester	Mid-Atlantic Sports Complex
Jersey City	Hudson	Arlington Park
Jersey City	Hudson	Caven Point Recreation Facility
Jersey City	Hudson	LaPointe Park
North Bergen Twp	Hudson	46th Street Park
Clinton Town	Hunterdon	Leigh Street Acquisition

LOCAL GOVERNMENT UNIT	COUNTY	PROJECT
Clinton Twp	Hunterdon	Clinton Recreation Complex II
Glen Gardner Boro	Hunterdon	Glen Gardner Public Park
Hamilton Twp	Mercer	Meredith Park Acquisition
Lawrence Twp	Mercer	Village Park
Princeton Twp	Mercer	Mountain Lakes Acquisition
Princeton Twp	Mercer	Poe Tract Acquisition
West Windsor Twp	Mercer	Coward Park
West Windsor Twp	Mercer	Grovers Mill Road Park
West Windsor Twp	Mercer	Penn Lyle Park
East Brunswick Twp	Middlesex	Crandall Tot Lot Acquisition
Monroe Twp	Middlesex	James Monroe Memorial Park Phase 3
Monroe Twp	Middlesex	Monroe Park/ Reservoir Acquisition
North Brunswick Twp	Middlesex	Veterans Park East Acquisition
South Amboy City	Middlesex	Conlogue Avenue Playground
South Amboy City	Middlesex	Waterworks Park
Woodbridge Twp	Middlesex	Riverfront Environment Interpretive
Atlantic Highlands Boro	Monmouth	Harbor Park Improvements
Avon-by-the-Sea Boro	Monmouth	Cornerstone Park Acquisition
Keyport Boro	Monmouth	Waterfront Fishing Pier
Long Branch City	Monmouth	Oceanfront Promenade—IV
Middletown Twp	Monmouth	Port Monmouth Waterfront

LOCAL GOVERNMENT

UNIT	COUNTY	PROJECT
Monmouth County	Monmouth	Bayshore Park Acquisition
Ocean Twp	Monmouth	Harvey Brook Acquisition
Red Bank Boro	Monmouth	Eastside Park
Boonton Twp	Morris	Critical Water Resource 3
Boonton Twp	Morris	Critical Water Resource 2
Denville Twp	Morris	Jersey City Watershed Acquisition
East Hanover Twp	Morris	Passaic River Waterfront Park
Morris County	Morris	Development Saffin Pond/MDR
Morristown Town	Morris	Morristown Greenbelt
Brick Twp	Ocean	Lake Rivera Development
Eagleswood Twp	Ocean	Waterfront Recreation Development
Harvey Cedars Boro	Ocean	Waterfront Recreation Area
Island Heights Boro	Ocean	Memorial Park Redevelopment
Jackson Twp	Ocean	Francis Mills Acquisition 3
Jackson Twp	Ocean	Francis Mills Development
Little Egg Harbor Twp	Ocean	Parkertown Dock
Ocean County	Ocean	Wells Mills Development
Point Pleasant Beach Boro	Ocean	Lake of Lilies Park
Seaside Park Boro	Ocean	Park & Boat Ramp Renovation
Tuckerton Boro	Ocean	Willow Landing
Clifton City	Passaic	Civic Center Ice Rink

LOCAL GOVERNMENT

UNIT	COUNTY	PROJECT
West Milford Twp	Passaic	Echo Lake Park
Pennsville Twp	Salem	Riverview Beach Park
Salem City	Salem	New Skansen Marina
Bernardsville Boro	Somerset	Polo Ground Improvements
Andover Twp	Sussex	Lake Iliff Phase IV
Green Twp	Sussex	Heddon Road Park
Cranford Twp	Union	Adams Park
Cranford Twp	Union	Canoe Club
Kenilworth Boro	Union	Joseph T. DiMario Park
Springfield Twp	Union	Chisholm Comm. Center Park

2. Pursuant to the provisions of subsection d. of section 4 of the "New Jersey Green Acres Bond Act of 1983," P.L. 1983, c. 354, all loans made to local government units with moneys appropriated pursuant to section 1 of this act shall bear interest of not more than 2% per year and shall be for a term of not more than 20 years. All principal and interest payments repaid by the local government units shall be deposited into the "Green Trust Fund" in accordance with the terms of a written loan agreement. The terms of the loan agreement shall be approved by the State Treasurer.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L. 1983, c. 354.

4. This act shall take effect immediately.

Approved May 12, 1988.

CHAPTER 24

AN ACT concerning the early detection and treatment of biochemical disorders and amending the title and body of P.L. 1977, c. 321.

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

Title amended.

1. The title of P.L. 1977, c. 321 is amended to read as follows:

An act providing for the testing of newborn children for purposes of the early detection and treatment of biochemical disorders.

2. Section 1 of P.L. 1977, c. 321 (C. 26:2-110) is amended to read as follows:

C. 26:2-110 Policy declaration.

1. It is hereby declared to be the public policy of this State that in the interests of public health every effort should be made to detect in newborn infants, hypothyroidism, galactosemia, phenylketonuria, and other preventable biochemical disorders which may cause mental retardation or other permanent disabilities and to treat affected individuals.

3. Section 2 of P.L. 1977, c. 321 (C. 26:2-111) is amended to read as follows:

C.26:2-111 Testing of infants for biochemical disorders.

2. All infants born in this State shall be tested for hypothyroidism, galactosemia and phenylketonuria. The Commissioner of Health shall issue regulations to assure that newborns are so tested in a manner approved by the commissioner. The commissioner shall ensure that treatment services are available to all identified individuals. The State Department of Health may charge a reasonable fee for the tests performed pursuant to this act. The amount of the fee and the procedures for collecting the fee shall be determined by the commissioner. The commissioner shall apply all revenues collected from the fees to the testing and treatment procedures performed pursuant to this act.

The commissioner may also require testing of newborn infants for other preventable biochemical disorders if reliable and efficient testing techniques are available. If the commissioner determines that an additional test shall be required, 90 days prior to requiring the test he shall advise the President of the Senate, Speaker of the General Assembly and chairmen of the standing reference commit-

tees on Revenue, Finance and Appropriations and Institutions, Health and Welfare of his determination.

The commissioner shall provide a program of reviewing and following up on positive cases in order that measures may be taken to prevent mental retardation or other permanent disabilities.

Information on newborn infants and their families compiled pursuant to this section may be used by the department and agencies designated by the commissioner for the purposes of carrying out this act, but otherwise the information shall be confidential and not divulged or made public so as to disclose the identity of any person to which it relates, except as provided by law. The department shall conduct an intensive educational and training program among physicians, hospitals, public health nurses and the public concerning those biochemical disorders. This program shall include information concerning the nature of the disorders, testing for the detection of these disorders and treatment modalities for these disorders.

The provisions of this section shall not apply if the parents of a newborn infant object to the testing on the grounds that it would conflict with their religious tenets or practices.

4. This act shall take effect on the 60th day after enactment.

Approved May 26, 1988.

CHAPTER 25

AN ACT concerning the "uninsured employer's fund," amending R.S. 34:15-79, and amending and supplementing P.L. 1966, c. 126.

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

1. Section 10 of P.L. 1966, c. 126 (C. 34:15-120.1) is amended to read as follows:

C. 34:15-120.1 Uninsured employer's fund.

10. a. There is hereby created a fund which shall be known as the "uninsured employer's fund" to provide for the payment of awards against uninsured defaulting employers who fail to provide compensation to employees or their beneficiaries in accordance with the provisions of the workers' compensation law, R.S. 34:15-1 et seq.

The fund shall be administered, maintained, and disbursed by the Commissioner of Labor as hereinafter provided.

b. (1) For the purpose of establishing and maintaining this fund, the Commissioner of Labor shall impose on January 1, 1989 and on the first day of each year thereafter, except as provided below, an annual surcharge upon each workers' compensation policyholder and employer's liability insurance policyholder and each self-insured employer insured pursuant to R.S. 34:15-77. Each workers' compensation and employer's liability insurance 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 thereto. The annual surcharge imposed under this section shall apply to all workers' compensation and employer's liability insurance policies written or renewed or, in the case of self-insured employers, to coverage provided on or after January 1, 1989. However, the surcharge 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).

If the Commissioner of Labor determines, pursuant to paragraph (2) of this subsection b., that the "uninsured employer's fund" will have to its credit a sum in excess of \$500,000.00 at the end of any calendar year, the annual surcharge shall be suspended for the next following year and its collection not resumed until the calendar year immediately following any calendar year in which the balance in the fund is reduced below \$500,000.00.

(2) For the calendar year 1989, the total amount of the surcharge levied by the commissioner shall be \$500,000.00. On September 1 of 1989 and of each year thereafter, the Commissioner of Labor shall estimate the amount of benefits that have been paid and will be paid from the "uninsured employer's fund" during that calendar year, and shall calculate in consultation with the Commissioner of Insurance, the total amount of the annual surcharge for the "uninsured employer's fund" to be levied during the next following calendar year upon all workers' compensation and employer's liability insurance policyholders and self-insured employers pursuant to paragraph (1) of this subsection b. The total amount of the annual surcharge shall equal 150% of the moneys estimated by the Commissioner of Labor to be payable from the "uninsured employer's fund" during the calendar year preceding the year during which the annual surcharge will be imposed.

(3) The total amount of the annual surcharge calculated pursuant to paragraph (2) of this subsection b. shall be added to the aggregate annual surcharge amount to be levied upon and apportioned among all workers' compensation and employer's liability policyholders and self-insured employers pursuant to R.S. 34:15-94, and be levied and apportioned in the same manner as the annual surcharge for the Second Injury Fund as provided in R.S. 34:15-94. The surcharge to be collected from policyholders and self-insured employers pursuant to this section shall, however, be stated separately on the policy or billing statement and the amount of the surcharge as applied pursuant to this section shall not be subject to reduction for special adjustment and supplemental benefits paid or payable under the workers' compensation law, R.S. 34:15-1 et seq.

(4) As used in this subsection, "policyholder" means a holder of a workers' compensation and employer's liability insurance policy issued by an insurer that is a domestic, foreign or alien mutual association or stock company writing workers' compensation 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). "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.

(5) All moneys collected pursuant to this section shall be deposited in the "uninsured employer's fund." Collection of the annual surcharge shall be under the authority of the Commissioner of Labor as defined in R.S. 34:15-94.

c. The Director of the Division of Workers' Compensation upon rendering a decision with respect to any claim for compensation under chapter 15 of Title 34 of the Revised Statutes that the employer liable therefor has failed to secure the payment of compensation with respect to a claim in accordance with R.S. 34:15-71 or R.S. 34:15-72, shall impose a penalty of \$1,000.00 against the employer and direct its payment into the "uninsured employer's fund" in connection with each such claim. The director shall also impose an additional assessment of 15% of the award or awards made in each claim. This additional assessment shall not exceed, however, the sum of \$5,000.00 on any one claim, and shall be paid into the "uninsured employer's fund."

If the employer fails to pay these assessments into the fund within 10 days after date of mailing of notice thereof to him, this shall constitute a default in payment of compensation due pursuant to the

provisions of the workers' compensation law, R.S. 34:15-1 et seq., and judgment therefor shall be entered in accordance therewith.

All sums collected from an uninsured defaulting employer with respect to any claim for compensation referred to in this section but not payable from the fund, whether such collection is made prior or subsequent to entry of judgment against the employer, shall be deemed in payment of and applicable first in satisfaction of any compensation and benefits due from the employer with respect to the claim and security demand, if any, in connection therewith and only when the obligations are satisfied in full shall the balance of said sums collected, if any, be deemed payment in satisfaction of and applicable to the assessments above prescribed in this section.

All sums recovered from uninsured defaulting employers on judgments entered for failure to pay assessments as hereinafter provided and for failure to pay compensation and benefits which were paid from the "uninsured employer's fund," shall upon recovery be paid into that fund.

2. Section 11 of P.L. 1966, c. 126 (C. 34:15-120.2) is amended to read as follows:

C. 34:15-120.2 Benefit payments.

11. a. In any case in which a claim for compensation is filed pursuant to the provisions of the workers' compensation law, R.S. 34:15-1 et seq., and the employer has failed to secure the payment of compensation as required by R.S. 34:15-71 or R.S. 34:15-72 and to make payment of compensation according to the terms of any award within 45 days thereafter and fails or refuses to deposit with the director within 10 days after demand the commuted or estimated value of the compensation payable under the award as security for prompt and convenient payment of compensation periodically as it accrues, then, unless a notice of appeal has been timely filed, the award shall be payable out of the "uninsured employer's fund."

b. Benefit payments from the "uninsured employer's fund" may include:

(1) Compensation for reasonable medical expenses covered by the workers' compensation law, R.S. 34:15-1 et seq.; and

(2) Compensation for temporary disability as provided in subsection a. of R.S. 34:15-12.

c. Benefit payments from the "uninsured employer's fund" shall not include:

(1) Any compensation not included in the award or judgment upon which a claim against the fund is made;

(2) Extra compensation or death benefits pursuant to R.S. 34:15-10.

d. Temporary disability benefits paid from the "uninsured employer's fund" shall be offset or reduced by an amount equal to the amount of disability benefits received by the claimant pursuant to the federal "Old-Age, Survivors' and Disability Insurance Act" (42 U.S.C. §401 et al.).

e. Benefits shall be paid to a claimant from the "uninsured employer's fund" only if the claimant: (1) was, at the time of the injury or death, an employee performing service for an employer outside of casual employment as defined in R.S. 34:15-36; and (2) did not recover full compensation for reasonable medical expenses and temporary disability benefits from the uninsured defaulting employer.

3. Section 13 of P.L. 1966, c. 126 (C. 34:15-120.4) is amended to read as follows:

C. 34:15-120.4 Application for compensation.

13. a. After an award has been entered against an employer for compensation under any provision of the workers' compensation law, R.S. 34:15-1 et seq., and the Director of the Division of Workers' Compensation has filed an order for payment of compensation and assessments with the Clerk of the Superior Court pursuant to section 12 of P.L. 1966, c. 126 (C. 34:15-120.3) as a result of the employer's failure to provide lawful compensation, the claimant may apply to the Commissioner of Labor for compensation from the "uninsured employer's fund" in accordance with the procedures established by the Commissioner of Labor pursuant to section 16 of P.L. 1966, c. 126 (C. 34:15-120.7).

b. The Commissioner of Labor is charged with the conservation of the assets of the "uninsured employer's fund." Notwithstanding the provisions of any other section of this act, no payments shall be made from the fund except upon application to and approval by the commissioner. Review of any decision by the commissioner shall be in accordance with R.S. 34:15-66.

c. The Commissioner of Labor shall have the authority to establish rules for the review of claims against the "uninsured employer's fund" and hire and reimburse medical and other expert witnesses that are necessary to a proper conservation and defense of the moneys in the fund.

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d. Upon being notified by the Commissioner of Labor that a decision of the commissioner regarding claims against the “uninsured employer’s fund” is being appealed pursuant to R.S. 34:15-66, the Attorney General, or his designee, shall defend the fund.

e. The Commissioner of Labor may also employ such employees as may be required to maintain and conserve the “uninsured employer’s fund,” and may also employ legal counsel to represent the fund and conduct investigations on behalf of the fund.

4. Section 15 of P.L. 1966, c. 126 (C. 34:15-120.6) is amended to read as follows:

C. 34:15-120.6 Annual accounting.

15. The commissioner shall annually submit an accounting of the “uninsured employer’s fund” to the State Treasurer and to the appropriations and labor committees of both houses of the State Legislature. The report to the Legislature shall include the following information: an estimate of the total amount of benefits paid from the fund in the preceding calendar year; an estimate of the benefits that may be paid from the fund in the current calendar year; a determination of the average cost to employers in the State, on a per employee basis, of providing benefits through the “uninsured employer’s fund;” and a determination of the amount of money drawn from the fund during the preceding calendar year for administrative purposes pursuant to section 8 of P.L. 1988, c. 25 (C. 34:15-120.10). Payments to applicants from the fund shall be made by the State Treasurer upon warrants of the Commissioner of Labor.

5. Section 16 of P.L. 1966, c. 126 (C. 34:15-120.7) is amended to read as follows:

C. 34:15-120.7 Rules, regulations.

16. The commissioner may make all rules and regulations necessary for the processing and payment of compensation out of the “uninsured employer’s fund.”

The commissioner shall promulgate, in accordance with the “Administrative Procedure Act,” P.L. 1968, c. 410 (C. 52:14B-1 et seq.), regulations to establish and administer an application and review process for claims made against the fund.

6. Section 17 of P.L. 1966, c. 126 (C. 34:15-120.8) is amended to read as follows:

C. 34:15-120.8 Limitation on liability.

17. The liability of the “uninsured employer’s fund” and the

State with respect to payment of any compensation, benefits, expenses, fees for disbursements properly chargeable against the fund shall be limited to the assets in the fund as exceed \$50,000.00, and the fund and the State shall not otherwise in any way or manner be liable for the making of any such payment.

C. 34:15-120.9 Action against employer.

7. If an employer fails to provide compensation to an employee or his beneficiaries as required by chapter 15 of Title 34 of the Revised Statutes, the employee, who has sustained a compensable injury or died as a result of his employment, or his beneficiaries may bring an action against the employer to recover all or part of any damages and costs sustained by the employee for any injury or death which has been deemed compensable under the workers' compensation law, R.S. 34:15-1 et seq., and for which the employee or his estate has not received compensation from the "uninsured employer's fund."

C. 34:15-120.10 Administrative expenses; \$10,000 limit.

8. In any fiscal year during which benefit payments are made from the "uninsured employer's fund," the Commissioner of Labor shall apply an amount equal to \$100.00 for each employee to whom such benefits have been paid from the fund toward the expenses of the Department of Labor arising from the administration of those benefit payments and the fund. However, the total amount withdrawn from the fund to cover administrative expenses shall not exceed \$10,000.00 during any fiscal year.

C. 34:15-120.11 Duties of Division of Workers' Compensation.

9. Notwithstanding the provisions of any other law, the Division of Workers' Compensation shall use every available administrative means to ensure that benefit payments from the "uninsured employer's fund" are paid only to individuals who meet the eligibility requirements of the workers' compensation law, R.S. 34:15-1 et seq., and that persons who are required to make payments pursuant to the workers' compensation law have provided lawful compensation and paid any penalty, fine, or assessment imposed pursuant to that law.

C. 34:15-120.12 Notification of change in income.

10. The burden shall be upon the claimant to immediately notify in writing the Director of the Division of Workers' Compensation of any increase or decrease in his income that may affect his eligibility for benefits payable from the "uninsured employer's fund." Ten days after notice has been given to the claimant and the Attorney General, the director may modify or terminate an award payable from the fund

as conditions may require. Any payment to a claimant pursuant to this 1988 amendatory and supplementary act which is later determined by the Commissioner of Labor to have been procured by fraud, mistake, or an unreported change in condition, shall be recovered from the claimant and deposited in the fund.

C. 34:15-120.13 Exhaustion of remedies.

11. The Commissioner of Labor shall, on behalf of the "uninsured employer's fund," exhaust all remedies at law against the uninsured delinquent employer of the claimant to collect the amount of any award to the claimant paid by the fund.

C. 34:15-120.14 Other obligations unaffected.

12. Nothing in this act, P.L. 1988, c. 25 (C. 34:15-120.9 et seq.), shall affect the obligations of insurance carriers or self-insured employers imposed by any other section of the workers' compensation law, R.S. 34:15-1 et seq.

13. R.S. 34:15-79 is amended to read as follows:

Penalties for failure to carry insurance.

34:15-79. An employer who willfully fails to provide the protection prescribed in this article shall be guilty of a crime of the fourth degree. In cases where a workers' compensation award in the Division of Workers' Compensation of New Jersey against the defendant is paid at the time of the sentence, the court may suspend sentence upon that defendant and place him on probation for any period with an order to pay the delinquent compensation award to the claimant through the probation office of the county. Where the employer is a corporation, the president, secretary, and the treasurer thereof who are actively engaged in the corporate business shall be liable for failure to secure the protection prescribed by this article. Any contractor placing work with a subcontractor shall, in the event of the subcontractor's failing to carry workers' compensation insurance as required by this article, become liable for any compensation which may be due an employee or the dependents of a deceased employee of a subcontractor. The contractor shall then have a right of action against the subcontractor for reimbursement.

All fines collected under the terms of this section shall be paid to the State Treasurer and credited on the records of the State Comptroller to the account of the Division of Vocational Rehabilitation Services in the Department of Labor, to be used in carrying out the provisions of P.L. 1955, c. 64 (C. 34:16-20 et seq.).

The Director of the Division of Workers' Compensation, or any

officer or employee of the division designated by him, upon finding that an employer has failed for a period of not less than 10 consecutive days to make the provisions for payment of compensation required by R.S. 34:15-71 and R.S. 34:15-72, may impose upon that employer, in addition to all other penalties, fines or assessments provided for in chapter 15 of Title 34 of the Revised Statutes or in any supplement thereto, an assessment in the amount of \$1,000.00 and when the period exceeds 20 days, an additional assessment of \$1,000.00 for each period of 10 days thereafter. All assessments under this act shall be collectible in a court of competent jurisdiction in a summary civil proceeding and shall be paid into the "uninsured employer's fund."

14. This act shall take effect immediately but shall remain inoperative until the enactment into law of Assembly Bill No. 2210 of 1988, and shall apply only to compensable injuries or deaths occurring on or after the operative date of this act.

Approved May 27, 1988.

CHAPTER 26

AN ACT eliminating the annual Second Injury Fund assessment on insurers and self-insurers established by R.S. 34:15-94, creating an annual surcharge to be levied upon certain policyholders and self-insured employers and amending R.S. 34:15-94, R.S. 34:15-95, and P.L. 1980, c. 83.

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:

Workers' compensation policy surcharges.

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' com-

pensation 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 thereto, 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. When the total amount of all payments into the Second Injury Fund, together with the accumulated interest thereon, exceeds \$1,250,000.00, an amount not to exceed \$50,000.00 of such excess over \$1,250,000.00 in any one fiscal year may be applied toward the cost of administration of the Division of Workers' Compensation in the Department of Labor, when authorized and appropriated by the Legislature.

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' compensation 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. R.S. 34:15-95 is amended to read as follows:

Second Injury Fund.

34:15-95. The sums collected under R.S. 34:15-94 shall constitute a fund, to be known as the Second Injury Fund, out of which a sum shall be set aside each year by the Commissioner of Labor from which compensation payments in accordance with the provisions of paragraph (b) of R.S. 34:15-12 shall be made to persons totally disabled, as a result of experiencing a subsequent permanent injury under conditions entitling such persons to compensation therefor, when such persons had previously been permanently and partially disabled

from some other cause; provided, however, that, notwithstanding the time limit fixed therein, the provisions of paragraph (b) of R.S. 34:15-12 relative to extension of compensation payments beyond 400 or 450 weeks, as the case may be, shall, with respect to payments from the Second Injury Fund, apply to any accident occurring since June 27, 1923, and in no case shall be less than \$5.00 per week; provided further, however, that no person shall be eligible to receive payments from the Second Injury Fund:

(a) If the disability resulting from the injury caused by the person's last compensable accident in itself and irrespective of any previous condition or disability constitutes total and permanent disability within the meaning of this Title.

(b) (Deleted by amendment.)

(c) If the disease or condition existing prior to the last compensable accident is progressive and by reason of such progression subsequent to the last compensable accident renders the person totally disabled within the meaning of this Title.

(d) If a person who is rendered permanently partially disabled by the last compensable injury subsequently becomes permanently totally disabled by reason of progressive physical deterioration or preexisting condition or disease.

Nothing in the provisions of said paragraphs (a), (c) and (d), however, shall be construed to deny the benefits provided by this section to any person who has been previously disabled by reason of total loss of, or total and permanent loss of use of, a hand or arm or foot or leg or eye, when the total disability is due to the total loss of, or total and permanent loss of use of, two or more of said major members of the body, or to any person who in successive accidents has suffered compensable injuries, each of which, severally, causes permanent partial disability, but which in conjunction result in permanent total disability. Nor shall anything in paragraphs (a), (c) and (d), aforesaid apply to the case of any person who is now receiving or who has heretofore received payments from the Second Injury Fund.

Upon the approval of an application for benefits, the compensation payable from the Second Injury Fund shall be made from the date when the final payment of compensation by the employer is or was payable for the injury or injuries sustained in the employment wherein the employee became totally and permanently disabled; provided,

that no payment from the Second Injury Fund shall be made for any period prior to the date of filing of application therefor; provided, however, that a person who has received compensation payments from the Second Injury Fund and who is reinstated or ordered placed on said fund shall receive payments from the date of last payment from the Second Injury Fund, save only in the case of a person to whom payments have been made and then discontinued or suspended because of the rehabilitation of such person in accordance with the provisions of paragraph (b) of R.S. 34:15-12, or actual employment for any reason whatsoever, in which case payments from the Second Injury Fund shall be made from the date of filing application for reinstatement. Payments to such totally disabled employees shall be made from said fund by the State Treasurer upon warrants of the Commissioner of Labor. This section shall be applicable to any accident occurring since June 27, 1923, insofar as the eligibility of and benefits payable to such employees of this class is concerned; provided, however, that nothing contained herein shall limit or deprive those persons now receiving or who have received the benefits under this section from participating in the Second Injury Fund. All payments from the Second Injury Fund shall be made by biweekly installment payments. From the fund herein created the Commissioner of Labor may use in any one fiscal year a sum not to exceed the sum of \$12,500.00 for the cost of administration of the fund including personnel, printing, professional fees, and expenses incurred by the Commissioner of Labor in the prosecution of defenses in the Division of Workers' Compensation, and of appeals and proceedings for review of decisions on applications for benefits from the Second Injury Fund. No costs or counsel fee for the applicant shall be allowed against the fund.

The Commissioner of Labor shall annually submit an accounting of the fund to the State Treasurer.

All payments into the Second Injury Fund which may have heretofore been made or required at any time or times are hereby validated and confirmed, notwithstanding that at the time of such payment or payments the fund may have equaled or exceeded the sum of \$200,000.00.

3. Section 1 of P.L. 1980, c. 83 (C. 34:15-95.4) is amended to read as follows:

C. 34:15-95.4 Special adjustment benefit payment.

1. Any employee or dependent receiving weekly benefits as provided under R.S. 34:15-95, R.S. 34:15-12(b) or R.S. 34:15-13 at

a rate applicable prior to January 1, 1980, and whose payment is less than the maximum compensation rate in effect for the year 1980, shall be entitled to receive a special adjustment benefit payment from the Second Injury Fund and from those sources as provided for by this 1980 amendatory and supplementary act.

Any dependent, as defined in R.S. 34:15-13, of a person totally disabled who dies while receiving compensation from the Second Injury Fund, shall become entitled to dependent benefits under this chapter which are comparable to payments made to other dependents under the workers' compensation law, R.S. 34:15-1 et seq., on or after the effective date of this 1980 amendatory and supplementary act.

All compensation payments made under this chapter to a dependent, as defined under R.S. 34:15-13, of an individual who dies while receiving such compensation, shall be payable only where the compensable occupational injury or disease of the decedent is a material contributing factor to his death.

The payment of these adjustment benefits shall be paid to an employee or dependent as long as the employee or dependent is eligible to receive payments under R.S. 34:15-95, R.S. 34:15-12(b), R.S. 34:15-13, or this section.

The amount of the special adjustment benefit payment shall be such that when added to the workers' compensation rate awarded pursuant to R.S. 34:15-95, R.S. 34:15-12(b), R.S. 34:15-13 or this section as a result of injury or death, the total shall bear the same percentage relationship to the 1980 maximum workers' compensation rate that the worker's own compensation rate awarded as a result of the injury or death bears to the then effective maximum workers' compensation rate. The amount of the special adjustment benefit shall be payable at a rate of 35% of the adjustment during the fiscal year 1981 commencing July 1, 1980; 75% of the adjustment during the fiscal year 1982; and 100% of the adjustment during the fiscal year 1983 and thereafter. The special adjustment benefit payment provided herein shall be reduced by an amount equal to the individual's benefit payable under the Federal Old-Age, Survivors' and Disability Insurance Act (not including increases in such benefits due to any federal statutory increases after May 31, 1980), Black Lung benefits, or the employer's share of disability pension payments received from or on account of an employer. Where any person refuses to authorize the release of information concerning the amount of benefits payable under the aforementioned benefits, the division's estimate of that amount shall be deemed to be correct unless and

until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

Payments of the adjustment shall be made from the Second Injury Fund in the manner hereinafter provided. The Commissioner of Labor shall make payments from Second Injury Fund directly to the persons who are now receiving benefits under R.S. 34:15-95 and to their dependents becoming eligible for dependents' benefits under this 1980 amendatory and supplementary act by increasing or, as the case may be, setting the biweekly compensation payments to include the biweekly special adjustment. In the case of persons who are entitled to compensation under R.S. 34:15-12(b) or R.S. 34:15-13, the insurance carrier or self-insured employer in the second and subsequent fiscal years after enactment shall increase the weekly compensation payments to include the weekly special adjustment. For such special adjustment payments and supplements to special adjustment payments paid during the period July 1, 1981 and December 31, 1988, insurance carriers and self-insured employers shall credit the payments against the assessments payable by the insurance carrier or self-insurer under R.S. 34:15-94. The insurance carrier or self-insurer claiming such credit shall submit vouchers upon forms prescribed by the Commissioner of Labor, identifying each case and indicating the weekly benefit adjustment applicable thereto on or before June 30, 1989.

Beginning in the fiscal year 1984 and in every fiscal year thereafter, a supplement to the special adjustment benefit payment shall be paid to all employees or dependents entitled to the special adjustment benefit payment. The supplement to the special adjustment benefit payment shall be paid in an amount, in combination with income from all sources referred to in this section, which bears the same percentage relationship to the then current maximum workers' compensation rate that the worker's own compensation rate awarded as a result of the injury or death bears to the then effective maximum workers' compensation rate. Beginning in fiscal year 1986 and in every fiscal year thereafter, payment of supplements to the special adjustment benefits shall be made from the Second Injury Fund. Payment of supplements to the special adjustment benefits for fiscal years 1984 and 1985 shall be from interest earned and accrued upon moneys belonging to "the stock workers' compensation security fund" and "the mutual workers' compensation security fund" during fiscal years 1981 through 1985, and from special assessments upon self-insured employers in the same proportions as provided under R.S. 34:15-94.

4. This act shall take effect immediately.

Approved May 27, 1988.

CHAPTER 27

AN ACT concerning the use of the parimutuel pool on simulcast horse races and amending P.L. 1985, c. 269.

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

1. Section 8 of P.L. 1985, c. 269 (C. 5:5-117) is amended to read as follows:

C. 5:5-117 Simulcast race pool distribution.

8. The in-State sending track shall reserve and set aside out of the portion of the parimutuel pool to be distributed as purse money pursuant to section 46 of P.L. 1940, c. 17 (C. 5:5-66) an amount equal to 25%, of the amount that would be distributed as purse money pursuant to that section on the basis of the parimutuel pool generated at the receiving track. These sums shall be forwarded to the receiving track and shall be used to supplement the payment of overnight purses at the next horse race meeting to be conducted by the receiving track, except that if the receiving track is conducting a horse race meeting at the same time as the receipt of the simulcast horse races, the receiving track shall use those sums to supplement overnight purses at that horse race meeting.

2. This act shall take effect immediately and shall be retroactive to January 1, 1988.

Approved May 31, 1988.

CHAPTER 28

AN ACT concerning domestic violence and relevant contempt procedures and amending and supplementing P.L. 1981, c. 426 and amending N.J.S. 2C:29-9.

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

C. 2C:25-15a Notice to plaintiff.

1. Any order issued pursuant to the provisions of P.L. 1981, c. 426 (C. 2C:25-1 et seq.) shall contain a notice that advises the plaintiff of the plaintiff's opportunity to initiate both civil and criminal contempt actions if the defendant later violates any provision of the order.

2. Section 15 of P.L. 1981, c. 426 (C. 2C:25-15) is amended to read as follows:

C. 2C:25-15 Additional procedure.

15. a. Upon the issuance of an order pursuant to section 10, 11, 13 or 14 of this act the court may order a law enforcement officer to accompany either party to the residence to supervise the removal of personal belongings in order to insure the personal safety of the plaintiff.

b. Except as provided below, a violation of an order issued pursuant to section 10, 11, 13 or 14 of this act shall constitute an offense under subsection b. of N.J.S. 2C:29-9 and each order shall so state. This procedure shall be in addition to any other procedure provided by law or by court rule. All contempt proceedings conducted pursuant to N.J.S. 2C:29-9 involving domestic violence orders, other than those constituting indictable offenses, shall be heard by the Family Part of the Chancery Division of the Superior Court. Orders entered pursuant to paragraphs (5), (6) and (7) of section 13 of this act (C. 2C:35-13) shall be excluded from subsection b. of N.J.S. 2C:29-9.

c. The plaintiff shall be informed by court intake personnel, upon the initiation of any proceeding for contempt of an order entered under this act, of the plaintiff's opportunity to initiate both civil and criminal contempt actions.

3. N.J.S. 2C:29-9 is amended to read as follows:

Contempt.

2C:29-9. Contempt. a. A person is guilty of a crime of the fourth

degree if he purposely or knowingly disobeys a judicial order or hinders, obstructs or impedes the effectuation of a judicial order or the exercise of jurisdiction over any person, thing or controversy by a court, administrative body or investigative entity.

b. Except as provided below, a person is guilty of a crime of the fourth degree if that person purposely or knowingly violates any provision in an order entered under the provisions of the "Prevention of Domestic Violence Act," P.L. 1981, c. 426 (C. 2C:25-1 et seq.) when the conduct which constitutes the violation could also constitute a crime or a disorderly persons offense. In all other cases a person is guilty of a disorderly persons offense if that person knowingly violates an order entered under the provisions of this act. Orders entered pursuant to paragraphs (5), (6) and (7) of subsection b. of section 13 of P.L. 1981, c. 426 (C. 2C:25-13) shall be excluded from the provisions of this subsection.

4. This act shall take effect immediately.

Approved June 6, 1988.

CHAPTER 29

AN ACT concerning programs to provide assistance to the homeless and other persons of low or moderate income, amending and supplementing P.L. 1944, c. 85, supplementing chapter 6 of Title 54A of the New Jersey Statutes and making an appropriation.

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

1. Section 24 of P.L. 1944, c. 85 (C. 52:27C-24) is amended to read as follows:

C. 52:27C-24 Additional powers of authority.

24. In addition to the powers hereinabove specifically granted, the authority shall have the following powers:

a. To acquire property, real, personal or mixed, or any interest therein by purchase, lease, gift, bequest, devise, exchange or eminent domain; to hold and improve property; to operate, lease, sell or exchange property; to construct or contract for the construction of projects and community facilities other than any project or facility

which would be competitive with any existing public utility as the same is defined in R.S. 48:2-13; to borrow money and secure the same by bonds or mortgages upon property held or to be held by it; but nothing herein contained shall be deemed to authorize the authority to pledge the credit of this State or to constitute any bonds or mortgages so issued by its obligations of this State.

b. To receive any grant or grants to be made by the federal, State, county, municipal or other governments, or from any other sources.

c. If, for any of the purposes hereunder, the authority shall find it necessary or convenient for it to acquire title to, or any lesser interest in, real property in this State, then the authority may acquire title to such property by purchase, lease or condemnation, and shall have the right to acquire realty by eminent domain in accordance with the provisions of the "Eminent Domain Act of 1971," P.L. 1971, c. 361 (C. 20:3-1 et seq.).

d. To make and enforce reasonable rules and regulations for the effectuation of its powers and purposes.

e. To provide rental assistance grants to persons of low or moderate income to enable them to pay the fair market value for housing units.

f. To provide loans and grants of temporary rental or other temporary housing assistance to persons without housing or in imminent danger of losing housing as a result of having insufficient income from other sources to allow payment of the rental or other housing costs.

g. In order to encourage increased availability of affordable housing for persons of low and moderate income, to provide subsidies or other reductions of interest rates on loans made to public or private nonprofit agencies or limited dividend corporations for the purpose of acquiring, constructing, repairing or rehabilitating residential structures to be used for such housing.

h. To establish statewide programs to assist homeless persons, such programs to include, but not be limited to, assistance in developing and obtaining housing and temporary shelter, assistance to public and nonprofit sponsors of shelters and housing projects for the homeless, and short-term financial assistance. Benefits directly or indirectly received under these programs shall not be treated as income in determining eligibility requirements for other State programs and payments and benefits directly received by a taxpayer shall not be treated as income for New Jersey gross income tax

purposes pursuant to section 2 of P.L. 1988, c. 29 (C. 54A:6-22).

C. 54A:6-22 Gross income exclusion.

2. Gross income shall not include payments and benefits directly received by a taxpayer under homeless persons' assistance programs, including but not limited to assistance in obtaining housing, temporary shelter and short-term financial assistance, as may be established pursuant to subsection h. of section 24 of P.L. 1944, c. 85 (C. 52:27C-24).

C. 52:27C-24.1 Fund for assistance to homeless.

3. a. The Commissioner of the Department of Community Affairs shall establish within the Division of Housing and Development a fund for the purpose of funding programs to assist homeless persons pursuant to subsections f. and h. of section 24 of P.L. 1944, c. 85 (C. 52:27C-24).

b. The fund shall consist of moneys appropriated thereto by section 4 of P.L. 1988, c. 29 and such other moneys as may be appropriated or otherwise made available for that purpose.

c. Not more than 5% of moneys paid into the fund during any fiscal year of the State may be used to pay the costs of the fund's administration by the Department of Community Affairs during that fiscal year.

4. There is appropriated to the Department of Community Affairs for the purpose of funding programs to assist homeless persons pursuant to subsections f. and h. of section 24 of P.L. 1944, c. 85 (C. 52:27C-24) the sum of \$3,150,000.00,* to be expended in the following program areas:

Homelessness Prevention Program/	
Transitional Housing	\$3,150,000.00

5. This act shall take effect immediately but shall remain inoperative until enactment of P.L. 1988, c. 30.

Approved June 8, 1988.

*Reduced by line-item veto of the Governor. See statement following.

Statement to Chapter 29
(Assembly Committee Substitute for Senate Bill No. 88,
Assembly Bill No. 2494 and Assembly Bill No. 1511
(First Reprint))

Pursuant to Article V, Section I, Paragraph 15 of the Constitution,

I am appending to Assembly Committee Substitute for Senate Bill No. 88, Assembly Bill No. 2494 and Assembly Bill No. 1511 (First Reprint) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This supplemental appropriation bill allocates a total of \$5.65 million from the General Fund to the Department of Community Affairs (DCA). The bill allocates money to three separate programs within the DCA's Division of Housing and Development.

First, the bill allocates \$3.15 million to the Homelessness Prevention Program/Transitional Housing. Second, the bill appropriates \$2 million for a Boarding Home Construction Grant Program. Finally, the bill appropriates \$500,000 to the Shelter Improvement Program.

I agree with the sponsors of this bill, and its companion Assembly Committee Substitute for Assembly Bill No. 2495 (First Reprint), that more money should be made available for programs to benefit the homeless. That is why my recommended budget for Fiscal Year 1989 included more than \$45 million for homeless programs, representing a \$22 million increase over last year's homeless budget. The programs recommended for funding in my FY '89 budget were carefully crafted in order to help the greatest number of families who have become homeless or are in danger of becoming so. It is a budget firmly grounded in decency and one through which I have tried to meet as many of the urgent needs of our homeless citizens as possible.

However, State resources are not without limit. We were recently reminded of this fact by the State Treasurer's downward revision of estimated revenues for the coming year.

One way to foster fiscal responsibility is to have appropriations considered in the context of the budget process. That process, which is currently ongoing, allows spending proposals to be evaluated in a comprehensive rather than piecemeal manner and affords us a clear picture of the fiscal impact of each appropriation on the overall budget. Many worthwhile programs are competing for limited State funds.

In light of the fact that we are now in the midst of this year's budget process, I am reluctant to approve \$2.5 million in supplemental funding for the Boarding Home Construction Grant Program and the Shelter Improvement Program. My recommended FY '89 budget includes \$2 million for each of these programs. While there may be

a need for additional funding of these programs, I think it is best if that determination is made during the budget process.

With respect to the appropriation contained in the bill for the Homelessness Prevention Program/Transitional Housing, I am retaining the sum of \$3.15 million in this bill as a supplemental allocation to this Program. I am advised by my Commissioner of Community Affairs that there is an urgent need for funds for the Homelessness Prevention Program since all 21 of our counties have run out of money. The Homelessness Prevention Program is one of New Jersey's strongest weapons in the battle against homelessness. That Program launches its attack in the most effective of ways, by preventing homelessness before it occurs.

On another front, the Transitional Housing component of this Program provides a safety net for those families who, for one reason or another, are not able to secure Homelessness Prevention benefits in time to prevent displacement. Transitional housing offers a temporary, humane living situation for these families.

The supplemental funds that I have approved in this bill will enable our counties to open the doors of their homelessness prevention offices and immediately begin servicing citizens in danger of becoming homeless. In addition, these supplemental monies, coupled with the record \$4.8 million that I have recommended for the Homelessness Prevention Program in next year's budget, should ensure the stability of this Program. Lastly, the funds will provide a buffer, through Transitional Housing, for those families who have recently lost their homes.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:

Page 3, Section 4, Line 15: Delete "5,650,000.00" insert
"3,150,000.00"

Page 3, Section 4, Lines 19-20: Delete in entirety

Respectfully,
Thomas H. Kean
Governor

CHAPTER 30

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

54 DEPARTMENT OF HUMAN SERVICES

50 Economic Planning, Development and Security

55 Related Social Services Programs

7570 Division of Youth and Family Services

17-7570 Substitute Care	\$1,000,000*
Grants—	
Social services for the	
homeless	(\$1,000,000)*

STATE AID

54 DEPARTMENT OF HUMAN SERVICES

50 Economic Planning and Development

53 Economic Assistance and Security—State Aid

7550 Division of Public Welfare

15-7550 Income Maintenance	\$2,650,000
Total Appropriation, Department of	
Human Services	\$3,650,000*

2. This act shall take effect immediately but shall remain inoperative until enactment of P.L. 1988, c. 29.

Approved June 8, 1988.

*Reduced by line-item veto of the Governor. See statement following.

Statement to Chapter 30
(Assembly Committee Substitute for
Assembly Bill No. 2495
(First Reprint))

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Assembly Committee Substitute for Assembly Bill No. 2495 (First Reprint) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This supplemental appropriation bill allocates \$8.05 million from the General Fund to the Department of Human Services. Of the \$8.05 million, \$5.4 million is appropriated to the Division of Youth and Family Services to provide additional money for social and support services for homeless families. The remaining \$2.65 million is allocated to the Division of Public Welfare to provide an increase in the State's portion of the Supplemental Security Income (SSI) payment for boarding home and residential health care facility residents.

Sadly, we live in a society where some families are without homes. The brutal reality of their circumstance is illustrated time and again. In New Jersey, I believe both government and the private sector have dedicated considerable energy and resources to solving the problems faced by the homeless. Our endeavors are driven by a sense of decency. Our goal is singular: to help less fortunate families find homes.

As I stated in my message to this bill's companion, Assembly Committee Substitute for Senate Bill No. 88, Assembly Bill No. 2494 and Assembly Bill No. 1511 (First Reprint), I am in agreement with the Legislature that more funds should be available to assist the homeless. As such, I have recommended that funding for homeless programs be increased by \$22 million for the new fiscal year bringing the total appropriation to more than \$45 million.

With the exception of the allocation to the Comprehensive Emergency Assistance System (CEAS), this bill, as framed, does little to address the immediate needs of the homeless population most in crisis—welfare mothers and their children. Rather, the bill makes a substantial appropriation to programs that will have a less direct impact on the problem of homelessness. While these other programs may be deserving of more funds, I have explained that I believe decisions regarding the funding of all but the most urgently needed programs are best made in the context of the budget process where they can be evaluated alongside competing programs. Since the

budget process is currently ongoing, I cannot approve supplemental funds for an SSI increase or for a new program to aid dependent populations.

With regard to CEAS, I am retaining \$1 million of the \$2.7 million allocation in this bill for that program. CEAS encompasses a network of agencies within each county through which services, such as placement, employment and health counseling and transportation, are provided to homeless families. The CEAS program is sensitive to the needs of individual communities and has been highly successful in getting the right services to the right people in a timely manner. Because I consider the program a wise investment, my recommended budget for the coming fiscal year already includes \$5.5 million for CEAS. I am confident that the additional \$1 million I am approving for CEAS will be put to good use.

During the past several months, the Department of Human Services has intensified its outreach to help families currently living in welfare motels find clean, safe places to live. I am not unmindful of the difficulty involved in this undertaking in light of our limited housing stock. However, we will remain committed to this task. In order that the Department of Human Services may continue its program of outreach and placement, I am retaining the \$2.65 million allocated to the Division of Public Welfare by this bill. By redirecting these monies so that they may be used to help families currently enrolled in the Emergency Assistance Program, it is my hope that every family now living in a welfare motel will soon have a home.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:

<u>Page 1, Section 1, Line 18:</u>	Delete "5,400,000" insert "1,000,000"
<u>Page 1, Section 1, Line 20:</u>	Delete "2,700,000" insert "1,000,000"
<u>Page 1, Section 1, Lines 21-26:</u>	Delete in entirety
<u>Page 2, Section 1, Lines 1-7:</u>	Delete in entirety
<u>Page 2, Section 1, Line 10:</u>	Delete "8,050,000" insert "3,650,000"

Respectfully,
Thomas H. Kean
Governor

CHAPTER 31

AN ACT to amend and supplement "The Dental Auxiliaries Act," approved March 21, 1979 (P.L. 1979, c. 46).

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

1. Section 10 of P.L. 1979, c. 46 (C. 45:6-57) is amended to read as follows:

C. 45:6-57 Biennial certificate of registration.

10. Every person licensed to practice dental hygiene shall biennially apply, on a form furnished by the board, for a certificate of registration, which shall be issued by the secretary of the board upon payment of a fee of \$10.00. The certificate of registration shall be displayed in the office or place in which the holder thereof practices dental hygiene. Where a dental hygienist practices dental hygiene at more than one office or place, a duplicate registration certificate shall be issued upon the payment of an additional fee of \$5.00 for each such certificate. The license of any person who fails to procure any biennial certificate of registration, at the time and in the manner required by the board, except a person on the inactive status list, may be suspended by the board in the manner provided by section 12 of P.L. 1979, c. 46 (C. 45:6-59). Any license so suspended shall be reinstated at any time within three years from the date of such suspension upon the payment of all past due biennial registration fees and an additional reinstatement fee of \$25.00. Any person whose license shall have been suspended for such cause shall, during the period of such suspension, be regarded as an unlicensed person and, in case such person shall continue or engage in the practice of dental hygiene during such period, shall be liable to the penalties prescribed by section 11 of P.L. 1979, c. 46 (C. 45:6-58) for practicing dental hygiene without a license. Said fees shall be used by the board in the same manner as similar fees received by it under the provisions of chapter 6 of Title 45 of the Revised Statutes.

2. Section 11 of P.L. 1979, c. 46 (C. 45:6-58) is amended to read as follows:

C. 45:6-58 Penalties.

11. Any person practicing dental hygiene in this State without first having obtained a license as provided by this act, or without the current biennial certificate of registration, or contrary to any of the provisions of this act, or any person who fails to comply with the provisions of section 9 of P.L. 1979, c. 46 (C. 45:6-56), except

a person on the inactive status list, or who practices dental hygiene or works as a registered dental assistant under a false or assumed name, or buys, sells or fraudulently obtains a diploma or certificate showing or purporting to show graduation or completion of a course in dental hygiene or dental assisting, or who violates any of the provisions of this act, shall be liable to a penalty of \$300.00 for the first offense and of \$500.00 for the second and each subsequent offense.

C. 45:6-57.1 Inactive status list.

3. A licensed dental hygienist may apply to the board for inactive license status on a form furnished by the board. Upon receipt of the completed inactive status application form the board shall place the licensee on an inactive status list. While on the list, the person shall pay an inactive license renewal fee in an amount prescribed by the board and shall not practice dental hygiene within the State.

A person on the inactive status list who wants to resume the practice of dental hygiene shall apply to the board for a current biennial certificate of registration and shall pay the prescribed registration fee. Any person who has been on the inactive status list for five or more years shall furnish the board with satisfactory evidence of current knowledge and skill in the practice of dental hygiene as required by regulation of the board.

4. This act shall take effect immediately.

Approved June 14, 1988.

CHAPTER 32

AN ACT concerning the preservation of historic sites in New Jersey, supplementing P.L. 1967, c. 124 (C. 13:1B-15.108 et seq.) and making an appropriation.

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

1. The New Jersey Historic Trust, located within the Department of Environmental Protection, is directed to conduct a survey of the capital improvement needs of the historic sites in New Jersey. Prior to conducting the survey, the trust shall establish an advisory committee of citizens who, to the extent practicable, represent the lead-

ing historic organizations and the several geographic areas of the State. These members shall have either experience in historic site preservation or expertise in New Jersey history and shall be qualified by academic achievement or professional affiliation. The advisory committee shall assist the trust in the preparation of the survey and needs assessment study required by this act.

2. The trust shall prepare a survey of:

a. the historic sites and structures in this State under the ownership or control of the State;

b. the historic sites and structures in this State under the ownership or control of a local unit of government;

c. the historic sites and structures in this State under the ownership or control of nonprofit organizations dedicated to the preservation and maintenance of historic sites or structures.

3. The trust shall prepare a needs assessment study for the historic sites and structures listed in the survey prepared pursuant to section 2 of this act. The study shall summarize:

a. the general condition of each structure and site; and

b. the outline of work necessary and the estimated costs to stabilize and rehabilitate or restore the structure in accordance with the Secretary of the Interior's Standards for Historic Preservation Projects.

4. The trust shall prepare a summary report of needs and recommendations for historic sites and structures in this State that require financial assistance in their stabilization, repair, rehabilitation or restoration.

5. Upon completion of its survey and report, the trust shall submit copies to the Governor, the Commissioner of the Department of Environmental Protection and both houses of the Legislature.

6. Upon completion, the findings of this survey shall be used to supplement any existing information on historic sites available in the Office of New Jersey Heritage in the Department of Environmental Protection and shall be used to assist ongoing efforts by that office to map and inventory cultural resources in the State. As part of the work needed to systematize and verify existing data, \$30,000.00 of the funds appropriated under this act shall be made available to the Office of New Jersey Heritage for this purpose.

7. The trust is entitled to call to its assistance, and avail itself of the services of, such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for these purposes, and to employ such clerical and professional staff and incur such administrative expenses as it may deem necessary in order to perform its duties, and as may be within the funds appropriated or otherwise made available to it for these purposes.

8. The trust may meet and hold hearings at any place it designates.

9. There is appropriated from the General Fund to the New Jersey Historic Trust the sum of \$90,000.00 for the purposes set forth in this act.

10. This act shall take effect immediately.

Approved June 14, 1988.

CHAPTER 33

AN ACT providing for the deduction of overdue student loan payments from the wages of certain public employees and supplementing chapter 72 of Title 18A of the New Jersey Statutes.

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

C. 18A:72-25.4 Deduction of overdue student loan payments.

1. Whenever any officer or employee of a local board of education, a county or municipal board of health or an autonomous authority created by a county or municipality pursuant to statute has failed to make scheduled payments to the Higher Education Assistance Authority on any note held by that authority pursuant to N.J.S. 18A:72-16, upon showing that these payments are more than 60 days overdue, the board or authority shall deduct from the wages of the employee the full amount of both any arrears payment and any scheduled payment due to the Higher Education Assistance Authority until such time as the note is fully satisfied. The board or authority shall transmit the payments to the Higher Education Assistance Authority but the board or authority may retain an amount of the moneys collected as established by regulation of the

Higher Education Assistance Authority to defray the cost of collection.

C. 18A:72-25.5 Guidelines.

2. The Department of Education and the Division of Local Government Services in the Department of Community Affairs, in conjunction with the State Department of the Treasury and the Higher Education Assistance Authority, shall prepare guidelines concerning the procedures and methods to be employed by boards and authorities for the implementation of this act. The guidelines, and all actions taken by a board or authority pursuant to this act, shall be consistent with all federal regulations or limitations regarding any information utilized in any collection. Prior to any collection a board or authority shall provide notice to the employee and an opportunity for a hearing, upon request.

C. 18A:72-25.6 Not execution.

3. The lien against an employee's wages undertaken pursuant to this act shall not be considered an execution against wages pursuant to N.J.S. 2A:17-52, and shall not prevent the simultaneous satisfaction of an execution from the amount of wages remaining after the satisfaction of this debt.

4. This act shall take effect immediately.

Approved June 14, 1988.

CHAPTER 34

AN ACT concerning the transaction of certain business on public holidays and amending R.S. 36:1-2, R.S. 36:1-3 and R.S. 36:1-4.

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

1. R.S. 36:1-2 is amended to read as follows:

Transaction of business on holidays.

36:1-2. Transaction of business on holidays. Any person or corporation, including without limitation a bank, trust company, banking institution and savings and loan association, may transact either private or public business in this State on any designated holiday, in the same manner as on any other day of the week on which it is lawful to transact such business.

2. R.S. 36:1-3 is amended to read as follows:

Sales of real and personal property on designated holidays.

36:1-3. Sales of real and personal property on designated holidays. Any sale of real or personal property made by any public officer, or by any citizen of this State, on any designated holiday, shall be as valid as though such sale was made on any other day of the week on which it is lawful to sell and transfer real or personal property.

3. R.S. 36:1-4 is amended to read as follows:

Transactions by certain financial institutions after 12 o'clock noon on Saturdays and public holidays.

36:1-4. Transactions by certain financial institutions after 12 o'clock noon on Saturdays and public holidays. The payment, certification or acceptance of any check or other negotiable instrument or any other transaction by any bank or trust company, banking institution or savings and loan association shall not be void or voidable or invalid because done or performed on a day designated in R.S. 36:1-1 as a public holiday, including Saturday between 12 o'clock noon and midnight, if such payment, certification, acceptance or other transaction would be valid if done or performed at a time or on a day which is not designated as a public holiday. Nothing herein contained shall be construed to compel any bank or trust company, banking institution or savings and loan association to keep open, or to perform any of the acts or transactions aforesaid, on any Saturday after 12 o'clock noon or on any day designated as a public holiday except at its own option.

4. This act shall take effect immediately.

Approved June 14, 1988.

CHAPTER 35

AN ACT concerning certain clam licenses, amending R.S. 50:2-2 and R.S. 50:2-3 and supplementing chapter 2 of Title 50 of the Revised Statutes.

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

1. R.S. 50:2-2 is amended to read as follows:

Recreational clam licenses.

50:2-2. No resident's recreational clam license shall be granted to any applicant who does not present satisfactory evidence that he is a resident of this State and pay the license fee required pursuant to R.S. 50:2-3. A nonresident's recreational clam license shall be effective only in the months of June, July, August, and September in any calendar year and shall not be granted to a nonresident of this State without the payment of the license fee required pursuant to R.S. 50:2-3.

No holder of any recreational clam license may take more than 150 clams per day or shall sell or offer for sale clams taken under said license and any such sale or offer for sale shall constitute ground for the revocation of said license. No person shall take or catch more than 150 clams per day unless such person is a holder of a commercial clam license. A commercial clam license shall not be granted without the payment of the fee required pursuant to R.S. 50:2-3.

2. R.S. 50:2-3 is amended to read as follows:

License fees.

50:2-3. The license fee shall be fixed by the commissioner, with the approval of the council, at not less than \$5.00 nor more than \$10.00 for a resident's recreational clam license, at not less than \$10.00 nor more than \$20.00 for a nonresident's recreational clam license, and at not less than \$25.00 nor more than \$50.00 for a commercial clam license. No fee shall be charged for a recreational clam license to a person who is 62 or more years of age, provided such person is a resident of this State. A juvenile recreational clam license shall be available for \$2.00 for resident or nonresident persons under 14 years of age.

C. 50:2-3.1 Shellfisheries Law Enforcement Fund.

3. The "Shellfisheries Law Enforcement Fund" is established in the Department of Environmental Protection. All clam license fees collected pursuant to R.S. 50:2-3 shall be deposited in the fund. Moneys in the fund shall be allocated by the Commissioner of the Department of Environmental Protection to the Division of Fish, Game and Wildlife to enforce the laws necessary for the protection of the shellfish resources of the State, to enforce the prohibition of taking shellfish from any shellfish bed condemned by the department pursuant to section 2 of P.L. 1979, c. 321 (C. 58:24-2), to increase the effectiveness of the relay and depuration programs, and to enhance the productivity of the natural clam beds in the State.

4. This act shall take effect on January 1, 1989.

Approved June 15, 1988.

CHAPTER 36

AN ACT appropriating funds from the Correctional Facilities Construction Fund of 1987 for construction and expansion of certain correctional facilities.

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

1. There is appropriated to the Department of Corrections from the "Correctional Facilities Construction Fund of 1987," created pursuant to the "Correctional Facilities Construction Bond Act of 1987," P.L. 1987, c. 178, the sum of \$68,150,000.00 for the following expansion projects:

DEPARTMENT OF CORRECTIONS

Riverfront State Prison	350 Beds	\$24,500,000.00
Northern State Prison	324 Beds	20,200,000.00
Garden State Reception and Youth Correctional Facility	162 Beds	14,450,000.00
Mountainview Youth Correctional Facility	200 Beds	5,000,000.00
Bayside State Prison/ Southern State Correctional Facility	200 Beds	4,000,000.00
Total Appropriation		<u>\$68,150,000.00</u>

2. a. There is appropriated to the Department of Corrections from the "Correctional Facilities Construction Fund of 1987," created pursuant to the "Correctional Facilities Construction Bond Act of 1987," P.L. 1987, c. 178, the sum of \$12,633,619.00 for the following purpose:

DEPARTMENT OF CORRECTIONS

County Assistance		\$12,633,619.00
Somerset County	20 Beds	4,358,915.00
Middlesex County	76 Beds	8,274,704.00
Total		<u>\$12,633,619.00</u>

b. The Commissioner of the Department of Corrections is authorized to negotiate and enter into an agreement with the appropriate county officials regarding the terms and conditions upon which the county assistance shall be made. At a minimum, however, the terms and conditions shall include:

(1) The availability and use of a specific number of beds to be reserved for prisoners remanded by the State; and

(2) Per diem rates favorable to the State in recognition of its contribution to the construction costs of the facility.

3. There is also appropriated from the "Correctional Facilities Construction Fund of 1987" such items as may be necessary to meet any expense incurred by the issuing officials under P.L. 1987, c. 178 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

4. In order to provide flexibility in administering the provisions of this act, the Commissioner of the Department of Corrections may apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer a part of any item to any other item within the respective department accounts in the Correctional Facilities Construction Fund. The transfers shall be made in a manner consistent with section 29 of P.L. 1987, c. 178.

5. This act shall take effect immediately.

Approved June 17, 1988.

CHAPTER 37

AN ACT concerning the establishment of small, women's and minority business set-aside programs by boards of education, amending the title and body of P.L. 1985, c. 490 and revising parts of the statutory law.

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

Title amended.

1. The title of P.L. 1985, c. 490 is amended to read as follows:

An act concerning the establishment of small, women's and minority business set-aside programs by boards of education and revising parts of the statutory law.

2. Section 1 of P.L. 1985, c. 490 (C. 18A:18A-51) is amended to read as follows:

C. 18A:18A-51 Definitions.

1. As used in this act:

- a. "Minority" means a person who is:

- (1) Black, which is a person having origins in any of the black racial groups in Africa; or

- (2) Hispanic, which is a person of Spanish or Portuguese culture, with origins in Mexico, South America, Central America, or the Caribbean Islands, regardless of race; or

- (3) Asian-American, which is a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, Hawaii, or the Pacific Islands; or

- (4) American Indian or Alaskan native, which is a person having origins in any of the original peoples in North America;

- b. "Women's business enterprise" means a business which is independently owned and operated, which is qualified pursuant to N.J.S. 18A:18A-27 and which is:

- (1) A sole proprietorship owned and controlled by a woman;

- (2) A partnership or joint venture owned and controlled by women in which at least 51% of the ownership is held by women and the management and daily business operations of which are controlled by one or more women who own it; or

(3) A corporation or other entity whose management and daily business operations are controlled by one or more women who own it, and which is at least 51% owned by women, or if stock is issued, at least 51% of the stock is owned by one or more women;

c. "Minority business enterprise" means a business which is independently owned and operated, which is qualified pursuant to N.J.S. 18A:18A-27 and which is:

(1) A sole proprietorship, owned and controlled by a minority;

(2) A partnership or joint venture owned and controlled by minorities in which at least 51% of the ownership interest is held by minorities and the management and daily business operations of which are controlled by one or more of the minorities who own it; or

(3) A corporation or other entity whose management and daily business operations are controlled by one or more minorities who own it, and which is at least 51% owned by one or more minorities, or if stock is issued, at least 51% of the stock is owned by one or more minorities;

d. "Small business enterprise" means a business which is independently owned and operated, which is qualified pursuant to N.J.S. 18A:18A-27 and which is a sole proprietorship, partnership or corporation which is a size and type defined by the Commissioner of the Department of Commerce, Energy and Economic Development;

e. "Set-aside contract" means (1) a contract for goods, equipment, construction, or services which is designated as a contract for which bids are invited and accepted only from small business enterprises, minority business enterprises or women's business enterprises, as appropriate, (2) a portion of a contract when that portion has been so designated, or (3) any other purchase or procurement so designated; and

f. "Total procurements" means all purchases, contracts or acquisitions of a board of education, whether by competitive bidding, single source contracting, or other method of procurement, as prescribed or permitted by law.

3. Section 2 of P.L. 1985, c. 490 (C. 18A:18A-52) is amended to read as follows:

C. 18A:18A-52 Set-aside programs.

2. a. A board of education may, by resolution, establish a min-

ority business enterprise set-aside program. In authorizing such a program, the board of education shall establish a goal of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to minority business enterprises.

b. A board of education may, by resolution, establish a women's business enterprise set-aside program. In authorizing such a program, the board of education shall establish a goal of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to women's business enterprises.

c. A board of education may, by resolution, establish a small business enterprise set-aside program. In authorizing such a program, the board of education shall establish a goal of setting aside a certain percentage of the dollar value of total procurements to be awarded as set-aside contracts to small business enterprises.

4. Section 3 of P.L. 1985, c. 490 (C. 18A:18A-53) is amended to read as follows:

C. 18A:18A-53 Attainment of goals.

3. a. Any goal established pursuant to section 2 of this act may be attained by requiring that a portion of a contract shall be subcontracted to a small business enterprise, minority business enterprise or women's business enterprise, in addition to designating entire contracts to these enterprises.

b. Each board of education shall make a good faith effort to attain any goal established.

5. Section 5 of P.L. 1985, c. 490 (C. 18A:18A-55) is amended to read as follows:

C. 18A:18A-55 Designation of contracts.

5. Notwithstanding the provisions of any law to the contrary, a board of education which has established a small business enterprise set-aside program, a minority business enterprise set-aside program or a women's business enterprise set-aside program shall designate that a contract, subcontract or other means of procurement of goods, services, equipment, or construction shall be awarded to a small business enterprise, a minority business enterprise or a women's business enterprise, if the board is likely to receive bids from at least two small business enterprises, minority business enterprises or women's business enterprises, as appropriate, at a fair and reasonable price.

The designations shall be made prior to any advertisement for bids, if required. Once designated, the advertisement for bids, if necessary, shall indicate that the contract to be awarded is a small business enterprise set-aside contract, a minority business enterprise set-aside contract or a women's business enterprise set-aside contract, as appropriate. All advertisements for bids shall be published in at least one newspaper which will best provide notice thereof to small business enterprises, minority business enterprises or to women's business enterprises, as appropriate, sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding, but shall not be published less than 10 days prior to that date.

6. Section 6 of P.L. 1985, c. 490 (C. 18A:18A-56) is amended to read as follows:

C. 18A:18A-56 Withdrawal of designation.

6. a. If the board of education determines that two bids from small businesses, minority or women's businesses cannot be obtained, the board may withdraw the designation of the set-aside contract and resolicit bids on an unrestricted basis pursuant to the provisions of N.J.S. 18A:18A-1 et seq. The cancelled designation shall not be considered in determining whether or not the board attained its goal established pursuant to section 2 of this act.

b. If the board of education determines that the acceptance of the lowest responsible bid will result in the payment of an unreasonable price, the board shall reject all bids and withdraw the designation of the set-aside contract. Small business enterprises, minority business enterprises or women's business enterprises, as appropriate, shall be notified in writing of the set-aside cancellation, the reasons for the rejection and the board's intent to resolicit bids on an unrestricted basis pursuant to the provisions of N.J.S. 18A:18A-1 et seq. The cancelled bid solicitation shall not be considered in determining whether or not the board attained its goal established pursuant to section 2 of this act.

7. Section 7 of P.L. 1985, c. 490 (C. 18A:18A-57) is amended to read as follows:

C. 18A:18A-57 Annual report.

7. Any board of education which has established a small business set-aside program, a minority business enterprise set-aside program or a women's business enterprise set-aside program shall prepare a report by January 31 of each year describing the board's efforts in attaining the set-aside goals and the percentage of the dollar value

of total procurements awarded in the immediately preceding local fiscal year. The board of education shall publish a list of its attainments in at least one newspaper circulating in the school district by March 1 of each year.

8. R.S. 10:2-1 is amended to read as follows:

Antidiscrimination provisions.

10:2-1. Every contract for or on behalf of the State or any county or municipality or other political subdivision of the State, or any agency of or authority created by any of the foregoing, for the construction, alteration or repair of any public building or public work or for the acquisition of materials, equipment, supplies or services shall contain provisions by which the contractor agrees that:

a. In the hiring of persons for the performance of work under this contract or any subcontract hereunder, or for the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under this contract, no contractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, creed, color, national origin, ancestry, marital status or sex, discriminate against any person who is qualified and available to perform the work to which the employment relates;

b. No contractor, subcontractor, nor any person on his behalf shall, in any manner, discriminate against or intimidate any employee engaged in the performance of work under this contract or any subcontract hereunder, or engaged in the procurement, manufacture, assembling or furnishing of any such materials, equipment, supplies or services to be acquired under such contract, on account of race, creed, color, national origin, ancestry, marital status or sex;

c. There may be deducted from the amount payable to the contractor by the contracting public agency, under this contract, a penalty of \$50.00 for each person for each calendar day during which such person is discriminated against or intimidated in violation of the provisions of the contract; and

d. This contract may be canceled or terminated by the contracting public agency, and all money due or to become due hereunder may be forfeited, for any violation of this section of the contract occurring after notice to the contractor from the contracting public agency of any prior violation of this section of the contract.

No provision in this section shall be construed to prevent a board of education from designating that a contract, subcontract or other means of procurement of goods, services, equipment or construction shall be awarded to a small business enterprise, minority business enterprise or a women's business enterprise pursuant to P.L. 1985, c. 490 (C. 18A:18A-51 et seq.).

9. Section 8 of P.L. 1962, c. 37 (C. 10:5-2.1) is amended to read as follows:

C. 10:5-2.1 Other laws unaffected.

8. Nothing contained in this act or in P.L. 1945, c. 169 (C. 10:5-1 et seq.) shall be construed to require or authorize any act prohibited by law, nor to prevent the award of a contract to a small business enterprise, minority business enterprise or women's business enterprise under P.L. 1985, c. 490 (C. 18A:18A-51 et seq.) nor to conflict with the provisions of chapter 2 (child labor) of Title 34 of the Revised Statutes, nor to require the employment of any person under the age of 18, nor to prohibit the establishment and maintenance of bona fide occupational qualifications or the establishment and maintenance of apprenticeship requirements based upon a reasonable minimum age, nor to prevent the termination or change of the employment of any person who in the opinion of the employer, reasonably arrived at, is unable to perform adequately the duties of employment, nor to preclude discrimination among individuals on the basis of competence, performance, conduct or any other reasonable standards, nor to interfere with the operation of the terms or conditions and administration of any bona fide retirement, pension, employee benefit or insurance plan or program, including any State or locally administered public retirement system, provided that the provisions of those plans or programs are not used to establish an age for mandatory retirement.

10. N.J.S. 18A:18A-15 is amended to read as follows:

Specifications generally.

18A:18A-15. Specifications generally. Any specifications for an acquisition under this chapter, whether by purchase, contract or agreement, shall be drafted in a manner to encourage free, open and competitive bidding. In particular, no specifications under this chapter may:

a. Require any standard, restriction, condition or limitation not directly related to the purpose, function or activity for which the purchase, contract or agreement is made; or

b. Require that any bidder be a resident of, or that his place of business be located in, the county or school district in which the purchase will be made or the contract or agreement performed, unless the physical proximity of the bidder is requisite to the efficient and economical purchase or performance of the contract or agreement; or

c. Discriminate on the basis of race, religion, sex, national origin; or

d. Require, with regard to any purchase, contract or agreement, the furnishing of any "brand name," but may in all cases require "brand name or equivalent," except that if the materials to be supplied or purchased are patented or copyrighted, such materials or supplies may be purchased by specification in any case in which the resolution authorizing the purchase, contract, sale or agreement so indicates, and the special need for such patented or copyrighted materials or supplies is directly related to the performance, completion or undertaking of the purpose for which the purchase, contract or agreement is made; or

e. Fail to include any option for renewal, extension, or release which the board of education may intend to exercise or require; or any terms and conditions necessary for the performance of any extra work; or fail to disclose any matter necessary to the substantial performance of the contract or agreement.

The specifications for every contract for public work, the entire cost whereof will exceed \$20,000.00, shall provide that the board of education, through its authorized agent, shall upon completion of the contract report to the department as to the contractor's performance, and shall also furnish such report from time to time during performance if the contractor is then in default.

Any specification adopted by the board of education which knowingly excludes prospective bidders by reason of the impossibility of performance, bidding or qualification by any but one bidder, except as provided herein, shall be null and void and of no effect and such purchase, contract or agreement shall be readvertised, and the original purchase, contract or agreement shall be set aside by the board of education.

No provision in this section shall be construed to prevent a board of education from designating that a contract, subcontract or other means of procurement of goods, services, equipment or construction

shall be awarded to a small business enterprise, a minority business enterprise or a women's business enterprise pursuant to P.L. 1985, c. 490 (C. 18A:18A-51 et seq.).

11. Section 13 of P.L. 1985, c. 490 (C. 18A:18A-59) is amended to read as follows:

C. 18A:18A-59 False information; penalties.

13. Where the local board of education determines that a business has been classified as a small business enterprise, minority business enterprise or women's business enterprise on the basis of false information knowingly supplied by the business and has been awarded a contract to which it would not otherwise have been entitled under this act, the local board of education shall have the authority to:

a. Assess the business any difference between the contract amount and what the local board of education's cost would have been if the contract had not been awarded in accordance with the provisions of this act;

b. In addition to the amount due under subsection a., assess the business a penalty in an amount of not more than 10% of the amount of the contract involved; and

c. Order the business ineligible to transact any business with the local board of education for a period to be determined by the local board of education.

Prior to any final determination, assessment or order under this section, the local board of education shall afford the business an opportunity for a hearing on the reasons for the imposition of the penalties set forth in subsection a., b. or c. of this section.

12. This act shall take effect immediately.

Approved June 21, 1988.

CHAPTER 38

AN ACT concerning joint free public libraries and amending P.L. 1959, c. 155 and P.L. 1985, c. 541.

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

1. Section 1 of P.L. 1959, c. 155 (C. 40:54-29.3) is amended to read as follows:

C. 40:54-29.3 Joint free public libraries.

1. Any two or more municipalities may unite in the support, maintenance and control of a joint free public library for the use and benefit of the residents of such municipalities.

Every library established under this chapter shall be considered a free public library as defined under R. S. 40:54-1 et seq. and shall have the same benefits, powers, duties and responsibilities granted to free public libraries and their governing boards of trustees.

2. Section 2 of P.L. 1959, c. 155 (C. 40:54-29.4) is amended to read as follows:

C. 40:54-29.4 Apportionment of appropriations.

2. The governing bodies of such municipalities shall propose such an undertaking by a joint library agreement, which shall provide for the apportionment of annual and special appropriations therefor among such municipalities, for the initial annual appropriation for such library, for the abandonment or the continuance of such agreement in the event that it is not approved by all such municipalities as provided for in this act, and for such other matters as they shall determine. Such apportionment of appropriations may be based on the assessed valuations of the respective municipalities, their populations, or such factor or factors as the governing bodies shall agree.

Such an agreement shall provide that the combined minimum appropriation for the joint library shall annually be not less than one-third of a mill on every dollar of assessable property within the participating municipalities based upon the equalized valuation of such property within the combined municipalities as certified by the Director of the Division of Taxation in the Department of the Treasury.

3. Section 6 of P.L. 1959, c. 155 (C. 40:54-29.8) is amended to read as follows:

C. 40:54-29.8 Approval of resolution.

6. These municipalities in which at said election the question is approved by a majority of the legal votes cast in each, both for and against such question, shall, as of January 1 next following said election, unite in the support, maintenance and control of a joint free public library in accordance with such joint library agreement.

4. Section 11 of P.L. 1959, c. 155 (C. 40:54-29.13) is amended to read as follows:

C. 40:54-29.13 Board of trustees.

11. The board of trustees shall be vested with authority to carry out the purposes of the joint library, in the manner provided for free public libraries governed pursuant to chapter 54 of Title 40 of the Revised Statutes. The powers and duties of boards of trustees of free public libraries governed by said chapter are hereby conferred and imposed upon the board of trustees of such joint library and its trustees and officers.

5. Section 7 of P.L. 1985, c. 541 (C. 40:33-13b) is amended to read as follows:

C. 40:33-13b Withdrawal from county library system.

7. Any municipality which is a member of a county library system pursuant to R.S. 40:33-1 on the effective date of this amendatory and supplementary act shall continue as a member of the county library system unless the governing body of the municipality determines by resolution to propose withdrawing from that system and establishing a free public library or a joint free public library.

Following the adoption of that resolution and after a public hearing held thereon the governing body shall cause the question of withdrawal from the county library system to be submitted to the legal voters of the municipality at an election to be held in the manner provided for the establishment of free public libraries pursuant to R.S. 40:54-1 et seq.

The question shall be submitted in one of the following forms:

a. "If in favor of the public question printed below mark a cross (X), or plus (+) in the square at the left of the word YES, and if opposed to the public question printed below mark a cross (X) or plus (+) at the left of the word NO.

	Yes.	"Shall..... (name of municipality) withdraw from the county library system pursuant to P.L. 1985, c. 541 (C. 40:33-13b) and establish a free public library pursuant to the provisions of chapter 54 of Title 40 of the Revised Statutes?"
	No.	

b. "If in favor of the public question printed below mark a cross (X), or plus (+) in the square at the left of the word YES, and if opposed to the public question printed below mark a cross (X) or plus (+) at the left of the word NO.

	Yes.	"Shall..... (name of municipality) withdraw from the county library system pursuant to P.L. 1985, c. 541 (C. 40:33-13b) and unite with..... (name of other municipality or municipalities) and establish a joint free public library pursuant to the provisions of chapter 54 of Title 40 of the Revised Statutes?"
	No.	

If a majority of the voters approve the withdrawal from the county library system, the municipal governing body shall provide the county governing body with notice of its intent to withdraw from the county library system. Such notice shall not become effective until January 1 of the year following the year in which the notice was given and shall provide that the municipality remain a member of the county library system for two years after the effective date of the notice.

Any municipality which withdraws from the county library system and which fails to comply with the provisions of this section shall be required to provide the county library with financial support in the manner provided in chapter 33 of Title 40 of the Revised Statutes for a period of two years from the year of the municipality's withdrawal from the system.

Nothing in this section shall prevent a municipality from establishing a municipal free public library pursuant to chapter 54 of Title 40 of the Revised Statutes.

6. This act shall take effect immediately.

Approved June 21, 1988.

CHAPTER 39

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

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

FEDERAL FUNDS

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

14-4885 Shellfish and Marine

Fisheries Management	\$203,000

Total Appropriation, Natural	

Resource Management	\$203,000

Special Purpose:

Oyster Seed Bed Revitalization	

Project	(\$203,000)

43 Environmental Quality

07-4850 Water Monitoring

and Planning	\$800,000

08-4855 Water Enforcement	300,000

22-4861 Geological Survey	30,000

Total Appropriation,	

Environmental Quality	\$1,130,000

Personal Services:

Salaries and Wages	(\$553,000)

Employee Benefits	(130,000)

Materials and Supplies	(51,000)

Services Other Than Personal	(147,000)

Special Purpose:

Underground Storage	

Tank Notification	(30,000)

Other Special Purpose	(207,000)

Additions, Improvements and	
Equipment	(12,000)
Total Appropriation, Department of	
Environmental Protection	<u>\$1,333,000</u>

2. This act shall take effect immediately.

Approved June 22, 1988.

CHAPTER 40

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 such supplemental debt statement heretofore has been prepared and filed in the place required by 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 June 22, 1988.

CHAPTER 41

AN ACT concerning the mapping of aquifer recharge areas, supplementing Title 58 of the Revised Statutes, and making an appropriation.

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

C. 58:11A-12 Aquifer recharge area defined.

1. As used in this act, "aquifer recharge area" means an area which may be composed of sand or gravel, may be located at points of substantial fracturing in geological formations, may extend to the ground surface in certain locations, and which transmits water to an aquifer under the influence of vertical head differentials and refills or "recharges" primarily by infiltration of precipitation through the ground surface.

C. 58:11A-13 Methodology.

2. The Department of Environmental Protection, within two years of the effective date of this act, shall prepare and publish a methodology which shall allow the user to define, rank and map aquifer recharge areas. In conjunction with this methodology, the department shall prepare and publish model land use regulations or best management practices designed to encourage ecologically sound development in aquifer recharge areas and to restrict therein those activities known to cause groundwater contamination.

C. 58:11A-14 Map of aquifer recharge areas.

3. The Department of Environmental Protection, within four years of the effective date of this act, shall prepare and publish a map of the aquifer recharge areas in the State, using, to the greatest extent possible, the revised State geologic map (scale 1:100,000), and any local and regional mapping efforts already completed or underway which the department shall verify. Periodically thereafter, as appropriate, the department shall update these maps.

C. 58:11A-15 Map, methodology as guidance.

4. The map of aquifer recharge areas prepared pursuant to section 3 of this act and the suggested land use regulations prepared pursuant to section 2 of this act are to be used solely at the discretion of a municipality; and are to be considered guidance as to how orderly development may proceed in conjunction with the sound protection and management of groundwater quality.

C. 58:11A-16 Rules, regulations.

5. The department shall 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.

6. There is appropriated from the General Fund to the Department of Environmental Protection \$1,000,000.00 to implement the provisions of this act.

7. This act shall take effect immediately.

Approved June 22, 1988.

CHAPTER 42

AN ACT providing for a Chair in Women's Studies at Rutgers, The State University 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:72K-1 Chair in Women's Studies.

1. There is created at Douglass College at Rutgers, The State University a distinguished chair which shall be known as the Chair in Women's Studies.

C. 18A:72K-2 Selection of scholar; purpose.

2. Douglass College shall select a distinguished scholar to fill the chair for a term of up to two years upon such terms and conditions as may be agreed upon subject to the approval of the Chancellor of Higher Education and available appropriations. The purpose of the chair shall be to fund research, teaching and lectures in Women's Studies by an outstanding scholar at Douglass College.

C. 18A:72K-3 Use of funds.

3. Douglass College may utilize funds appropriated for the purpose of this act for the provision of equipment, supplies, clerical and research assistants and such other appropriate support as is necessary for the research conducted by the holder of the Women's Studies Chair.

4. This act shall take effect immediately.

Approved June 27, 1988.

CHAPTER 43

AN ACT concerning the display of the State flag and supplementing chapter 3 of Title 52 of the Revised Statutes.

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

C. 52:3-11 Flag at half-staff.

1. The Governor shall, upon receiving timely notification and verification of the death of a New Jersey citizen who has been awarded the Congressional Medal of Honor by an act of the Congress of the United States, direct that the State flag at all public buildings throughout the State be flown at half-staff for a period of one week following the death of such a citizen.

2. This act shall take effect immediately.

Approved June 27, 1988.

CHAPTER 44

AN ACT concerning drug law enforcement and amending the "Comprehensive Drug Reform Act of 1986," and various sections of Title 2A and 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:35-4 is amended to read as follows:

Maintaining or operating a controlled dangerous substance production facility.

2C:35-4. Maintaining or Operating a Controlled Dangerous Substance Production Facility.

Except as authorized by P.L. 1970, c. 226 (C. 24:21-1 et seq.), any person who knowingly maintains or operates any premises, place or facility used for the manufacture of methamphetamine, lysergic acid diethylamide, phencyclidine or any substance classified as a narcotic drug in Schedule I or II, or the analog of any such substance, or any person who knowingly aids, promotes, finances or otherwise participates in the maintenance or operations of such premises, place or facility, is guilty of a crime of the first degree and shall, except as provided in N.J.S. 2C:35-12, be sentenced to a term of imprisonment

which shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S. 2C:43-3, the court may also impose a fine not to exceed \$500,000.00 or five times the street value of all controlled dangerous substances or controlled substance analogs at any time manufactured or stored at such premises, place or facility, whichever is greater.

2. N.J.S. 2C:35-5 is amended to read as follows:

Manufacturing, distributing or dispensing.

2C:35-5. Manufacturing, Distributing or Dispensing.

a. Except as authorized by P.L. 1970, c. 226 (C. 24:21-1 et seq.), it shall be unlawful for any person knowingly or purposely:

(1) To manufacture, distribute or dispense, or to possess or have under his control with intent to manufacture, distribute or dispense, a controlled dangerous substance or controlled substance analog; or

(2) To create, distribute, or possess or have under his control with intent to distribute, a counterfeit controlled dangerous substance.

b. Any person who violates subsection a. with respect to:

(1) Heroin, or its analog, or coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, or analogs, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecogine, in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree. The defendant shall, except as provided in N.J.S. 2C:35-12, be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S. 2C:43-3, a fine of up to \$300,000.00 may be imposed;

(2) A substance referred to in paragraph (1) of this subsection, in a quantity of one-half ounce or more but less than five ounces, including any adulterants or dilutants is guilty of a crime of the second degree;

(3) A substance referred to in paragraph (1) of this subsection

in a quantity less than one-half ounce including any adulterants or dilutants is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$50,000.00 may be imposed;

(4) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants is guilty of a crime of the second degree;

(5) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$50,000.00 may be imposed;

(6) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine, or its analog, in a quantity of 10 grams or more including any adulterants or dilutants, is guilty of a crime of the first degree. Except as provided in 2C:35-12, the court shall impose a term of imprisonment which shall include the imposition of a minimum term, fixed at, or between, one-third and one-half of the sentence imposed by the court, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S. 2C:43-3, a fine of up to \$300,000.00 may be imposed;

(7) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine, or its analog, in a quantity of less than 10 grams including any adulterants or dilutants, or where the amount is undetermined, is guilty of a crime of the second degree;

(8) Methamphetamine, or its analog, in a quantity of one ounce or more including any adulterants or dilutants is guilty of a crime of the second degree;

(9) Methamphetamine, or its analog, in a quantity of less than one ounce including any adulterants or dilutants is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$50,000.00 may be imposed;

(10) Marijuana in a quantity of five pounds or more including any adulterants and dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants, is guilty of a crime of the second degree;

(11) Marijuana in a quantity of one ounce or more but less than five pounds including any adulterants and dilutants, or hashish in a quantity of five grams or more but less than one pound including any adulterants and dilutants, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed;

(12) Marijuana in a quantity of less than one ounce including any adulterants and dilutants, or hashish in a quantity of less than five grams including any adulterants and dilutants, is guilty of a crime of the fourth degree;

(13) Any other controlled dangerous substance classified in Schedule I, II, III or IV, or its analog, is guilty of a crime of the third degree, except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed; or

(14) Any Schedule V substance, or its analog, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed.

c. Where the degree of the offense for violation of this section depends on the quantity of the substance, the quantity involved shall be determined by the trier of fact. Where the indictment or accusation so provides, the quantity involved in individual acts of manufacturing, distribution, dispensing or possessing with intent to distribute may be aggregated in determining the grade of the offense, whether distribution or dispensing is to the same person or several persons, provided that each individual act of manufacturing, distribution, dispensing or possession with intent to distribute was committed within the applicable statute of limitations.

3. Section 1 of P.L. 1987, c. 101 (C. 2C:35-7) is amended to read as follows:

C. 2C:35-7 Distribution on or within 1,000 feet of school property.

1. Any person who violates subsection a. of N.J.S. 2C:35-5 by distributing, dispensing or possessing with intent to distribute a controlled dangerous substance or controlled substance analog while on any school property used for school purposes which is owned by

or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property or a school bus, or while on any school bus, is guilty of a crime of the third degree and shall, except as provided in N.J.S. 2C:35-12, be sentenced by the court to a term of imprisonment. Where the violation involves less than one ounce of marijuana, the term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, or one year, whichever is greater, during which the defendant shall be ineligible for parole. In all other cases, the term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, or three years, whichever is greater, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$100,000.00 may also be imposed upon any conviction for a violation of this section.

Notwithstanding the provisions of N.J.S. 2C:1-8 or any other provisions of law, a conviction arising under this section shall not merge with a conviction for a violation of subsection a. of N.J.S. 2C:35-5 (manufacturing, distributing or dispensing) or N.J.S. 2C:35-6 (employing a juvenile in a drug distribution scheme).

It shall be no defense to a prosecution for a violation of this section that the actor was unaware that the prohibited conduct took place while on or within 1,000 feet of any school property. Nor shall it be a defense to a prosecution under this section, or under any other provision of this title, that no juveniles were present on the school property at the time of the offense or that the school was not in session.

It is an affirmative defense to prosecution for a violation of this section that the prohibited conduct took place entirely within a private residence, that no person 17 years of age or younger was present in such private residence at any time during the commission of the offense, and that the prohibited conduct did not involve distributing, dispensing or possessing with the intent to distribute or dispense any controlled dangerous substance or controlled substance analog for profit. The affirmative defense established in this section shall be proved by the defendant by a preponderance of the evidence. Nothing herein shall be construed to establish an affirmative defense with respect to a prosecution for an offense defined in any other section of this chapter.

In a prosecution under this section, a map produced or reproduced by any municipal or county engineer for the purpose of depicting the location and boundaries of the area on or within 1,000 feet of any property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or a true copy of such a map, shall, upon proper authentication, be admissible and shall constitute prima facie evidence of the location and boundaries of those areas, provided that the governing body of the municipality or county has adopted a resolution or ordinance approving the map as official finding and record of the location and boundaries of the area or areas on or within 1,000 feet of the school property. Any map approved pursuant to this section may be changed from time to time by the governing body of the municipality or county. The original of every map approved or revised pursuant to this section, or a true copy thereof, shall be filed with the clerk of the municipality or county, and shall be maintained as an official record of the municipality or county. Nothing in this section shall be construed to preclude the prosecution from introducing or relying upon any other evidence or testimony to establish any element of this offense; nor shall this section be construed to preclude the use or admissibility of any map or diagram other than one which has been approved by the governing body of a municipality or county, provided that the map or diagram is otherwise admissible pursuant to the Rules of Evidence.

4. N.J.S. 2C:35-8 is amended to read as follows:

Distribution to persons under age 18; enhanced punishment.

2C:35-8. Distribution to Persons Under Age 18; Enhanced Punishment. Upon the application of the prosecuting attorney, any person being at least 18 years of age who has been convicted for violating subsection a. of N.J.S. 2C:35-5 or section 1 of P.L. 1987, c. 101 (C. 2C:35-7) by distributing a controlled dangerous substance or controlled substance analog to a pregnant female or a person 17 years of age or younger shall, except as provided in N.J.S. 2C:35-12, be subject to twice the term of imprisonment, fine and penalty, including twice the term of parole ineligibility, if any, authorized or required to be imposed by subsection b. of N.J.S. 2C:35-5 or section 1 of P.L. 1987, c. 101 (C. 2C:35-7) or any other provision of this title. In addition, the presumption of non-imprisonment for certain offenders set forth in subsection e. of N.J.S. 2C:44-1 shall not apply to any person subject to enhanced punishment pursuant to this section.

The court shall not impose more than one enhanced sentence pursuant to this section. If the defendant is convicted of more than one offense which is otherwise subject to enhanced punishment pursuant to this section, the court shall impose enhanced punishment based upon the most serious such offense for which the defendant was convicted, or, where applicable, the offense which mandates the imposition of the longest term of parole ineligibility. Notwithstanding the provisions of paragraph (2) of subsection a. of 2C:44-5, nothing herein shall prevent the court from also imposing an extended term pursuant to subsection f. of N.J.S. 2C:43-6. The court shall not impose an enhanced sentence pursuant to this section unless the prosecutor has established the ground therefor by a preponderance of the evidence at a hearing, which may occur at the time of sentencing. 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. It shall not be relevant to the imposition of enhanced punishment pursuant to this section that the defendant mistakenly believed that the recipient of the substance was 18 years of age or older, even if the mistaken belief was reasonable. Nor shall it be relevant to the imposition of enhanced punishment pursuant to this section that the defendant did not know that the recipient was pregnant.

5. N.J.S. 2C:35-10 is amended to read as follows:

Possession, use or being under the influence, or failure to make lawful disposition.

2C:35-10. Possession, Use or Being Under the Influence, or Failure to Make Lawful Disposition.

a. It is unlawful for any person, knowingly or purposely, to obtain, or to possess, actually or constructively, a controlled dangerous substance or controlled substance analog, unless the substance was obtained directly, or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by P.L. 1970, c. 226 (C. 24:21-1 et seq.). Any person who violates this section with respect to:

(1) A controlled dangerous substance, or its analog, classified in Schedule I, II, III or IV other than those specifically covered in this section, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$25,000.00 may be imposed;

(2) Any controlled dangerous substance, or its analog, classified in Schedule V, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed;

(3) Possession of more than 50 grams of marijuana, including any adulterants or dilutants, or more than five grams of hashish is guilty of a crime of the fourth degree, except that, notwithstanding the provisions of subsection b. of N.J.S. 2C:43-3, a fine of up to \$15,000.00 may be imposed; or

(4) Possession of 50 grams or less of marijuana, including any adulterants or dilutants, or five grams or less of hashish is a disorderly person.

Any person who commits any offense defined in this section while on any property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of any such school property or a school bus, or while on any school bus, and who is not sentenced to a term of imprisonment, shall, in addition to any other sentence which the court may impose, be required to perform not less than 100 hours of community service.

b. Any person who uses or who is under the influence of any controlled dangerous substance, or its analog, for a purpose other than the treatment of sickness or injury as lawfully prescribed or administered by a physician is a disorderly person.

In a prosecution under this subsection, it shall not be necessary for the State to prove that the accused did use or was under the influence of any specific drug, but it shall be sufficient for a conviction under this subsection for the State to prove that the accused did use or was under the influence of some controlled dangerous substance, counterfeit controlled dangerous substance, or controlled substance analog, by proving that the accused did manifest physical and physiological symptoms or reactions caused by the use of any controlled dangerous substance or controlled substance analog.

c. Any person who knowingly obtains or possesses a controlled dangerous substance or controlled substance analog in violation of subsection a. of this section and who fails to voluntarily deliver the substance to the nearest law enforcement officer is guilty of a disorderly persons offense. Nothing in this subsection shall be construed to preclude a prosecution or conviction for any other offense defined in this title or any other statute.

6. N.J.S. 2C:35-15 is amended to read as follows:

Mandatory drug enforcement and demand reduction penalties; collection; disposition; suspension.

2C:35-15. Mandatory Drug Enforcement and Demand Reduction Penalties; Collection; Disposition; Suspension.

a. In addition to any disposition authorized by this title, the provisions of section 24 of P.L. 1982, c. 77 (C. 2A:4A-43), or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, every person convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title shall be assessed for each such offense a penalty fixed at:

- (1) \$3,000.00 in the case of a crime of the first degree;
- (2) \$2,000.00 in the case of a crime of the second degree;
- (3) \$1,000.00 in the case of a crime of the third degree;
- (4) \$750.00 in the case of a crime of the fourth degree;
- (5) \$500.00 in the case of a disorderly persons or petty disorderly persons offense.

Every person placed in supervisory treatment pursuant to the provisions of N.J.S. 2C:36A-1 or N.J.S. 2C:43-12 for a violation of any offense defined in this chapter or chapter 36 of this title shall be assessed the penalty prescribed herein and applicable to the degree of the offense charged, except that the court shall not impose more than one such penalty regardless of the number of offenses charged. If the person is charged with more than one offense, the court shall impose as a condition of supervisory treatment the penalty applicable to the highest degree offense for which the person is charged.

All penalties provided for in this section shall be in addition to and not in lieu of any fine authorized by law or required to be imposed pursuant to the provisions of N.J.S. 2C:35-12.

b. All penalties provided for in this section shall be collected as provided for collection of fines and restitutions in section 3 of P.L. 1979, c. 396 (C. 2C:46-4), and shall be forwarded to the Department of Law and Public Safety as provided in subsection c. of this section.

c. All moneys collected pursuant to this section shall be forwarded to the Department of Law and Public Safety to be deposited

in a nonlapsing revolving fund to be known as the "Drug Enforcement and Demand Reduction Fund."

d. All moneys, including fines and restitution, collected from a person convicted of or adjudicated delinquent for an offense or placed in supervisory treatment pursuant to N.J.S. 2C:43-12 shall be applied first to any Violent Crimes Compensation Board penalty imposed pursuant to section 2 of P.L. 1979, c. 396 (C. 2C:43-3.1), and shall next be applied to any forensic laboratory fee assessed pursuant to N.J.S. 2C:35-20, and shall next be applied to any penalty imposed pursuant to this section.

e. The court may suspend the collection of a penalty imposed pursuant to this section; provided the defendant agrees to enter a residential drug rehabilitation program approved by the court; and further provided that the defendant agrees to pay for all or some portion of the costs associated with the rehabilitation program. In this case, the collection of a penalty imposed pursuant to this section shall be suspended during the defendant's participation in the approved rehabilitation program. Upon successful completion of the program, the defendant may apply to the court to reduce the penalty imposed pursuant to this section by any amount actually paid by the defendant for his participation in the program. The court shall not reduce the penalty pursuant to this subsection unless the defendant establishes to the satisfaction of the court that he has successfully completed the rehabilitation program. If the defendant's participation is for any reason terminated before his successful completion of the rehabilitation program, collection of the entire penalty imposed pursuant to this section shall be enforced. Nothing in this section shall be deemed to affect or suspend any other criminal sanctions imposed pursuant to this chapter or chapter 36 of this title.

7. N.J.S. 2C:35-16 is amended to read as follows:

Mandatory forfeiture or postponement of driving privileges.

2C:35-16. Mandatory Forfeiture or Postponement of Driving Privileges.

In addition to any disposition authorized by this title, the provisions of section 24 of P.L. 1982, c. 77 (C. 2A:4A-43), or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, and notwithstanding the provisions of subsection c. of N.J.S. 2C:43-2 every person convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title shall forthwith forfeit his right to

operate a motor vehicle over the highways of this State for a period to be fixed by the court at not less than six months or more than two years which shall commence on the day the sentence is imposed. In the case of any person who at the time of the imposition of sentence is less than 17 years of age, the period of the suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period as fixed by the court of not less than six months or more than two years after the day the person reaches the age of 17 years. If the driving privilege of any person is under revocation, suspension, or postponement for a violation of any provision of this title or Title 39 of the Revised Statutes at the time of any conviction or adjudication of delinquency for a violation of any offense defined in this chapter or chapter 36 of this title, the revocation, suspension, or postponement period imposed herein shall commence as of the date of termination of the existing revocation, suspension, or postponement.

The court before whom any person is convicted of or adjudicated delinquent for a violation of any offense defined in this chapter or chapter 36 of this title shall collect forthwith the New Jersey driver's license or licenses of the person and forward such license or licenses to the Director of the Division of Motor Vehicles along with a report indicating the first and last day of the suspension or postponement period imposed by the court pursuant to this section. If the court is for any reason unable to collect the license or licenses of the person, the court shall cause a report of the conviction or adjudication of delinquency to be filed with the Director. That report shall include the complete name, address, date of birth, eye color, and sex of the person and shall indicate the first and last day of the suspension or postponement period imposed by the court pursuant to this section. The court shall inform the person orally and in writing that if the person is convicted of personally operating a motor vehicle during the period of license suspension or postponement imposed pursuant to this section, the person shall, upon conviction, be subject to the penalties set forth in R.S. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S. 39:3-40. If the person is the holder of a driver's license from another jurisdiction, the court shall not collect the license but shall notify forthwith the Director who shall notify the appropriate officials in the licensing jurisdiction. The court shall,

however, in accordance with the provisions of this section, revoke the person's non-resident driving privilege in this State.

In addition to any other condition imposed, a court may in its discretion suspend, revoke or postpone in accordance with the provisions of this section the driving privileges of a person admitted to supervisory treatment under N.J.S. 2C:36A-1 or N.J.S. 2C:43-12 without a plea of guilty or finding of guilt.

8. N.J.S. 2C:35-18 is amended to read as follows:

Exemption; burden of proof.

2C:35-18. Exemption; Burden of Proof.

a. If conduct is authorized by the provisions of P.L. 1970, c. 226 (C. 24:21-1 et seq.), that authorization shall, subject to the provisions of this section, constitute an exemption from criminal liability under this chapter or chapter 36, and the absence of such authorization shall not be construed to be an element of any offense in this chapter or chapter 36. It is an affirmative defense to any criminal action arising under this chapter or chapter 36 that the defendant is the authorized holder of an appropriate registration or order form or is otherwise exempted or excepted from criminal liability by virtue of any provision of P.L. 1970, c. 226 (C. 24:21-1 et seq.). The affirmative defense established herein shall be proved by the defendant by a preponderance of the evidence. It shall not be necessary for the State to negate any exemption set forth in this act or in any provision of Title 24 of the Revised Statutes in any complaint, information, indictment or other pleading or in any trial, hearing or other proceeding under this act.

b. No liability shall be imposed by virtue of this chapter or chapter 36 upon any duly authorized State officer, engaged in the enforcement of any law or municipal ordinance relating to controlled dangerous substances or controlled substance analogs.

9. N.J.S. 2C:35-19 is amended to read as follows:

Laboratory certificates; use; admission into evidence; objections.

2C:35-19. Laboratory Certificates; Use; Admission into Evidence; Objections.

a. The Attorney General of New Jersey may designate State Forensic Laboratories. These laboratories shall be staffed by employees of this State or any of the State's political subdivisions. In a proceeding for a violation of the provisions of chapters 35 and 36 of this title or any other statute concerning controlled dangerous substances or

controlled dangerous substance analogs, a law enforcement agency may submit to one of these laboratories any substance, including, but not limited to, any substance believed to be a controlled dangerous substance or controlled substance analog thereof, or any poisons, drugs or medicines or human body tissues or fluids. The laboratory shall analyze these substances.

b. Upon the request of any law enforcement agency, the laboratory employee performing the analysis shall prepare a certificate. This employee shall sign the certificate under oath and shall include in the certificate an attestation as to the result of the analysis. The presentation of this certificate to a court by any party to a proceeding shall be evidence that all of the requirements and provisions of this section have been complied with. This certificate shall be sworn to before a notary public or other person empowered by law to take oaths and shall contain a statement establishing the following: the type of analysis performed; the result achieved; any conclusions reached based upon that result; that the subscriber is the person who performed the analysis and made the conclusions; the subscriber's training or experience to perform the analysis; and the nature and condition of the equipment used. When properly executed, the certificate shall, subject to subsection c. of this section and notwithstanding any other provision of law, be admissible evidence of the composition, quality, and quantity of the substance submitted to the laboratory for analysis, and the court shall take judicial notice of the signature of the person performing the analysis and of the fact that he is that person.

c. Whenever a party intends to proffer in a criminal or quasi-criminal proceeding, a certificate executed pursuant to this section, notice of an intent to proffer that certificate and all reports relating to the analysis in question, including a copy of the certificate, shall be conveyed to the opposing party or parties at least 20 days before the proceeding begins. An opposing party who intends to object to the admission into evidence of a certificate shall give notice of objection and the grounds for the objection within 10 days upon receiving the adversary's notice of intent to proffer the certificate. Whenever a notice of objection is filed, admissibility of the certificate shall be determined not later than two days before the beginning of the trial. A proffered certificate shall be admitted in evidence unless it appears from the notice of objection and specific grounds for that objection that the composition, quality, or quantity of the substance submitted to the laboratory for analysis will be contested at trial. A failure to

comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objections to the admission of the certificate. The time limitations set forth in this section shall not be relaxed except upon a showing of good cause.

10. N.J.S. 2C:35-20 is amended to read as follows:

Forensic laboratory fees.

2C:35-20. Forensic Laboratory Fees. a. In addition to any disposition made pursuant to the provisions of N.J.S. 2C:43-2, any person convicted of an offense under this chapter shall be assessed a criminal laboratory analysis fee of \$50.00 for each offense for which he was convicted. Any person who is placed in supervisory treatment pursuant to N.J.S. 2C:36A-1 or N.J.S. 2C:43-12 shall be assessed a criminal laboratory analysis fee of \$50.00 for each such offense for which he was charged.

b. In addition to any other disposition made pursuant to the provisions of section 24 of P.L. 1982, c. 77 (C. 2A:4A-43) or any other statute indicating the dispositions that can be ordered for adjudications of delinquency, any juvenile adjudicated delinquent for a violation of this chapter shall be assessed a laboratory analysis fee of \$25.00 for each adjudication.

c. All criminal laboratory analysis fees provided for in this section shall be collected as provided for the collection of fines and restitutions in section 3 of P.L. 1979, c. 396 (C. 2C:46-4), and shall be forwarded to the appropriate forensic laboratory fund as provided in subsection d. of this section.

d. Forensic laboratory funds shall be established as follows:

(1) Any county or municipality which maintains a publicly funded forensic laboratory that regularly employs at least one forensic chemist or scientist engaged in the analysis of controlled dangerous substances may establish a forensic laboratory fund within the office of the county or municipal treasurer.

(2) Any other county or municipality which has agreed by contract to pay or reimburse the entire salary of at least one forensic chemist or scientist employed by a laboratory designated as a State Forensic Laboratory pursuant to N.J.S. 2C:35-19, may establish a forensic laboratory fund within the office of the county or municipal treasurer.

(3) A separate account shall be established in the State Treasury and shall be designated the "State Forensic Laboratory Fund."

e. The analysis fee provided for in subsections a. and b. of this section shall be forwarded to the office of the treasurer of the county or municipality that performed the laboratory analysis if that county or municipality has established a forensic laboratory fund or, to the State forensic laboratory fund if the analysis was performed by a laboratory operated by the State. If the county or municipality has not established a forensic laboratory fund, then the analysis fee shall be forwarded to the State forensic laboratory fund within the State Treasury. If the analysis was performed by a forensic chemist or scientist whose salary was paid or reimbursed by a county or municipality pursuant to a contract, the analysis fee shall be forwarded to the appropriate forensic laboratory fund established pursuant to paragraph (2) of subsection d. of this section unless the contract provides for a different means of allocating and distributing forensic laboratory fees, in which event the terms of the contract may determine the amounts to be forwarded to each forensic laboratory fund. The county or municipal treasurer and State Treasurer may retain an amount of the total of all collected analysis fees equal to the administrative costs incurred pursuant to carrying out their respective responsibilities under this section.

f. Moneys deposited in the county or municipal forensic laboratory fund created pursuant to paragraph (1) of subsection d. of this section shall be in addition to any allocations pursuant to existing law and shall be designated for the exclusive use of the county or municipal forensic laboratory. These uses may include, but are not limited to, the following:

(1) costs incurred in providing analyses for controlled substances in connection with criminal investigations conducted within this State;

(2) purchase and maintenance of equipment for use in performing analyses; and

(3) continuing education, training and scientific development of forensic scientists regularly employed by these laboratories.

g. Moneys deposited in the State forensic laboratory fund created pursuant to paragraph (3) of subsection d. of this section shall be used by State forensic laboratories that the Attorney General designates pursuant to N.J.S. 2C:35-19, and the Division of State Police in the Department of Law and Public Safety. These moneys shall be in addition to any allocations pursuant to existing law and shall be designated for the exclusive use of State forensic facilities. These uses may include those enumerated in subsection f. of this section.

11. N.J.S. 2C:35-21 is amended to read as follows:

Seizure in violation of chapter; pretrial destruction of bulk seizures of controlled dangerous substances.

2C:35-21. Seizure in Violation of Chapter; Pretrial Destruction of Bulk Seizures of Controlled Dangerous Substances.

Any controlled dangerous substance or controlled substance analog seized in violation of this chapter shall be subject to the forfeiture provisions of chapter 64 of this title. In any case involving a bulk seizure of a controlled dangerous substance or a controlled substance analog, a prosecuting authority, upon notice to defense counsel, may apply to the trial court for an order to destroy all or some portion of the seized substance. The State, county or municipal forensic laboratory that analyzes the substance shall make a photographic record thereof.

In the event that the defendant objects to the application to destroy all or some portion of the controlled dangerous substance or controlled substance analog, defense counsel shall within 20 days of receiving notice from the prosecuting authority serve notice of objection upon the trial judge and the prosecuting authority. The notice of objection shall include the reasons therefor. Failure to comply with the time limitations regarding the notice of objection required by this section shall constitute a waiver of any objections to the destruction of all or some portion of the substance.

The decision to order the destruction of the substance shall be vested in the sound discretion of the trial court. Prior to the issuance of any order authorizing the destruction of all or some portion of the controlled dangerous substance or controlled substance analog, and subject to reasonable supervision by laboratory or agency personnel, defense counsel shall be afforded an opportunity to inspect or test the substance.

The State, county or municipal forensic laboratory authorized to destroy all or some portion of the controlled dangerous substance or controlled substance analog shall file with the court a certificate under oath attesting to the date on which the substance was destroyed, the quantity of the substance destroyed, and the method used to destroy the substance.

Notwithstanding any other provision of law, the photographic record made in accordance with the provisions of this section, upon proper authentication, may be introduced as evidence in any court.

12. N.J.S. 2C:36A-1 is amended to read as follows:

Conditional discharge for certain first offenses; expunging of records.

2C:36A-1. Conditional discharge for certain first offenses; expunging of records. a. Whenever any person who has not previously been convicted of any offense under section 20 of P.L. 1970, c. 226 (C. 24:21-20), or a disorderly persons or petty disorderly persons offense defined in chapter 35 or 36 of this title or, subsequent to the effective date of this title, under any law of the United States, this State or any other state relating to marijuana, or stimulant, depressant, or hallucinogenic drugs, is charged with or convicted of any disorderly persons offense or petty disorderly persons offense under chapter 35 or 36 of this title, the court upon notice to the prosecutor and subject to subsection c. of this section, may on motion of the defendant or the court:

(1) Suspend further proceedings and with the consent of the person after reference to the State Bureau of Identification criminal history record information files, place him under supervisory treatment upon such reasonable terms and conditions as it may require; or

(2) After plea of guilty or finding of guilty, and without entering a judgment of conviction, and with the consent of the person after proper reference to the State Bureau of Identification criminal history record information files, place him on supervisory treatment upon reasonable terms and conditions as it may require, or as otherwise provided by law.

b. In no event shall the court require as a term or condition of supervisory treatment under this section, referral to any residential treatment facility for a period exceeding the maximum period of confinement prescribed by law for the offense for which the individual has been charged or convicted, nor shall any term of supervisory treatment imposed under this subsection exceed a period of three years. If a person is placed under supervisory treatment under this section after a plea of guilty or finding of guilt, the court as a term and condition of supervisory treatment shall suspend the person's driving privileges for a period to be fixed by the court at not less than six months or more than two years. In the case of a person who at the time of placement under supervisory treatment under this section is less than 17 years of age, the period of suspension of driving privileges authorized herein, including a suspension of the privilege of operating a motorized bicycle, shall commence on the day the

person is placed on supervisory treatment and shall run for a period as fixed by the court of not less than six months or more than two years after the day the person reaches the age of 17 years.

If the driving privilege of a person is under revocation, suspension, or postponement for a violation of this title or Title 39 of the Revised Statutes at the time of the person's placement on supervisory treatment under this section, the revocation, suspension or postponement period imposed herein shall commence as of the date of the termination of the existing revocation, suspension or postponement. The court which places a person on supervisory treatment under this section shall collect and forward the person's driver's license to the Division of Motor Vehicles and file an appropriate report with the division in accordance with the procedure set forth in N.J.S. 2C:35-16. The court shall also inform the person of the penalties for operating a motor vehicle during the period of license suspension or postponement as required in N.J.S. 2C:35-16.

Upon violation of a term or condition of supervisory treatment the court may enter a judgment of conviction and proceed as otherwise provided, or where there has been no plea of guilty or finding of guilty, resume proceedings. Upon fulfillment of the terms and conditions of supervisory treatment the court shall terminate the supervisory treatment and dismiss the proceedings against him. Termination of supervisory treatment and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities, if any, imposed by law upon conviction of a crime or disorderly persons offense but shall be reported by the clerk of the court to the State Bureau of Identification criminal history record information files. Termination of supervisory treatment and dismissal under this section may occur only once with respect to any person. Imposition of supervisory treatment under this section shall not be deemed a conviction for the purposes of determining whether a second or subsequent offense has occurred under section 29 of P.L. 1970, c. 226 (C. 24:21-29), chapter 35 or 36 of this title or any law of this State.

c. Proceedings under this section shall not be available to any defendant unless the court in its discretion concludes that:

- (1) The defendant's continued presence in the community, or in a civil treatment center or program, will not pose a danger to the community; or
- (2) That the terms and conditions of supervisory treatment will

be adequate to protect the public and will benefit the defendant by serving to correct any dependence on or use of controlled substances which he may manifest; and

(3) The person has not previously received supervisory treatment under section 27 of P.L. 1970, c. 226 (C. 24:21-27), N.J.S. 2C:43-12, or the provisions of this chapter.

d. A person seeking conditional discharge pursuant to this section shall pay to the court a fee of \$45.00. The court shall forward all money collected under this subsection to the treasurer of the county in which the court is located. This money shall be used to defray the cost of juror compensation within that county. A person may apply for a waiver of this fee, by reason of poverty, pursuant to the Rules Governing the Courts of the State of New Jersey.

13. 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).

14. 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.

15. N.J.S. 2C:43-13 is amended to read as follows:

Supervisory treatment procedure.

2C:43-13. Supervisory Treatment Procedure.

a. Agreement. The terms and duration of the supervisory treatment shall be set forth in writing, signed by the prosecutor and agreed to and signed by the participant. If the participant is represented by counsel, defense counsel shall also sign the agreement. Each order of supervisory treatment shall be filed with the county clerk.

b. Charges. During a period of supervisory treatment the charge or charges on which the participant is undergoing supervisory treatment shall be held in an inactive status pending termination of the supervisory treatment pursuant to subsection d. or e. of this section.

c. Period of treatment. Supervisory treatment may be for such period, as determined by the designated judge or the assignment judge, not to exceed three years, provided, however, that the period of supervisory treatment may be shortened or terminated as the program director may determine with the consent of the prosecutor and the approval of the court.

d. Dismissal. Upon completion of supervisory treatment, and with the consent of the prosecutor, the complaint, indictment or accusation against the participant may be dismissed with prejudice.

e. Violation of conditions. Upon violation of the conditions of supervisory treatment, the court shall determine, after summary hearing, whether said violation warrants the participant's dismissal from the supervisory treatment program or modification of the conditions of continued participation in that or another supervisory treatment program. Upon dismissal of participant from the supervisory treatment program, the charges against the participant may be reactivated and the prosecutor may proceed as though no supervisory treatment had been commenced.

f. Evidence. No statement or other disclosure by a participant undergoing supervisory treatment made or disclosed to the person designated to provide such supervisory treatment shall be disclosed, at any time, to the prosecutor in connection with the charge or

charges against the participant, nor shall any such statement or disclosure be admitted as evidence in any civil or criminal proceeding against the participant. Nothing provided herein, however, shall prevent the person providing supervisory treatment from informing the prosecutor, or the court, upon request or otherwise as to whether or not the participant is satisfactorily responding to supervisory treatment.

g. Delay. No participant agreeing to undergo supervisory treatment shall be permitted to complain of a lack of speedy trial for any delay caused by the commencement of supervisory treatment.

A person applying for admission to a program of supervisory treatment shall pay to the court a fee of \$45.00. The court shall forward all money collected under this subsection to the treasurer of the county in which the court is located. This money shall be used to defray the cost of juror compensation within that county. A person may apply for a waiver of this fee, by reason of poverty, pursuant to the Rules Governing the Courts of the State of New Jersey.

16. Section 24 of P.L. 1982, c. 77 (C. 2A:4A-43) is amended to read as follows:

C. 2A:4A-43 Disposition of delinquency cases.

24. Disposition of delinquency cases.

a. In determining the appropriate disposition for a juvenile adjudicated delinquent the court shall weigh the following factors:

- (1) The nature and circumstances of the offense;
- (2) The degree of injury to persons or damage to property caused by the juvenile's offense;
- (3) The juvenile's age, previous record, prior social service received and out-of-home placement history;
- (4) Whether the disposition supports family strength, responsibility and unity and the well-being and physical safety of the juvenile;
- (5) Whether the disposition provides for reasonable participation by the child's parent, guardian, or custodian, provided, however, that the failure of a parent or parents to cooperate in the disposition shall not be weighed against the juvenile in arriving at an appropriate disposition;
- (6) Whether the disposition recognizes and treats the unique

physical, psychological and social characteristics and needs of the child;

(7) Whether the disposition contributes to the developmental needs of the child, including the academic and social needs of the child where he has mental retardation or learning disabilities; and

(8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court.

b. If a juvenile is adjudged delinquent the court may order incarceration pursuant to section 25 of this act or any one or more of the following dispositions:

(1) Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint; provided that if the court adjourns formal entry of disposition of delinquency for a violation of an offense defined in chapter 35 or 36 of Title 2C, of the New Jersey Statutes the court shall assess the mandatory penalty set forth in N.J.S. 2C:35-15 but may waive imposition of the penalty set forth in N.J.S. 2C:35-16 for juveniles adjudicated delinquent;

(2) Release the juvenile to the supervision of his or her parent or guardian;

(3) Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed three years upon such written conditions as the court deems will aid rehabilitation of the juvenile;

(4) Transfer custody of the juvenile to any relative or other person determined by the court to be qualified to care for the juvenile;

(5) Place the juvenile under the care of the Department of Human Services under the responsibility of the Division of Youth and Family Services pursuant to P.L. 1951, c. 138, s. 2(c) (C. 30:4C-2(c)) for the purpose of providing services in or out of the home. Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Human Services shall submit to the court a service plan, which shall be presumed valid, detailing the specifics of any disposition order. The plan shall be developed within the limits of fiscal and other resources available to the department. If the court de-

termines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination;

(6) Place the juvenile under the care and custody of the Commissioner of the Department of Human Services for the purpose of receiving the services of the Division of Mental Retardation of that department, provided that the juvenile has been determined to be eligible for those services under P.L. 1965, c. 59, s. 16 (C. 30:4-25.4);

(7) Commit the juvenile, pursuant to the laws governing civil commitment, to the Department of Human Services under the responsibility of the Division of Mental Health and Hospitals for the purpose of placement in a suitable public or private hospital or other residential facility for the treatment of persons who are mentally ill, on the ground that the juvenile, if not committed, would be a probable danger to himself or others or property by reason of mental illness;

(8) Fine the juvenile an amount not to exceed the maximum provided by law for such a crime or offense if committed by an adult and which is consistent with the juvenile's income or ability to pay and financial responsibility to his family, provided that the fine is specially adapted to the rehabilitation of the juvenile or to the deterrence of the type of crime or offense. If the fine is not paid due to financial limitations, the fine may be satisfied by requiring the juvenile to submit to any other appropriate disposition provided for in this section;

(9) Order the juvenile to make restitution to a person or entity who has suffered loss resulting from personal injuries or damage to property as a result of the offense for which the juvenile has been adjudicated delinquent. The court may determine the reasonable amount, terms and conditions of restitution. If the juvenile participated in the offense with other persons, the participants shall be jointly and severally responsible for the payment of restitution. The court shall not require a juvenile to make full or partial restitution if the juvenile reasonably satisfies the court that he does not have the means to make restitution and could not reasonably acquire the means to pay restitution;

(10) Order that the juvenile perform community services under the supervision of a probation department or other agency or individual deemed appropriate by the court. Such services shall be compulsory and reasonable in terms of nature and duration. Such services

may be performed without compensation, provided that any money earned by the juvenile from the performance of community services may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(11) Order that the juvenile participate in work programs which are designed to provide job skills and specific employment training to enhance the employability of job participants. Such programs may be without compensation, provided that any money earned by the juvenile from participation in a work program may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(12) Order that the juvenile participate in programs emphasizing self-reliance, such as intensive outdoor programs teaching survival skills, including but not limited to camping, hiking and other appropriate activities;

(13) Order that the juvenile participate in a program of academic or vocational education or counseling, such as a youth service bureau, requiring attendance at sessions designed to afford access to opportunities for normal growth and development. This may require attendance after school, evenings and weekends;

(14) Place the juvenile in a suitable residential or nonresidential program for the treatment of alcohol or narcotic abuse, provided that the juvenile has been determined to be in need of such services; or

(15) Order the parents or guardian of the juvenile to participate in appropriate programs or services when the court has found either that such person's omission or conduct was a significant contributing factor towards the commission of the delinquent act, or, under its authority to enforce litigant's rights, that such person's omission or conduct has been a significant contributing factor towards the ineffective implementation of a court order previously entered in relation to the juvenile;

(16) (a) Place the juvenile in a nonresidential program operated by a public or private agency, providing intensive services to juveniles for specified hours, which may include education, counseling to the juvenile and the juvenile's family if appropriate, vocational training, employment counseling, work or other services; or

(b) Place the juvenile under the custody of the Department of Corrections for placement with any private group home or private residential facility with which the department has entered into a purchase of service contract;

(17) Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed two years the driver's license, registration certificate, or both of any juvenile who used a motor vehicle in the course of committing an act for which he was adjudicated delinquent. In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court shall consider the severity of the delinquent act and the potential effect of the loss of driving privileges on the juvenile's ability to be rehabilitated. Any postponement, suspension, or revocation shall be imposed consecutively with any custodial commitment; or

(18) Order that the juvenile satisfy any other conditions reasonably related to the rehabilitation of the juvenile.

c. (1) If the juvenile detention facility in the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Department of Corrections, the court may, in addition to any of the dispositions enumerated in this subsection, incarcerate the juvenile in a youth detention facility for a term not to exceed 60 consecutive days. The Department of Corrections shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to this subsection.

(2) No juvenile may be incarcerated in any county detention facility unless the county has entered into an agreement with the Department of Corrections concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Department of Corrections shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50% of the maximum capacity of the facility.

(3) The court may fix a term of incarceration under this subsection where:

(a) The act for which the juvenile was adjudicated delinquent, if committed by an adult, would have constituted a crime or repetitive disorderly persons offense;

(b) Incarceration of the juvenile is consistent with the rehabilitative goals of this act and the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors as set forth in section 25 of this act; and

(c) The detention facility has been certified for admission of adjudicated juveniles pursuant to paragraph (2).

(4) If as a result of incarcerations of adjudicated juveniles pursuant to this subsection, a county is required to transport a predisposition juvenile to a juvenile detention facility in another county, the costs of such transportation shall be borne by the Department of Corrections.

d. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section other than subsection c., the duration of the juvenile's mandatory participation in such alternative programs shall extend for a period consistent with the program goal for the juvenile and shall in no event exceed one year beyond the maximum duration permissible for the delinquent if he has been committed to a correctional institution.

17. Section 2 of P.L. 1982, c. 81 (C. 2A:4A-71) is amended to read as follows:

C. 2A:4A-71 Review and processing of complaints.

2. Review and processing of complaints.

a. The jurisdiction of the court in any complaint filed pursuant to section 11 of P.L. 1982, c. 77 (C. 2A:4A-30) shall extend to the juvenile who is the subject of the complaint and his parents or guardian.

b. Every complaint shall be reviewed by court intake services for recommendation as to whether the complaint should be dismissed, diverted, or referred for court action. Where the complaint alleges a crime which, if committed by an adult, would be a crime of the first, second, third or fourth degree, or alleges a repetitive disorderly persons offense or any disorderly persons offense defined in chapter 35 or chapter 36 of Title 2C, the complaint shall be referred for court action, unless the prosecutor otherwise consents to diversion. Court intake services shall consider the following factors in determining whether to recommend diversion:

- (1) The seriousness of the alleged offense or conduct and the circumstances in which it occurred;
 - (2) The age and maturity of the juvenile;
 - (3) The risk that the juvenile presents as a substantial danger to others;
 - (4) The family circumstances, including any history of drugs, alcohol abuse or child abuse on the part of the juvenile, his parents or guardian;
 - (5) The nature and number of contacts with court intake services and the court that the juvenile or his family have had;
 - (6) The outcome of those contacts, including the services to which the juvenile or family have been referred and the results of those referrals;
 - (7) The availability of appropriate services outside referral to the court;
 - (8) Any recommendations expressed by the victim or complainant, or arresting officer, as to how the case should be resolved; and
 - (9) Any recommendation expressed by the county prosecutor.
18. This act shall take effect immediately.
- Approved June 28, 1988.

CHAPTER 45

AN ACT concerning criminal history record background checks for certain State employees, supplementing Titles 30 and 53 of the Revised Statutes, and making an appropriation therefor.

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

C. 30:4-3.4 Definitions.

1. As used in this act:
 - a. "Employee" means any individual 18 years of age or older who is employed at a facility and works at the facility for the equivalent of at least one seven hour day per week. Employee includes but is

not limited to the facility's director or principal administrator, teaching, social service, dietary, clerical and maintenance staff and the driver of a motor vehicle used to transport persons to and from the facility.

b. "Facility" means a State institution or facility for the mentally ill or the developmentally disabled.

C. 30:4-3.5 Criminal history record check.

2. a. A facility shall not employ any individual unless the Commissioner of the Department of Human Services has first determined, consistent with the requirements and standards of this act, that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being employed at the facility. An individual shall be disqualified from employment under this act if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

(1) In New Jersey, any crime or disorderly persons offense:

(a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:11-1 et seq., N.J.S. 2C:12-1 et seq., N.J.S. 2C:13-1 et seq., N.J.S. 2C:14-1 et seq. or N.J.S. 2C:15-1 et seq.; or

(b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:24-1 et seq.; or

(2) In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in paragraph (1) of this subsection.

b. Notwithstanding the provisions of subsection a. of this section, no individual shall be disqualified from employment under this act on the basis of any conviction disclosed by a criminal history record check performed pursuant to this act if the individual has affirmatively demonstrated to the Commissioner of Human Services clear and convincing evidence of his rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

(1) The nature and responsibility of the position which the convicted individual would hold;

- (2) The nature and seriousness of the offense;
- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the individual when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense; and
- (8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

c. If a prospective employee of a facility refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall direct the principal administrator not to consider the person for employment at the facility. The prospective employee shall, however, retain any available right of review by the Merit System Board in the Department of Personnel.

d. If a current employee of a facility refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall direct the principal administrator to immediately remove the person from his position at the facility and to terminate the person's employment at the facility. The employee shall, however, retain any available right of review by the Merit System Board in the Department of Personnel.

C. 30:4-3.6 Fingerprinting.

3. An applicant for employment or a current employee shall submit to the Commissioner of Human Services his name, address and fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency. The commissioner is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by this act. No criminal history record check shall be performed pursuant to this act unless the applicant shall have furnished his written consent to the check.

C. 30:4-3.7 Written notice; hearing.

4. a. Upon receipt of the criminal history record information for an applicant from the Federal Bureau of Investigation and the Division of State Police, the commissioner shall notify the applicant or employee, in writing, of the applicant's or employee's qualification or disqualification for employment under this act. If the applicant or employee is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the written notice.

b. The applicant or employee shall have 30 days from the date of written notice of disqualification to petition the commissioner for a hearing on the accuracy of the criminal history record information or to establish his rehabilitation under subsection b. of section 2 of this act. The commissioner may refer any case arising hereunder to the Office of Administrative Law for administrative proceedings pursuant to P.L. 1978, c. 67 (C. 52:14F-1 et seq.).

c. The commissioner shall not maintain any individual's criminal history record information or evidence of rehabilitation submitted under this section for more than six months from the date of a final determination by the commissioner as to the individual's qualification or disqualification to be an employee pursuant to this act.

d. The Commissioner of Human Services shall initiate a criminal history record background check on all current employees no later than 120 days after the effective date of this act.

C. 30:4-3.8 Report.

5. The Commissioner of Human Services shall report to the Governor and the Legislature no later than three years from the effective date of this act on the effectiveness of the criminal history record background checks in screening out prospective or current employees of facilities who have criminal history records which render them unfit for employment. The commissioner shall include in the report any recommendations for modifying the provisions of this act.

C. 30:4-3.9 Rules, regulations.

6. In accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner of Human Services shall adopt rules and regulations necessary to implement the provisions of this act.

C. 30:4-3.10 Cost-bearing by Department of Human Services.

7. The Department of Human Services shall assume the cost of

all criminal history record background checks conducted on current and prospective employees.

C. 53:1-20.8 Background check by State Police.

8. The Division of State Police in the Department of Law and Public Safety shall conduct a criminal history record background check which includes a name and fingerprint identification check of each current and prospective employee of a facility to ascertain whether the person has a record of criminal history, pursuant to P.L. 1988, c. 45 (C. 30:4-3.4 et al.). The division shall conduct the background check only upon receipt of the person's written consent to conduct the background check.

For the purpose of conducting the criminal history record background check, the division shall examine its own files and arrange for a similar examination by federal authorities. The division shall forward the information obtained as a result of conducting the check to the Commissioner of Human Services.

9. There is appropriated from the General Fund \$95,000.00 to the Department of Human Services to effectuate the purposes of this act.

10. This act shall take effect on the 180th day after enactment, except that section 6 shall take effect immediately.

Approved June 28, 1988.

CHAPTER 46

AN ACT providing for payment of costs and attorney fees in certain circumstances 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:15-59.1 Frivolous causes of action.

1. a. A party who prevails in a civil action, either as plaintiff or defendant, against any other party may be awarded all reasonable litigation costs and reasonable attorney fees, if the judge finds at any time during the proceedings or upon judgment that a complaint, counterclaim, cross-claim or defense of the nonprevailing person was frivolous.

b. In order to find that a complaint, counterclaim, cross-claim or defense of the nonprevailing party was frivolous, the judge shall find on the basis of the pleadings, discovery, or the evidence presented that either:

(1) The complaint, counterclaim, cross-claim or defense was commenced, used or continued in bad faith, solely for the purpose of harassment, delay or malicious injury; or

(2) The nonprevailing party knew, or should have known, that the complaint, counterclaim, cross-claim or defense was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification or reversal of existing law.

c. A party seeking an award under this section shall make application to the court which heard the matter. The application shall be supported by an affidavit stating in detail:

(1) The nature of the services rendered, the responsibility assumed, the results obtained, the amount of time spent by the attorney, any particular novelty or difficulty, the time spent and services rendered by secretaries and staff, other factors pertinent in the evaluation of the services rendered, the amount of the allowance applied for, an itemization of the disbursements for which reimbursement is sought, and any other factors relevant in evaluating fees and costs; and

(2) How much has been paid to the attorney and what provision, if any, has been made for the payment of these fees in the future.

2. This act shall take effect on the 180th day after enactment and shall apply only to causes of action filed on or after the effective date.

Approved June 28, 1988.

CHAPTER 47

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.

ANTICIPATED RESOURCES FOR
THE FISCAL YEAR 1988-89
GENERAL FUND

Undesignated fund balance, July 1, 1988 \$416,886,505*

Major Taxes

Sales	\$3,320,000,000
Corporation business	1,593,000,000
Motor fuels	428,000,000
Motor vehicle fees	360,000,000
Cigarette	217,000,000
Transfer inheritance	185,000,000
Public utility excise	118,000,000
Insurance premiums	180,000,000
Alcoholic beverage wholesale sales	89,000,000
Alcoholic beverage excise	55,000,000
Corporation business—Banks and financial institutions	62,000,000
Business personal property	20,000,000
Realty transfer	62,000,000
Motor fuel use—Motor carrier	8,000,000
Pari-mutuel	7,000,000
Savings institutions	20,000,000
Total—Major Taxes	<u>\$6,724,000,000</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	12,000
Seed certification programs	5,000
Milk control licenses and fees	375,000
Fertilizer inspection fees	155,000

Department of Banking:

Bank assessments	1,866,000

Examination fees	1,700,000
Licenses and other fees	877,000
New Jersey Cemetery Board	88,000
Department of Community Affairs:	
Affordable housing and neighborhood preservation—Fair housing	24,800,000
Boarding home fees	500,000
Construction fees	1,500,000
Fire safety	5,963,000
Housing inspection fees	2,400,000
Local government services	14,000
Planned real estate development fees	1,000,000
Truth in renting	33,000
Department of Veterans' Affairs and Defense:	
Soldiers' homes	8,000,000
Department of Education:	
Katzenbach School for the Deaf—	
Tuition	2,475,000
Licensing fees—Miscellaneous	375,000
Non-public schools textbook recoveries	250,000
State Board of Examiners	1,433,000
Department of Environmental Protection:	
Air pollution fees	4,125,000
Clean Communities Account fees	400,000
Environmental Cleanup Responsibility Act	3,500,000
Environmental Services Fund	4,750,000
Examination licensing fees	17,000
Forest management sales	2,000
Hazardous waste	1,125,000
Hunters' and Anglers' License Fund	8,009,000
Marina rentals	441,000
Marine lands management—Delineation and title determination	772,000
Morris Canal Fund	40,000
New Jersey Pilot Commissioners	73,000
Parks management	3,151,000
Radiation protection	433,000
Pesticide control	258,000
New Jersey Pollutant Discharge Elimination System	10,000,000
New Jersey Water Supply Authority debt service repayments	770,000

Sanitary landfill closure fund,	
administration	210,000
Shellfish and marine fisheries	
management	298,000
Solid waste management fees	690,000
Spill fund administration	2,579,000
State Recycling Fund	848,000
Water pollution fees	1,006,000
Department of Health:	
Animal control act	939,000
Hospital rate setting	2,387,000
Licenses, permits and fees	1,200,000
Medicare health facility inspection	
fees	1,158,000
Rabies control	603,000
Department of Higher Education:	
Bond interest recoveries	358,000
Higher Education Assistance Authority ...	1,212,000
Department of Human Services:	
Adoption law fees	150,000
Marriage license fees	309,000
Title XIX health facility rate setting	
and inspection	1,173,000
Patients' and residents' cost recoveries:	
Developmental centers	80,000,000
Psychiatric hospitals	73,000,000
Special residential services	19,000,000
Department of Insurance:	
Actuarial services	1,200,000
Licensing and enforcement	6,416,000
Real Estate Commission	4,053,000
Department of Labor:	
Licenses, permits and fines	923,000
Special Compensation Fund	1,155,000
Department of Law and Public Safety:	
Amusement games control fees	270,000
Athletic control board fees	307,000
Beverage licenses	3,800,000
Bus excise tax	369,000
Drunk driving fines	1,100,000
Racing commission fees	180,000
Violent crime compensation	3,000,000

Division of Consumer Affairs:	
General revenues	1,590,000
Professional examining board fees	7,456,000
Securities Enforcement Fund	4,000,000
Division of State Police:	
Fingerprint fees	1,200,000
Private detective licenses	550,000
Other licenses	300,000
Motor Vehicle Security-Responsibility	
Law administration	5,200,000
Autobody licensing and enforcement	400,000
Motor vehicle surcharge program	16,000,000
Pleasure boat licenses	1,400,000
Other boating fees	787,000
Reimbursement for Division of Law	
services	5,630,000
Department of the Public Advocate:	
Rate counsel	4,595,000
Department of State:	
Office of Administrative Law—Fees	1,881,000
Commissions	691,000
General revenue—Fees	9,000,000
Uniform Commercial Code—Fees	2,140,000
Department of Transportation:	
Air Safety Fund	1,000,000
Applications and highway permits	600,000
Outdoor advertising	240,000
Autonomous transportation authorities	25,000,000
Department of the Treasury:	
Assessments—Cable TV	1,560,000
Assessments—Public Utility	17,083,000
Board of Public Utilities	125,000
Clean Communities Act	650,000
Coin-operated telephones	100,000
Escheats, Personal Property	
(14-year law)	300,000
Interest on deposits	1,300,000
Investment earnings	50,000,000
Municipal Purposes Tax Assistance	
Fund	70,000,000
Nuclear emergency response assessment ..	3,100,000
Public Utility Gross Receipts and	
Franchise Taxes (combined)	115,000,000

Public Utility Tax—Administration	250,000
Railroad Tax:	
Class II	2,300,000
Franchise	2,400,000
Vending machine commissions	50,000
Other Sources:	
Miscellaneous revenue	1,100,000
Inter-Departmental Accounts:	
Administration and investment of	
pension and social security funds	23,000,000
Employee maintenance deductions	1,500,000
Health benefits contribution reimbursement	
from special funds	24,000,000
Indirect cost recovery—Federal	8,000,000
Other fringe benefit reimbursement from	
special funds	3,109,000
Pension contribution reimbursement from	
special funds	34,000,000
Public employers' contribution	
reimbursement	16,500,000
Reimbursement from Rutgers—Employer's	
share of employees' benefits	4,000,000
Rent of State building space	1,700,000
Social Security contribution from special	
funds	24,000,000
Judicial Branch—	
Court fees	16,086,000
Superior Court Trust Fund	10,000,000
Violent Crimes Compensation Act	3,221,000
Total—Miscellaneous Taxes,	
Fees, Revenues	<u>\$825,724,000</u>

Interfund Transfers

Beaches and Harbor Fund	\$450,000
Clean Waters Fund	1,480,000
Community Development Bond Fund	350,000
Correctional Facilities Construction	
Fund	750,000
Correctional Facilities Construction Fund	
(Act of 1987)	700,000
Emergency Flood Control Fund	180,000
Energy Conservation Fund	230,000

Farmland Preservation Fund	600,000
Fund for Support of Free Public Schools	3,950,000
General Trust Fund	1,000
Higher Education Buildings Construction Fund (Act of 1971)	25,000
Housing Assistance Fund	80,000
Human Services Facilities Construction Fund	735,000
Jobs, Science and Technology Fund	800,000
Medical Education Facilities Fund	20,000
Mortgage Assistance Fund	390,000
Motor Vehicle Security-Responsibility Fund	13,000
Natural Resources Fund	720,000
New Jersey Bridge Rehabilitation and Improvement Fund	1,500,000
1983 New Jersey Green Acres Fund	700,000
Outstanding Checks Account	470,000
Outstanding Checks (6 years and over)	1,000,000
Public Purpose Buildings Construction Fund	1,600,000
Shore Protection Fund	1,000,000
State Disability Benefits Fund	15,500,000
State Land Acquisition and Development Fund	400,000
State Lottery Fund	527,500,000
State Lottery Fund Administration	21,103,000
State of New Jersey Cash Management Fund	500,000
State Recreation and Conservation Land Acquisition and Development Fund (Act of 1974)	600,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971)	55,000
State Water Development Fund	7,000
Transportation Fund	300,000
Transportation Rehabilitation and Improvement Fund of 1979	3,000,000
Unclaimed Bank Deposits Escheat Reserve Fund	1,875,000
Unclaimed Domestic Life Insurance Escheat Reserve Fund	871,000
Unclaimed Personal Property Trust Fund	11,725,000

Unemployment Compensation Auxiliary	
Fund	20,000,000
Unsatisfied Claim and Judgment Fund	1,090,000
Water Conservation Fund	504,000
Water Supply Fund	3,166,000
Worker and Community Right to Know	
Fund	3,733,000
Total—Interfund Transfers	<u>\$629,673,000</u>

Federal Revenue

Executive Branch:

Department of Agriculture:

Bridgeton clerical assistance	\$12,000
Brucellosis eradication	30,000
Cooperative gypsy moth suppression	600,000
Cooperative inspection service	30,000
Food distribution administrative expense	
fund	58,000
Jobs bill	1,300,000
Plant pest survey and detection	
program	28,000

Department of Commerce, Energy and

Economic Development:

Energy extension service	110,000
Institutional conservation program—schools	
and hospitals	250,000
State energy conservation program	400,000
Oil overcharge fund—Stage 2—Amoco	
motor gasolines and middle distillates ..	68,000
Natural gas pipeline safety program	114,000

Department of Community Affairs:

Community services block grant	10,043,000
Energy Conservation and Production Act	
of 1976	4,447,000
Food Distribution Act—Title VII—	
USDA	3,900,000
Moderate rehabilitation housing	
assistance	6,920,000
Rental assistance for low income	
facilities	38,225,000
Housing voucher demonstration	10,550,000

Stewart B. McKinney Homeless Assistance Act	1,434,000
Older Americans Act of 1965—Title III ...	27,698,000
Section 8 voucher certificate program	1,430,000
Small cities block grant	10,750,000
Miscellaneous housing programs	6,595,000
Department of Corrections:	
Chapter II block grant	15,000
Correction training and technical assistance	30,000
Project HELP developmental disabilities grant	79,000
Wee care program	66,000
Vocational education grant—Basic	45,000
Mariel Cubans reimbursement	500,000
Improvement of interstate probation and parole	16,000
Miscellaneous corrections programs	57,000
Department of Veterans' Affairs and Defense:	
Army facilities—Service contract	1,365,000
Air National Guard security agreements—Atlantic City and McGuire A.F.B	456,000
Miscellaneous military services	1,001,000
Atlantic City air base—Service contract ..	970,000
Fire fighter/crash rescue service agreement—Atlantic City	540,000
McGuire Air Force Base—Service contract	1,110,000
National Guard communications services	230,000
Training and equipment pool sites	645,000
Service contracts	415,000
Miscellaneous military services	315,000
Veterans' Administration construction funds	3,101,000
Department of Education:	
Adult basic education program	3,084,000
Byrd scholarship program	292,000
Child care	12,420,000
Child nutrition	65,845,000
Consumer and useful homemaking education	865,000

Drug-free schools and communities	4,791,000
Early intervention programs	2,271,000
Education block grant Chapter II	16,034,000
Education Consolidation and Improvement Act—Title I—administration	1,524,000
Education Consolidation and Improvement Act—Title I—delinquent	1,657,000
Education Consolidation and Improvement Act—Title I—disadvantaged	128,581,000
Education Consolidation and Improvement Act—Title I—handicapped	4,693,000
Education for Economic Security Act	2,510,000
Elementary and Secondary Education Act—Title VI—handicapped	58,759,000
Emergency immigration education assistance	964,000
Library Services and Construction Act—Title I	2,300,000
Library Services and Construction Act—Title II	695,000
Library Services and Construction Act—Title III	530,000
Libraries, literacy and urban communities program	25,000
Migrant education programs	2,190,000
Preschool incentive grant	7,824,000
Nutrition education training program	147,000
Civil rights—Technical assistance and training	748,000
Transition program for refugee children ...	329,000
Bilingual education, SEA project— Coordinating technical assistance	72,000
State education training—handicapped	104,000
AIDS prevention education	393,000
Community based organizations	152,000
Career education	154,000
Deaf/blind training grant	230,000
Miscellaneous education programs— corrections	311,000
National diffusion administration	150,000
Literacy training—Homeless adults	372,000
Homeless children and youth	145,000
Veterans' readjustment benefits	137,000

Removal of architectural barriers	1,524,000
School breakfast and milk	7,000,000
Services to deaf/blind children	217,000
Summer nutrition programs	4,600,000
Vocational education—Basic grants	20,856,000
Miscellaneous education programs	3,052,000
Department of Environmental Protection:	
Air pollution maintenance program	3,700,000
Coastal zone management fourth year implementation	2,500,000
Consolidated forest management	175,000
Construction grants program	8,000,000
Construction loan revolving fund	100,000,000
Hazardous waste—Resource Conservation Recovery Act	4,700,000
Inventory of hazardous waste site	5,000,000
Land and Water Conservation Fund— SCORP grants	10,000,000
Hunters' and Anglers' Fund	2,600,000
Safe Drinking Water Act	725,000
Superfund grants	140,000,000
Water pollution control program	2,500,000
Rural community fire protection program	36,000
Survey and planning operational	1,000,000
Cooperative pesticide enforcement	187,000
Pesticide technology	25,000
Anadromous herring run restoration	20,000
Gypsy moth suppression	40,000
Emergency oyster seed bed revitalization	250,000
Surf clam management	80,000
Winter flounder management plan	15,000
Weakfish management plan	10,000
Striped bass stock identification	350,000
Endangered plant species—research and management	350,000
Northeast Hazardous Waste Coordination Committee	370,000
Environmental monitoring program	42,000
Routine compliance testing for diagnostic x-ray system	12,000
Monitoring and planning—205J	2,725,000

Forest resource management—Cooperative forest fire control	175,000
Community risk information and decision-making	50,000
Evaluation of risk communication	50,000
Risk communication—Public meetings	50,000
Resource conservation and development ..	2,000
Historic preservation—Acquisition and development	250,000
Inventory of New Jersey coastal waters ...	150,000
CERCLA enforcement	1,000,000
Northeast regional biomass program	30,000
Marine fisheries enforcement	25,000
Marine fisheries investigation and management F-1 5-R-22	300,000
Endangered species E-I-6	60,000
Trapper education program	25,000
Shellfish research and inventory	29,000
Fisheries management council	30,000
Underground injection control	100,000
Groundwater program	250,000
Clean lakes program	10,000,000
Non-point source control	1,900,000
Underground storage tanks trust	8,800,000
Department of Health:	
Alcohol, drug abuse and mental health block grant	21,505,000
Anti-drug abuse	5,000,000
Certification for Titles XVIII and XIX eligibility	84,000
Family planning Title X	2,300,000
Immunization project	705,000
Maternal and child health block grant	10,558,000
Preventive health services block grant	2,765,000
Supplemental food program—W.I.C.	43,000,000
Sexually-transmitted disease training center program	236,000
Capacity building—Occupational safety and health	128,000
Venereal disease project	1,525,000
Microfilming of health statistics	3,000
Vital statistics component	222,000
Genetic counseling and testing	201,000

Effects of exposure to toxic waste sites on reproductive outcomes	358,000
Diabetes control project	225,000
Toxic shock syndrome	99,000
Automation of IDRC data base	156,000
Herbicide worker study	193,000
National death index	43,000
SEER project	680,000
Perinatal HIV reduction	825,000
Linked birth and infant death data systems	10,000
Food inspection—N.J. Highway Authority	170,000
Miscellaneous occupational and environmental health control	10,000
Sentinel event notification system	130,000
Demonstration program to conduct health assessments	272,000
Newark AIDS service demonstration project	400,000
AIDS epidemiologic study of blood donors	119,000
Food inspection program	250,000
Tuberculosis control program	342,000
Health program for Indo-Chinese refugees	120,000
Tumors among blacks	386,000
AIDS study of blood donors	150,000
Miscellaneous community health services	750,000
Miscellaneous AIDS programs	16,302,000
Department of Higher Education:	
Bankhead-Jones Fund	50,000
Carl D. Perkins scholarship program	550,000
Education for Economic Security Act— Title II	925,000
State student incentive grant program	2,000,000
State loan administrative cost deduction and allowance	9,202,000
Technical assistance for bilingual education	11,000
Veterans' program	253,000

Department of Human Services:	
AFDC teenage parent program	2,155,000
Child support and paternity—Title IV-D .	44,186,000
Child welfare—Title IV-B	5,298,000
Community care waiver ICF/MR	27,703,000
Dependent children assistance—	
Title IV-A	293,642,000
Developmental disabilities	2,105,000
Food stamp program	32,637,000
Foster care—Title IV-E	18,297,000
Foster grandparents program	725,000
Intermediate care facilities—Mental	
Retardation—Title XIX	124,667,000
McKinney homeless assistance act	1,752,000
DYFS restricted grants	851,000
REACH	20,300,000
Respite care for the elderly	2,000,000
Miscellaneous employment programs	3,383,000
Low income energy assistance block	
grant	58,523,000
Medical assistance—Title XIX	897,099,000
Refugee resettlement program	5,459,000
Rehabilitation of the blind—Section 120 .	7,700,000
Social services block grant	84,895,000
Supplemental Security Income	8,000,000
Miscellaneous federal grants	691,000
National Institute of Mental Health	
grants	757,000
Department of Labor:	
Job Training Partnership Act—	
administration	1,792,000
Job Training Partnership Act—	
Title IIA (Basic)	34,842,000
Job Training Partnership Act—Title IIB	
(Summer Youth)	20,000,000
Job Training Partnership Act—Title III	
(Dislocated Workers)	4,747,000
Job Training Partnership Act—	
Title IVC	200,000
Vocational Rehabilitation Act of 1973	27,515,000
Miscellaneous vocational rehabilitation	
programs	371,000
Unemployment insurance	37,652,000

Planning and research—Social Security Act	1,614,000
Management and administration—Social Security Act	47,391,000
Disability determination	23,308,000
Disability hearings unit	63,000
Drug addicts and alcoholic program SSI ..	42,000
Rehabilitation in-service training	50,000
Rehabilitation of SSI beneficiaries	200,000
Comprehensive services for independent living	212,000
Vocational rehabilitation refunds	400,000
UI reemployment demonstration project ..	200,000
OSHA on-site consultation	1,224,000
Mine safety education program	43,000
OSHA 200-s survey	116,000
Occupation informational coordinating program	120,000
Department of Law and Public Safety:	
Emergency management assistance program	1,632,000
Fatal accident reporting system	61,000
Federal highway safety programs	5,499,000
FEMA State assistance program	80,000
New charge resolution project	450,000
Juvenile justice administration and grants	1,602,000
Nuclear civil protection planning	163,000
Emergency management training and education	115,000
Radiological defense officer project	57,000
Hazardous materials, Title III	110,000
Miscellaneous criminal justice grants	1,740,000
Radiological systems maintenance	70,000
State of New Jersey Improvement grant ..	25,000
Medicaid fraud unit	2,500,000
National shelter survey	46,000
Recreational boating safety financial assistance	704,000
SLEPA—planning and grants	5,463,000
SLEPA—crime victims' assistance grants	1,300,000
Age discrimination project	85,000

Fair housing assistance program	183,000
Victim assistance grants	2,000,000
Department of the Public Advocate:	
Advocacy for the developmentally disabled	450,000
Clients' assistance project	261,000
Mental health protection and advocacy ...	317,000
Department of State:	
Arts in school	89,000
Basic block grant	423,000
IMS general support	100,000
NEA arts expansion	50,000
NEA design arts	15,000
NEH Black migration project	50,000
NEH historical exhibition	50,000
Department of Transportation:	
Interstate projects	225,090,000
Interstate transfer program	49,800,000
Urban system highway projects	30,100,000
Consolidated primary projects	55,000,000
Demonstration projects	32,600,000
Rural secondary projects	6,300,000
Airport Fund	17,000,000
Metropolitan planning funds	1,700,000
NJ Statewide public transportation grant	1,800,000
Highway planning and research	5,200,000
Supportive services highway construction training programs	750,000
Motor carrier safety assistance program ..	2,000,000
Bridge and safety program	92,000,000
Corridor safety improvements	25,000,000
Rail freight lines	1,000,000
The Judiciary:	
CASAS—Work with citizens' review board	30,000
N.J. Municipal Court Mercer vicinage	
DWI program	28,000
Total—Federal Revenue	<u>\$3,342,411,000</u>
Total Revenues, General Fund	<u>\$8,179,397,000*</u>
Less: Credit to Surplus Revenue Fund	<u>(\$117,062,500)</u>
Total Resources, General Fund	<u><u>\$8,479,221,005*</u></u>

Surplus Revenue Fund

Undesignated fund balance, July 1, 1988	\$170,872,495
Credit from General Fund	<u>117,062,500</u>
Total Revenues, Surplus Revenue Fund	<u>\$287,934,995</u>

Property Tax Relief Fund

Undesignated fund balance, July 1, 1988	\$272,907,038
Gross Income Tax	<u>2,910,000,000</u>
Total Resources, Property Tax Relief Fund	<u>\$3,182,907,038</u>

Gubernatorial Elections Fund

Undesignated fund balance, July 1, 1988	\$739,128
Taxpayers' Designations	<u>1,600,000</u>
Total Resources, Gubernatorial Elections Fund	<u>\$2,339,128</u>

Casino Control Fund

License Fees	<u>\$60,932,000</u>
Total Resources, Casino Control Fund	<u>\$60,932,000</u>

Casino Revenue Fund

Undesignated fund balance, July 1, 1988	\$137,000,000
Gross Revenue Tax	220,000,000
Investment Income	<u>10,000,000</u>
Total Resources, Casino Revenue Fund	<u>\$367,000,000</u>
Grand Total, Resources, All Funds	<u>\$12,380,334,166*</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, 1989. 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, 1989 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1989 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the director by July 31, 1989. 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, 1988, 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, 1988, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1988.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

01 Legislature

70 Government Direction, Management and Control

71 Legislative Activities

0001 Senate

01-0001 Senate		<u>\$6,803,000</u>
Total Appropriation,		
Senate		<u>\$6,803,000</u>
Personal Services:		
Senators (40)	(\$1,009,000)	
Salaries and wages	(2,499,000)	
Members' staff services	(2,400,000)	
Materials and Supplies	(192,000)	
Services Other Than Personal .	(655,000)	
Maintenance and Fixed Charges	(28,000)	
Additions, Improvements and		
Equipment	(20,000)	

The unexpended balance as of June 30, 1988 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly	<u>\$10,997,000</u>
Total Appropriation, General Assembly	<u>\$10,997,000</u>

Personal Services:

Members (80)	(\$2,009,000)
Salaries and wages	(3,200,000)
Members' staff services	(4,350,000)
Materials and Supplies	(228,000)
Services Other Than Personal .	(1,100,000)
Maintenance and Fixed Charges	(60,000)
Additions, Improvements and Equipment	(50,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Legislature	<u>\$17,800,000</u>

0003 Office of Legislative Services

03-0003 Legislative Support	
Services	<u>\$22,242,000</u>
Total Appropriation, Office of Legislative Services	<u>\$22,242,000</u>

Personal Services:

State Auditor	(\$65,000)
Salaries and wages	(11,992,000)
New positions	(408,000)
Materials and Supplies	(1,618,000)
Services Other Than Personal .	(3,061,000)
Maintenance and Fixed Charges	(1,653,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(28,000)
Continuation and expansion of data processing systems	(3,100,000)
Additions, Improvements and Equipment	(317,000)

The unexpended balance as of June 30, 1988 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.

09 Legislative Commissions

0010 Intergovernmental Relations Commission

09-0010 Intergovernmental		
Relations Commission		<u>\$617,000</u>
Total Appropriation,		
Intergovernmental Relations		
Commission		<u>\$617,000</u>
Special Purpose:		
Expenses of Commission	(\$12,000)	
The Council of State		
Governments	(92,000)	
Atlantic States Marine		
Fisheries Commission	(18,000)	
National Conference of		
Commissioners on Uniform		
State Laws	(20,000)	
Education Commission of		
the States	(70,000)	
National Governors'		
Association	(142,000)	
Advisory Commission on		
Intergovernmental Relations	(10,000)	
National Conference of		
State Legislatures	(116,000)	
Governmental Accounting		
Standards Board	(36,000)	
Northeast-Midwest Research		
Institute	(39,000)	

Coalition of Northeastern Governors	(54,000)
Northeast Directors of Employee Relations	(8,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

0014 Joint Committee on the Public Schools

The unexpended balance as of June 30, 1988 in this account is appropriated.

0018 State Commission of Investigation

09-0018 State Commission of Investigation	<u>\$2,817,000</u>
Total Appropriation, State Commission of Investigation	<u>\$2,817,000</u>
Special Purpose: Expenses of Commission	(\$2,817,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination in the Statutes	<u>\$199,000</u>
Total Appropriation, Commission to Study Sex Discrimination in the Statutes	<u>\$199,000</u>
Special Purpose: Expenses of Commission	(\$199,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026 Commission on Business Efficiency in the Public Schools	<u>\$55,000</u>

Total Appropriation, Commission
on Business Efficiency in the
Public Schools \$55,000

Special Purpose:

Expenses of Commission (\$55,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

0037 Emergency Response System Study Commission

The unexpended balance as of June 30, 1988 in this account is appropriated.

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, 1988 in this account is appropriated.

0042 New Jersey Monorail Legislative Commission

09-0042 New Jersey Monorail
Legislative Commission \$50,000

Total Appropriation, New Jersey
Monorail Legislative
Commission \$50,000

Special Purpose:

Expenses of Commission (\$50,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

*0049 Christopher Columbus Quincentennial
Observance Commission*

The unexpended balance as of June 30, 1988 in this account is appropriated.

*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	<u>\$590,000</u>
Total Appropriation, Commission on Legal and Ethical Problems in the Delivery of Health Care	<u>\$590,000</u>
Special Purpose:	
Expenses of Commission	(\$590,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

0053 New Jersey Law Revision Commission

09-0053 New Jersey Law Revision Commission	<u>\$400,000</u>
Total Appropriation, New Jersey Law Revision Commission	<u>\$400,000</u>
Special Purpose:	
Expenses of Commission	(\$400,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

*0054 New Jersey Olympian Development and
Recognition Study Commission*

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Legislative Commissions	<u>\$4,963,000</u>
Total Appropriation, Legislative Branch	<u><u>\$45,005,000</u></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>\$5,275,000</u>
Total Appropriation, Chief		
Executive's Office		<u>\$5,275,000</u>
Personal Services:		
Salaries and wages	(\$4,136,000)	
Materials and Supplies	(214,000)	
Services Other Than Personal .	(680,000)	
Maintenance and Fixed Charges	(130,000)	
Special Purpose:		
Allowance to the Governor		
of funds not otherwise		
appropriated, for official		
reception on behalf of		
the State, operation of		
an official residence		
and other expenses	(75,000)	
Additions, Improvements and		
Equipment	(40,000)	

The unexpended balances as of June 30, 1988 in the accounts herein-
above are appropriated.

10 DEPARTMENT OF AGRICULTURE

40 *Community Development and Environmental Management*42 *Natural Resource Management*

01-3310 Animal Disease		
Control		\$967,000
02-3320 Plant Pest and		
Disease Control		2,137,000
03-3330 Resource Development		
Services		<u>1,522,000*</u>
Total Appropriation, Natural		
Resource Management		<u>\$4,626,000*</u>
Personal Services:		
Salaries and wages	(\$3,039,000)	
Materials and Supplies	(185,000)	
Services Other Than Personal .	(230,000)	

Maintenance and Fixed Charges	(198,000)
Special Purpose:	
Indemnities—cattle, swine and fowl diseases	(11,000)
Gypsy moth control	(75,000)
Exotic plant pests and disease diagnostic services	(100,000)
Grants to soil conservation districts	(481,000)
Agricultural water use certification	(50,000)
Fish and seafood development and promotion	(150,000)
Future farmers' youth development	(40,000)
Additions, Improvements and Equipment	(67,000)

The unexpended balance as of June 30, 1988 in the Gypsy moth control account is appropriated for the same purpose.

Receipts from laboratory test fees in excess of \$50,000 are appropriated to support the animal health laboratory program.

The unexpended balance as of June 30, 1988 in the Cattle, swine and fowl indemnities account is appropriated for the same purpose.

Receipts in excess of \$5,000 from the seed laboratory testing and certification programs are appropriated for program costs.

Receipts from the sale of beneficial insects are appropriated to support the biological control laboratory.

50 Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services	<u>\$2,101,000*</u>
Total Appropriation, Economic Planning and Development	<u>\$2,101,000*</u>
Personal Services:	
Salaries and wages	(\$550,000)
Materials and Supplies	(14,000)
Services Other Than Personal .	(61,000)
Maintenance and Fixed Charges	(37,000)

Special Purpose:

Promotion/market development	(1,275,000)
Agricultural fairs	(60,000)
Wine promotion program	(40,000)
Temporary emergency food assistance program	(62,000)
Additions, Improvements and Equipment	(2,000)

Receipts for the Poultry Products Promotion Council, P.L. 1957, c. 47 (C. 54:47A-1 et seq.), White Potato Industry Promotion Council, P.L. 1957, c. 169 (C. 54:47B-1 et seq.), Asparagus Industry Promotion Council, P.L. 1959, c. 18 (C. 54:47C-1 et seq.), Apple Industry Promotion Council, P.L. 1959, c. 80 (C. 54:47D-1 et seq.), Sweet Potato Commission, P.L. 1966, c. 283 (C. 54:47E-1 et seq.), Soybean Industry Promotion Council, P.L. 1971, c. 308 (C. 4:10-43 et seq.), South Jersey Dairy Industry Advisory Council, P.L. 1971, c. 308 (C. 4:10-43 et seq.), Sire Stakes Fund, P.L. 1971, c. 85 (C. 5:5-91 et seq.), Dairy Industry Advisory Council, P.L. 1971, c. 308 (C. 4:10-43 et seq.), New Jersey Horsebreeding and Development, P.L. 1940, c. 17 (C. 5:5-22 et seq.), as amended by P.L. 1941, c. 137 and the unexpended balances as of June 30, 1988 of such receipts are appropriated.

Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable federal regulations, and the unexpended balance of such receipts as of June 30, 1988 are appropriated for expenses of Commodity Distribution.

52 Economic Regulation

04-3340 Dairy Industry Regulation	\$568,000
05-3350 Other Commodity Regulation	<u>948,000</u>
Total Appropriation, Economic Regulation	<u>\$1,516,000</u>
Personal Services:	
Salaries and wages	(\$1,345,000)
Materials and Supplies	(21,000)
Services Other Than Personal .	(87,000)

Maintenance and Fixed Charges	(61,000)
Additions, Improvements and Equipment	(2,000)

Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1988 of such receipts, are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

70 Government Direction, Management and Control
76 Management and Administration

99-3370 Management and Administrative Services	<u>\$2,256,000</u>
Total Appropriation, Management and Administration	<u>\$2,256,000</u>
Personal Services:	
Salaries and wages	(\$1,223,000)
Materials and Supplies	(30,000)
Services Other Than Personal	(208,000)
Maintenance and Fixed Charges	(52,000)
Special Purpose:	
Expenses of State Board of Agriculture	(18,000)
Affirmative action and equal employment opportunity programs	(28,000)
Additions, Improvements and Equipment	(697,000)
Total Appropriation, Department of Agriculture	<u>\$10,499,000*</u>

14 DEPARTMENT OF BANKING
50 Economic Planning, Development and Security
52 Economic Regulation

01-3010 Regulation of Banking Industry	\$2,730,000
02-3020 Regulation of Savings and Loan Associations	1,580,000

03-3030 Consumer Complaints, Legal and Economic Research	752,000
99-3040 Management and Administrative Services	857,000
Total Appropriation, Economic Regulation	<u>\$5,919,000</u>
Personal Services:	
Salaries and wages	(\$4,821,000)
Positions established from lump sum appropriation ...	(268,000)
Materials and Supplies	(73,000)
Services Other Than Personal .	(649,000)
Maintenance and Fixed Charges	(26,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(10,000)
Additions, Improvements and Equipment	(72,000)
Total Appropriation, Department of Banking	<u>\$5,919,000</u>

Receipts in excess of \$2,577,000 anticipated from examination and licensing fees, excluding those receipts derived from the "New Jersey Banking Oversight and Change of Control Act," P.L. 1986, c. 6 (C. 17:9A-373 et al.), are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All receipts received from the regulation and examination of bank holding companies are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1988 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	<u>\$9,036,000*</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$9,036,000*</u>
Personal Services:	
Salaries and wages	(\$5,420,000)
Positions converted	(462,000)
New positions	(75,000)
Materials and Supplies	(515,000)
Services Other Than Personal .	(907,000)
Maintenance and Fixed Charges	(500,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(20,000)
Programming	(194,000)
Grant from the State to produce the daily lottery drawing program	(150,000)
Program Development Fund .	(200,000)
Market research program	(50,000)
Grant to WBGO	(100,000)*
Grants to WNET	(250,000)
Additions, Improvements and Equipment	(193,000)
Receipts derived from leasing space on transmitter towers, rental of studio or production facilities to nonprofit organizations and sales or reproduction of authority-produced programs, and the unexpended balance as of June 30, 1988 of such receipts are appropriated.	
40 <i>Community Development and Environmental Management</i> 42 <i>Natural Resource Management</i>	
05-2820 Energy Resource	
Management	<u>\$2,089,000</u>

Total Appropriation, Natural Resource Management		<u>\$2,089,000</u>
Personal Services:		
Salaries and wages	(\$1,454,000)	
Materials and Supplies	(87,000)	
Services Other Than Personal .	(426,000)	
Maintenance and Fixed Charges	(36,000)	
Special Purpose:		
Task Force on Market Based Pricing of Electricity	(30,000)	
Other special purpose	(11,000)	
Additions, Improvements and Equipment	(45,000)	

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Department of Commerce, Energy and Economic Development with respect to assessment of public utilities, P.L. 1968, c. 173 (C. 48:2-59 et seq.) or other applicable laws.

Fees received from the "Electric Facility Need Assessment Act," P.L. 1983, c. 115 (C. 48:7-16 et seq.) are appropriated.

50 Economic Planning, Development and Security

51 Economic Planning and Development

20-2800 Economic Development	\$3,280,000*
20-2840 New Jersey Motion Picture and TV Development Commission	271,000
21-2850 International Trade	4,721,000
22-2860 Travel and Tourism	8,906,000
23-2870 Economic Planning	312,000
23-2880 Economic Research	237,000
25-2830 Urban Programs	264,000
26-2810 Development for Small Businesses and Women's and Minority Businesses	1,938,000
99-2910 Management and Administrative Services	<u>2,570,000</u>
Total Appropriation, Economic Planning and Development	<u>\$22,499,000*</u>

Personal Services:	
Salaries and wages	(\$4,591,000)
Positions established from lump sum appropriation	(610,000)
Positions converted	(75,000)
New positions	(38,000)
Materials and Supplies	(284,000)
Services Other Than Personal .	(1,389,000)
Maintenance and Fixed Charges	(262,000)
Special Purpose:	
Economic development, advertising and promotion	(1,962,000)
Small Business Development Center	(250,000)
Advertising and promotion ...	(50,000)
Expand procurement opportunities for minority and women owned businesses	(150,000)
New Jersey Products Trade Show	(400,000)
Office of Sister State Relations	(150,000)
International trade advertising and promotion	(939,000)
Foreign trade office	(650,000)
International trade staff augmentation	(1,250,000)
Governor's Commission on International Trade	(125,000)
International education center	(500,000)
Tourist welcome centers	(100,000)
Travel and tourism, advertising and promotion	(7,711,000)
Historical site and cultural promotion	(50,000)
Affirmative action and equal employment opportunity program	(30,000)
Grants:	
Financial assistance grant to county and municipal pilot programs	(95,000)

New Jersey State Library

Tourist matching grants for counties	(350,000)
Additions, Improvements and Equipment	(488,000)

The unexpended balance as of June 30, 1988, 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.

The unexpended balance as of June 30, 1988 in the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises account is appropriated.

The unexpended balance as of June 30, 1988 in the Urban Development Corporation account is appropriated.

The unexpended balance as of June 30, 1988 in the Grants to county and municipal pilot programs account is appropriated.

Of the amount hereinabove for the New Jersey Products Trade Show account, a sum not to exceed \$250,000, subject to the approval of the Director of the Division of Budget and Accounting, may be awarded to the Province of Zhejiang of China for the purpose of sponsoring a trade fair.

The unexpended balance as of June 30, 1988 in the Governor's Commission on International Trade account is appropriated.

The unexpended balance as of June 30, 1988 in the Foreign trade office account, not in excess of \$100,000, is appropriated.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology ..	<u>\$23,066,000</u>
Total Appropriation, New Jersey Commission on Science and Technology	<u>\$23,066,000</u>

Personal Services:	
Salaries and wages	(\$540,000)
Positions converted	(33,000)
Materials and Supplies	(29,000)
Services Other Than Personal .	(108,000)
Maintenance and Fixed Charges	(18,000)
Special Purpose:	
Business development	(885,000)
Grants:	
Biotechnology Programs:	
Center for Advanced	
Biotechnology and	
Medicine	(3,360,000)
Innovation partnerships	
in biotechnology	(500,000)
TEX center for cancer	
research	(450,000)
Material Sciences Programs:	
Center for Ceramics	
Research	(3,577,000)
Innovation partnerships in	
surface modification	(750,000)
TEX center for polymer	
processing	(450,000)
Plastics recycling	
center	(700,000)
Telematics Programs:	
Center for Computer Aids	
to Industrial	
Productivity	(1,435,000)
Innovation partnerships in	
telematics	(600,000)
TEX center for information	
services	(100,000)
Center for Advanced Food	
Technology	(1,557,000)
Hazardous and toxic	
substance management	
programs	(3,087,000)
Center for manufacturing	
engineering sciences	(500,000)
Fisheries development and	
aquaculture	(515,000)

Advanced scientific computer center	(2,455,000)
American Electronic Association challenge grant	(305,000)
Advanced technology centers— new equipment	(1,102,000)
Additions, Improvements and Equipment	(10,000)
The unexpended balances as of June 30, 1988 from the Science and Technology Special Purpose and Grants accounts are ap- propriated, except that the balance in the Advanced technology centers—new equipment account shall lapse.	
Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$56,690,000*</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

01-8010 Housing Code Enforcement	\$3,461,000
02-8020 Housing Services	11,257,000
04-8030 Local Government Services	3,632,000
06-8015 Uniform Construction Code	1,868,000
12-8025 Boarding Home Regulation and Assistance	2,596,000
17-8017 Fire Safety	1,583,000
18-8017 Fire Safety Inspection Program	5,963,000
20-8035 Hackensack Meadowlands Development	<u>5,119,000</u>
Total Appropriation, Community Development Management	<u>\$35,479,000</u>
Personal Services:	
Board members (7 @ \$8,000)	(\$56,000)
Salaries and wages	(11,182,000)
Positions converted	(177,000)
Materials and Supplies	(292,000)

Services Other Than Personal .	(1,555,000)
Maintenance and Fixed Charges	(505,000)
Special Purpose:	
Cooperative housing	
inspection	(800,000)
Boarding House Rental	
Assistance Fund	(1,000,000)
Truth in Renting	(40,000)
Planned Real Estate	
Development Full	
Disclosure Act	(195,000)
Council on Affordable	
Housing	(1,600,000)
Neighborhood preservation—	
fair housing	(1,125,000)
Local fire fighters	
training	(500,000)
Grants:	
Shelter assistance	(2,000,000)
Prevention of homelessness ...	(4,800,000)
Fire safety inspection and	
enforcement—LEA rebates	(4,290,000)
Grant to Middlesex county for	
John E. Toolan Kiddie	
Keep Well Camp	(150,000)
Hackensack Meadowlands	
Development Commission—	
Debt service	(315,000)
Hackensack Meadowlands	
Development Commission—	
Special project	(466,000)
Hackensack Meadowlands	
Development Commission—	
Municipal Committee	(110,000)
Hackensack Meadowlands	
Development Commission	
operations	(4,228,000)
Additions, Improvements and	
Equipment	(93,000)

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 unexpended balance as of June 30, 1988 in the Truth in Renting account together with any receipts in excess of the amount anticipated are appropriated.
- 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, 1988 in the Planned Real Estate Development Full Disclosure Act account together with any receipts in excess of the amount anticipated are appropriated.
- The amount hereinabove for the Planned Real Estate Development Full Disclosure Act account is payable out of those receipts, fees, fines, and penalties supporting the "Planned Real Estate Development Full Disclosure Act," P.L. 1977, c. 419 (C. 45:22A-21 et seq.), and out of any amount remaining therein. If receipts are less than anticipated, the appropriation shall be reduced proportionately.
- 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) and subject to the approval of the Director of the Division of Budget and Accounting.
- Local government authority audit fees are appropriated for expenses of audits, subject to the approval of the Director of the Division of Budget and Accounting.
- 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 Home Warranty Security Fund in accordance with section 7 of P.L. 1977, c. 467 (C. 46:3B-7).
- Uniform Construction Code fees received 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.
- Notwithstanding the provisions of section 2 of P.L. 1979, c. 121 (C. 52:27D-124.1), a sum not to exceed \$1,000,000 is appropriated

from the Uniform Construction Code Revolving Fund for the purpose of such fund; provided however, that any receipts and balances in excess of \$1,000,000 in the Uniform Construction Code Revolving Fund shall lapse.

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 Finance Agency, in the form of rental assistance or otherwise, necessary to meet debt service on Housing Finance Agency Life Safety Improvement Loans.

The unexpended balance as of June 30, 1988 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.

Such amounts necessary for the payment of principal and interest for outstanding notes of the Hackensack Meadowlands Development Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

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 et seq.), in the fiscal year are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Council on Affordable Housing and Neighborhood preservation—fair housing accounts are payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L. 1968, c. 49 (C. 46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation

Nonlapsing Revolving Fund pursuant to section 4 of P.L. 1975, c. 176 (C. 46:15-10.1).

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, reports on January 1, 1989 and March 1, 1989 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 Continuing Care Retirement Communities program shall be reclassified and moved from the Housing Services program classification and be placed within the Uniform Construction Code program classification.

50 Economic Planning, Development and Security
55 Related Social Services Programs

05-8050 Community Resources .		\$5,650,000*
07-8052 Sports and Recreation .		2,080,000
08-8060 Programs for the Aging		1,348,000*
14-8061 Ombudsman's Office ...		1,236,000
15-8051 Women's Programs		2,517,000*
16-8062 Office of the Public		
Guardian		<u>750,000</u>
Total Appropriation, Related		
Social Services		
Programs		<u>\$13,581,000*</u>
Personal Services:		
Salaries and wages	(\$2,407,000)	
Positions converted	(70,000)	
Positions established from		
lump sum appropriation ...	(387,000)	
Materials and Supplies	(180,000)	
Services Other Than Personal .	(663,000)	
Maintenance and Fixed Charges	(114,000)	
Special Purpose:		
Entrepreneurship training		
in high schools	(100,000)	
Federal programs for the		
aging (State share)	(331,000)	

Expenses of the Commission	
on Aging	(3,000)
Conference on Aging	(15,000)
Youthful Volunteers	
Program	(100,000)
Ombudsman for the	
Institutionalized Elderly,	
expanded workload	(170,000)
New program initiatives	
for women	(91,000)
Expenses of the New Jersey	
Commission on Women	(7,000)
Job Training Center for	
Urban Women Act	(324,000)
Office of the Public	
Guardian	(200,000)
Grants:	
State Legal Services	
Office	(2,000,000)*
Office of Hispanic	
Affairs	(1,325,000)
Governor's Office on	
Volunteerism	(200,000)
Trenton urban gardening	(50,000)
Governor's Council on	
Physical Fitness and	
Sports	(300,000)
Special Olympics	(375,000)
New Jersey Waterfront	
Marathon	(300,000)
Recreation for the	
handicapped	(500,000)
New Jersey Sports Hall of	
Fame Advisory	
Commission	(75,000)
Women's Referral	
Central	(35,000)
Grants to women's	
shelters	(50,000)
Garden State Games	(250,000)
Health Insurance Options	
for the Elderly	(100,000)
Senior Olympics Program	(70,000)

Grants to displaced homemaker centers	(945,000)
Grant to Newark YM/WCA (Clinton Hill branch)	(50,000)
Grant to La Casa De Don Pedro	(60,000)*
Grant to The Leaguers, Inc.	(60,000)
Grant to the Greater Newark Fresh Air Fund	(25,000)
International Youth Organization, Newark	(50,000)
Grant to Sisters of Mercy, Asbury Park	(70,000)
Grant to West Side Community Center—Asbury Park	(50,000)*
Grant to Irvington PAL	(35,000)*
Grant to United Vailsburg Service Organization	(70,000)
Grant to North Ward Cultural Center	(260,000)*
Grant to ASPIRA—Trenton, Hispanic youths	(50,000)
Grant to Ozanam Shelter	(75,000)
Grant to YMCA— Metuchen	(15,000)*
Grant to Keyport Women's Resource Center	(15,000)*
Grant to Hunterdon YMCA— Camp Carr program expansion	(100,000)
Grant to Middletown Teen Center	(25,000)
Grant to Samaritan Center, Inc.—emergency funds for the homeless	(25,000)*
Grant to West Milford Center for Displaced Homemakers	(5,000)
Grant to YMCA Youth in Government program	(20,000)

Grant to Housing and Neighborhood Development Services, Inc.	(65,000)*
Grant to Warren County Domestic Abuse and Rape Crisis Center	(50,000)
Grant to Salem County YMCA	(30,000)*
Grant to El Primer Paso, Ltd. for capital improvements	(50,000)
Grant to Hackensack Rape Crisis Center	(25,000)*
Grant to Services for the Missing, Inc.	(20,000)*
Grant to Collingswood Women Against Rape	(30,000)
Grant to Keansburg Day Care Center	(40,000)
Grant to Boys and Girls Clubs of Newark	(50,000)
Grant to Middlesex County Hand in Hand	(7,000)
Grant to the Grant Avenue Community Center	(50,000)
Grant to ASPIRA of Camden	(50,000)
Grant to Middlesex County Economic Opportunity Corporation—Senior Co-op	(10,000)
Grant to Regional Center for Chinese Studies, Montville Township	(50,000)
Grant to People Care Center of Somerset County	(100,000)*
North Ward Volunteer Rescue Squad in Newark	(78,000)
Grant to Long Branch Community Club	(10,000)*

Grant to Irvington Senior Citizen Center	(25,000)*
Additions, Improvements and Equipment	(44,000)

Receipts from the Office of the Public Guardian and the unexpended balances in the Office of the Public Guardian account as of June 30, 1988 are appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Trenton urban gardening account is appropriated for the same purpose.

*70 Government Direction, Management and Control
76 Management and Administration*

99-8070 Management and Administrative Services	<u>\$3,883,000</u>
Total Appropriation, Management and Administration	<u>\$3,883,000</u>
Personal Services:	
Salaries and wages	(\$3,089,000)
Materials and Supplies	(27,000)
Services Other Than Personal .	(608,000)
Maintenance and Fixed Charges	(79,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(60,000)
Additions, Improvements and Equipment	(20,000)
Total Appropriation, Department of Community Affairs	<u>\$52,943,000*</u>

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

13-7025 Institutional Program Support	<u>\$68,847,000*</u>

Total Appropriation, System-Wide Program Support		<u>\$68,847,000*</u>
Personal Services:		
Salaries and wages	(\$6,959,000)	
Positions established from lump sum appropriation	(957,000)	
Materials and Supplies	(23,000)	
Services Other Than Personal .	(361,000)	
Special Purpose:		
Integrated information systems development	(1,511,000)	
Augment medical care at institutions	(6,251,000)	
Farm operations subsidy	(750,000)	
Adult post-secondary and college programs	(240,000)	
Increased inmate wages	(300,000)	
Emergency facility repairs	(500,000)	
Expanded classification services	(177,000)	
Expanded substance abuse program	(127,000)	
Social services block grant support	(83,000)	
Computerized menu planning	(16,000)	
Institutional law libraries	(5,000)	
Radio conversion program	(693,000)	
Central office transportation unit	(150,000)	
Additional staffing, hospital unit	(104,000)	
Recruit screening program	(347,000)	
Expanded inmate highway cleanup program	(468,000)	
Expansion of Mutual Agreement Program	(350,000)	
Grants:		
Purchase of services for inmates incarcerated in county penal facilities	(40,698,000)	

Purchase of services for inmates incarcerated in out-of-State facilities	(200,000)
Purchase of community services	(7,025,000)
Joint Connection program	(196,000)
Transportation assistance for inmates' families' visitations	(226,000)
Additions, Improvements and Equipment	(130,000)

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 inmate housing which become ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1988 in the Purchase of service for inmates incarcerated in county penal facilities account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Commission on Vocational and Technical Training account is appropriated for the same purpose.

7040 New Jersey State Prison

07-7040 Institutional Control and Supervision	\$32,685,000
08-7040 Institutional Care Program	11,490,000
09-7040 Institutional Treatment Program	2,324,000
10-7040 Education Program	1,213,000
19-7040 Physical Plant and Support Services	4,292,000
99-7040 Management and Administrative Services	<u>1,209,000</u>
Total Appropriation, New Jersey State Prison	<u>\$53,213,000</u>
Personal Services: Salaries and wages	(\$38,791,000)

Positions established from	
lump sum appropriation ...	(402,000)
Food in lieu of cash	(262,000)
Materials and Supplies	(6,596,000)
Services Other Than Personal .	(5,993,000)
Maintenance and Fixed Charges	(576,000)
Special Purpose:	
Expanded AIDS unit	(123,000)
Claims	(3,000)
Additions, Improvements and	
Equipment	(467,000)

7050 East Jersey State Prison

07-7050 Institutional Control	
and Supervision	\$22,433,000
08-7050 Institutional Care	
Program	8,813,000
09-7050 Institutional Treatment	
Program	2,390,000
10-7050 Education Program	800,000
19-7050 Physical Plant and	
Support Services	3,568,000
99-7050 Management and	
Administrative Services	<u>904,000</u>
Total Appropriation,	
East Jersey	
State Prison	<u>\$38,908,000</u>
Personal Services:	
Salaries and wages	(\$21,173,000)
Positions established from	
lump sum appropriation ...	(6,213,000)
Food in lieu of cash	(196,000)
Materials and Supplies	(6,265,000)
Services Other Than Personal .	(4,313,000)
Maintenance and Fixed Charges	(495,000)
Additions, Improvements and	
Equipment	(253,000)

7060 Bayside State Prison

07-7060 Institutional Control	
and Supervision	\$15,201,000

08-7060 Institutional Care Program	6,782,000
09-7060 Institutional Treatment Program	1,922,000
10-7060 Education Program	775,000
19-7060 Physical Plant and Support Services	2,456,000
99-7060 Management and Administrative Services	831,000
Total Appropriation, Bayside State Prison	<u>\$27,967,000</u>
Personal Services:	
Salaries and wages	(\$18,148,000)
Positions established from lump sum appropriation ...	(1,668,000)
Food in lieu of cash	(154,000)
Materials and Supplies	(4,301,000)
Services Other Than Personal .	(3,081,000)
Maintenance and Fixed Charges	(490,000)
Additions, Improvements and Equipment	(125,000)

7065 Southern State Correctional Facility

07-7065 Institutional Control and Supervision	\$16,740,000
08-7065 Institutional Care Program	5,006,000
09-7065 Institutional Treatment Program	1,488,000
10-7065 Education Program	949,000
19-7065 Physical Plant and Support Services	1,992,000
99-7065 Management and Administrative Services	983,000
Total Appropriation, Southern State Correctional Facility	<u>\$27,158,000</u>
Personal Services:	
Salaries and wages	(\$20,642,000)
Food in lieu of cash	(161,000)
Materials and Supplies	(3,260,000)
Services Other Than Personal .	(2,391,000)

Maintenance and Fixed Charges	(614,000)
Additions, Improvements and Equipment	(90,000)

7070 Mid-State Correctional Facility

07-7070 Institutional Control and Supervision	\$6,988,000
08-7070 Institutional Care Program	3,258,000
09-7070 Institutional Treatment Program	877,000
10-7070 Education Program	430,000
19-7070 Physical Plant and Support Services	1,172,000
99-7070 Management and Administrative Services	<u>622,000</u>
Total Appropriation, Mid-State Correctional Facility	<u>\$13,347,000</u>
Personal Services:	
Salaries and wages	(\$9,566,000)
Food in lieu of cash	(79,000)
Materials and Supplies	(1,708,000)
Services Other Than Personal .	(1,688,000)
Maintenance and Fixed Charges	(215,000)
Additions, Improvements and Equipment	(91,000)

7075 Riverfront State Prison

07-7075 Institutional Control and Supervision	\$7,482,000
08-7075 Institutional Care Program	2,443,000
09-7075 Institutional Treatment Program	684,000
10-7075 Education Program	490,000
19-7075 Physical Plant and Support Services	1,373,000
99-7075 Management and Administrative Services	<u>662,000</u>

Total Appropriation, Riverfront State Prison		<u>\$13,134,000</u>
Personal Services:		
Salaries and wages	(\$10,015,000)	
Positions established from lump sum appropriation ...	(143,000)	
Food in lieu of cash	(82,000)	
Materials and Supplies	(1,696,000)	
Services Other Than Personal .	(960,000)	
Maintenance and Fixed Charges	(238,000)	

7080 Edna Mahan Correctional Facility for Women

07-7080 Institutional Control and Supervision		\$9,624,000
08-7080 Institutional Care Program		4,125,000
09-7080 Institutional Treatment Program		899,000
10-7080 Education Program		392,000
19-7080 Physical Plant and Support Services		1,281,000
99-7080 Management and Administrative Services		<u>521,000</u>
Total Appropriation, Edna Mahan Correctional Facility for Women		<u>\$16,842,000</u>
Personal Services:		
Salaries and wages	(\$10,123,000)	
Positions established from lump sum appropriation ...	(793,000)	
Food in lieu of cash	(97,000)	
Materials and Supplies	(1,496,000)	
Services Other Than Personal .	(1,954,000)	
Maintenance and Fixed Charges	(165,000)	
Special Purpose:		
Expanded capacity	(1,882,000)	
Female AIDS unit	(236,000)	
Additions, Improvements and Equipment	(96,000)	

7085 Northern State Prison

07-7085 Institutional Control and Supervision	\$12,709,000
08-7085 Institutional Care Program	4,065,000
09-7085 Institutional Treatment Program	1,387,000
10-7085 Education Program	872,000
19-7085 Physical Plant and Support Services	2,206,000
99-7085 Management and Administrative Services	<u>1,285,000</u>
Total Appropriation, Northern State Prison	<u>\$22,524,000</u>
Personal Services:	
Salaries and wages	(\$16,689,000)
Food in lieu of cash	(140,000)
Materials and Supplies	(3,483,000)
Services Other Than Personal .	(1,482,000)
Maintenance and Fixed Charges	(205,000)
Special Purpose:	
Additional staffing requirements	(475,000)
Additions, Improvements and Equipment	(50,000)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090 Institutional Control and Supervision	\$5,632,000
08-7090 Institutional Care Program	2,288,000
09-7090 Institutional Treatment Program	1,303,000
10-7090 Education Program	231,000
11-7090 Outpatient Diagnostic and Treatment Services	121,000
19-7090 Physical Plant and Support Services	640,000
99-7090 Management and Administrative Services	<u>586,000</u>

Total Appropriation, Adult Diagnostic and Treatment Center, Avenel		<u>\$10,801,000</u>
Personal Services:		
Salaries and wages	(\$6,236,000)	
Positions established from lump sum appropriation ...	(2,261,000)	
Food in lieu of cash	(67,000)	
Materials and Supplies	(1,128,000)	
Services Other Than Personal .	(949,000)	
Maintenance and Fixed Charges	(149,000)	
Additions, Improvements and Equipment	(11,000)	
<i>7110 Garden State Reception and Youth Correctional Facility</i>		
07-7110 Institutional Control and Supervision		\$11,866,000
08-7110 Institutional Care Program		4,671,000
09-7110 Institutional Treatment Program		2,114,000
10-7110 Education Program		644,000
19-7110 Physical Plant and Support Services		1,574,000
99-7110 Management and Administrative Services		<u>818,000</u>
Total Appropriation, Garden State Reception and Youth Correctional Facility		<u>\$21,687,000</u>
Personal Services:		
Salaries and wages	(\$16,196,000)	
Positions established from lump sum appropriation ...	(183,000)	
Food in lieu of cash	(117,000)	
Materials and Supplies	(2,929,000)	
Services Other Than Personal .	(1,875,000)	
Maintenance and Fixed Charges	(241,000)	
Additions, Improvements and Equipment	(146,000)	

7120 Albert C. Wagner Youth Correctional Facility

07-7120 Institutional Control and Supervision	\$13,956,000
08-7120 Institutional Care Program	4,281,000
09-7120 Institutional Treatment Program	1,425,000
10-7120 Education Program	656,000
19-7120 Physical Plant and Support Services	2,300,000
99-7120 Management and Administrative Services	<u>809,000</u>
Total Appropriation, Albert C. Wagner Youth Correctional Facility	<u>\$23,427,000</u>
Personal Services:	
Salaries and wages	(\$13,402,000)
Positions established from lump sum appropriation ...	(215,000)
Position converted	(34,000)
Food in lieu of cash	(103,000)
Materials and Supplies	(3,034,000)
Services Other Than Personal .	(1,861,000)
Maintenance and Fixed Charges	(252,000)
Special Purpose:	
Expanded capacity	(4,136,000)
Sewage treatment plant operation	(325,000)
Additions, Improvements and Equipment	(65,000)

7130 Mountainview Youth Correctional Facility

07-7130 Institutional Control and Supervision	\$10,764,000
08-7130 Institutional Care Program	3,909,000
09-7130 Institutional Treatment Program	1,387,000
10-7130 Education Program	325,000
19-7130 Physical Plant and Support Services	1,757,000

99-7130 Management and Administrative Services		637,000
Total Appropriation, Mountainview Youth Correctional Facility		<u>\$18,779,000</u>
Personal Services:		
Salaries and wages	(\$13,574,000)	
Positions established from lump sum appropriation ...	(230,000)	
Food in lieu of cash	(103,000)	
Materials and Supplies	(2,893,000)	
Services Other Than Personal .	(1,664,000)	
Maintenance and Fixed Charges	(248,000)	
Additions, Improvements and Equipment	(67,000)	

18 Juvenile Correctional Services

7210 Lloyd McCorkle Training School for Boys and Girls

07-7210 Institutional Control and Supervision		\$3,681,000
08-7210 Institutional Care Program		823,000
09-7210 Institutional Treatment Program		463,000
19-7210 Physical Plant and Support Services		787,000
99-7210 Management and Administrative Services		<u>491,000</u>
Total Appropriation, Lloyd McCorkle Training School for Boys and Girls		<u>\$6,245,000</u>
Personal Services:		
Salaries and wages	(\$5,185,000)	
Food in lieu of cash	(38,000)	
Materials and Supplies	(589,000)	
Services Other Than Personal .	(292,000)	
Maintenance and Fixed Charges	(121,000)	
Additions, Improvements and Equipment	(20,000)	

7220 New Jersey Training School for Boys

07-7220 Institutional Control and Supervision	\$6,002,000
08-7220 Institutional Care Program	1,654,000
09-7220 Institutional Treatment Program	992,000
19-7220 Physical Plant and Support Services	1,800,000
99-7220 Management and Administrative Services	<u>589,000</u>
Total Appropriation, New Jersey Training School for Boys	<u>\$11,037,000</u>
Personal Services:	
Salaries and wages	(\$8,760,000)
Positions established from lump sum appropriation ...	(92,000)
Food in lieu of cash	(70,000)
Materials and Supplies	(1,339,000)
Services Other Than Personal .	(494,000)
Maintenance and Fixed Charges	(185,000)
Additions, Improvements and Equipment	(97,000)

7225 Juvenile Medium Security Center

07-7225 Institutional Control and Supervision	\$2,934,000
08-7225 Institutional Care Program	613,000
09-7225 Institutional Treatment Program	279,000
19-7225 Physical Plant and Support Services	417,000
99-7225 Management and Administrative Services	<u>275,000</u>
Total Appropriation, Juvenile Medium Security Center	<u>\$4,518,000</u>
Personal Services:	
Salaries and wages	(\$3,884,000)

Food in lieu of cash	(31,000)
Materials and Supplies	(341,000)
Services Other Than Personal .	(155,000)
Maintenance and Fixed Charges	(78,000)
Additions, Improvements and Equipment	(29,000)

*18 Juvenile Correctional Services
12 Residential Care*

12-7230 Residential Group Center, Highfields	\$268,000
12-7240 Residential Group Center, Warren	238,000
12-7250 Residential Group Center, Ocean	466,000
12-7260 Residential Group Center, Turrell	936,000
12-7270 Juvenile Community Programs	<u>8,841,000*</u>
Total Appropriation, Residential Care	<u>\$10,749,000*</u>
Personal Services:	
Salaries and wages	(\$5,718,000)
Positions established from lump sum appropriation ...	(370,000)
Food in lieu of cash	(14,000)
Materials and Supplies	(258,000)
Services Other Than Personal .	(122,000)
Maintenance and Fixed Charges	(60,000)
Special Purpose:	
Community centers	(2,686,000)
Voorhees residential group center/south	(450,000)
Waterloo juvenile residential treatment center	(395,000)
Juvenile female programs	(300,000)
Youth advocacy project	(193,000)
Cumberland day treatment program	(85,000)
Grants:	
Juvenile Resource Center, Camden	(50,000)*

Somerfields Treatment Center	(30,000)
Additions, Improvements and Equipment	(18,000)

17 Parole and Community Programs
7010 Office of Parole and Community Programs

03-7010 Parole	\$12,089,000
04-7010 Community Programs .	<u>1,575,000</u>
Total Appropriation, Office of Parole and Community Programs	<u>\$13,664,000</u>
Personal Services:	
Salaries and wages	(\$10,503,000)
Positions established from lump sum appropriation ...	(532,000)
Food in lieu of cash	(10,000)
Materials and Supplies	(150,000)
Services Other Than Personal .	(421,000)
Maintenance and Fixed Charges	(596,000)
Special Purpose:	
Parolee electronic monitoring program	(250,000)
Payments to inmates discharged from facilities	(160,000)
Expanded juvenile aftercare program	(319,000)
Increased parole supervision	(382,000)
Community Residence Center, Jersey City	(54,000)
Community Service Center, Newark	(181,000)
Community Service Center, Essex	(84,000)
Additions, Improvements and Equipment	(22,000)

7280 State Parole Board

05-7280 State Parole Board		<u>\$6,407,000</u>
Total Appropriation, State Parole Board		<u>\$6,407,000</u>
Personal Services:		
Salaries and wages	(\$4,924,000)	
Materials and Supplies	(140,000)	
Services Other Than Personal .	(523,000)	
Maintenance and Fixed Charges	(134,000)	
Special Purpose:		
Increased inmate/parole population	(275,000)	
Central office security	(100,000)	
Juvenile parole services	(75,000)	
New board members and support staff	(200,000)	
Additions, Improvements and Equipment	(36,000)	

*19 Central Planning, Direction and Management
7000 Division of Management and General Support*

01-7000 Planning, Management and General Support		\$2,242,000
02-7000 Program Operations Support		2,756,000
19-7000 Physical Plant and Support Services		798,000
99-7000 Management and Administrative Services		<u>9,048,000</u>
Total Appropriation, Division of Management and General Support		<u>\$14,844,000</u>
Personal Services:		
Salaries and wages	(\$11,917,000)	
Positions converted	(268,000)	
Materials and Supplies	(476,000)	
Services Other Than Personal .	(1,335,000)	
Maintenance and Fixed Charges	(346,000)	
Special Purpose:		
Return of escapees and absconders	(252,000)	

Affirmative action and equal employment opportunity program	(117,000)
Additions, Improvements and Equipment	(133,000)
Total Appropriation, Department of Corrections	<u>\$424,098,000*</u>

Balances on hand as of June 30, 1988 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. 30:4-91.1 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 B-14 in the Governor's Budget Recommendation Document dated February 2, 1988 first shall be charged to the State Lottery Fund.

30 DEPARTMENT OF VETERANS' AFFAIRS AND DEFENSE

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services	\$6,499,000
40-3620 New Jersey National Guard Programs Support	1,552,000*
60-3600 Joint Training Center Management and Operations	1,488,000
99-3600 Management and Administrative Services	<u>3,680,000</u>
Total Appropriation, Military Services	<u>\$13,219,000*</u>
Personal Services:	
Salaries and wages	(\$7,433,000)
Positions converted	(70,000)

Materials and Supplies	(1,796,000)
Services Other Than Personal .	(986,000)
Maintenance and Fixed Charges	(648,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(5,000)
New Jersey Military Academy	(38,000)
Microfilm service charges	(15,000)
Joint Federal-State operations and maintenance contracts (State share)	(643,000)
National Guard recruitment enhancement	(100,000)
Additions, Improvements and Equipment	(1,485,000)

Receipts derived from the rental and use of armories and the unexpended balance of such receipts as of June 30, 1988 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, 1988 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

Receipts derived from the sale of meals at the dining facility, Sea Girt, and the unexpended balance of such receipts as of June 30, 1988 are appropriated.

80 Special Government Services
83 Services to Veterans
3610 Veterans' Programs Support

50-3610 Veterans' Outreach and Assistance	\$2,584,000*
70-3660 Burial Services	<u>1,357,000</u>
Total Appropriation, Veterans' Programs Support	<u>\$3,941,000</u>
Personal Services:	
Salaries and wages	(\$1,408,000)
New positions	(82,000)
Materials and Supplies	(639,000)
Services Other Than Personal .	(187,000)

Maintenance and Fixed Charges	(102,000)
Special Purpose:	
Agent Orange Commission ...	(225,000)
Veterans' transportation	(300,000)
Governor's Veterans' Service	
Council	(33,000)
Trenton Chapter, American	
Red Cross	(30,000)
Grants:	
Veterans' orphans' fund—	
education grants	(37,000)
Blind veterans' allowances	(46,000)
Paraplegic and hemiplegic	
veterans' allowances	(237,000)
Association of Blind	
Veterans	(25,000)
Post-traumatic stress	
disorder program	(300,000)
Additions, Improvements and	
Equipment	(290,000)

The unexpended balance as of June 30, 1988 in the Pointman study, Agent Orange Commission account is appropriated to continue the study.

The unexpended balance as of June 30, 1988 in the Temporary Advisory Commission on Women Veterans of New Jersey account is appropriated for the expenses of the commission.

*3630 New Jersey Memorial Home for Disabled Soldiers
at Menlo Park*

20-3630 Domiciliary and	
Treatment Services	\$7,814,000
30-3630 Physical Plant and	
Support Services	1,766,000
99-3630 Management and	
Administrative Services	<u>1,498,000</u>
Total Appropriation,	
New Jersey Memorial	
Home for Disabled	
Soldiers at	
Menlo Park	<u>\$11,078,000</u>

Personal Services:

Salaries and wages	(\$8,578,000)
New positions	(36,000)
Food in lieu of cash	(14,000)
Materials and Supplies	(1,156,000)
Services Other Than Personal .	(921,000)
Maintenance and Fixed Charges	(99,000)
Additions, Improvements and	
Equipment	(274,000)

*3640 New Jersey Memorial Home for Disabled Soldiers
at Paramus*

20-3640 Domiciliary and	
Treatment Services	\$3,593,000
30-3640 Physical Plant and	
Support Services	1,286,000
99-3640 Management and	
Administrative Services	<u>1,516,000</u>
Total Appropriation,	
New Jersey Memorial	
Home for Disabled	
Soldiers at	
Paramus	<u>\$6,395,000</u>

Personal Services:

Salaries and wages	(\$3,755,000)
New positions	(1,177,000)
Food in lieu of cash	(20,000)
Materials and Supplies	(708,000)
Services Other Than Personal .	(470,000)
Maintenance and Fixed Charges	(127,000)
Special Purpose:	
Purchase of Van	(75,000)
Additions, Improvements and	
Equipment	(63,000)

*3650 New Jersey Memorial Home for Disabled Soldiers
at Vineland*

20-3650 Domiciliary and	
Treatment Services	\$6,706,000
98-3650 Physical Plant and	
Support Services	1,774,000

99-3650 Management and Administrative Services		<u>1,603,000</u>
Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Vineland		<u>\$10,083,000</u>
Personal Services:		
Salaries and wages	(\$7,857,000)	
Food in lieu of cash	(5,000)	
Materials and Supplies	(1,167,000)	
Services Other Than Personal .	(679,000)	
Maintenance and Fixed Charges	(108,000)	
Additions, Improvements and Equipment	(267,000)	
Total Appropriation, Department of Veterans' Affairs and Defense		<u>\$44,716,000*</u>

Of the amount appropriated hereinabove for the Homes for Disabled Soldiers in the Department of Veterans' Affairs and Defense, such sums as the Director of the Division of Budget and Accounting shall determine from the amount scheduled for Operations of Homes for Disabled Soldiers at page B-14 in the Governor's Budget Recommendation Document dated February 2, 1988 first shall be charged to the State Lottery Fund.

Balances on hand as of June 30, 1988 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.

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.

The unexpended balance as of June 30, 1988 in the Department of Veterans' Affairs and Defense transition account from the amount appropriated by P.L. 1987, c. 444 is appropriated for the same purpose.

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*31 *Direct Educational Services and Assistance*

04-5064 Adult and Continuing Education	\$727,000
05-5066 Bilingual Education	229,000
06-5066 Compensatory Education	304,000
07-5065 Special Education	<u>1,573,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$2,833,000</u>
Personal Services:	
Salaries and wages	(\$2,468,000)
Materials and Supplies	(51,000)
Services Other Than Personal .	(201,000)
Maintenance and Fixed Charges	(13,000)
Special Purpose:	
Plan to revise special education	(100,000)

32 *Operation and Support of Educational Institutions*

12-5011 Marie H. Katzenbach School for the Deaf	\$7,635,000
15-5010 Project COED	<u>2,633,000</u>
Total Appropriation, Operation and Support of Educational Institutions	<u>\$10,268,000</u>
Personal Services:	
Salaries and wages	(\$8,125,000)
Materials and Supplies	(1,213,000)
Services Other Than Personal .	(294,000)
Maintenance and Fixed Charges	(327,000)
Special Purpose:	
Transportation expenses for students	(135,000)
Additions, Improvements and Equipment	(174,000)

Notwithstanding the provisions of N.J.S. 18A:61-1 and N.J.S. 18A:46-13, or any other law, \$2,475,000 of the amount hereinabove to the Marie H. Katzenbach School for the Deaf for

operating expenses shall be reimbursed by local boards of education; provided however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1988, of such receipts are appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1988 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>\$1,783,000</u>
Total Appropriation,	
Supplemental Education	
and Training Programs	<u>\$1,783,000</u>
Personal Services:	
Salaries and wages	(\$1,520,000)
Materials and Supplies	(36,000)
Services Other Than Personal .	(96,000)
Maintenance and Fixed Charges	(6,000)
Special Purpose:	
Employment policy	
initiatives	(25,000)
Grants:	
Career Education	
Incentive Act	(100,000)

34 Educational Support Services

30-5063 General Academic	
Education	\$6,228,000
31-5091 Academy for the	
Advancement of Teaching	
and Management	1,206,000
32-5061 Certification Programs	2,068,000

33-5067 Service to Local	
Districts	7,112,000
33-5068 Service to Local	
Districts	2,592,000
34-5067 Equal Educational	
Opportunity	222,000
36-5120 Pupil Transportation ...	396,000
37-5120 School Nutrition	163,000
38-5120 Facilities Planning	
and School Building Aid	<u>499,000</u>
Total Appropriation,	
Educational Support	
Services	<u>\$20,486,000</u>
Personal Services:	
Salaries and wages	(\$10,451,000)
Positions established from	
lump sum appropriation ...	(708,000)
Positions established in	
lieu of appropriated	
revenue	(916,000)
New positions	(39,000)
Materials and Supplies	(333,000)
Services Other Than Personal .	(1,171,000)
Maintenance and Fixed Charges	(142,000)
Special Purpose:	
Improved basic skills	
instruction (HSPT)	(45,000)
Effective schools program	(28,000)
Semiannual administration	
of the HSPT	(524,000)
Statewide testing program	(1,048,000)
Pre-kindergarten/kindergarten	
improvement	(26,000)
Pre-kindergarten for urban	
students	(20,000)
School completion for	
pregnant and parenting	
students	(30,000)
The New Jersey report	
card	(75,000)
Blueprint for a drug-free	
New Jersey	(220,000)

Advisory Council on Holocaust Education	(150,000)
Regional computer training and demonstration centers project	(412,000)
Urban initiative broad- based support	(418,000)
Comprehensive compliance audits	(160,000)
Internal and school district audit positions	(200,000)
Grants:	
Programs for the Gifted and Talented	(200,000)
Blueprint for a drug-free New Jersey	(1,675,000)
Academy for the Advancement of Teaching and Management grants to local school districts	(173,000)
Provisional teacher training programs	(375,000)
Minority teaching scholarship	(260,000)
Maxi-grant program	(500,000)
Pilot urban kindergarten program	(125,000)
Additions, Improvements and Equipment	(62,000)

The unexpended balance as of June 30, 1988 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 and the unexpended balances as of June 30, 1988 are appropriated for the operation of certification programs.

Receipts 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, 1988 are appropriated for the operation of the Academy.

The unexpended balances as of June 30, 1988 in the Blueprint for a drug-free New Jersey special purpose and grant accounts are appropriated for the same purposes.

The unexpended balance as of June 30, 1988 in the Literacy in the Arts Task Force account is appropriated for the same purpose.

35 Education Administration and Management

42-5120 School Finance and Auditing		\$1,411,000
99-5090 Management and Administrative Services		1,316,000
99-5095 Management and Administrative Services		<u>10,071,000</u>
Total Appropriation, Education Administration and Management		<u>\$12,798,000</u>
Personal Services:		
Salaries and wages	(\$5,121,000)	
Materials and Supplies	(318,000)	
Services Other Than Personal ..	(685,000)	
Maintenance and Fixed Charges	(239,000)	
Special Purpose:		
State Board of Education expenses	(61,000)	
Microfilm service charges	(37,000)	
Affirmative action and equal employment opportunity program	(48,000)	
Urban initiative operation school renewal	(190,000)	
Urban initiative—broad-based component	(237,000)	
Martin Luther King, Jr. Commemorative Commission	(250,000)	
Cooperative district relationship	(270,000)	
Parents initiative program	(450,000)	
Grants:		
Governor's teaching scholarships	(4,425,000)	
Additions, Improvements and Equipment	(467,000)	

The unexpended balance as of June 30, 1988 in the Martin Luther King Jr. Commemorative Commission account is appropriated for the same purpose.

Receipts derived from fees for school district personnel background checks and unexpended balances as of June 30, 1988 of such receipts are appropriated for the cost of operation.

The unexpended balance as of June 30, 1988 in Generally Accepted Accounting Principles Manual for local school districts account is appropriated for the same purpose.

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$3,891,000
54-5010 Support of the Arts	<u>652,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$4,543,000</u>
Personal Services:	
Salaries and wages	(\$2,770,000)
Materials and Supplies	(565,000)
Services Other Than Personal .	(384,000)
Maintenance and Fixed Charges	(28,000)
Special Purpose:	
Development of integrated library control system	(125,000)
New Jersey School of the Arts	(147,000)
Teen arts program	(122,000)
Governor's School	(383,000)
Additions, Improvements and Equipment	(19,000)

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1988 of such receipts are appropriated for the costs of operation.

Total Appropriation, Department of Education ..	<u>\$52,711,000</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 B-14 in the Governor's Budget Recommendation Document dated

February 2, 1988 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	\$3,589,000
11-4870 Forest Resource Management	4,875,000
13-4880 Hunters' and Anglers' License Fund	7,846,000
14-4885 Shellfish and Marine Fisheries Management	1,452,000
15-4890 Marine Lands Management	5,735,000*
20-4880 Wildlife Management ..	414,000
Total Appropriation, Natural Resource Management	<u>\$23,911,000*</u>
Personal Services:	
Salaries and wages	(\$12,514,000)
Materials and Supplies	(1,825,000)
Services Other Than Personal ..	(1,092,000)
Maintenance and Fixed Charges	(723,000)
Special Purpose:	
Office of the Rivermaster	(53,000)
Laboratory services (Department of Health)	(90,000)
Microfilm service charges	(65,000)
Fire fighting costs	(425,000)
Gypsy moth control	(200,000)
Woodland assessment	(75,000)
Disposal of dead deer	(195,000)
Sea clam enforcement	(63,000)
Expansion of clam enforcement programs	(50,000)
Oyster propagation and disease control, P.L. 1945, c. 39 (C. 50:3-20.17)	(60,000)
Surf clam research and inventory	(30,000)

Shellfish research and inventory	(22,000)
Regulation of freshwater wetlands	(1,000,000)
Delineation and determination of State riparian land	(200,000)
Tidelands Resource Council ..	(25,000)
Freshwater fish contamination study	(100,000)
Pequest Resource Center	(119,000)
Well permits	(207,000)
Well drillers	(33,000)
Excess diversion	(325,000)
Water allocation	(1,085,000)
Water/Wastewater operators .	(119,000)
Waterfront development	(363,000)
Wetlands	(30,000)
CAFRA	(225,000)
Stream encroachment	(1,613,000)
Additions, Improvements and Equipment	(985,000)

The unexpended balance as of June 30, 1988 in the Fire fighting costs account is appropriated for the same purpose.

The amounts hereinabove for the Waterfront development, Wetlands, CAFRA, and Stream encroachment accounts are payable out of receipts received through the Environmental Services Fund, P.L. 1975, c. 232 (C. 13:1D-29 et seq.) and the unexpended balances of the fund as of June 30, 1988, 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, Excess diversion, Water allocation, and Water/Wastewater operators accounts are payable out of receipts received through the Environmental Services Fund, P.L. 1975, c. 232 (C. 13:1D-29 et seq.) and the unexpended balances of the fund as of June 30, 1988, 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, 1988 in the Woodland assessment account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Hunters' and Anglers' License Fund together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be 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, \$518,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State-owned riparian lands; provided however, that there are appropriated from any receipts in excess of the amount anticipated, \$826,000 to meet peak demands of the marine lands management program.

Receipts not to exceed \$850,000 received pursuant to the "Freshwater Wetlands Protection Act," P.L. 1987, c. 156 (C. 13:9B-1 et seq.) and the unexpended balances as of June 30, 1988 in the Regulation of freshwater wetlands account are appropriated for the same purpose.

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 Non-game Species of Wildlife Conservation Fund, P.L. 1981, c. 170 (C. 54A:9-25.2), and the unexpended balance as of June 30, 1988 of such receipts are appropriated for protection of endangered and nongame wildlife species.

The unexpended balance as of June 30, 1988 in the Barnegat Bay Study Group account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Disposal of dead deer account is appropriated for the same purpose.

43 Environmental Quality

02-4825 Air Pollution Control ..	\$9,419,000
03-4830 Noise Control	465,000
07-4850 Water Monitoring and Planning	1,656,000*
08-4855 Water Enforcement	1,511,000
09-4860 Public Wastewater Facilities	950,000
17-4900 Solid Waste Resource Management	6,421,000
22-4861 Geological Survey	<u>11,341,000</u>
Total Appropriation, Environmental Quality	<u>\$31,763,000*</u>
Personal Services:	
Salaries and wages	(\$9,899,000)
Materials and Supplies	(397,000)
Services Other Than Personal .	(1,181,000)
Maintenance and Fixed Charges	(394,000)
Special Purpose:	
Air pollution monitoring and control programs	(3,600,000)
Ozone attainment	(475,000)
Acid rain study	(100,000)
Toxic air pollutants study	(148,000)
Noise control	(150,000)
Aircraft noise study	(200,000)
Noise control education program	(60,000)
Weed control—State controlled lakes	(50,000)

Laboratory services (Department of Health)	(469,000)
Protective clothing and safety equipment	(263,000)
New Jersey Wastewater Treatment Trust	(250,000)
Administration of Wastewater Treatment Fund	(700,000)
Clean Communities Account program	(400,000)
Solid waste expansion	(300,000)
New Jersey Pollutant Discharge Elimination System—Groundwater	(5,500,000)
New Jersey Pollutant Discharge Elimination System—Surface water	(4,500,000)
Groundwater investigation	(50,000)
Administration of Resource Recovery and Solid Waste Disposal Facility Fund	(235,000)
Worker and Community Right to Know	(1,022,000)
Recycling of Solid Waste	(848,000)
Sanitary Landfill Closure and Contingency Fund, Non-site specific administrative costs	(210,000)
Additions, Improvements and Equipment	(362,000)

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 from the Air pollution monitoring and control program in excess of \$4,125,000 are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the New Jersey Pollutant Discharge Elimination System—Groundwater and the New Jersey Pollutant Discharge Elimination System—Surface water accounts are payable out of receipts received pursuant to the provisions

of the "Water Pollution Control Act," P.L. 1977, c. 74 (C. 58:10A-1 et seq.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1988 in the New Jersey Pollutant Discharge Elimination System—Groundwater and the New Jersey Pollutant Discharge Elimination System—Surface water accounts together with any receipts in excess of the amount anticipated for New Jersey Pollutant Discharge Elimination System—Groundwater and New Jersey Pollutant Discharge Elimination System—Surface water are appropriated for the purposes of the New Jersey Pollutant Discharge Elimination System—Groundwater and the New Jersey Pollutant Discharge Elimination System—Surface water programs, respectively.

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, 1988 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, P.L. 1981, c. 278 (C. 13:1E-92 et seq.).

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.

The unexpended balance as of June 30, 1988 in the Worker and Community Right to Know 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 Account program 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.

The unexpended balance as of June 30, 1988 in the Clean Communities Account program account together with any receipts in excess of the amount anticipated for the Clean Communities Account are appropriated for the Clean Communities Account program administration.

Receipts received pursuant to the Underground Storage Tank Act, P.L. 1986, c. 102 (C. 58:10A-21 et seq.) and the unexpended balance as of June 30, 1988 in the Leaking underground storage tank account are 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 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 Closure and Contingency Fund, Non-site specific administrative costs account is payable out of the Sanitary Landfill Closure and Contingency Fund.

Receipts in excess of those anticipated for the Sanitary Landfill Closure and Contingency Fund, Non-site specific administrative costs 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 \$325,000 derived from Solid waste collector-hauler fees and the unexpended balance of such receipts as of June 30, 1988 are appropriated.

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection ...	\$4,449,000
04-4835 Pesticide Control	1,077,000
18-4810 Environmental Cancer and Toxic Substances	4,832,000

19-4815 Spill Prevention, Response and Site Cleanup		14,457,000
23-4910 Waste Management		<u>5,514,000</u>
Total Appropriation, Hazardous and Toxic Pollution Control		<u>\$30,329,000</u>
Personal Services:		
Salaries and wages	(\$12,980,000)	
Materials and Supplies	(746,000)	
Services Other Than Personal .	(2,364,000)	
Maintenance and Fixed Charges	(735,000)	
Special Purpose:		
Radon study	(1,200,000)	
Expansion of pesticide control program	(150,000)	
Quality assurance program ...	(150,000)	
Environmental laboratory	(200,000)	
Risk assessment	(150,000)	
Geographical information system expansion	(250,000)	
Environmental Cleanup Responsibility Act	(3,500,000)	
Environmental health assessment	(1,000,000)	
Environmental health research	(300,000)	
Nuclear Emergency Response	(1,000,000)	
Major Hazardous Waste Facilities Siting Act— Siting Commission	(408,000)	
Major Hazardous Waste Facilities Siting Act— Hazardous Waste Advisory Council	(15,000)	
Spill prevention, response and site cleanup, Non- site specific administrative costs	(1,729,000)	
Public cleanup expansion	(507,000)	
Responsible party cleanup	(618,000)	
Hazardous Waste Research ...	(850,000)	

Hazardous Waste Facilities	
Siting Commission—	
Review	(60,000)
Land emplacement facility	
site research	(225,000)
Site review and	
evaluation	(200,000)
Additions, Improvements and	
Equipment	(992,000)
Receipts in excess of \$148,000 derived from laboratory certification services are appropriated.	
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, 1988 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 \$433,000 from Radiation Protection are appropriated.	
The unexpended balance as of June 30, 1988 in the Radon study account is appropriated.	
The unexpended balance as of June 30, 1988 in the Radiological decontamination—Essex county account is appropriated.	
Receipts received pursuant to the radon testers certification act, P.L. 1986, c. 83 (C. 26:2D-70 et seq.) and the unexpended balances of such receipts as of June 30, 1988 are appropriated.	
The unexpended balances as of June 30, 1988 in the Environmental health assessment and Environmental health research accounts are appropriated.	
The unexpended balance as of June 30, 1988 in the Regional Low-Level Radioactive Waste Disposal Facility Siting Act account is appropriated.	
The amount hereinabove for the Spill prevention, response and site cleanup, Non-site specific administrative 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 administrative costs account, not to exceed \$221,000, are appropriated.

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 \$1,500,000 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.

Receipts in excess of the amount anticipated for the Environmental Cleanup Responsibility Act account 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, 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, 1988 in the Major Hazardous Waste Facilities Siting Act—Siting Commission and the Hazardous Waste Facilities Siting Commission—Review and the Site review and evaluation 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 are deposited to the Hazardous Discharge Site

Cleanup Fund, 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 \$175,000 from hazardous waste fees are appropriated for hazardous waste management program activities, subject to the approval of the Director of the Division of Budget and Accounting.

45 Recreational Resource Management

10-4865 Marina Operations	\$441,000
12-4875 Parks Management	22,395,000*
21-4895 Navigational Aids	<u>1,003,000</u>
Total Appropriation, Recreational Resource Management	<u>\$23,839,000*</u>
Personal Services:	
Salaries and wages	(\$14,466,000)
Positions established from lump sum appropriation ...	(811,000)
New positions	(528,000)
Materials and Supplies	(2,273,000)
Services Other Than Personal .	(1,346,000)
Maintenance and Fixed Charges	(1,385,000)
Special Purpose:	
Liberty State Park Development Corporation ..	(100,000)
Liberty State Park Commission	(22,000)
Maintenance—Old Barracks, Trenton (State share)	(323,000)
Expenses of the Delaware and Raritan Canal Commission	(149,000)
Youth conservation and recreation projects	(50,000)
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	(230,000)

Historic Sites Trust	(20,000)*
Expansion of natural heritage program	(120,000)
Expansion of historic sites and planning	(230,000)
Morven maintenance	(50,000)
Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes	(300,000)
Grants:	
Grant to Allgor-Barlon Museum—Wall township ..	(25,000)
Grant to Spring Lake Historical Society	(10,000)*
Grant to Strauss Museum— Atlantic Highlands	(10,000)*
Grant for Covenhoven House restoration	(25,000)
Grant to American Labor Museum—Botto House	(90,000)
Additions, Improvements and Equipment	(731,000)

Receipts in excess of \$441,000 from Marina operations are appropriated for maintenance and security of marina facilities.

The amount hereinabove for the operation, maintenance and administration of the Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General Fund such amounts as have been advanced from that fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

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, 1988 in the Expenses of the Delaware and Raritan Canal Commission account is appropriated.

4876 Palisades Interstate Park Commission

24-4876 Parks Management	\$1,818,000
25-4876 Patrol Activities and Crime Control	<u>1,196,000</u>
Total Appropriation, Palisades Interstate Park Commission	<u>\$3,014,000</u>
Personal Services:	
Salaries and wages	(\$2,316,000)
Materials and Supplies	(277,000)
Services Other Than Personal .	(154,000)
Maintenance and Fixed Charges	(163,000)
Additions, Improvements and Equipment	(104,000)

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, 1988 of such receipts are appropriated.

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs	\$2,299,000
99-4800 Management and Administrative Services	<u>8,506,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$10,805,000</u>
Personal Services:	
Salaries and wages	(\$8,307,000)
Materials and Supplies	(86,000)
Services Other Than Personal .	(732,000)
Maintenance and Fixed Charges	(103,000)
Special Purpose:	
Regulatory services expansion	(225,000)
Mosquito control coordination	(75,000)

Board of New Jersey Pilot Commissioners	(73,000)
Affirmative action and equal employment opportunity program	(50,000)
Data processing systems improvements	(1,026,000)
Office automation	(100,000)
Additions, Improvements and Equipment	(28,000)

The amount in the Board of New Jersey Pilot Commissioners account shall be payable out of receipts, and any receipts in excess of the amounts specifically set forth above, are appropriated.

Total Appropriation, Department of Environmental Protection ..	<u>\$123,661,000*</u>

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services*

01-4215 Vital Statistics	\$979,000
02-4220 Community Health Services	18,234,000*
03-4230 Epidemiology and Disease Control	6,715,000
04-4240 Narcotic and Drug Abuse Control	14,129,000
05-4250 Alcoholism Control	2,910,000*
08-4280 Diagnostic Services	5,736,000
09-4290 Clinical Laboratory Services	526,000
11-4235 Occupational and Environmental Health Control	8,861,000
12-4245 AIDS	<u>18,683,000</u>
Total Appropriation, Health Services	<u>\$76,773,000*</u>
Personal Services:	
Salaries and wages	(\$15,107,000)
Positions established from lump sum appropriation ...	(1,774,000)

Materials and Supplies	(3,099,000)
Services Other Than Personal .	(2,765,000)
Maintenance and Fixed Charges	(390,000)
Special Purpose:	
Worker and Community	
Right to Know	(2,087,000)
Maternal and child	
health	(200,000)
Infant mortality reduction	
program	(1,830,000)
Fetal alcohol syndrome	
program	(700,000)
Newborn screening, followup,	
and treatment for	
hemoglobins	(400,000)
Public Employee OSHA	(688,000)
AIDS surveillance	(287,000)
AIDS research	(315,000)
AIDS counselling and	
testing	(1,699,000)
AIDS community	
services	(181,000)
AIDS education and	
prevention	(1,546,000)
AIDS education	(60,000)
AIDS research and	
development	(216,000)
AIDS HIV studies	(354,000)
AIDS communicable	
disease control	(592,000)
Radon study	(250,000)
Occupational and environmental	
disease surveillance	
program	(320,000)
Asbestos control program	(1,016,000)
Occupational and environmental	
emergency response	
unit	(220,000)
Animal population control	(939,000)
Project TEACH—environmental	
health assessments	(100,000)
Rabies control	(603,000)

Grants:

Family planning services	(1,700,000)
Hemophilia services	(686,000)
Emergency medical services .	(209,000)
Chronic disease services	(144,000)
Testing for specific hereditary diseases	(115,000)
Services to victims of Huntington's Disease	(100,000)
Maternal and child health	(3,500,000)
Special health services for handicapped children ..	(2,000,000)
Chronic renal disease	(438,000)
Birth defects registry	(25,000)
New Jersey emergency medical service helicopter response program	(840,000)
Gerontology program	(136,000)
Tuberculosis services	(291,000)
Venereal disease clinics	(83,000)
Lead poisoning program	(395,000)
Urban rodent control	(157,000)*
Parolee rehabilitation project	(370,000)
Rape prevention	(500,000)
Inmate residential drug treatment	(250,000)
AIDS surveillance	(93,000)
AIDS research	(199,000)
AIDS counselling and testing	(1,714,000)
AIDS community services	(2,210,000)
AIDS education and prevention	(748,000)
AIDS education	(489,000)
AIDS communicable disease control	(547,000)
AIDS continuing grants	(4,888,000)
Alzheimer's disease program	(615,000)
National Burn Victim Foundation	(300,000)

Poison control center	(425,000)
Cleft palate program	(350,000)
Community drug programs (State share)	(8,092,000)
Immunization information program for new parents	(75,000)
Diabetes control program	(147,000)
Comprehensive drug and alcohol treatment system— development and expansion	(1,850,000)
In-State juvenile residential treatment services—development	(1,810,000)
Local alcoholism authorities— expansion	(420,000)
Compulsive gambling	(349,000)*
Vocational adjustment centers	(95,000)
The New Hope Foundation, Inc.	(50,000)
Shire Alcohol Treatment and Education Center	(100,000)*
Alcoholism services	(1,183,000)
Somerset County Council on Alcoholism	(50,000)*
MCOSS Nursing Services, Inc.	(75,000)
Epiphany House (Monmouth County)	(125,000)*
Medical support services for the homeless	(75,000)
Additions, Improvements and Equipment	(22,000)

The unexpended balance as of June 30, 1988 in the Rabies control account, together with any receipts in excess of the amount anticipated, not to exceed \$125,000, is appropriated.

The unexpended balance as of June 30, 1988 in the Animal population control account, together with any receipts in excess of the amount anticipated, is appropriated.

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, 1988 of the fees are appropriated.

The Divisions of Narcotic and Drug Abuse and Alcohol Control are authorized to bill a patient, or a patient's estate, or the person chargeable for his support, or the county of residence for institutional, residential and 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, 1988 from these billings and fees are appropriated to the Department of Health, Divisions of Narcotic and Drug Abuse and Alcohol Control, for the support of the alcohol and drug abuse programs.

The unexpended balance as of June 30, 1988 in the Worker and Community Right to Know Program account together with any receipts in excess of the amount anticipated, not to exceed \$207,000, is 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 amount hereinabove for the Animal population control 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.

The unexpended balance as of June 30, 1988 in the Radon study account is appropriated.

The Director of the Division of Budget and Accounting is empowered to transfer up to \$3,500,000 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 unexpended balance as of June 30, 1988, in the Special immunization education program account is appropriated.

The unexpended balance as of June 30, 1988, in the Supplemental Nutrition Assistance Contingency Fund account is appropriated.

The unexpended balance as of June 30, 1988, in the Cleft palate programs account is appropriated.

The unexpended balance as of June 30, 1988, in the HIV virus tracing program is appropriated.

The unexpended balance as of June 30, 1988, in the Health impact on ocean pollution survey account is appropriated.

The unexpended balance as of June 30, 1988 in the Asbestos control program account, not to exceed \$100,000, is appropriated.

The unexpended balance as of June 30, 1988 in the Public employees' occupational safety and health account, not to exceed \$200,000, is appropriated.

The unexpended balances as of June 30, 1988 in the Burn victim assistance program, Rape prevention and Somerset County Council on Alcoholism accounts are appropriated for the same purposes.

The unexpended balance as of June 30, 1988 in the New Jersey emergency medical service helicopter response program account, not to exceed \$560,000, is appropriated.

22 Health Planning and Evaluation

06-4260 Health Facilities	
Evaluation	\$4,996,000
07-4270 Health Planning and	
Resource Development	<u>6,171,000*</u>
Total Appropriation,	
Health Planning and	
Evaluation	<u>\$11,167,000*</u>
Personal Services:	
Salaries and wages	(\$6,855,000)

Positions established from lump sum appropriation ...	(78,000)
Positions established in lieu of appropriated revenue	(1,621,000)
Materials and Supplies	(177,000)
Services Other Than Personal .	(1,699,000)
Maintenance and Fixed Charges	(172,000)
Special Purpose:	
Local health planning agencies	(475,000)*
Additions, Improvements and Equipment	(90,000)

Receipts derived from fees charged for the review of uniform construction code plans for health facilities, and for the Certificate of Need program and the unexpended balances of such receipts as of June 30, 1988, are appropriated for the costs of these programs.

The unexpended balance as of June 30, 1988 in the Hospital rate setting account together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the Hospital rate setting account is payable out of the Hospital Rate Setting Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1988 in the Anatomical gifts option account is appropriated.

25 Health Administration

87-4210 Research, Policy, and Planning	\$1,779,000
99-4210 Management and Administrative Services	<u>9,315,000</u>
Total Appropriation, Health Administration	<u>\$11,094,000</u>
Personal Services:	
Salaries and wages	(\$6,660,000)
Materials and Supplies	(227,000)
Services Other Than Personal .	(903,000)
Maintenance and Fixed Charges	(544,000)

Special Purpose:

Office automation (307,000)

Affirmative action and equal
employment opportunity
program (66,000)Conference on Health for Blacks
in New Jersey (70,000)

Grants:

Commission on Cancer
Research (2,100,000)Additions, Improvements and
Equipment (217,000)

Of the amount hereinabove for the Commission on Cancer Research,
\$1,000,000 is to first be charged to the Cancer Research Fund
pursuant to section 5 of P.L. 1982, c. 40 (C. 54:40A-37.1).

Receipts from various fees and licenses collected by the Department
of Health, in excess of those anticipated, are appropriated.

Total Appropriation,
Department of Health \$99,034,000*

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

02-5400 Support to Independent
Institutions \$33,033,00003-5400 New Jersey Educational
Opportunity Fund 23,879,00004-5400 Student Financial
Support Services 65,003,00005-5400 Student Financial
Assistance Administration 3,836,00099-5400 Management and
Administrative Services 36,822,000

Total Appropriation,
Office of the Chancellor \$162,573,000

Personal Services:

Salaries and wages (\$5,831,000)

Materials and Supplies (314,000)

Services Other Than Personal . (2,195,000)

Maintenance and Fixed Charges (208,000)

Special Purpose:	
Educational Opportunity Fund	
board expenses	(4,000)
Student assistance board	
expenses	(3,000)
Student aid administration ..	(279,000)
Board of Higher	
Education expenses	(15,000)
Teacher education evaluation	(100,000)
Affirmative action and	
equal employment	
opportunity program	(29,000)
Assessment and Outcomes:	
Basic skills assessment	
program	(850,000)
College outcomes	
evaluation program	(850,000)
Drug and alcohol abuse	
information clearinghouse ..	(355,000)
Administrative services	
increase	(65,000)
Going to college in	
New Jersey	(218,000)
Office Automation	(75,000)
Commerce building library ...	(84,000)
System Support/Other Programs:	
Program development	(50,000)
Management systems	
development	(200,000)
Millicent Fenwick Research	
Professorship in Education	
at Monmouth College	(75,000)
Grants:	
Veterinary medicine education	
program	(1,454,000)
Aid to independent colleges	
and universities	(24,290,000)
Schools of professional	
nursing	(1,238,000)
Dental school aid	(4,734,000)
Optometric education	(360,000)
Graduate medical education	
program	(382,000)

Martin Luther King Physician-Dentist Scholarship Act of 1986	(250,000)
Opportunity program grants	(14,805,000)
Supplementary education program grants	(8,076,000)
Veterans' tuition credit	(100,000)
Tuition Aid Grants, P.L. 1968, c. 429 (C. 18A:71-41 et seq.)	(56,180,000)
Garden State scholarships	(3,600,000)
Graduate fellowships	(600,000)
MIA-POW grants	(32,000)
Public tuition benefits grants	(41,000)
Distinguished scholars program	(3,450,000)
Urban scholarships	(500,000)
Tuition aid grants part-time	(500,000)
Scholarly Chairs:	
Einstein chair for scholarly studies at the Institute for Advanced Study	(65,000)
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)
Special Academic Programs:	
Minority academic careers program	(812,000)
Strengthening the college faculty	(100,000)
Minority Programs:	
Pre-collegiate remedial programs	(600,000)
Pre-collegiate academic programs	(2,590,000)
Fund for Improved Retention	(1,000,000)
Ethnolinguistic—academic preparation	(500,000)
Urban initiative— Newark	(250,000)
Technology Programs:	
Math/science/computer teaching	(1,000,000)
Computers in curricula ..	(2,334,000)
Technical engineering education	(1,556,000)
Center for Information Age Technology	(500,000)
Humanities Programs:	
Humanities program	(3,000,000)
Foreign language/international education	(500,000)
Special Student Programs:	
Learning disabled	(750,000)
Institutional Excellence:	
Challenge for excellence/ State colleges	(6,700,000)
Challenge for excellence/ independents	(6,000,000)
Marine Sciences	
Consortium	(985,000)
Special Student Programs:	
Governor's school	(383,000)

Compulsive gambling	
research	(75,000)
Additions, Improvements and	
Equipment	(46,000)

An amount not to exceed \$100,000 in the Aid to independent colleges and universities account shall be available for administrative expenses.

For the purpose of implementing the Independent College and University Assistance Act, P.L. 1979, c. 132 (C. 18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at the eight State colleges is 38,693 for fiscal year 1988.

The unexpended balances as of June 30, 1988 and other income from the Federal Loan Collection and Reimbursement Program are appropriated.

The unexpended balances as of June 30, 1988 in the Special Purpose and Grants accounts are appropriated, and any balances from the special purpose appropriations which were transferred or disbursed to a higher education institution are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The sums provided hereinabove and the unexpended balance as of June 30, 1988 in the New Jersey Educational Opportunity Fund and the Student Financial Support Services account are appropriated and shall be available for payment of liabilities applicable to prior fiscal years.

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 shall be subject to the approval of the Chancellor of Higher Education.

The amounts hereinabove for the Minority Academic careers program shall be appropriated from funds of the Higher Education Assistance Authority.

An amount not to exceed 6% of the total of the Special Academic Programs accounts shall be available for the administrative expenses of these programs.

Of the unexpended balances as of June 30, 1988 in the Early retirement incentive program for tenured faculty account, an amount not to exceed \$800,000 may be transferred to the Strengthening

the college faculty program and the remaining unexpended balance shall lapse.

5450 Thomas A. Edison State College

17-5450 Institutional Support ..		<u>\$4,991,000</u>
Sub-Total General		
Operations		<u>\$4,991,000</u>
Special Funds Expense		<u>\$60,000</u>
Total All Operations		<u>\$5,051,000</u>
Less:		
General Services Income	(\$1,769,000)	
Special Funds Income	<u>(60,000)</u>	
Total Income Deductions		<u>(\$1,829,000)</u>
Total Appropriation, Thomas A. Edison State College		<u>\$3,222,000</u>
Personal Services:		
Salaries and wages	(\$2,110,000)	
Positions converted	(932,000)	
Materials and Supplies	(226,000)	
Services Other Than Personal .	(726,000)	
Maintenance and Fixed Charges	(66,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(14,000)	
Automation and program support	(66,000)	
Program priority	(145,000)	
College examination program	(50,000)	
Minority recruitment program	(32,000)	
Internal audit and administrative support	(78,000)	
Enrollment growth evaluation	(89,000)	
Enrollment growth counseling	(53,000)	
Expanded enrollment services	(260,000)	

Additions, Improvements and	
Equipment	(144,000)
Special Funds Expense	(60,000)
Less:	
General Services Income	(1,769,000)
Special Funds Income	(60,000)

5500 Glassboro State College

11-5500 Instruction	\$18,068,000
12-5500 Sponsored Programs and Research	80,000
13-5500 Extension and Public Services	624,000*
15-5500 Academic Support	1,977,000
16-5500 Student Services	3,369,000
17-5500 Institutional Support ..	4,971,000
19-5500 Physical Plant Support Services	<u>7,822,000</u>
Sub-Total General Operations	<u>\$36,911,000*</u>
Special Funds Expense	\$3,740,000
Auxiliary Funds Expense	13,517,000
Total All Operations	<u>\$54,168,000*</u>
Less:	
General Services Income	(\$8,261,000)
Special Funds Income	(3,740,000)
Auxiliary Services Income	<u>(13,517,000)</u>
Total Income Deductions	<u>(\$25,518,000)</u>
Total Appropriation, Glassboro State College	<u>\$28,650,000*</u>
Personal Services:	
Salaries and wages	(\$25,393,000)
Student aides	(300,000)
Materials and Supplies	(3,164,000)
Services Other Than Personal .	(3,015,000)
Maintenance and Fixed Charges	(1,011,000)
Special Purpose:	
Academic development	(100,000)
Separately budgeted research	(80,000)
Camden Urban Center	(624,000)

Library enhancement	(175,000)
Minority recruitment	(200,000)
College work-study program (State share)	(200,000)
Affirmative action and equal employment opportunity program	(65,000)
Compensation awards	(110,000)
Additions, Improvements and Equipment	(2,474,000)
Special Funds Expense	(3,740,000)
Auxiliary Funds Expense	(13,517,000)
<i>Less:</i>	
General Services Income	(\$8,261,000)
Special Funds Income	(3,740,000)
Auxiliary Services Income	(13,517,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 5,450 full-time equivalent (FTE) students at Glassboro State College. In the event that actual enrollments exceed 5,559, 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 5,559, 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	\$17,768,000
12-5510 Sponsored Programs and Research	70,000
15-5510 Academic Support	1,540,000
16-5510 Student Services	2,116,000
17-5510 Institutional Support ..	5,402,000
19-5510 Physical Plant Support Services	5,202,000
Sub-Total General Operations	<u>\$32,098,000</u>
Special Funds Expense	<u>\$3,223,000</u>
Auxiliary Funds Expense	<u>\$1,801,000</u>

Total All Operations		<u>\$37,122,000</u>
Less:		
General Services Income	(\$5,357,000)	
Special Funds Income	(3,223,000)	
Auxiliary Services Income	<u>(1,801,000)</u>	
Total Income Deductions		<u>(\$10,381,000)</u>
Total Appropriation, Jersey City State College		<u>\$26,741,000</u>
Personal Services:		
Salaries and wages	(\$21,740,000)	
Student aides	(150,000)	
Materials and Supplies	(2,410,000)	
Services Other Than Personal .	(2,559,000)	
Maintenance and Fixed Charges	(741,000)	
Special Purpose:		
A. Harry Moore Laboratory		
School	(1,066,000)	
Cooperative education	(330,000)	
Basic science and technological equipment	(35,000)	
Academic development	(100,000)	
Challenge for excellence/ State colleges	(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 program	(60,000)	
Athletic fields	(135,000)	
Compensation awards	(45,000)	
Additions, Improvements and		
Equipment	(1,526,000)	
Special Funds Expense	(3,223,000)	
Auxiliary Funds Expense	(1,801,000)	

Less:

<i>General Services Income</i>	<i>(\$5,357,000)</i>
<i>Special Funds Income</i>	<i>(3,223,000)</i>
<i>Auxiliary Services Income</i>	<i>(1,801,000)</i>

All revenues from the lease agreement between Jersey City State College and CBS, Inc. are appropriated.

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 3,468, the amount appropriated hereinabove for Jersey City State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,468, 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	\$21,950,000
12-5520 Sponsored Programs and Research	75,000
15-5520 Academic Support	1,851,000
16-5520 Student Services	3,385,000
17-5520 Institutional Support ..	5,588,000
19-5520 Physical Plant Support Services	7,117,000
Sub-Total General Operations	<u>\$39,966,000</u>
Special Funds Expense	\$2,735,000
Auxiliary Funds Expense	3,959,000
Total All Operations	<u>\$46,660,000</u>
<i>Less:</i>	
<i>General Services Income</i>	<i>(\$10,441,000)</i>
<i>Special Funds Income</i>	<i>(2,735,000)</i>
<i>Auxiliary Services Income</i>	<u><i>(3,959,000)</i></u>
<i>Total Income Deductions</i>	<u><i>(\$17,135,000)</i></u>
Total Appropriation, Kean College of New Jersey	<u>\$29,525,000</u>

Personal Services:

Salaries and wages	(\$28,082,000)
Student aides	(250,000)
Materials and Supplies	(3,634,000)
Services Other Than Personal .	(2,418,000)
Maintenance and Fixed Charges	(1,159,000)

Special Purpose:

Learning assistance program	(350,000)
Academic development	(120,000)
Challenge for excellence/ State colleges	(1,095,000)
Separately budgeted research	(75,000)
Minority student recruitment	(165,000)
College work-study program (State share)	(70,000)
Affirmative action and equal employment opportunity program	(54,000)
Compensation awards	(50,000)

Additions, Improvements and

Equipment	(2,444,000)
Special Funds Expense	(2,735,000)
Auxiliary Funds Expense	(3,959,000)

Less:

<i>General Services Income</i>	(\$10,441,000)
<i>Special Funds Income</i>	(2,735,000)
<i>Auxiliary Services Income</i>	(3,959,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 6,700 full-time equivalent (FTE) students at Kean College of New Jersey. In the event that actual enrollments exceed 6,834, 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 6,834, 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		\$20,756,000
12-5530 Sponsored Programs and Research		140,000
15-5530 Academic Support		2,190,000
16-5530 Student Services		3,444,000
17-5530 Institutional Support ..		6,053,000
19-5530 Physical Plant Support Services		<u>7,559,000</u>
Sub-Total General Operations		<u>\$40,142,000</u>
Special Funds Expense		<u>\$2,247,000</u>
Auxiliary Funds Expense		<u>5,557,000</u>
Total All Operations		<u>\$47,946,000</u>
Less:		
General Services Income	(\$8,095,000)	
Special Funds Income	(2,247,000)	
Auxiliary Services Income	<u>(5,557,000)</u>	
Total Income Deductions		<u>(\$15,899,000)</u>
Total Appropriation, The William Paterson College of New Jersey		<u>\$32,047,000</u>
Personal Services:		
Salaries and wages	(\$28,093,000)	
Student aides	(275,000)	
Materials and Supplies	(4,104,000)	
Services Other Than Personal .	(2,769,000)	
Maintenance and Fixed Charges	(660,000)	
Special Purpose:		
Enhance computer graphics	(50,000)	
School of science	(312,000)	
Academic development	(160,000)	
Separately budgeted research	(140,000)	
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 program	(57,000)
Outcomes assessment	(65,000)
Compensation awards	(70,000)
Additions, Improvements and Equipment	(2,712,000)
Special Funds Expense	(2,247,000)
Auxiliary Funds Expense	(5,557,000)
Less:	
General Services Income	(\$8,095,000)
Special Funds Income	(2,247,000)
Auxiliary Services Income	(5,557,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,412 full-time equivalent (FTE) students at the William Paterson College of New Jersey. In the event that actual enrollments exceed 5,520 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 5,520, 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	\$27,887,000
12-5540 Sponsored Programs and Research	100,000
13-5540 Extension and Public Service	600,000
15-5540 Academic Support	2,537,000
16-5540 Student Services	3,518,000
17-5540 Institutional Support ..	6,895,000
19-5540 Physical Plant Support Services	6,920,000
Sub-Total General Operations	<u>\$48,457,000</u>
Special Funds Expense	<u>\$4,128,000</u>
Auxiliary Funds Expense	<u>3,858,000</u>
Total All Operations	<u>\$56,443,000</u>

<i>Less:</i>		
General Services Income	(\$11,762,000)	
Special Funds Income	(4,128,000)	
Auxiliary Services Income	(3,858,000)	
Total Income Deductions		<u>(\$19,748,000)</u>
Total Appropriation, Montclair State College		<u>\$36,695,000</u>
Personal Services:		
Salaries and wages	(\$33,275,000)	
Student aides	(350,000)	
Materials and Supplies	(3,727,000)	
Services Other Than Personal .	(4,066,000)	
Maintenance and Fixed Charges	(837,000)	
Special Purpose:		
Academic development	(150,000)	
Liberal arts	(226,000)	
Separately budgeted research	(100,000)	
New Jersey State School of Conservation	(600,000)	
Academic equipment	(220,000)	
Outcomes assessment project	(155,000)	
Opera and Music Theatre Institute	(1,200,000)	
Minority recruitment and retention	(300,000)	
College work-study program (State share)	(70,000)	
National direct student loan program	(8,000)	
Affirmative action and equal employment opportunity program	(102,000)	
Program priority	(100,000)	
Compensation awards	(45,000)	
Additions, Improvements and Equipment	(2,926,000)	
Special Funds Expense	(4,128,000)	
Auxiliary Funds Expense	(3,858,000)	
<i>Less:</i>		
General Services Income	(\$11,762,000)	

<i>Special Funds Income</i>	(4,128,000)
<i>Auxiliary Services Income</i>	(3,858,000)

Actual full-time and part-time undergraduate enrollments exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 6,832 full-time equivalent (FTE) students at Montclair State College. In the event that actual enrollments exceed 6,969, 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 6,969, 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	\$18,090,000
12-5550 Sponsored Programs and Research	75,000
15-5550 Academic Support	3,381,000
16-5550 Student Services	3,545,000
17-5550 Institutional Support ..	4,728,000
19-5550 Physical Plant Support Services	<u>7,771,000</u>
Sub-Total General Operations	<u>\$37,590,000</u>
Special Funds Expense	\$1,977,000
Auxiliary Funds Expense	<u>14,329,000</u>
Total All Operations	<u>\$53,896,000</u>
<i>Less:</i>	
<i>General Services Income</i>	(\$7,660,000)
<i>Special Funds Income</i>	(1,977,000)
<i>Auxiliary Services Income</i>	<u>(14,329,000)</u>
<i>Total Income Deductions</i>	<u>(\$23,966,000)</u>
Total Appropriation, Trenton State College	<u>\$29,930,000</u>

Personal Services:	
Salaries and wages	(\$25,987,000)
Student aides	(255,000)
Materials and Supplies	(3,427,000)
Services Other Than Personal .	(3,039,000)
Maintenance and Fixed Charges	(574,000)
Special Purpose:	
Improving undergraduate	
education	(125,000)
Demonstration school	
services	(80,000)
Academic development	(100,000)
Separately budgeted	
research	(75,000)
Computer graphics	(230,000)
Minority students recruitment	
and scholarships	(250,000)
College work-study program	
(State share)	(37,000)
Affirmative action and	
equal employment	
opportunity program	(43,000)
Compensation awards	(70,000)
Additions, Improvements and	
Equipment	(3,298,000)
Special Funds Expense	(1,977,000)
Auxiliary Funds Expense	(14,329,000)
Less:	
General Services Income	(7,660,000)
Special Funds Income	(1,977,000)
Auxiliary Services Income	(14,329,000)

Actual full-time and part-time undergraduate enrollments exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 5,049 full-time equivalent (FTE) students at Trenton State College. In the event that actual enrollments exceed 5,150, 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 5,150, 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		\$6,919,000
12-5560 Sponsored Programs and Research		50,000
15-5560 Academic Support		1,161,000
16-5560 Student Services		2,111,000
17-5560 Institutional Support ..		4,022,000
19-5560 Physical Plant Support Services		<u>4,343,000</u>
Sub-Total General Operations		<u>\$18,606,000</u>
Special Funds Expense		\$1,397,000
Auxiliary Funds Expense		<u>4,981,000</u>
Total All Operations		<u>\$24,984,000</u>
Less:		
General Services Income	(\$3,414,000)	
Special Funds Income	(1,397,000)	
Auxiliary Services Income	<u>(4,981,000)</u>	
Total Income Deductions		<u>(\$9,792,000)</u>
Total Appropriation, Ramapo College of New Jersey		<u>\$15,192,000</u>
Personal Services:		
Salaries and wages	(\$12,565,000)	
Student aides	(220,000)	
Materials and Supplies	(1,908,000)	
Services Other Than Personal .	(1,302,000)	
Maintenance and Fixed Charges	(532,000)	
Special Purpose:		
Instructional equipment for studio and performance programs	(102,000)	
Academic development	(50,000)	
Separately budgeted research	(50,000)	
Library collections acquisitions	(50,000)	
Retention and graduation of minority students	(100,000)	
College work-study program (State share)	(55,000)	

Affirmative action and equal employment opportunity program	(100,000)
Institutional outcomes assessment	(90,000)
State college autonomy administration computing augmentation	(100,000)
Compensation awards	(13,000)
Additions, Improvements and Equipment	(1,369,000)
Special Funds Expense	(1,397,000)
Auxiliary Funds Expense	(4,981,000)
Less:	
General Services Income	(\$3,414,000)
Special Funds Income	(1,397,000)
Auxiliary Services Income	(4,981,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 2,475 full-time equivalent (FTE) students at Ramapo College of New Jersey. In the event that actual enrollments exceed 2,525, 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 2,525, 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	\$9,643,000
12-5570 Sponsored Programs and Research	70,000
15-5570 Academic Support	1,917,000
16-5570 Student Services	1,796,000
17-5570 Institutional Support ..	3,497,000
19-5570 Physical Plant Support Services	<u>4,419,000</u>
Sub-Total General Operations	<u>\$21,342,000</u>

Special Funds Expense		\$1,521,000
Auxiliary Funds Expense		<u>7,697,000</u>
Total All Operations		<u>\$30,560,000</u>
Less:		
General Services Income	(\$4,702,000)	
Special Funds Income	(1,521,000)	
Auxiliary Services Income	<u>(7,697,000)</u>	
Total Income Deductions		<u>(\$13,920,000)</u>
Total Appropriation, Richard Stockton State College		<u>\$16,640,000</u>
Personal Services:		
Salaries and wages	(\$14,618,000)	
Student aides	(160,000)	
Materials and Supplies	(2,453,000)	
Services Other Than Personal .	(1,191,000)	
Maintenance and Fixed Charges	(448,000)	
Special Purpose:		
Outcomes assessment	(90,000)	
Information and systems science equipment	(105,000)	
Academic development	(60,000)	
Separately budgeted research	(70,000)	
Library collection development	(100,000)	
Minority recruitment and retention	(100,000)	
Counseling services	(45,000)	
National direct student loan program (State share)	(7,000)	
College work-study program (State share)	(38,000)	
Affirmative action and equal employment opportunity program	(48,000)	
Compensation awards	(22,000)	
Additions, Improvements and Equipment	(1,787,000)	
Special Funds Expense	(1,521,000)	
Auxiliary Funds Expense	(7,697,000)	

Less:

<i>General Services Income</i>	(4,702,000)
<i>Special Funds Income</i>	(1,521,000)
<i>Auxiliary Services Income</i>	(7,697,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session shall not exceed 3,500 full-time equivalent (FTE) students at Stockton State College. In the event that actual enrollments exceed 3,570, the amount appropriated hereinabove for Stockton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,570, 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	\$149,307,000*
12-5600 Sponsored Programs and Research	14,132,000*
13-5600 Extension and Public Service	4,027,000
14-5600 Auxiliary Services	5,259,000
15-5600 Academic Support	22,409,000
16-5600 Student Services	31,129,000
17-5600 Institutional Support ..	44,176,000
19-5600 Physical Plant Support Services	<u>58,667,000</u>

Sub-Total General	
Operations	<u>\$329,106,000*</u>
Special Funds Expense	67,000,000
Auxiliary Funds Expense	72,042,000
Total All Operations	<u>\$468,148,000*</u>
Less:	
General Services Income	(\$97,622,000)
Self-Sustaining Income	(5,259,000)
Special Funds Income	(67,000,000)
Auxiliary Services Income	<u>(72,042,000)</u>
Total Income Deductions	<u>(\$241,923,000)</u>
Appropriation, Exclusive of	
Land Grant Interest	(\$226,449,000)
Land Grant Interest	(6,000)
Total Appropriation	<u>\$226,225,000*</u>
Personal Services:	
Salaries and wages	(\$212,917,000)
Student aides	(1,647,000)
Materials and Supplies	(31,775,000)
Services Other Than Personal .	(18,233,000)
Maintenance and Fixed Charges	(10,862,000)
Special Purpose:	
Research grants	(369,000)
Forum on policy research	
and public services,	
Rutgers—Camden	(75,000)
Agricultural Museum	(1,300,000)
Library acquisitions	(1,000,000)
Graduate and law school	
fellowships	(117,000)
Student aid	(8,560,000)
College work-study	
(State share)	(538,000)
Affirmative action and	
equal employment	
opportunity program	(139,000)
Retirement allowances	(730,000)
Bad debt expense	(125,000)
Special projects	(3,900,000)
Debt Service—High Technology	
Initiative	(1,800,000)
In-lieu-of-tax payments to	
New Brunswick	(700,000)

Rutgers Fund for Distinction	
Debt Service	
(State match)	(2,000,000)
Assessing outcomes	(400,000)
Excellence Initiative	(20,574,000)
Recruitment and retention of minority students	(1,848,000)
Enhance physical plant and support services	(911,000)
Additions, Improvements and Equipment	(8,586,000)
Special Funds Expense	(67,000,000)
Auxiliary Funds Expense	(72,042,000)
<i>Less:</i>	
<i>General Services Income</i>	<i>(\$97,622,000)</i>
<i>Self-Sustaining Income</i>	<i>(5,259,000)</i>
<i>Special Funds Income</i>	<i>(67,000,000)</i>
<i>Auxiliary Services Income</i>	<i>(72,042,000)</i>

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in Extension and Public Service programs, shall not exceed 29,319 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 29,905, the amount hereinabove for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above 29,905, 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 (State Match), 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 shall be 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		\$12,804,000*
13-5620 Extension and Public Service		<u>6,647,000</u>
Sub-Total General Operations		\$19,451,000*
Federal Research and Extension Funds Expense		4,250,000
Special Funds Expense		<u>9,000,000</u>
Total All Operations		<u>\$32,701,000*</u>
<i>Less:</i>		
<i>Federal Research and Extension</i>		
Funds Income	(\$4,250,000)	
Special Funds Income	<u>(9,000,000)</u>	
Total Income Deductions		<u>(\$13,250,000)</u>
Sub-Total Appropriation		<u>\$19,451,000*</u>
<i>Personal Services:</i>		
Salaries and wages	(\$13,774,000)	
Student aides	(100,000)	
Materials and Supplies	(415,000)	
Services Other Than Personal .	(903,000)	
Maintenance and Fixed Charges	(188,000)	
<i>Special Purpose:</i>		
Program enhancement	(500,000)	
Tomato testing	(6,000)	
Update facilities and equipment	(500,000)	
Urban gardening	(110,000)	
Integrated pest management	(350,000)	
Cooperative extension service	(125,000)	
Blueberry and cranberry research	(250,000)	
Renovate laboratories	(750,000)	
Snyder farm planning and operation	(891,000)*	
Additions, Improvements and Equipment	(589,000)	

Federal Research and Extension Funds	
Expense	(4,250,000)
Special Funds Expense	(9,000,000)
Less:	
<i>Federal Research and Extension Funds Income</i>	(4,250,000)
<i>Special Funds Income</i>	(9,000,000)
Total Appropriation, Rutgers, The State University	<u>\$245,676,000*</u>

5630 University of Medicine and Dentistry of New Jersey

11-5630 Instruction	\$79,929,000
12-5630 Sponsored Programs and Research	35,554,000*
13-5630 Extension and Public Service	145,889,000
14-5630 Auxiliary Services	4,363,000
15-5630 Academic Support	1,502,000
16-5630 Student Services	3,709,000
17-5630 Institutional Support ..	22,555,000
19-5630 Physical Plant and Support Services	31,846,000
20-5630 Core Affiliates	<u>3,208,000</u>
Total All Operations	<u>\$328,555,000*</u>
Less:	
<i>General Services Income</i>	(\$17,677,000)
<i>Hospital Services Income</i>	(85,123,000)
<i>Capital Facilities Allowance</i> ..	(6,529,000)
<i>Special Services Income</i>	(35,304,000)
<i>Auxiliary Services Income</i>	(4,363,000)
<i>Core Affiliates Income</i>	(3,208,000)
<i>Robert Wood Johnson Community Mental Health Center Income</i>	(15,140,000)
<i>New Jersey Medical School Community Mental Health Center Income</i>	<u>(6,351,000)</u>
Total Income Deductions	<u>(\$173,695,000)</u>

Total Appropriation, University of Medicine and Dentistry of New Jersey		<u>\$154,860,000*</u>
Personal Services:		
Salaries and wages	(\$171,022,000)	
Materials and Supplies	(36,960,000)	
Services Other Than Personal .	(25,009,000)	
Maintenance and Fixed Charges	(4,451,000)	
Special Purpose:		
Debt Service—High		
Technology Initiative	(1,593,000)	
University student aid	(700,000)	
Excellence Initiatives:		
Leadership in Health		
Science	(12,297,000)	
University Hospital Debt		
Service—Equipment		
and Renovation	(1,436,000)	
Research under contract		
with the Institute		
of Medical Research,		
Camden	(790,000)*	
Core affiliate—Robert		
Wood Johnson		
Medical School—		
Piscataway	(2,188,000)	
Core affiliate—New Jersey		
School of Osteopathic		
Medicine	(1,020,000)	
Area Health Education		
Center	(290,000)	
Emergency medical service—		
Camden	(800,000)	
Additions, Improvements and		
Equipment	(8,091,000)	
Special Funds Expense	(35,304,000)	
Auxiliary Funds Expense	(4,363,000)	
Robert Wood Johnson		
Community Mental		
Health Center	(15,140,000)	

New Jersey Medical School Community Mental Health Center	(6,351,000)
Dental Residency Pilot Program	(750,000)
<i>Less:</i>	
Income	(173,695,000)

All General Services income or Hospital Services income in excess of the amounts hereinabove as income deductions shall be credited to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1988-89 and the subsequent fiscal year in the several component units of the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The appropriations for the University are made 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 contracting organizations are appropriated.

Receipts derived from the capital facilities allowance—capital cash component, inclusive of major moveable equipment, in excess of \$6,529,000, shall be credited to the General Fund and appropriated for expenses at the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The funds hereinabove appropriated for a Dental Residency Pilot Project shall be utilized to establish two freestanding medical-

dental clinics to provide a postgraduate dental residency for New Jersey residents and to provide comprehensive dental services for the economically and socio-economically disadvantaged population of the State.

5640 New Jersey Institute of Technology

11-5640 Instruction	\$26,782,000
12-5640 Sponsored Programs and Research	987,000
13-5640 Extension and Public Service	600,000
14-5640 Auxiliary Services	4,000,000
15-5640 Academic Support	7,197,000
16-5640 Student Services	4,071,000
17-5640 Institutional Support ..	8,039,000
19-5640 Physical Plant Support Services	6,867,000
Sub-Total General Operations	<u>\$58,543,000</u>
Special Funds Expense	<u>9,101,000</u>
Total All Operations	<u>\$67,644,000</u>
Less:	
General Services Income	(\$14,603,000)
Auxiliary Services Income	(4,000,000)
Special Funds Income	<u>(9,101,000)</u>
Total Income Deductions	<u>(\$27,704,000)</u>
Total Appropriation, New Jersey Institute of Technology	<u>\$39,940,000</u>
Personal Services:	
Salaries and wages	(\$31,651,000)
Student aides	(297,000)
Materials and Supplies	(3,048,000)
Services Other Than Personal .	(4,045,000)
Maintenance and Fixed Charges	(182,000)
Special Purpose:	
Academic development	(250,000)
NJIT/Burlington County College engineering program	(100,000)
Separately budgeted research	(586,000)

Continuing education	(600,000)
Scholarships, grants, fellowships	(1,496,000)
Student activities	(102,000)
Affirmative action and equal employment opportunity program	(60,000)
Board of Trustees	(4,000)
Fringe benefits/retirement allowances	(2,183,000)
Excellence Initiative	(9,200,000)
Additions, Improvements and Equipment	(739,000)
Auxiliary Funds Expense	(4,000,000)
Special Funds Expense	(9,101,000)
<i>Less:</i>	
<i>General Services Income</i>	<i>(\$14,603,000)</i>
<i>Auxiliary Services Income</i>	<i>(4,000,000)</i>
<i>Special Funds Income</i>	<i>(9,101,000)</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 3,925 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 4,004, 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 4,004, 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 shall be made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to N.J.S. 18A:3-14q.

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>\$821,691,000*</u>

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 B-14 in the Governor's Budget Recommendation dated February 2, 1988 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 ...	\$97,810,000*
99-7700 Management and Administrative Services	<u>4,188,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$101,998,000*</u>
Personal Services:	
Salaries and wages	(\$5,400,000)
New positions	(384,000)
Materials and Supplies	(72,000)
Services Other Than Personal .	(1,013,000)
Maintenance and Fixed Charges	(255,000)
Special Purpose:	
Independent psychiatric evaluation and legal representation for indigent patients	(15,000)
Youth suicide prevention program	(50,000)
Affirmative action and equal employment opportunity program	(30,000)
Grants:	
Improvement of children's mental health services	(6,648,000)

Community care	(54,176,000)
Community care—Increase reimbursement to Community Mental Health Centers	(2,100,000)
Community care—Cost of living adjustment	(1,000,000)
Adult community services stabilization and expansion	(5,010,000)
Children's community services stabilization and expansion	(2,000,000)
Community Mental Health Center—University of Medicine and Dentistry—Newark	(4,737,000)
Implement involuntary commitment legislation (P.L. 1987, c. 116)	(1,820,000)
Community Mental Health Center—University of Medicine and Dentistry—Rutgers	(9,188,000)
Contact-Morris-Passaic, Inc.	(5,000)
Morris Adolescent Specialized Care	(120,000)*
Statewide self-help clearinghouse	(150,000)
Community care expansion— Greystone Park Psychiatric Hospital phasedown	(7,736,000)
Additions, Improvements and Equipment	(89,000)
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.

Of the amount appropriated for the Improvement of children's mental health services, such sums as are necessary shall be allocated for the operational costs of the Trenton Psychiatric Hospital subject to the approval of the Director of the Division of Budget and Accounting.

The funds hereinabove appropriated for Community care—Increase reimbursement to Community Mental Health Centers are to be used to increase the salary levels of direct care and clerical personnel for community mental health programs. These funds shall be passed through in their entirety and shall not result in any reduction in community mental health funds such programs are to receive.

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services		\$28,517,000
98-7710 Physical Plant and Support Services		6,222,000
99-7710 Management and Administrative Services		<u>6,578,000</u>
Total Appropriation, Greystone Park Psychiatric Hospital		<u>\$41,317,000</u>
Personal Services:		
Salaries and wages	(\$33,549,000)	
Food in lieu of cash	(57,000)	
Materials and Supplies	(4,114,000)	
Services Other Than Personal .	(2,332,000)	
Maintenance and Fixed Charges	(728,000)	
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)

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services		\$20,880,000
98-7720 Physical Plant and Support Services		3,564,000
99-7720 Management and Administrative Services		<u>4,831,000</u>
Total Appropriation, Trenton Psychiatric Hospital		<u>\$29,275,000</u>
Personal Services:		
Salaries and wages	(\$24,610,000)	
Food in lieu of cash	(25,000)	
Materials and Supplies	(1,888,000)	
Services Other Than Personal .	(1,604,000)	
Maintenance and Fixed Charges	(739,000)	
Special Purpose:		
Interim assistance	(1,000)	
Affirmative action and equal employment opportunity program	(23,000)	
Other special purpose	(1,000)	
Additions, Improvements and Equipment	(384,000)	

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services		\$7,351,000
98-7725 Physical Plant and Support Services		1,137,000
99-7725 Management and Administrative Services		<u>843,000</u>
Total Appropriation, The Forensic Psychiatric Hospital		<u>\$9,331,000</u>
Personal Services:		
Salaries and wages	(\$8,275,000)	
Food in lieu of cash	(16,000)	
Materials and Supplies	(643,000)	

Services Other Than Personal .	(234,000)
Maintenance and Fixed Charges	(69,000)
Special Purpose:	
Other special purpose	(2,000)
Additions, Improvements and	
Equipment	(92,000)

7730 Marlboro Psychiatric Hospital

10-7730 Patient Care and		
Health Services		\$34,598,000
98-7730 Physical Plant and		
Support Services		7,718,000
99-7730 Management and		
Administrative Services		<u>6,763,000</u>
Total Appropriation, Marlboro		
Psychiatric Hospital		<u>\$49,079,000</u>
Personal Services:		
Salaries and wages	(\$38,134,000)	
Food in lieu of cash	(59,000)	
Materials and Supplies	(4,419,000)	
Services Other Than Personal .	(1,986,000)	
Maintenance and Fixed Charges	(1,072,000)	
Special Purpose:		
Management initiative—		
staffing enhancement	(2,695,000)	
Interim assistance	(40,000)	
Affirmative action and		
equal employment		
opportunity program	(22,000)	
Other special purpose	(3,000)	
Additions, Improvements and		
Equipment	(649,000)	

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and		
Health Services		\$28,539,000
98-7740 Physical Plant and		
Support Services		4,863,000
99-7740 Management and		
Administrative Services		<u>5,719,000</u>
Total Appropriation, Ancora		
Psychiatric Hospital		<u>\$39,121,000</u>

Personal Services:	
Salaries and wages	(\$32,099,000)
Food in lieu of cash	(55,000)
Materials and Supplies	(4,086,000)
Services Other Than Personal .	(1,593,000)
Maintenance and Fixed Charges	(576,000)
Special Purpose:	
Interim assistance	(68,000)
Affirmative action and equal employment opportunity program	(22,000)
Other special purpose	(13,000)
Additions, Improvements and Equipment	(609,000)

7750 Arthur Brisbane Child Treatment Center

10-7750 Patient Care and Health Services	\$3,654,000
98-7750 Physical Plant and Support Services	501,000
99-7750 Management and Administrative Services	<u>586,000</u>
Total Appropriation, Arthur Brisbane Child Treatment Center	<u>\$4,741,000</u>
Personal Services:	
Salaries and wages	(\$3,975,000)
Food in lieu of cash	(4,000)
Materials and Supplies	(364,000)
Services Other Than Personal .	(196,000)
Maintenance and Fixed Charges	(72,000)
Special Purpose:	
Other special purpose	(1,000)
Additions, Improvements and Equipment	(129,000)

7760 Senator Garrett W. Hagedorn Center for Geriatrics

10-7760 Patient Care and Health Services	\$5,893,000
98-7760 Physical Plant and Support Services	1,286,000

99-7760 Management and Administrative Services		<u>1,309,000</u>
Total Appropriation, Senator Garrett W. Hagedorn Center for Geriatrics		<u>\$8,488,000</u>
Personal Services:		
Salaries and wages	(\$6,801,000)	
Food in lieu of cash	(16,000)	
Materials and Supplies	(902,000)	
Services Other Than Personal .	(456,000)	
Maintenance and Fixed Charges	(154,000)	
Special Purpose:		
Interim assistance	(1,000)	
Additions, Improvements and Equipment	(158,000)	
Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 1989 are appropriated for the same purpose.		

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management		\$18,593,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled		<u>60,130,000*</u>
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$78,723,000*</u>
Personal Services:		
Salaries and wages	(\$7,708,000)	
Materials and Supplies	(156,000)	
Services Other Than Personal .	(2,250,000)	
Maintenance and Fixed Charges	(140,000)	
Special Purpose:		
Medicaid Health Care Cost Containment Demonstration Program	(750,000)	
Legal assistance Medicare patients (P.L. 1987, c. 59)	(242,000)	

Medicaid management information system— fiscal agent selection process	(200,000)
Payments to fiscal agents	(6,284,000)
Eligibility determination	(762,000)
Payments to fiscal agents (PAA)	(858,000)
Affirmative action and equal employment opportunity program	(12,000)
Professional standards review organization—utilization review	(937,000)
On-line eligibility verification system	(790,000)
Grants:	
Pharmaceutical Assistance to the Aged—claims	(57,311,000)
PAA dispensing fee increase	(245,000)*
Additions, Improvements and Equipment	(78,000)

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.

Notwithstanding the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) and any other law to the contrary, the Commissioner is authorized to pay from the PAA dispensing fee increase account hereinabove and from the PAAD dispensing fee increase account in the Casino Revenue Fund, to eligible pharmacies pursuant to P.L. 1975, c. 194 (C. 30:4D-20 et seq.) an increase of \$0.10 per prescription dispensing fee.

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-3i.(7)), 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.

All funds recovered under P.L. 1968, c. 413 (C. 30:4D-1 et seq.) and P.L. 1975, c. 194 (C. 30:4D-20 et seq.) during the fiscal year ending June 30, 1989 are appropriated.

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.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L. 1975, c. 194 (C. 30:4D-20 et seq.) are the last resource benefits, notwithstanding any provisions contained in a contract, will, agreement or other instrument. 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 is 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
7600 Division of Developmental Disabilities

01-7600 Purchased Residential	
Care	\$106,225,000
02-7600 Social Supervision	
and Consultation	14,701,000
03-7600 Adult Activities	53,790,000
04-7600 Education and Day	
Training	12,353,000*
99-7600 Management and	
Administrative Services	14,836,000*
Total, Division of	
Developmental	
Disabilities	<u>\$201,905,000*</u>
Less:	
Casino Revenue Funds	
Purchased Residential	
Care	(\$14,083,000)
Social Supervision and	
Consultation	(104,000)
Adult Activities	(8,213,000)
Education and Day	
Training	<u>(600,000)</u>
Total Casino Revenue	<u>(\$23,000,000)</u>
Federal Funds	
Purchased Residential	
Care	(\$25,322,000)
Social Supervision and	
Consultation	(7,690,000)
Adult Activities	(25,403,000)
Education and Day	
Training	(2,953,000)
Management and	
Administrative Services	<u>(8,769,000)</u>
Total Federal Funds	<u>(\$70,137,000)</u>
Total Appropriation,	
Division of	
Developmental	
Disabilities	<u>\$108,768,000*</u>
Personal Services:	
Salaries and wages	(\$31,060,000)

Employee benefits	(42,000)
Materials and Supplies	(1,600,000)
Services Other Than Personal .	(1,240,000)
Maintenance and Fixed Charges	(6,700,000)
Special Purpose:	
Homemaker services	
(State share)	(93,000)
Social services	(57,000)
Foster grandparents program	
(State share)	(329,000)
Developmental disabilities	
services	(306,000)
Social supervision	
and consultation	(812,000)
Office of Community	
Education	(200,000)
Adult activities	(858,000)
Dental program for	
non-institutionalized	
mentally retarded and	
handicapped children	(860,000)
Guardianship program	(35,000)
Statewide public	
awareness exhibit	(150,000)
Dually Diagnosed Center	
at Ancora	(2,436,000)
Social services	(89,000)
Foster grandparents	
program	(725,000)
Other special purpose	(4,000)
Grants:	
Family care	(1,578,000)
Purchased residential	
care	(588,000)
Somerset County Retarded	
Citizens'	
Association	(125,000)
Private institutional	
care	(33,334,000)
Skill development homes	(3,865,000)
Purchase of day	
training services	(1,377,000)
Group homes	(64,452,000)

Home assistance	(2,917,000)
Purchase of adult activity services	(43,056,000)
Developmental disabilities	(1,029,000)
Day-care services	(359,000)
Work-study training program for caseworkers	(950,000)
Citizen advocacy program	(145,000)
Association for Retarded Citizens, Monmouth Unit, Inc.	(125,000)
Additions, Improvements and Equipment	(409,000)
<i>Less:</i>	
<i>Deduction for Federal Funds</i>	(\$70,137,000)
<i>Deduction for Casino Revenue Funds</i>	(\$23,000,000)

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 and Health Services, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the dental program for non-institutionalized developmentally disabled and handicapped children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1988 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.

The unexpended balance as of June 30, 1988 in the Social support services for epileptics account is appropriated for the same purpose.

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation		\$231,000
06-7610 Health Services		75,000
07-7610 Education and Training		20,000
98-7610 Physical Plant and Support Services		570,000
99-7610 Management and Administrative Services		<u>1,136,000</u>
Total Appropriation, Green Brook Regional Center		<u>\$2,032,000</u>
Materials and Supplies	(\$727,000)	
Services Other Than Personal .	(269,000)	
Maintenance and Fixed Charges	(200,000)	
Special Purpose:		
Green Brook mortgage	(690,000)	
Additions, Improvements and Equipment	(146,000)	

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation		\$21,212,000
06-7620 Health Services		6,337,000
07-7620 Education and Training		795,000
98-7620 Physical Plant and Support Services		4,698,000
99-7620 Management and Administrative Services		<u>4,460,000</u>
Total Appropriation, Vineland Developmental Center		<u>\$37,502,000</u>
Personal Services:		
Salaries and wages	(\$29,162,000)	
Food in lieu of cash	(44,000)	
Materials and Supplies	(5,471,000)	
Services Other Than Personal .	(1,486,000)	
Maintenance and Fixed Charges	(647,000)	
Special Purpose:		
Family care	(6,000)	

Other special purpose	(2,000)
Additions, Improvements and Equipment	(684,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation		\$9,494,000
06-7630 Health Services		2,379,000
07-7630 Education and Training		463,000
98-7630 Physical Plant and Support Services		2,580,000
99-7630 Management and Administrative Services		<u>3,141,000</u>
Total Appropriation, North Jersey Developmental Center		<u>\$18,057,000</u>
Personal Services:		
Salaries and wages	(\$13,938,000)	
Food in lieu of cash	(16,000)	
Materials and Supplies	(2,520,000)	
Services Other Than Personal .	(683,000)	
Maintenance and Fixed Charges	(455,000)	
Special Purpose:		
Other special purpose	(4,000)	
Additions, Improvements and Equipment	(441,000)	

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation		\$12,357,000
06-7640 Health Services		2,695,000
07-7640 Education and Training		286,000
98-7640 Physical Plant and Support Services		2,719,000
99-7640 Management and Administrative Services		<u>3,948,000</u>
Total Appropriation, Woodbine Developmental Center		<u>\$22,005,000</u>
Personal Services:		
Salaries and wages	(\$16,782,000)	

Food in lieu of cash	(14,000)
Materials and Supplies	(2,826,000)
Services Other Than Personal .	(1,117,000)
Maintenance and Fixed Charges	(350,000)
Special Purpose:	
Other special purpose	(4,000)
Additions, Improvements and	
Equipment	(912,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care	
and Habilitation	\$10,254,000
06-7650 Health Services	1,936,000
07-7650 Education and	
Training	842,000
98-7650 Physical Plant and	
Support Services	3,007,000
99-7650 Management and	
Administrative Services	<u>2,303,000</u>
Total Appropriation, New	
Lisbon Developmental	
Center	<u>\$18,342,000</u>
Personal Services:	
Salaries and wages	(\$13,645,000)
Food in lieu of cash	(11,000)
Materials and Supplies	(2,912,000)
Services Other Than Personal .	(786,000)
Maintenance and Fixed Charges	(433,000)
Additions, Improvements and	
Equipment	(555,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care	
and Habilitation	\$13,299,000
06-7660 Health Services	4,035,000
07-7660 Education and	
Training	198,000
98-7660 Physical Plant and	
Support Services	3,277,000
99-7660 Management and	
Administrative Services	<u>2,216,000</u>

Total Appropriation, Woodbridge Developmental Center		<u>\$23,025,000</u>
Personal Services:		
Salaries and wages	(\$17,990,000)	
Food in lieu of cash	(11,000)	
Materials and Supplies	(3,238,000)	
Services Other Than Personal .	(813,000)	
Maintenance and Fixed Charges	(434,000)	
Special Purpose:		
Other special purpose	(1,000)	
Additions, Improvements and Equipment	(538,000)	

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation		\$12,940,000
06-7670 Health Services		4,808,000
07-7670 Education and Training		750,000
98-7670 Physical Plant and Support Services		3,989,000
99-7670 Management and Administrative Services		<u>2,298,000</u>
Total Appropriation, Hunterdon Developmental Center		<u>\$24,785,000</u>
Personal Services:		
Salaries and wages	(\$18,820,000)	
Food in lieu of cash	(1,000)	
Materials and Supplies	(3,867,000)	
Services Other Than Personal .	(703,000)	
Maintenance and Fixed Charges	(486,000)	
Special Purpose:		
Hunterdon adult education program	(300,000)	
Other special purpose	(6,000)	
Additions, Improvements and Equipment	(602,000)	

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation	\$3,368,000
06-7680 Health Services	827,000
07-7680 Education and Training	369,000
25-7680 Research	275,000
98-7680 Physical Plant and Support Services	1,613,000
99-7680 Management and Administrative Services	<u>1,275,000</u>
Total Appropriation, Edward R. Johnstone Training and Research Center	<u>\$7,727,000</u>
Personal Services:	
Salaries and wages	(\$6,036,000)
Food in lieu of cash	(14,000)
Materials and Supplies	(1,109,000)
Services Other Than Personal .	(305,000)
Maintenance and Fixed Charges	(146,000)
Special Purpose:	
Other special purpose	(3,000)
Additions, Improvements and Equipment	(114,000)

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation	\$13,530,000
06-7690 Health Services	3,368,000
07-7690 Education and Training	472,000
98-7690 Physical Plant and Support Services	5,141,000
99-7690 Management and Administrative Services	<u>2,009,000</u>
Total Appropriation, North Princeton Developmental Center	<u>\$24,520,000</u>
Personal Services:	
Salaries and wages	(\$18,783,000)
Food in lieu of cash	(12,000)

Materials and Supplies	(3,208,000)
Services Other Than Personal .	(1,410,000)
Maintenance and Fixed Charges	(630,000)
Special Purpose:	
Other special purpose	(2,000)
Additions, Improvements and	
Equipment	(475,000)

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 \$120,607,000; but if the ICF/MR revenues exceed \$120,607,000, there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director of the Division of Budget and Accounting.

*33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired*

11-7560 Habilitation and	
Rehabilitation	\$4,258,000
12-7560 Instruction, Community	
Programs and Prevention	5,269,000*
99-7560 Management and	
Administrative Services	<u>2,172,000</u>
Total Appropriation, Commission	
for the Blind and	
Visually Impaired	<u>\$11,699,000*</u>
Personal Services:	
Salaries and wages	(\$5,128,000)
New positions	(54,000)
Materials and Supplies	(234,000)
Services Other Than Personal .	(843,000)
Maintenance and Fixed Charges	(295,000)
Special Purpose:	
Additional vocational	
rehabilitation matching	
funds	(922,000)

Itinerant teachers	(300,000)
Grants:	
Coordinating Council,	
CBVI	(168,000)
Psychological counseling	
services	(121,000)
Services to rehabilitation	
clients	(1,310,000)
Educational services for	
children	(1,831,000)
State use law and private	
industry marketing program	
by rehabilitation	
facilities	(250,000)
Additions, Improvements and	
Equipment	(243,000)

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Public Welfare

15-7550 Income Maintenance ...	\$39,189,000
99-7550 Management and	
Administrative Services	<u>15,883,000</u>
Total Appropriation, Division	
of Public Welfare	<u>\$55,072,000</u>
Personal Services:	
Salaries and wages	(\$7,761,000)
Materials and Supplies	(105,000)
Services Other Than Personal .	(4,299,000)
Maintenance and Fixed Charges	(201,000)
Special Purpose:	
Affirmative action and	
equal employment	
opportunity program	(8,000)
Realizing Economic	
Achievement (REACH)	
program	(35,000,000)
Atlantic City welfare reform	
pilot project	(1,400,000)
AFDC teenage parent	
program	(635,000)

Automated child support enforcement program	
(State share)	(1,466,000)
Employment programs	
(State share)	(4,176,000)
Additions, Improvements and Equipment	(21,000)
- Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1988 are appropriated.
- Any federal funds received by the Division of Public Welfare 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.
- Notwithstanding the provisions of P.L. 1981, c. 60 (C. 44:14-1 et seq.) to the contrary, funds distributed pursuant to the "County Welfare Per Capita Cost Limitation Act of 1981" shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.
- The 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 balances, as of June 30, 1988, in the Bank Match account, which represents funding from the Inter-Departmental Account for the continuation and expansion of data processing systems, are appropriated and are to be used to fund the Income Eligibility Verification System.
- 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.

The unexpended balances, as of June 30, 1988, in the Automated child support enforcement program—State share account are appropriated.

*55 Related Social Services Programs
7570 Division of Youth and Family Services*

16-7570 Initial Response/		
Case Management		\$80,352,000
17-7570 Substitute Care		27,345,000*
18-7570 General Social		
Services		78,842,000*
99-7570 Management and		
Administrative Services		28,923,000*
Total, Division of Youth		
and Family Services		<u>\$215,462,000*</u>
Less:		
Federal Funds		
Initial Response/		
Case Management	(\$25,460,000)	
Substitute Care	(15,892,000)	
General Social Services	(31,075,000)	
Management and Administrative		
Services	<u>(14,738,000)</u>	
Total Federal Funds		<u>(\$87,165,000)</u>
Total Appropriation,		
Division of Youth		
and Family Services		<u>\$128,297,000*</u>
Personal Services:		
Salaries and wages	(\$93,684,000)	
Positions established from		
lump sum appropriation ...	(48,000)	
Food in lieu of cash	(4,000)	
Materials and Supplies	(2,520,000)	
Services Other Than Personal .	(12,458,000)	
Maintenance and Fixed Charges	(8,458,000)	

Special Purpose:	
Microfilm service charges	(100,000)
Affirmative action and equal employment opportunity program	(50,000)
Grants:	
Public awareness and child education programs	(200,000)
Establish and maintain shelters for victims of domestic violence	(309,000)
Title IV A/E	(391,000)
Shelters and services for battered spouses	(1,200,000)*
Shelters for battered women	(630,000)
Social services for the homeless	(5,568,000)
County Human Services Advisory Boards— formula funding	(9,176,000)
Purchase of services	(52,970,000)
Respite care demonstration program	(210,000)
Initial response/case management	(1,254,000)
Title IV-B Child Welfare Services	(745,000)
Title IV A/E	(5,717,000)
Medicaid payments for children in institutions	(3,171,000)
Medicaid payments for children in institutions	(237,000)
Low income energy assistance	(152,000)
Camp Merry Heart	(25,000)
Purchase of service contracts	(1,099,000)
Child assault prevention project	(900,000)*

Model community support systems	(105,000)
Child care center equipment and renovation fund	(100,000)
Bonnie Brae Educational Center	(25,000)
Fisherman's Mark for child care and support services	(113,000)
Day care salary increases	(2,000,000)
Family Day Care Provider Registration Act	(427,000)
Title IV A/E	(1,075,000)
Low income energy assistance	(1,469,000)
Millicent Fenwick Day Care Center	(100,000)
Day care operations— Urban League of Essex County and Boys and Girls Clubs of Newark	(50,000)
Day Care Centers— Newark	(150,000)
Children's Home Society of N.J. for KIKS programs	(50,000)*
Personal attendant demonstration program	(2,100,000)
Cuban-Haitian Entrant Program	(3,915,000)
Restricted federal grants	(723,000)
Monmouth County sexual abuse treatment and prevention program	(40,000)
Additions, Improvements and Equipment	(1,744,000)
<i>Less:</i>	
<i>Deductions for Federal Funds</i>	<i>(\$87,165,000)</i>

On or before January 31, 1989 the Division of Youth and Family Services shall publish an annual report detailing the activities of the County Human Services Advisory Boards during calendar year 1988. The report shall indicate the total amount of funds made available to the advisory boards for allocation, listing all providers receiving funds and how much funds were awarded.

The unexpended balance as of June 30, 1988 in the Establish and maintain shelters for victims of domestic violence account together with any receipts in excess of the amount anticipated is appropriated.

The amount hereinabove for the Establish and maintain shelters for victims of domestic violence account is payable out of the Marriage license fee fund and any amount remaining therein. If receipts to said fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Day care salary increases account is to be used solely to pay for salary and wage increases of directors and of direct child care givers effective July 1, 1988 at child care centers contracting with the Division of Youth and Family Services. The staff titles, amounts and the number of individuals in those titles receiving these salary and wage increases shall be submitted to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor.

The funds hereinabove appropriated in the Child care equipment and renovation fund account shall be distributed to eligible child care centers not later than September 30, 1988.

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and Planning	\$8,742,000
96-7500 Institutional Support Services	3,346,000
99-7500 Management and Administrative Services	<u>17,819,000</u>
Total Appropriation, Division of Management and Budget	<u>\$29,907,000</u>

Personal Services:

Salaries and wages	(\$14,275,000)
Materials and Supplies	(175,000)
Services Other Than Personal .	(3,358,000)
Maintenance and Fixed Charges	(589,000)

Special Purpose:

Contract auditing	(300,000)
Nursing scholarship program	(830,000)
Rehabilitation services scholarships	(150,000)
Crisis intervention/ patients' rights staff training	(15,000)
Long term care demonstration program	(300,000)
Affirmative action and equal employment opportunity program	(67,000)
Establishment of word processing center	(488,000)
Health Care Financial Information System	(1,481,000)
Office of Prevention	(400,000)
Public information program to prevent mental retardation	(375,000)
Transfer to State Police for fingerprinting/ background checks of job applicants	(250,000)

Grants:

School-based youth services program	(6,000,000)
Volunteer service exchange	(300,000)
Case management for homeless families	(400,000)
Additions, Improvements and Equipment	(154,000)

The unexpended balances as of June 30, 1988 in the Hospital information system and Health care financial system accounts, are appropriated.

Total Appropriation,	
Department of	
Human Services	<u>\$873,811,000*</u>

Balances on hand as of June 30, 1988 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 \$1,200,000.

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 B-14 in the Governor's Budget Recommendation Document dated February 2, 1988 first shall be charged to the State Lottery Fund.

58 DEPARTMENT OF INSURANCE

50 Economic Planning, Development and Security

52 Economic Regulation

01-3110 Licensing and	
Enforcement	\$6,180,000
02-3120 Actuarial Services	2,280,000
03-3130 Regulation of the	
Real Estate Industry	2,207,000
04-3110 Public and Regulatory	
Services	828,000
05-3160 Unsatisfied Claim and	
Judgment Fund	954,000

99-3150 Management and		
Administrative Services		<u>2,309,000</u>
Total Appropriation,		
Economic Regulation		<u>\$14,758,000</u>
Personal Services:		
Real Estate Commissioners ..	(\$75,000)	
Salaries and wages	(9,900,000)	
New positions	(1,048,000)	
Materials and Supplies	(344,000)	
Services Other Than Personal .	(3,084,000)	
Maintenance and Fixed Charges	(219,000)	
Special Purpose:		
Microfilm service charges	(25,000)	
Affirmative action and		
equal employment		
opportunity programs	(7,000)	
Other special purpose	(56,000)	
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 ap-		
propriated 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.		
The unexpended balances as of June 30, 1988, not to exceed \$550,000,		
in the Department of Insurance are appropriated.		
There are appropriated to administer the "New Jersey Insurance		
Fraud Prevention Act," P.L. 1983, c. 320 (C. 17:33A-1 et seq.)		
such sums as are prescribed by the act.		
The amount hereinabove for unsatisfied claims is appropriated out		
of the Unsatisfied Claim and Judgment Fund and, in addition,		
there are appropriated out of that fund additional sums as may		
be necessary for the payment of claims pursuant to section 7		
of P.L. 1952, c. 174 (C. 39:6-67), and for such additional costs		
as may be required to administer the fund pursuant to P.L.		
1952, c. 174 (C. 39:6-61 et seq.).		
Total Appropriation, Department		
of Insurance		<u>\$14,758,000</u>

62 DEPARTMENT OF LABOR
 50 *Economic Planning, Development and Security*
 51 *Economic Planning and Development*

18-4570 Planning and Research	\$1,247,000
99-4565 Management and Administrative Services	<u>4,661,000</u>
Total Appropriation, Economic Planning and Development	<u>\$5,908,000</u>
Personal Services:	
Salaries and wages	(\$1,955,000)
Materials and Supplies	(38,000)
Services Other Than Personal .	(1,614,000)
Maintenance and Fixed Charges	(55,000)
Special Purpose:	
Catastrophic Illness in Children Relief Fund	(500,000)
Employment estimates and projections	(400,000)
New Jersey Occupational Information Coordinating Committee	(97,000)
Affirmative action and equal employment opportunity program	(62,000)
Additions, Improvements and Equipment	(1,187,000)

Of the amounts hereinabove for the data processing system-related activities in the Management and Administrative Services program classification, an amount not to exceed \$1,600,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

An amount, not to exceed \$1,000,000, is appropriated from the Unemployment Compensation Auxiliary Fund for activities related to redesign of the unemployment compensation tax system subject to the approval of the Director of the Division of Budget and Accounting; provided however, if federal funds become available for this purpose, this amount shall be reduced proportionately.

New Jersey State Library

52 Economic Regulation

11-4550 Promulgation and Licensing of Workplace Standards	\$696,000
12-4550 Enforcement of Workplace Standards	<u>7,557,000*</u>
Total Appropriation, Economic Regulation	<u>\$8,253,000*</u>
Personal Services:	
Salaries and wages	(\$4,432,000)
Materials and Supplies	(69,000)
Services Other Than Personal .	(347,000)
Maintenance and Fixed Charges	(234,000)
Special Purpose:	
Public Employees' Occupational Safety and Health Act	(1,416,000)
Asbestos control and licensing	(419,000)
Carnival amusement ride safety advisory board	(1,000)
Safety Commission	(3,000)
On-site consultation (State share)	(140,000)
Mine Safety Training Act (State share)	(10,000)
Worker and Community Right to Know	(483,000)
Special Task Force on the Apparel Industry	(600,000)
Additions, Improvements and Equipment	(99,000)

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, 1988 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	\$8,978,000
03-4520 State Disability Insurance Plan	13,001,000
04-4520 Private Disability Insurance Plan	2,521,000
05-4525 Workers' Compensation	5,806,000
06-4530 Special Compensation .	<u>1,155,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$31,461,000</u>
Personal Services:	
Salaries and wages	(\$19,276,000)
Materials and Supplies	(264,000)
Services Other Than Personal .	(1,712,000)
Maintenance and Fixed Charges	(429,000)
Special Purpose:	
Set-off of individual liabilities program	(474,000)
Wage reporting	(1,550,000)
Unemployment insurance automation support	(2,500,000)
Reimbursement to unemployment insurance for joint tax functions	(5,200,000)
Additions, Improvements and Equipment	(56,000)

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan shall be payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Disability Insurance Program and such sums as may be necessary to pay disability benefits.

The amount hereinabove for the Special Compensation account shall be payable out of the Second Injury 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 Second Injury 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 Second Injury Fund over the sum of \$1,250,000 accumulated as of June 30, 1988, pursuant to R.S. 34:15-94.

Of the amounts hereinabove for the Unemployment Insurance program classification, an amount not to exceed \$4,978,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$15,886,000*
10-4545 Employment Development Services	8,038,000*
16-4555 Public Sector Labor Relations	2,332,000
17-4560 Private Sector Labor Relations	526,000
23-4538 Services for the Deaf	<u>328,000*</u>
Total Appropriation, Manpower and Employment Services	<u>\$27,110,000*</u>
Personal Services:	
Board members (7)	(\$11,000)
Salaries and wages	(6,988,000)
Materials and Supplies	(61,000)
Services Other Than Personal ..	(975,000)
Maintenance and Fixed Charges ..	(75,000)
Special Purpose:	
Governor's Committee on the Disabled	(75,000)
Services to clients (State share)	(3,220,000)*
Sheltered workshop support	(8,100,000)

Sheltered workshop employment placement incentive program	(250,000)
Independent Living Centers	(500,000)
Training grant (State share)	(4,000)
Supported employment services	(450,000)
Work activity training center	(656,000)
State Employment and Training Commission	(200,000)
Governor's employment and training program: Service Delivery Area allocation	(3,000,000)
Governor's employment and training program: Office of Customized Training allocation	(1,000,000)
Appeal board staff augmentation	(72,000)
Services to deaf clients	(33,000)
Worker Resource Center, Inc.	(125,000)
Fair Lawn School for the Deaf	(170,000)*
Ten thousand jobs for ten thousand graduates	(250,000)
Grants:	
Customized training	(750,000)
Message Relay Services operated by Deaf Contact Centers	(100,000)
Additions, Improvements and Equipment	(45,000)

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.

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.

The amount hereinabove for the Employment Development Services account, with the exception of the employment policy initiatives program, shall be appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation,	
Department of Labor	<u>\$72,732,000*</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-1110 Licensing and	
Registration	\$49,905,000
02-1110 Vehicle Control and	
Driver Testing	25,720,000
03-1110 Driver Control	22,038,000
04-1140 Security	
Responsibility	5,226,000
05-1150 Autobody Licensing	
and Enforcement	489,000
89-1110 Revenue Collection	
Services	6,557,000
99-1110 Management and	
Administrative Services	<u>11,948,000</u>
Total Appropriation,	
Vehicular Safety	<u>\$121,883,000</u>
Personal Services:	
Salaries and wages	(\$44,988,000)
Positions established from	
lump sum appropriation ...	(1,854,000)
Materials and Supplies	(6,286,000)
Services Other Than Personal .	(20,301,000)
Maintenance and Fixed Charges	(1,416,000)

Special Purpose:	
800 line telephone service	(2,636,000)
Licensing and registration forms	(921,000)
Licensing and registration stabilization	(291,000)
Foreign Title/Title Cancellation Unit	(83,000)
Agency janitorial service	(696,000)
Microfilm services charges	(10,000)
Microfilm document purging and microfilm indexing system	(264,000)
Agency improvements	(2,222,000)
Agency operations	(16,661,000)
Agency Privatization Pilot Program	(921,000)
Boat certification program	(80,000)
Inspection station employee health monitoring	(99,000)
Service contract emission analyzers	(142,000)
Public inspection station expansion	(150,000)
Federal highway safety program—State match	(341,000)
Wayne Regional Service Center	(1,177,000)
Implementation of surcharge program	(7,800,000)
Uninsured motorist program	(1,000,000)
Drunk driver fund program	(107,000)
Automated traffic system	(4,352,000)
Facilities management—central regional shop	(350,000)
Data processing enhancements	(3,000,000)

Photo licensing	(330,000)
Affirmative action and equal employment opportunity program	(9,000)
Division improvements— management and operations	(1,122,000)
Other special purpose	(258,000)
Control—autobody licensing and enforcement	(400,000)
Additions, Improvements and Equipment	(1,616,000)

Receipts derived pursuant to section 23 of P.L. 1983, c. 105 (C. 39:4-14.3w), not to exceed \$50,000, are appropriated for the purpose of providing an educational program for the safe operation of bicycles and motorized bicycles, subject to the approval of the Director of the Division of Budget and Accounting.

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, 1988 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.

There are appropriated such sums as may be necessary to implement the Commercial Motor Vehicle Safety Act of 1986, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

The unexpended balances in the Federal Highway Safety Program—State match account, including the accounts of the several departments, as of June 30, 1988, are appropriated for such highway safety projects.

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.), in excess of \$16,000,000, are appropriated to the Division of Motor Vehicles to implement improvements and reforms in the operation of the Division of Motor Vehicles, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

The amount hereinabove for the Automated traffic system may be transferred to an applicable State department, subject to the approval of the Director of the Division of Budget and Accounting and upon notice thereof to the Joint Budget Oversight Committee or its successor.

Receipts derived pursuant to section 2 of P.L. 1972, c. 197 (C. 39:6B-2), in excess of \$1,000,000, and the unexpended balance as of June 30, 1988 are appropriated for the Uninsured motorist program.

The unexpended balance as of June 30, 1988 in the Division of Motor Vehicles Drunk driver fund program account together with any receipts in excess of the amount anticipated, not to exceed \$28,500, are appropriated.

The amount hereinabove for the Division of Motor Vehicles Drunk driver fund program 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 derived from parking offense adjudication collected pursuant to P.L. 1985, c. 14 (C. 39:4-139.2) are appropriated for the administration of the program, and the unexpended balance as of June 30, 1988 is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of \$350,000 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 Security Responsibility 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 hereinabove for the Autobody Licensing and Enforcement account is payable out of receipts from the Autobody 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, 1988 in the Autobody Licensing and Enforcement 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.

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$94,556,000
07-1200 Police Services and Public Order	19,687,000
08-1200 Emergency Services	3,832,000
09-1020 Criminal Justice	27,984,000
11-1050 State Medical Examiner	2,674,000
23-1200 State Capitol Complex Security	7,718,000
24-1200 Marine Police Operations	7,610,000
99-1200 Management and Administrative Services	<u>14,491,000</u>
Total Appropriation, Law Enforcement	<u>\$178,552,000</u>
Personal Services:	
Salaries and wages	(\$104,059,000)
Positions established from lump sum appropriation ...	(4,180,000)
Cash in lieu of maintenance	(10,634,000)

Materials and Supplies	(7,660,000)
Services Other Than Personal .	(9,048,000)
Maintenance and Fixed Charges	(4,214,000)
Special Purpose:	
Medical-evacuation helicopter replacement	(1,195,000)
Drunk driver fund program	(962,000)
Solid hazardous waste unit expansion	(1,500,000)
Cape May State Police Station	(1,800,000)
Automated fingerprint identification system	(3,316,000)
Noncriminal record checks	(1,114,000)
Nuclear emergency response program	(2,253,000)
Statewide narcotics prosecution program	(5,793,000)
Expenses of State Grand Jury	(415,000)
Medicaid fraud investigation— State match	(597,000)
Tax amnesty program	(823,000)
Organized crime prosecution program	(1,391,000)
Office automation system enhancement	(1,057,000)
Trial augmentation expansion	(291,000)
County NOMAD implementation	(450,000)
Environmental offense prosecution program	(348,000)
State Governmental Security Bureau expansion	(1,300,000)
Boat certification program	(156,000)
Marine police expansion	(2,718,000)
State police recruit training	(1,371,000)

Annual law enforcement	
memorial services	(35,000)
State Police civilian staff	
enhancement	(632,000)
State Police preventive	
maintenance program	(537,000)
Affirmative action and	
equal employment	
opportunity program	(193,000)
Additions, Improvements and	
Equipment	(8,510,000)

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, 1988 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 \$550,000 derived from license fees and/or audits conducted to insure 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, 1988 in the Air ambulance program account is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1988 in the Drunk driver fund program account together with any receipts in excess of the amount anticipated are appropriated.

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.

Receipts derived from fees for solid and toxic waste haulers' and disposal operators' licenses pursuant to P.L. 1983, c. 392 (C. 13:1E-126 et al.) are appropriated for the cost of the administration of that act.

The unexpended balance in excess of \$1,000,000 as of June 30, 1988 in the Noncriminal record checks account, together with any receipts in excess of the amount anticipated, is appropriated to defray the costs of the Automated Fingerprint Identification System.

The amount hereinabove for the Noncriminal record checks account 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, 1988 in the Data processing pilot project account is appropriated for the same purpose.

The amount hereinabove for the Nuclear emergency response program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L. 1981, c. 302 (C. 26:2D-37 et seq.). The unexpended balance as of June 30, 1988 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, P.L. 1952, c. 12 (C. App. A:9-57.1 et seq.).

The unexpended balance as of June 30, 1988 in the Boat certification program account, together with any receipts in excess of the amount anticipated, is appropriated.

The amount hereinabove for the Boat certification program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

In addition to the amounts hereinabove to the Divisions of State Police and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided however, that payments from such instrumentalities or authorities for employer contributions to

the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

All registration fees, tuition fees, training fees, all receipts collected through division mess hall operations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel are appropriated.

The unexpended balance, not to exceed \$100,000, in the Tax Amnesty Program account, as of June 30, 1988, is appropriated for the same purpose.

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, 1988 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 October 1, 1988 and March 1, 1989, of the use and disposition by State law enforcement agencies of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S. 2C:35-1 et seq. and N.J.S. 2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as a contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies.

13 Special Law Enforcement Activities

17-1420 Election Law Enforcement	\$1,514,000
18-1430 Law Enforcement Planning	2,899,000
20-1450 Review and Enforcement of Ethical Standards	329,000
21-1400 Regulation of Alcoholic Beverages	1,933,000
22-1410 Regulation of Racing Activities	3,578,000
25-1470 New Jersey Commission to Deter Criminal Activity ...	75,000
26-1471 Commission on Missing Persons	157,000
27-1480 State Athletic Control Board	<u>1,056,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$11,541,000</u>
Personal Services:	
Salaries and wages	(\$4,978,000)
Positions established from lump sum appropriation ...	(1,368,000)
New positions	(11,000)
Materials and Supplies	(346,000)
Services Other Than Personal .	(1,006,000)
Maintenance and Fixed Charges	(200,000)
Special Purpose:	
Gubernatorial public finance program	(362,000)
Per diem payment to members of the Election Law Enforcement Commission ..	(30,000)
Action grants—State match	(700,000)
Administration of SLEPA	(249,000)
Speedy Trial Program, backlog reduction	(750,000)
New Jersey Commission to Deter Criminal Activity—State match	(75,000)

Commission on Missing	
Persons	(157,000)
Grants:	
Action grants—local	
match	(1,200,000)
Additions, Improvements and	
Equipment	(109,000)

The unexpended balance as of June 30, 1988 for Law Enforcement Planning, including the accounts of the several departments, is appropriated for the same purposes; and any remaining balance in the Administration of SLEPA account shall be placed in reserve and only released to match additional federal funds which may become available, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L. 1983, c. 333 (C. 52:17B-151 et seq.), the unexpended balance as of June 30, 1988 in the New Jersey Commission to Deter Criminal Activity—State match account is appropriated without a matching fund requirement to defray expenses of the public education effort.

The unexpended balance as of June 30, 1988, in the Commission on Missing Persons account is appropriated for the same purpose.

Receipts in excess of \$307,000 are appropriated for additional State Athletic Control Board activities, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for the State Athletic Control Board, \$307,000 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.

19 Central Planning, Direction and Management

88-1000 Central Library	
Services	\$621,000
99-1000 Management and	
Administrative Services	<u>7,455,000</u>
Total Appropriation, Central	
Planning, Direction	
and Management	<u>\$8,076,000</u>
Personal Services:	
Salaries and wages	(\$5,250,000)

New positions	(275,000)
Materials and Supplies	(415,000)
Services Other Than Personal .	(872,000)
Maintenance and Fixed Charges	(177,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(119,000)
Minority training pilot project	(350,000)
Additions, Improvements and Equipment	(618,000)

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, judicial or administrative procedure or practice; 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.

70 Government Direction, Management and Control
74 General Government Services

12-1010 Legal Services	<u>\$21,581,000</u>
Total Appropriation, General Government Services	<u>\$21,581,000</u>
Personal Services:	
Salaries and wages	(\$17,603,000)
Positions established in lieu of appropriated revenue	(919,000)
New positions	(65,000)
Materials and Supplies	(289,000)
Services Other Than Personal .	(1,208,000)
Maintenance and Fixed Charges	(347,000)

Special Purpose:

Newark data processing enhancement	(265,000)
Tax amnesty	(687,000)
Additions, Improvements and Equipment	(198,000)

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.

*80 Special Government Services**82 Protection of Citizens' Rights*

14-1310 Consumer Affairs	\$8,358,000
15-1320 Board of Accountancy .	456,000
15-1321 Board of Architects and Certified Landscape Architects	224,000
15-1322 Board of Dentistry	345,000
15-1323 Board of Mortuary Science	138,000
15-1324 Board of Professional Engineers and Land Surveyors	309,000
15-1325 Board of Medical Examiners	1,933,000
15-1326 Board of Nursing	1,231,000
15-1327 Board of Optometrists	105,000
15-1328 Board of Pharmacy	571,000
15-1329 Board of Veterinary Medical Examiners	116,000

15-1330 Board of Shorthand Reporting	27,000
15-1331 Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	101,000
15-1332 Board of Cosmetology and Hairstyling	922,000
15-1333 Board of Professional Planners	103,000
15-1334 Board of Examiners of Electrical Contractors	238,000
15-1335 Board of Psychological Examiners	99,000
15-1336 Board of Examiners of Master Plumbers	123,000
15-1337 Board of Marriage Counselor Examiners	61,000
15-1339 Board of Public Movers and Warehousemen	185,000
15-1340 Board of Physical Therapy	121,000
15-1341 Audiology and Speech-Language Pathology Advisory Committee	48,000
16-1350 Protection of Civil Rights	3,776,000
19-1440 Violent Crimes Compensation	<u>5,963,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$25,553,000</u>
Personal Services:	
Salaries and wages	(\$9,936,000)
Positions established from lump sum appropriation ...	(290,000)
Positions established in lieu of appropriated revenue	(163,000)
Materials and Supplies	(473,000)
Services Other Than Personal .	(5,200,000)
Maintenance and Fixed Charges	(819,000)
Special Purpose:	
Microfilm backlog reduction	(301,000)

Auto fraud and lemon law program	(346,000)
Weights and measures complex opening	(54,000)
Hearing aid dispensers examining committee	(2,000)
Excessive fee review committee	(2,000)
Acupuncture examining board	(2,000)
Securities Enforcement Fund	(4,000,000)
Landscape architect examination and evaluation	(2,000)
Athletic training advisory committee	(2,000)
Claims—victims of violent crimes	(3,630,000)
Additions, Improvements and Equipment	(331,000)
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 such purpose.	
The amount hereinabove for the Securities Enforcement Fund ac- count is payable out of receipts from fees and penalties de- posited 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.	
The unexpended balance in excess of \$7,000,000* as of June 30, 1988 in the Securities Enforcement Fund account is appropriated.	
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 ap- propriated.	
Receipts derived from the sale of films, pamphlets, and other educa- tional 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, 1988 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, 1988 in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to P.L. 1985, c. 407 are appropriated.

The unexpended balance as of June 30, 1988 in the Cosmetic, drug and food product tampering account is appropriated for the purpose of implementing the payment of claims to the victims of cosmetic, drug or food product tampering pursuant to paragraph 11 of section 11 of P.L. 1971, c. 317 (C. 52:4B-11).

Total Appropriation, Department of Law and Public Safety	<u>\$367,186,000</u>

68 DEPARTMENT OF PERSONNEL
70 *Government Direction, Management and Control*
74 *General Government Services*

01-2710 Personnel Policy Development and General Administration	\$3,991,000
02-2720 Recruitment and Selection	7,458,000
03-2730 Personnel Management Systems	8,473,000
04-2740 Employee Development and Personnel Services	1,074,000
05-2750 Equal Employment Opportunity and Affirmative Action	846,000
06-2760 Local Government Classification and Placement	<u>2,844,000</u>

Total Appropriation, General		
Government Services		<u>\$24,686,000</u>
Personal Services:		
Merit System Board	(\$58,000)	
Salaries and wages	(15,634,000)	
Positions established from		
lump sum appropriation ...	(120,000)	
Materials and Supplies	(597,000)	
Services Other Than Personal .	(3,233,000)	
Maintenance and Fixed Charges	(258,000)	
Special Purpose:		
Affirmative action and		
equal employment		
opportunity program	(65,000)	
Microfilm service charges	(27,000)	
Test validation/police		
testing	(575,000)	
Personnel Management		
Information System II	(1,000,000)	
Classification support		
system	(2,200,000)	
Revised automated placement		
system	(500,000)	
Pay equity specification		
study	(212,000)	
Additions, Improvements and		
Equipment	(207,000)	
Total Appropriation,		
Department of		
Personnel		<u>\$24,686,000</u>

Receipts derived from training services are appropriated.

The unexpended balance as of June 30, 1988 in the Pay equity specification study account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Automated placement system account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Fire fighter promotional testing account is appropriated for the same purpose.

70 DEPARTMENT OF THE PUBLIC ADVOCATE
 70 *Government Direction, Management and Control*
 76 *Management and Administration*

99-8480 Management and Administrative Services		<u>\$2,212,000</u>
Total Appropriation, Management and Administration		<u>\$2,212,000</u>
Personal Services:		
Salaries and wages	(\$1,692,000)	
Materials and Supplies	(87,000)	
Services Other Than Personal ..	(183,000)	
Maintenance and Fixed Charges	(42,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program	(54,000)	
Microfilming services	(54,000)	
Federal Energy Regulatory Commission hearings	(100,000)	
 80 <i>Special Government Services</i> 82 <i>Protection of Citizens' Rights</i>		
01-8310 Mental Health Advocacy		\$1,946,000
02-8320 Public Interest Advocacy		810,000
03-8330 Citizens' Complaints and Dispute Settlement		951,000
04-8410 Trial Services to Indigents and Special Programs		31,561,000
05-8420 Appellate Services to Indigents		5,833,000
06-8430 Public Defender Administration		843,000
07-8340 Rate Counsel		4,106,000
08-8350 Advocacy for the Developmentally Disabled		<u>643,000</u>
Total Appropriation, Protection of Citizens' Rights		<u>\$46,693,000</u>

Personal Services:

Salaries and wages	(\$29,942,000)
Materials and Supplies	(747,000)
Services Other Than Personal .	(12,957,000)
Maintenance and Fixed Charges	(430,000)

Special Purpose:

Public Defender caseload expansion	(350,000)
Speedy trial program	(1,472,000)
Other special purpose	(368,000)
Additions, Improvements and Equipment	(427,000)

The unexpended balance as of June 30, 1988 in the Rate Counsel program classification together with any receipts in excess of the amount anticipated is appropriated.

Receipts from clients and the unexpended balance as of June 30, 1988 of such receipts are appropriated.

The sum provided for legal and investigative services shall be available for payment of obligations applicable to prior fiscal years.

An amount not to exceed 20% of the departmental administrative costs are chargeable to the Rate Counsel program.

Total Appropriation, Department of the Public Advocate	<u>\$48,905,000</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts	\$22,610,000*
06-2535 Museum Services	3,518,000*
07-2540 Development of Historical Resources	<u>1,429,000*</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$27,557,000*</u>
Personal Services:	
Salaries and wages	(\$2,476,000)
Materials and Supplies	(176,000)

Services Other Than Personal .	(234,000)
Maintenance and Fixed Charges	(63,000)
Special Purpose:	
Council member expenses	(3,000)
Computer system	
expansion	(200,000)
Indian exhibit	(100,000)
Constitutional Bicentennial	
Commission	(135,000)
Acquisition of art and	
historical objects	(700,000)
Walter Edge Foran Institute	
of American Studies at	
Morven	(250,000)
Morven Museum	(299,000)
Oral history program	(27,000)
Folk life and ethnic	
history programs	(22,000)
Afro-American history	
program	(75,000)
Grants:	
Cultural projects	(13,560,000)
Cultural projects—excellence	
initiative	(7,500,000)
Grants in New Jersey	
history	(325,000)
Arts Foundation of NJ	(100,000)*
Princeton Art Association—	
Trenton Visual Art	
Center	(60,000)*
Museums Council of	
New Jersey—history	
museums	(75,000)*
Multi-Ethnic Heritage	
Theater/Museum	(100,000)
Newark Community School	
of the Arts	(100,000)
Woodson Foundation	(20,000)*
Special Audiences-New	
Jersey, Inc.	(60,000)
Monmouth Museum	(25,000)*
Ludlow Homestead—relocation	
and renovation	(25,000)*

Grant to Morris Museum—	
Capital Construction	
Fund	(25,000)*
American Hungarian Heritage	
Foundation Museum	(25,000)*
Hollybush Festival	(150,000)
Whole Theatre	(50,000)
Oakside Cultural Center	(75,000)*
Bicycle Hall of Fame	(100,000)
Ogdensburg Historical Society	(50,000)
Ford Faesch House	(38,000)*
Hunterdon Arts Center	(100,000)
War of the Worlds	
Commemorative Committee	(15,000)
West Deptford Little Theatre	
for sound equipment	(5,000)
New Jersey Ballet	(50,000)
New Jersey State Opera	(125,000)
Trenton City Museum	(13,000)*
Additions, Improvements and	
Equipment	(26,000)

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.

Funds derived from the sale of collections and museum materials, which have been approved by the Secretary of State, are appropriated to and shall be used for the benefit of the State Museum.

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, 1988, not to exceed \$75,000, in the Cultural projects account is appropriated for the audit of cultural projects.

The unexpended balance as of June 30, 1988 in the Constitutional Bicentennial Commission account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Afro-American curriculum program account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Excellence Initiative account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Black Historic Sites Survey account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Flag restoration account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Local theatre restoration account is appropriated and shall be distributed by the New Jersey Council on the Arts according to rules and regulations promulgated by the Arts Council and matched by funds generated by the recipient agencies.

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration	\$2,136,000
08-2545 Records Management ..	1,514,000
09-2506 Commercial Recording	<u>2,080,000</u>
Total Appropriation, Office of the Secretary of State	<u>\$5,730,000</u>
Personal Services:	
Salaries and wages	(\$3,459,000)
Positions established from lump sum appropriation	(101,000)
New position	(17,000)
Materials and Supplies	(236,000)
Services Other Than Personal .	(943,000)
Maintenance and Fixed Charges	(92,000)
Special Purpose:	
Voter registration	(275,000)
Voter declaration	(4,000)
Affirmative action and equal employment opportunity program	(34,000)
New Sweden Commemorative Commission	(55,000)

Records Storage Center	
staffing	(156,000)
Microfilm service charges	(140,000)
Additions, Improvements and	
Equipment	(218,000)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1988 of those receipts are appropriated for the costs of making such examinations.

Receipts from the over-the-counter service surcharge and the unexpended balance of such charge as of June 30, 1988 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 as of June 30, 1988 in the Division of Commercial Recording account for the computer modernization project is appropriated for the same purpose.

2515 Adjudication of Administrative Appeals

03-2515 Adjudication of	
Administrative Appeals	<u>\$7,959,000</u>
Total Appropriation,	
Adjudication of	
Administrative Appeals	<u>\$7,959,000</u>
Personal Services:	
Salaries and wages	(\$5,912,000)
Materials and Supplies	(365,000)
Services Other Than Personal .	(1,375,000)
Maintenance and Fixed Charges	(167,000)
Special Purpose:	
Affirmative action and	
equal employment	
opportunity program	(7,000)
Additions, Improvements and	
Equipment	(133,000)

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, 1988 of those receipts are appropriated for the preparation, printing and distribution of such publications.

The Director of the Division of Budget and Accounting is empowered to transfer or credit as anticipated revenue to the General Fund any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for their share of such costs.

The unexpended balance as of June 30, 1988 in the Study Commission on Regulatory Efficiency account is appropriated for the same purpose.

Total Appropriation, Department of State	<u>\$41,246,000*</u>

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

06-6100 Roadway and Bridge	
Maintenance	\$54,782,000
07-6110 Electrical Operations ..	17,303,000
08-6120 Physical Plant	6,351,000
09-6130 Equipment Maintenance and Operations	23,145,000
71-6200 Transportation	
Construction Engineering ..	<u>52,480,000</u>
Total Appropriation, State	
Highway Facilities	<u>\$154,061,000</u>
Personal Services:	
Salaries and wages	(\$107,942,000)
New positions	(27,000)
Materials and Supplies	(12,143,000)
Services Other Than Personal .	(6,244,000)
Maintenance and Fixed Charges	(18,687,000)
Additions, Improvements and Equipment	(9,018,000)

The unexpended balances as of June 30, 1988 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, P.L. 1979, c. 165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from the fund.

62 Public Transportation

04-6050 New Jersey Transit

Corporation

Bus Operations	\$278,600,000*
Rail Operations	250,900,000
Corporate Operations	36,400,000
Hudson Waterfront Operations	2,000,000
Purchased Transportation .	21,800,000
Total All Operations	<u>\$589,700,000*</u>

Less:

Federal Operating Assistance	(\$38,800,000)	
Farebox Revenue	(332,900,000)	
Other Resources	<u>(24,500,000)</u>	
Total Income Deductions		<u>(\$396,200,000)</u>
Total Appropriation, Public Transportation		<u>\$193,500,000*</u>

Personal Services:

Salaries and wages	(\$361,800,000)
Materials and Supplies	(112,900,000)
Services Other Than Personal .	(42,700,000)

Special Purpose:

Purchased transportation	(21,800,000)
Leases and rentals	(7,700,000)
Insurance and claims	(24,800,000)
Tolls, taxes and operating expenses	(18,000,000)

Less:

Federal Operating Assistance	(38,800,000)
Farebox Revenue	(332,900,000)
Other Resources	<u>(24,500,000)</u>

64 Planning and General Management Support

02-6030 Planning		\$2,552,000
03-6040 Research and Demonstration		743,000
05-6070 Modal Services		2,342,000
97-6020 Financial Management		6,683,000
98-6010 Employee and Support Services		5,504,000
99-6000 Management and Regulatory Services		<u>6,587,000</u>
Total Appropriation, Planning and General Management Support		<u>\$24,411,000</u>
Personal Services:		
Salaries and wages	(\$16,462,000)	
New positions	(468,000)	
Materials and Supplies	(456,000)	
Services Other Than Personal .	(3,580,000)	
Maintenance and Fixed Charges	(340,000)	
Special Purpose:		
Comprehensive highway transportation planning studies	(21,000)	
Public transportation and aviation planning	(158,000)	
Metropolitan planning studies	(104,000)	
University Transportation Research and Studies Center	(250,000)	
Nuclear Waste Transport Commission	(20,000)	
Airport Safety Fund	(1,000,000)	
Microfilm service charges	(76,000)	
Affirmative action and equal employment opportunity program	(789,000)	
Additions, Improvements and Equipment	(687,000)	

The unexpended balance as of June 30, 1988 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 balances as of June 30, 1988 in the Planning and in the Research and Demonstration program classifications are appropriated.

The unexpended balance as of June 30, 1988, 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.

Total Appropriation, Department of Transportation	<u>\$371,972,000*</u>

82 DEPARTMENT OF THE TREASURY
50 *Economic Planning, Development and Security*
52 *Economic Regulation*

01-4010 Financial Regulation ...	\$6,535,000
02-4020 Service Adequacy and Safety	4,548,000
04-4045 Regulation of Cable Television	915,000
99-4040 Management and Administrative Services	<u>1,866,000</u>
Total Appropriation, Economic Regulation	<u>\$13,864,000</u>
Personal Services:	
Salaries and wages	(\$12,231,000)
Materials and Supplies	(196,000)
Services Other Than Personal .	(854,000)
Maintenance and Fixed Charges	(132,000)
Special Purpose:	
Affirmative action and equal employment opportunity program	(45,000)

Additions, Improvements and
Equipment (406,000)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, shall be considered as appropriated on behalf of the Board of Public Utilities under 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 laws with respect to assessment of public utilities or the cable television industry.

The unexpended balances as of June 30, 1988 in the accounts hereinabove are appropriated.

Fees, fines and penalties in excess of those anticipated are appropriated.

70 Government Direction, Management and Control
72 Governmental Review and Oversight

02-2010 Office of State	
Planning	\$2,182,000
03-2015 Employee Relations and	
Collective Negotiations	653,000
05-2030 Budgeting, Planning	
and Control	6,441,000
07-2040 Accounting and	
Financial Reporting	10,375,000
08-2045 Management of	
Technology	<u>1,920,000</u>
Total Appropriation,	
Governmental Review	
and Oversight	<u>\$21,571,000</u>
Personal Services:	
Salaries and wages	(\$12,759,000)
Materials and Supplies	(491,000)
Services Other Than Personal .	(7,120,000)
Maintenance and Fixed Charges	(183,000)
Additions, Improvements and	
Equipment	(1,018,000)

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.

73 Financial Administration

13-2070 Special Procedures and Investigations	\$10,541,000
14-2075 Tax Audit Services	20,424,000
15-2080 Processing and Administration	45,804,000
16-2090 State Lottery Administration	20,849,000
18-2125 Financial Management	1,781,000
19-2120 Management of State Investments	2,749,000
Total Appropriation, Financial Administration	<u>\$102,148,000</u>
Personal Services:	
Salaries and wages	(\$47,929,000)
Positions converted	(7,401,000)
Materials and Supplies	(4,448,000)
Services Other Than Personal .	(32,325,000)
Maintenance and Fixed Charges	(2,360,000)
Special Purpose:	
Comprehensive assessment administration system	(1,000,000)
Lottery—development and promotion of new games ...	(500,000)
Additions, Improvements and Equipment	(6,185,000)

So much of the receipts derived from the sale of confiscated equipment, materials and supplies under the "Cigarette Tax Act," P.L. 1948, c. 65 (C. 54:40A-1 et seq.), as may be necessary for confiscation, storage, disposal and other related expenses thereof, are appropriated.

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).

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

There are appropriated, out of receipts derived from the investment of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under 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	\$5,989,000
10-2055 Physical Plant Operation and Maintenance	28,444,000
11-2060 Other Property Management Services	1,340,000
12-2065 Construction Management Services	7,950,000
21-2140 Management of Employee Benefits Programs	20,747,000
24-2061 Real Property Management	403,000
37-2051 Risk Management	2,323,000
40-2034 Office of Telecommunications and Information Systems	<u>4,800,000</u>
Total Appropriation, General Government Services	<u>\$71,996,000</u>

Personal Services:

Salaries and wages	(\$33,908,000)
Materials and Supplies	(12,730,000)
Services Other Than Personal .	(15,554,000)
Maintenance and Fixed Charges	(2,562,000)

Special Purpose:

Capitol Park	
consolidation	(1,000,000)
Networking of data	
centers	(3,800,000)
Additions, Improvements and	
Equipment	(2,442,000)

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.

Receipts from employee maintenance charges in excess of \$1,300,000 are appropriated for maintenance of employee housing; provided however, that a sum not to exceed \$145,000 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 \$164,000 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.

The unexpended balances in the Networking of data centers account as of June 30, 1988 are appropriated for the same purpose.

2050-321-09 State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1988, 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.

2000-301-43 Print Shop

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop.

2064-443-62, 444-66 State Cafeterias

The unexpended balances in the State cafeteria accounts as of June 30, 1988 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).

76 Management and Administration

01-2005 Federal Liaison	
Activities	\$150,000
98-2006 Public Contracts	
Affirmative Action	
Office	748,000
99-2000 Management and	
Administrative Services	<u>5,345,000</u>

Total Appropriation, Management and Administration		<u>\$6,243,000</u>
Personal Services:		
Salaries and wages	(\$3,552,000)	
Materials and Supplies	(127,000)	
Services Other Than Personal .	(473,000)	
Maintenance and Fixed Charges	(72,000)	
Special Purpose:		
Federal Liaison Office—		
Washington, D.C	(150,000)	
New Jersey Fisheries Development		
Commission	(150,000)	
Minority Opportunity Enhancement Fund	(1,690,000)	
Additions, Improvements and Equipment	(29,000)	
Fees collected on behalf of the public contracts affirmative action program and the unexpended balance as of June 30, 1988 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.).		
Total Appropriation, Department of the Treasury		<u><u>\$215,822,000</u></u>

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 Community Development and Environmental Management

43 Environmental Quality

9130 Interstate Sanitation Commission

03-9130 Interstate Sanitation		
Commission		<u>\$455,000</u>
Total Appropriation, Interstate Sanitation		
Commission		<u>\$455,000</u>
Special Purpose:		
Expenses of Commission	(\$455,000)	

The amounts available to the Interstate Sanitation Commission shall not exceed 45% of total member state contributions.

9140 Delaware River Basin Commission

02-9140 Delaware River Basin	
Commission	<u>\$550,000</u>
Total Appropriation, Delaware River Basin	
Commission	<u>\$550,000</u>
Special Purpose:	
Expenses of Commission	(\$550,000)

44 Hazardous and Toxic Pollution Control

9160 Northeast Interstate Low-Level Radioactive Waste Commission

10-9160 Northeast Interstate Low-Level Radioactive Waste Commission	<u>\$100,000</u>
Total Appropriation, Northeast Interstate Low-Level Radioactive Waste Commission	<u>\$100,000</u>
Special Purpose:	
Expenses of Commission	(\$100,000)

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>\$272,000</u>
Total Appropriation, New Jersey Commission on Capital Budgeting and Planning	<u>\$272,000</u>
Special Purpose:	
Expenses of Commission	(\$272,000)
Total Appropriation, Miscellaneous Executive Commissions	<u>\$1,377,000</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	\$112,000,000
02-9400 Insurance and Other Services	<u>21,613,000</u>
Total Appropriation, Property Rentals, Insurance and Other Services	<u>\$133,613,000</u>
Services Other Than Personal Rent:	
Buildings and grounds	(\$116,300,000)
Richard J. Hughes Justice Complex	(10,600,000)
New Jersey Building Authority	(13,100,000)
Less:	
Direct charges and charges to non-State fund sources	(\$28,000,000)
Insurance:	
Property Insurance	(\$1,629,000)
Casualty Insurance	(2,180,000)
Special Insurance Policies	(104,000)
Special Purpose:	
Tort Claims Liability Fund (N.J.S. 59:12-1)	(4,000,000)
Workers' Compensation Self- Insurance Fund	(11,100,000)
Vehicle Claims Liability Fund	(2,500,000)
Self-Insurance Deductible Fund	(100,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space, to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the

required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to non-State fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except as hereinafter provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

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, 1988 in the Excess liability insurance master policy account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 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 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, 1988 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 shall be available for the payment of direct costs of outside legal and investigative services related to the investigation and litigation of claims against the fund.

The unexpended balances as of June 30, 1988 in the Inter-Departmental Accounts for automobile insurance are appropriated as a reserve for payment of vehicular and Division of Motor Vehicle Inspection Station premises and operations liability claims settlements and judgments, payment of vendored claims, investigative costs or for reallocation to departments based on loss experience.

The unexpended balance as of June 30, 1988 in the Vehicle Claims Liability Fund account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Self-Insurance Deductible Fund account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Self-Insurance Fund—foster parents account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Rent: Buildings and grounds account, not to exceed \$7,000,000, is appropriated for the same purpose.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

9410 Employee Benefits

03-9410 Employee Benefits		<u>\$765,229,000</u>
Total Appropriation,		
Employee Benefits		<u>\$765,229,000</u>
Special Purpose:		
Heath Act	(\$35,000)	
Veterans' Act	(70,000)	
Miscellaneous special		
acts	(9,000)	
Judicial Retirement		
System	(10,112,000)	
Prison Officers' Pension		
Fund	(2,276,000)	
Public Employees' Retirement		
System	(143,918,000)	
Social Security tax	(220,600,000)	

State Police Retirement System	(26,441,000)
Dental care program, shared cost	(9,000,000)
State employees' health benefits	(222,000,000)
Prescription drug program	(19,400,000)
Pension Adjustment Act	(34,008,000)
Minimum Pension Benefit Act	(160,000)
Employer contributions, alternate benefit program	(31,337,000)
Pension and noncontributory group life insurance benefit payments to Teachers' Pension and Annuity Fund for higher education and State employee members	(3,770,000)
Temporary disability insurance	(3,098,000)
Police and Firemen's Retirement System (P.L. 1979, c. 109)	(19,312,000)
Police and Firemen's Retirement System, P.L. 1944, c. 255 (C. 43:16A-1 et seq.)	(18,283,000)
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, 1989 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, 1988 through the date of such payment.

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.

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 copayment of \$3.50 for each eligible nongeneric prescription/refill and a copayment of \$1.00 for each eligible generic prescription/refill.

Of the amount hereinabove for the Pension Adjustment Act, such sums as are appropriated in advance for increased retirement benefits for local employee members of State-administered retirement systems shall be repaid to the General Treasury upon reimbursement from local public employers.

9420 State Contingency Fund

04-9420 State Contingency	
Fund	<u>\$9,575,000</u>
Total Appropriation, State	
Contingency Fund.	<u>\$9,575,000</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)
Three Mile Island—New Jersey contribution	(1,875,000)
Contingencies, including fuel, food and services	(1,500,000)
Compensation awards	(100,000)
Telephone buyout	(4,100,000)

The unexpended balance as of June 30, 1988 in the Productivity improvements account is appropriated for the same purpose.

Balances resulting from the implementation of cost-saving processes or other productivity improvements shall be transferred to the Productivity improvements account as the Director of the Division of Budget and Accounting shall determine.

Revenue in excess of that anticipated resulting from the implementation of a revenue-producing improvement is appropriated as determined by the Director of the Division of Budget and Accounting for other productivity improvements.

The unexpended balance as of June 30, 1988 in the Continuation and expansion of data processing systems account is appropriated for the same purpose.

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

The unexpended balance as of June 30, 1988 in the Telephone buyout account is appropriated for the same purpose.

9430 Salary and Other Benefits

05-9430 Salary and Other	
Benefits	\$145,000,000
<i>Less:</i>	
<i>Employee Attrition Program</i> .	<u>(5,000,000)</u>
Total Appropriation, Salary and Other Benefits	<u>\$140,000,000</u>
Special Purpose:	
Salary and benefits increases	(\$140,000,000)

Unused accumulated sick leave payments	(5,000,000)
<i>Less:</i>	
<i>Employee Attrition Program .</i>	<i>(5,000,000)</i>

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, 1988 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.

Notwithstanding the provisions of section 1 of P.L. 1974, c. 55 (C. 52:14-15.107), as amended, 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 not to exceed \$95,000 for any individual.

Total Appropriation, Inter-Departmental Accounts	<u>\$1,048,417,000</u>

JUDICIAL BRANCH

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

01-9710 Supreme Court	\$3,298,000
02-9715 Superior Court—	
Appellate Division	9,550,000
03-9720 Civil Courts	22,868,000
04-9725 Criminal Courts	11,405,000
05-9730 Family Courts	9,397,000
06-9735 Municipal Courts	1,461,000
07-9740 Probation Services	5,029,000
08-9745 Court Reporting	9,252,000
09-9750 Legal and Professional Services	712,000
10-9755 Information Services ...	11,557,000
11-9760 Field Operations	1,873,000
12-9765 Management and Administration	<u>23,336,000</u>
Total Appropriation, Judicial Services	<u>\$109,738,000</u>
Personal Services:	
Chief Justice	(\$95,000)
Associate Justices	(558,000)
Judicial positions converted ..	(340,000)
Judges	(30,311,000)
Salaries and wages	(33,303,000)
New positions	(1,112,000)
Materials and Supplies	(2,376,000)
Services Other Than Personal .	(9,363,000)
Maintenance and Fixed Charges	(444,000)
Special Purpose:	
Child Placement Advisory Council	(75,000)
Juvenile Delinquency Disposition Commission	(425,000)
Public Defender eligibility review	(496,000)

Rules development	(150,000)
Criminal Disposition Commission	(225,000)
Child placement review boards	(380,000)
Affirmative action and equal employment opportunity program	(157,000)
Child support and paternity program (State share)	(755,000)
Alternative dispute resolution	(800,000)
Intensive supervision program	(2,984,000)
Computerized County Jail Information System	(101,000)
Speedy Trial Program, case processing improvement	(500,000)
Automobile arbitration	(1,100,000)
County court takeover	(18,000,000)
Grants:	
Family crisis intervention	(225,000)
Municipal court assistance	(878,000)
Community service program	(650,000)
Community probation supervision program	(157,000)
Additions, Improvements and Equipment	(3,778,000)
Total Appropriation, Judiciary	<u>\$109,738,000</u>

The unexpended balances as of June 30, 1988 in the accounts herein-
above are appropriated.

Receipts from charges to the Superior Court Trust Fund, Clients'
Security Fund, Ethics Financial Committee and the Board of
Trial Attorney Certification are appropriated for services
provided to those funds.

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
Total Appropriation, Direct State Services	<u>\$4,932,892,000*</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>\$1,647,000</u>
Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$1,647,000</u>
State Aid:	
Property Tax Reserve Fund requirements, section 20 of P.L. 1968, c. 60 (C. 12:11A-20)	(\$1,647,000)

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.

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*41 *Community Development Management—State Aid*

02-8020 Housing Services	\$36,000,000
04-8030 Local Government	
Services	237,479,000*
06-8015 Uniform Construction	
Code	<u>46,000</u>
Total Appropriation, Community	
Development Management	<u>\$273,525,000*</u>
State Aid:	
Revolving Housing	
Development and	
Demonstration Grant	
Fund	(\$500,000)
Relocation assistance for	
fire	(600,000)
Neighborhood preservation ...	(3,000,000)
Neighborhood preservation—	
fair housing	(21,900,000)
Urban multi-family	
production program	(10,000,000)
Municipal aid pursuant to	
P.L. 1978, c. 14	
(C. 52:27D-178 et seq.)	(40,301,000)
Safe and Clean Programs:	
Neighborhoods Program	(25,890,000)
Expanded police	
services	(25,000,000)
Supplementary aid for	
fire services	(8,000,000)
Aid to distressed	
municipalities (P.L. 1987,	
c. 75)	(120,000,000)
Payments to urban centers—	
Raze vacant buildings	(500,000)
Payment to Irvington—	
Raze vacant buildings	(150,000)
Payment to Trenton—	
Raze vacant buildings	(150,000)
Payment to Newark—	
Raze vacant buildings	(250,000)

Payment to Camden—	
Raze vacant buildings	(200,000)
Aid to depressed rural	
centers	(518,000)
County welfare	
equalization	(15,000,000)
Tax collectors' training	(75,000)
Municipal finance officers'	
training	(75,000)
Municipal memberships in	
Building Codes	
Association	(46,000)
Grant to Monmouth County	
for purchase of Bayshore	
Right of Way	(900,000)
Grant to Union Beach	
Fire Company	(25,000)*
Grant to Matawan	
Fire Company	(20,000)
Grant to Long Branch	
Recreation Department	(10,000)
Grant to Bloomfield for	
rescue truck	(50,000)
Grant to Borough of Elmer	
to replace water	
tower	(300,000)
Grant to Lodi for municipal	
services expansion	(25,000)*
Springfield Township	
(Union County)	
Municipal Services	(40,000)

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed \$500,000 may be used for administration and technical assistance of the program, and up to \$300,000 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 \$125,000 may be used for administration and technical assistance.

The unexpended balance as of June 30, 1988 in the Neighborhood preservation—fair housing account together with any receipts in excess of the amount anticipated 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.

The unexpended balance as of June 30, 1988 in Safe and Clean Programs: Neighborhoods program, Expanded police services, and Supplementary aid for fire services accounts are appropriated.

The unexpended balance as of June 30, 1988 in the Aid to distressed municipalities account is appropriated.

Notwithstanding the provisions of section 4 of P.L. 1977, c. 260 (C. 52:27D-165 et seq.), the amount hereinabove for Aid to depressed rural centers shall be distributed to each municipality which received such aid in any calendar year from 1980 to 1987 inclusive, and the amounts distributed to each municipality shall be equal to the greatest amount of aid received by it in any calendar year from 1980 to 1987 inclusive.

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."

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.

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 shall be allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar 1985; provided further, however, that each recipient municipality match its allocation with an equal amount; provided further, however, that any increase in assistance to any municipality be used for law enforcement.

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the "Local Government Supervision Act (1947)," 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.

Of the amount appropriated for Aid to distressed municipalities pursuant to P.L. 1987, c. 75 (C. 52:27D-118.24 et seq.), not more than \$1,550,000 may be used for administration of the program.

The amount hereinabove appropriated for Safe and Clean Programs: Neighborhoods Program account shall not be distributed to municipalities qualifying for a distribution pursuant to P.L. 1987, c. 439 in local budget year 1988.

The sum hereinabove appropriated for Aid to distressed municipalities may be made available 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 may make application for assistance to the director and the board, describ-

ing the financial condition of the municipality, those circumstances which support a determination of fiscal distress pursuant to P.L. 1987, c. 75 and any other information required by the director.

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, may appropriate and expend an amount of such surplus approved by the director 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.

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 Program: 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 Program: Expanded

police services account, as an exception to the spending limitations imposed by P.L. 1976, c. 68.

50 Economic Planning, Development and Security
55 Related Social Services Programs—State Aid

05-8050 Community Resources .	\$2,335,000*
08-8060 Programs for the	
Aging	<u>2,470,000</u>
Total Appropriation, Related	
Social Services Programs ..	<u>\$4,805,000*</u>
State Aid:	
New Jersey Volunteer	
Youth Corps	(\$2,000,000)
County offices on aging	(840,000)
Project Resources—Brookdale	
Community College and	
Middlesex County	
College	(200,000)
Older Americans Act	
(State share)	(1,405,000)
Community Action	
Grants	(50,000)
Grant to Middletown Senior	
Citizen Center	(25,000)
Grant to Middletown—Fire	
Academy and Belford	
Fire Company	(50,000)
Grant to Paterson Youth	
Games	(60,000)
Grant to Monmouth Beach	
Recreational Facilities	(25,000)
Grant to Latin American	
Community Action	
Agency of Hudson	(150,000)*
The unexpended balance as of June 30, 1988 in the New Jersey Volunteer Youth Corps account is appropriated.	
The unexpended balance as of June 30, 1988 for the Monmouth Beach Recreational Facility account is appropriated.	
Total Appropriation,	
Department of	
Community Affairs	<u>\$278,330,000*</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

02-5120 Nonpublic School	
Aid	\$34,931,000
03-5120 Miscellaneous Grants-	
in-Aid	27,188,000*
04-5064 Adult and Continuing	
Education	7,520,000
07-5065 Special Education	13,275,000
07-5120 Special Education	21,556,000*
Total Appropriation, Direct	
Educational Services and	
Assistance	<u>\$104,470,000*</u>
State Aid:	
Aid to nonpublic	
education	(\$6,379,000)
Nonpublic nutrition aid	(502,000)
Nonpublic handicapped	
aid	(9,036,000)
Nonpublic auxiliary services	
aid	(16,524,000)
Nonpublic auxiliary services	
aid—transportation	(1,490,000)
Nonpublic aid for	
asbestos	(1,000,000)
Emergency fund	(200,000)
Public School Safety	
Act	(2,500,000)
Minimum teacher starting	
salary	(10,000,000)
Teacher recognition	
program	(6,480,000)
Asbestos removal	(5,000,000)
Grant to Youth	
Environmental Society—	
Earth Care	
Seminars	(25,000)
Educational Information and	
Resource Center	(600,000)
Follow-through program—	
Trenton School District	(150,000)

Urban Initiative:	
Broad-based component	(2,083,000)
Evening school for the	
foreign born	(253,000)
High school equivalency	(2,113,000)
Adult education	(1,137,000)
Adult literacy	(4,017,000)
Projects for handicapped	
infants	(13,000,000)
County special services	
districts	(21,831,000)
Marine Academy of Science	
and Technology	(50,000)
Grant to American	
Boychoir School	(100,000)

The unexpended balance as of June 30, 1988 in the Aid for asbestos account is appropriated for the same purpose.

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 fully fund 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 sum hereinabove appropriated 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 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.

The unexpended balance as of June 30, 1988 in the Program for disruptive students account is appropriated for the same purpose.

The unexpended balance as of June 30, 1988 in the Nonpublic aid for asbestos account is appropriated for the same purpose.

33 Supplemental Education and Training Programs—State Aid

20-5062 General Vocational		
Education Programs		\$646,000
Total Appropriation,		
Supplemental Education		
and Training Programs		<u>\$646,000</u>
State Aid:		
Schools of industrial		
education	(\$21,000)	
National Guard cooperative		
education	(125,000)	
Work-study program	(500,000)	

34 Educational Support Services—State Aid

36-5120 Pupil Transportation ...		\$70,617,000
37-5120 School Nutrition		6,815,000
39-5095 Teachers' Pension and		
Annuity Assistance		<u>462,354,000</u>
Total Appropriation,		
Educational Support		
Services		<u>\$539,786,000</u>
State Aid:		
Computerized bus scheduling	(\$250,000)	
Pupil transportation	(70,367,000)	
State school lunch aid	(6,565,000)	
School breakfast program	(250,000)	
Teachers' Pension and		
Annuity Fund	(347,608,000)	

Pension Adjustment Act	(114,631,000)
Minimum pension for pre-1955 retirees	(115,000)

The amount appropriated hereinabove for transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1986-1987 school year.

Of the amount hereinabove for Transportation aid, an amount equal to the total earnings on investments of the school fund shall first be charged to the fund.

The unexpended balance as of June 30, 1988 in the School building aid debt service account is appropriated for the same purpose.

The sum in the Pension Adjustment Act account shall be available for the payment of such increase applicable to the prior fiscal year.

Notwithstanding the provisions of any other law, the sum hereinabove for the State contribution to the Teachers' Pension and Annuity Fund shall be paid to the fund not later than June 30, 1989 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, 1988 through the date of such payment.

Such interest as may be required to be paid on account of delayed payments to the Teachers' Pension and Annuity Fund is appropriated and shall be first charged to investment earnings.

The sum in the Social Security tax account shall be available for the payment of such tax applicable to the prior fiscal year.

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	<u>\$17,349,000*</u>

Total Appropriation, Cultural and Intellectual Development Services		<u>\$17,349,000*</u>
State Aid:		
Per capita library aid	(\$9,325,000)	
Emergency aid/incentive grants	(200,000)	
Library construction incentive aid	(1,500,000)	
Library network	(5,684,000)	
Library development aid	(400,000)	
Grant to Cumberland County Bookmobile— purchase of new van	(40,000)*	

The unexpended balances as of June 30, 1988 in the Library construction incentive aid account are appropriated for the same purpose.

Total Appropriation, Department of Education	<u>\$662,251,000*</u>

The unexpended balances as of June 30, 1988 in the State Aid accounts, not to exceed \$650,000, are appropriated.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments by utilizing the same method used in distributing general formula aid and school building aid in the 1987-88 school year.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, the commissioner 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 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 B-14 in the Governor's Budget Recommendation Document dated

February 2, 1988 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 40 *Community Development and Environmental Management*
 42 *Natural Resource Management—State Aid*

15-4890 Marine Lands	
Management	<u>\$4,100,000*</u>
Total Appropriation, Natural Resource Management	<u>\$4,100,000*</u>
State Aid:	
Borough of Keansburg for not more than 50% of the cost of operation and maintenance of hurricane and beach control structures	(\$100,000)
Sweep streets and clean sewers	(2,000,000)
Beach litter control	(2,000,000)

There is appropriated from the Shore Protection Fund created pursuant to the Shore Protection Bond Act of 1983 (P.L. 1983, c. 356), a sum not to exceed \$500,000, for costs attributable to planning and administration of the shore protection program.

The unexpended balances as of June 30, 1988 in the Storm water management—Municipalities and Storm water management—Counties accounts are appropriated.

The unexpended balances as of June 30, 1988 in the Wesley Lake—rehabilitation and silt removal and Alberta Lake—rehabilitation and silt removal accounts are appropriated.

43 *Environmental Quality—State Aid*

07-4850 Water Monitoring and Planning	\$575,000
08-4855 Water Enforcement	375,000*
09-4860 Public Wastewater Facilities	15,000,000

17-4910 Solid Waste Resource	
Management	<u>500,000</u>
Total Appropriation,	
Environmental Quality	<u>\$16,450,000*</u>
State Aid:	
Lake Management	(\$450,000)
Sylvan Lake cleanup	(50,000)
Sewage facility construction	
statewide	(15,000,000)
Musconetcong Sewer	
Authority	(300,000)
Implementation and	
demonstration grants	
to solid waste	
management districts	(500,000)
Thomas West Park	
pond cleanup	(125,000)
Wall Township pond	
cleanup	(25,000)*

The unexpended balances as of June 30, 1988 in the Environmental Quality—State Aid accounts are appropriated, provided however, that the unexpended balance to be appropriated in the Implementation and demonstration grants to solid waste management districts not to exceed \$50,000 of which an amount not to exceed \$30,000 is allocated for purposes of auditing such grants.

44 Hazardous and Toxic Pollution Control—State Aid

The unexpended balance as of June 30, 1988 in the Belleville toxic waste cleanup account is appropriated.

The unexpended balances as of June 30, 1988 in the Major Hazardous Waste Facilities Siting Act—Grants to Municipalities and the Major Hazardous Waste Facilities Siting Act—Training accounts are appropriated.

The unexpended balance as of June 30, 1988 in the Grant to Hamilton Township, Mercer County—ECRA study of Koenig plastics site account is appropriated.

45 Recreational Resource Management—State Aid

21-4895 Navigational Aids	<u>\$3,000,000</u>
Total Appropriation, Recreational Resource Management	<u>\$3,000,000</u>
State Aid:	
Dredging of inland waterways—State aid to counties and municipalities, 100% grant	(\$3,000,000)

The unexpended balances as of June 30, 1988 in the Dredging of inland waterways—State aid to counties and municipalities, 100% grant account is appropriated.

The unexpended balance as of June 30, 1988 in the Rehabilitation of the Dey Mansion Washington Headquarters in Wayne account is appropriated.

46 Environmental Planning and Administration—State Aid

99-4800 Management and Administrative Services	<u>\$5,514,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$5,514,000</u>
State Aid:	
Payment in lieu of taxes	(\$992,000)
For administration, planning and development activities of the Pinelands Commission	(2,122,000)
County environmental health	(2,000,000)
Mosquito control, research, administration and operations	(400,000)

The unexpended balance as of June 30, 1988 in the Mosquito control, research, administration and operations account is appropriated.

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, 1988 of such receipts are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

Total Appropriation, Department of Environmental Protection	<u>\$29,064,000*</u>

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services—State Aid*

02-4220 Local and Community Health Services	<u>\$6,239,000</u>
Total Appropriation, Health Services	<u>\$6,239,000</u>
State Aid:	
Community health services ..	(\$6,239,000)

The capitation is set at 64.5 cents for the year ending June 30, 1989 for the purposes prescribed in P.L. 1966, c. 36 (C. 26:2F-1 et seq.).

Total Appropriation, Department of Health	<u>\$6,239,000</u>

50 DEPARTMENT OF HIGHER EDUCATION
30 *Educational, Cultural and Intellectual Development*
36 *Higher Educational Services—State Aid*
5400 *Office of the Chancellor*

06-5400 Aid to County Colleges	<u>\$112,045,000*</u>
Total Appropriation, Office of the Chancellor	<u>\$112,045,000*</u>
State Aid:	
Operational costs	(\$89,566,000)*
Challenge grants	(5,800,000)
Debt service	(2,459,000)
Employer contributions— alternate benefit program	(10,743,000)

Computer proficiency programs	(585,000)
Technical engineering education	(1,042,000)
Northern/Central CIM Center	(400,000)
Minor capital projects	(1,000,000)
Southern New Jersey CIM Center—Special categorical allocation	(400,000)
Brookdale Community College Urban Campus Initiative	(50,000)
Total Appropriation, Department of Higher Education	<u>\$112,045,000*</u>

The unexpended balance as of June 30, 1988 in this account is appropriated.

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.

An amount not to exceed 6% of the total of the Challenge grants, Computer proficiency programs, and Technical engineering education accounts are appropriated for the administrative expenses of these programs.

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 B-14 in the Governor's Budget Recommendation Document dated February 2, 1988 first shall be charged to the State Lottery Fund.

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>\$32,863,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$32,863,000</u>
State Aid:	
Support of patients in county mental hospitals	(\$32,863,000)

An amount not to exceed \$2,500,000 shall be available for the payment of obligations for outpatient services at county psychiatric hospitals.

24 Special Health Services—State Aid

7540 Division of Medical Assistance and Health Services

22-7540 General Medical Services	<u>\$801,469,000*</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$801,469,000*</u>
State Aid:	
Provider fee increase	(\$5,600,000)
Payments for medical assistance recipients (State share)— Nursing homes	(283,081,000)
Payments for medical assistance recipients (State share)— Inpatient hospital	(232,083,000)
Payments for medical assistance recipients (State share)— Prescription drugs	(62,932,000)
Payments for medical assistance recipients (State share)— Outpatient hospital	(48,403,000)

Payments for medical assistance recipients (State share)—	
Physician	(27,510,000)
Payments for medical assistance recipients (State share)—	
Home health	(22,014,000)
Payments for medical assistance recipients (State share)—	
Medicare B payments	(15,550,000)
Payments for medical assistance recipients (State share)—	
Uncompensated care	(15,156,000)
Payments for medical assistance recipients (State share)—	
AIDS costs	(10,384,000)
Payments for medical assistance recipients (State share)—	
Dental	(9,960,000)
Payments for medical assistance recipients (State share)—	
County psychiatric hospitals	(9,073,000)
Payments for medical assistance recipients (State share)—	
Medical supplies	(8,823,000)
Payments for medical assistance recipients (State share)—	
Clinic	(8,614,000)
Payments for medical assistance recipients (State share)—	
DYFS residential	(7,188,000)

Payments for medical assistance recipients (State share)—	
Transportation	(6,433,000)
Payments for medical assistance recipients (State share)—	
Other services	(9,351,000)
Medicaid expansion—	
SOBRA	(13,949,000)
Expansion of Medicaid benefits to former AFDC recipients	(5,000,000)
Prescription drug dispensing fee increase	(365,000)*

All funds recovered under P.L. 1968, c. 413 (C. 30:4D-1 et seq.) during the fiscal year ending June 30, 1989 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 48.53%; but 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.) to the contrary, the Medical Assistance to the Aged program is eliminated; except 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.

From the sums appropriated hereinabove for Medicaid Expansion—SOBRA, such sums as are necessary, not to exceed 10% of the amount appropriated for this program, are allocated

for the administration of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) and any other law to the contrary, the Commissioner is authorized to pay from the Provider fee increase accounts hereinabove and in the Casino Revenue Fund, Medicaid provider fee increases pursuant to a provider fee schedule as may be appropriate within the limit of appropriations made therein, which schedule shall be provided to the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto.

Notwithstanding the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) and any other law to the contrary, the Commissioner is authorized to pay from the Prescription drug dispensing fee increase account hereinabove to eligible pharmacies pursuant to P.L. 1968, c. 413 (C. 30:4D-1 et seq.) an increase of \$0.10* per prescription dispensing fee.

50 Economic Planning, Development and Security

53 Economic Assistance and Security—State Aid

7550 Division of Public Welfare

15-7550 Income Maintenance ...	<u>\$265,502,000</u>
Total Appropriation, Division of Public Welfare	<u>\$265,502,000</u>
State Aid:	
Payments to municipalities for cost of general assistance (State share)	(\$63,346,000)
Payments for dependent children assistance, regular segment (State share)	(153,280,000)
Payments for emergency assistance (State share)	(12,082,000)
Payments for supplemental security income (State share)	(29,173,000)

Payments for dependent children assistance, unemployment of father (State share)	(4,070,000)

Payments for dependent children assistance, insufficient employment of parents (State share)	(3,551,000)

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. 44:10-1 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, 1989 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1989 are appropriated.

A portion of the amount hereinabove appropriated for payments to municipalities for the cost of general assistance (State share), not to exceed \$1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program 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.

55 Related Social Services Programs—State Aid
7570 Division of Youth and Family Services

16-7570 Initial Response/ Case Management	\$3,137,000
17-7570 Substitute Care	68,754,000
18-7570 General Social Services	<u>18,640,000</u>

Total Appropriation, Division of Youth and Family Services		<u>\$90,531,000</u>
State Aid:		
Initial response	(\$658,000)	
Substitute family care	(24,981,000)	
Residential placements—family services	(2,734,000)	
Family support services	(18,640,000)	
Maintenance to children residing in institutions	(41,039,000)	
Juvenile-family crisis intervention units	(2,479,000)	
Funds recovered under P.L. 1951, c. 138 (C. 30:4C-1 et seq.), during the fiscal year ending June 30, 1989, are appropriated.		
Of the amount hereinabove appropriated for Substitute family care, the Division of Youth and Family Services may expend up to \$225,000 for recruitment of foster and adoptive families; except that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.		
The sums hereinabove appropriated are available for the payment of obligations applicable to prior fiscal years.		
Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs first shall be approved by the Director of the Division of Budget and Account- ing.		
Total Appropriation, Department of Human Services		<u>\$1,190,365,000*</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services—State Aid

06-2535 Museum Services	<u>\$1,427,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,427,000</u>
State Aid:	
Operational grant for Newark Museum	(\$1,427,000)

Total Appropriation, Department of State	<u>\$1,427,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation—State Aid

The unexpended balance as of June 30, 1988 in this account is appropriated.

63 Local Highway Facilities—State Aid

80-6220 County and Municipal Aid	<u>\$1,770,000</u>
Total Appropriation, Local Highway Facilities	<u>\$1,770,000</u>

State Aid:

County and municipal aid for lighting	(\$1,700,000)
Install traffic light on Route 7, Belleville	(70,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

Capital construction funds are available for allotment by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts hereinabove are available for capital construction projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other requirement of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Total Appropriation, Department of Transportation	<u>\$1,770,000</u>

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 72 *Governmental Review and Oversight—State Aid*

02-2010 Office of State	
Planning	<u>\$500,000</u>
Total Appropriation,	
Governmental Review	
and Oversight	<u>\$500,000</u>
State Aid:	
Office of State Planning—	
aid for corridor planning ...	(\$500,000)

75 State Subsidies and Financial Aid—State Aid

28-2077 County Boards of	
Taxation	\$659,000
29-2088 Locally Provided	
Services	19,081,000
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	3,651,000
36-2081 Municipal Purposes Tax	
Assistance Fund	<u>30,000,000</u>
Total Appropriation, State	
Subsidies and	
Financial Aid	<u>\$212,904,000</u>
Personal Services:	
County Tax Board	
members (69)	(\$659,000)
State Aid:	
Payments to municipalities	
for services to State-	
owned property	(18,356,000)
Payments to municipalities to	
replace property tax on	
business personalty	(158,704,000)
Pinelands Municipal Property	
Tax Stabilization Fund	(650,000)

Payments to municipalities pursuant to Municipal Purposes Tax Assistance Program, P.L. 1980, c. 12 (C. 54:1-46 et seq.)	(30,000,000)
Tuition payments for local assessors	(75,000)
State contribution to Consolidated Police and Firemen's Pension Fund	(3,651,000)
Payments to municipalities in lieu of railroad property tax pursuant to P.L. 1941, c. 291 (C. 54:29A-1 et seq.)	(809,000)

Notwithstanding the provisions of P.L. 1945, c. 162 (C. 54:10A-1 et seq.) there are appropriated so much of the proceeds derived from the taxes collected from banking corporations pursuant to the Corporation Business Tax Act and the "Business Personal Property Tax Act," P.L. 1966, c. 136 (C. 54:11A-1 et seq.) 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 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 is 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.).

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, 1988 to qualified municipalities.

Notwithstanding the provisions of any other law, of the amount hereinabove for payments to municipalities for services to State-owned property, the cities of Camden and Newark shall first receive payments for services for new prisons derived by applying 40% of the 1987 local purposes rate for the taxing district to the actual cost of construction of the facility.

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 derived by applying 40% of the 1987 local purposes rate for the taxing districts to the actual cost of construction of the facility.

Notwithstanding the provisions of any other law, the amount distributed for Payments to municipalities for services to State-owned property shall be distributed in order that a municipality which received an extraordinary payment for municipal services and in lieu of taxes under P.L. 1977, c. 137 shall receive for the local tax year 1988 not less than an amount equal to the amount it received under that act increased by \$100,000. This minimum amount shall be in addition to any other payments which the municipality is entitled to receive under any provision of this act for services to State Building Authority constructed facilities.

The unexpended balance as of June 30, 1988 in the Grants to counties from the State Planning Commission account is appropriated.

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 1989.

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.

The unexpended balance as of June 30, 1988 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 1988 shall be \$685,000,000 and the payments due in June, 1989 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.

There is appropriated from the Salem Municipal Port Authority Assistance Fund created pursuant to P.L. 1987, c. 51, an amount not to exceed \$120,000, to assist the City of Salem Municipal Port Authority to make timely payments of the principal and interest payable in calendar year 1989 on the debt issued by the authority and known as the "City of Salem Municipal Port Authority Port Development Bond Series of 1985," and such other amounts as may be required for reasonable expenses associated with the administration of the fund.

Total Appropriation, Department of the Treasury	<u>\$213,404,000</u>
Total Appropriation, State Aid	<u>\$2,496,542,000*</u>

Whenever any county, municipality, or school district entitled to receive State aid from appropriations made herein withholds funds from State agencies entitled to payment for services, the Director of the Division of Budget and Accounting is authorized to withhold State aid payments to 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, 1988, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1989. 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, 1988, 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, 1988 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 the 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, 1988 in this account is appropriated.

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

Capital Project:

Beneficial Pest Laboratory—

Greenhouses (\$100,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

50 Economic Planning, Development and Security

51 Economic Planning and Development

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department of Agriculture	<u>\$100,000</u>

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*

Capital Project:

Purchase and replacement of equipment	(\$1,000,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$1,000,000</u>

26 DEPARTMENT OF CORRECTIONS

10 *Public Safety and Criminal Justice*

16 *Detention and Rehabilitation*

Capital Projects:

New Jersey State Prison	
Wing 7 renovations	(\$178,000)
East Jersey State Prison	
Infirmery renovations	(1,050,000)
Multipurpose building	(500,000)
Increase electrical capacity— Marlboro Camp	(127,000)
Bayside State Prison	
Electrical improvements	(1,300,000)
New food service facility ...	(210,000)
Southern State Correctional Facility Central dining hall	(120,000)
Garden State Reception and Youth Correctional Facility	
New sewage treatment plant—Wharton Tract	(618,000)

Albert C. Wagner Youth Correctional Facility Sewage treatment plant	(354,000)
Mountainview Youth Correctional Facility Facility renovations— High Point Unit	(415,000)
Sewage treatment plant	(1,269,000)
Division of Management and General Support Road repairs—various institutions	(1,000,000)
Multipurpose building	(50,000)
Deferred maintenance— various institutions	(1,375,000)
Expand inmate work opportunities	(1,000,000)
Facility renovations— juvenile facilities	(750,000)
Water tower repairs— various institutions	(273,000)
The unexpended balance as of June 30, 1988 in this account is appropriated.	
Total Appropriation, Department of Corrections	<u>\$10,589,000</u>

30 DEPARTMENT OF VETERANS' AFFAIRS AND DEFENSE

10 Public Safety and Criminal Justice

14 Military Services

Capital Projects:	
Deferred maintenance	(\$700,000)
Renovations and improvements	(100,000)
Washington Armory Addition and alteration	(149,000)
Bordentown Armory Addition and alteration	(75,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

*80 Special Government Services**83 Services to Veterans**3610 Veterans' Programs Support*

Capital Project:

Veterans' cemetery—

Arneytown (\$500,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department
of Veterans' Affairs

and Defense \$1,524,000

34 DEPARTMENT OF EDUCATION

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**5010 Division of Direct Services*

The unexpended balance as of June 30, 1988 in this account is appropriated.

5011 Marie H. Katzenbach School for the Deaf

Capital Project:

Storm system revisions (\$55,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

*37 Cultural and Intellectual Development Services**5070 Division of State Library*

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department
of Education

\$55,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

*40 Community Development and Environmental Management**42 Natural Resource Management*

Capital Projects:

Fish, Game and Wildlife

Recreational development .. (\$325,000)

Renovations	(675,000)
Rowlands Pond restoration	(75,000)*
Imlaystown Pond dam repair	(1,500,000)
Flood control studies	(710,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

There is appropriated from the Shore protection account such sums as necessary for costs attributable to planning and administration of the Shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated sufficient sums, not to exceed \$8,000,000, to permit the Commissioner of Environmental Protection to advance funds for the purpose of paying development costs for the planning, design and construction of Monmouth county outfall extensions, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

44 Hazardous and Toxic Pollution Control

Capital Project:

Hazardous site mitigation— Statewide site cleanup	(\$45,000,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

There is appropriated from the Hazardous site mitigation—Statewide site cleanup account such sums as necessary for costs attributable to planning, contracting, engineering, construction, inspection, laboratory, scientific and administrative services of the Hazardous waste site cleanup program, subject to the approval of the Director of the Division of Budget and Accounting.

There is further appropriated from the Hazardous site mitigation—Statewide site cleanup account such sums as necessary for the purpose of compelling potential responsible parties to clean up hazardous waste sites, and for State oversight and inspection of potential responsible party cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

45 Recreational Resource Management

Capital Projects:

Parks and Forestry

Waterloo Village	(\$500,000)
Allaire Village	(75,000)
Major maintenance and rehabilitation program ...	(4,000,000)
Liberty State Park	(1,290,000)
Fortesque Marina bulkheads	(100,000)
Twin Lights Lighthouse, Atlantic Highlands	(50,000)

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.

The unexpended balance as of June 30, 1988 in this account is appropriated.

There is appropriated from the Development and State land acquisition accounts such sums as 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

Capital Projects:

Parkway improvements	(\$325,000)
Recreational development	(350,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

46 Environmental Planning and Administration

Capital Project:

Mosquito Control Commission

Mosquito control and equipment replacement	(\$325,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department of Environmental Protection	<u>\$55,300,000*</u>

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services*

Capital Projects:

Laboratory equipment	(\$730,000)
Replace built-in laboratory equipment	(800,000)
New State health laboratory	(1,000,000)

The funds hereinabove appropriated are for the preliminary planning, conceptual design and the acquisition of property for a new State laboratory for the Department of Health. To the extent possible, the department shall site the laboratory on property owned by the State.

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department of Health	<u>\$2,530,000</u>

50 DEPARTMENT OF HIGHER EDUCATION
30 *Educational, Cultural and Intellectual Development*
36 *Higher Educational Services*
5400 *Office of the Chancellor*

Capital Project:

Renewal and replacement projects	(\$12,000,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

5494 State College Construction

The unexpended balance as of June 30, 1988 in this account is appropriated.

5600 Rutgers, The State University

Capital Project:

Victor Building replacement,
Camden campus (\$2,000,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

5630 University of Medicine and Dentistry of New Jersey

Capital Project:

Environmental and Occupational
Health Sciences Institute .. (\$2,000,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department
of Higher Education \$16,000,000

54 DEPARTMENT OF HUMAN SERVICES

*20 Physical and Mental Health**23 Mental Health Services**7700 Division of Mental Health and Hospitals*

Capital Projects:

Community grant
program (\$2,000,000)
Forensic Psychiatric
Facility—Trenton
Psychiatric Hospital (5,400,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7600 Division of Developmental Disabilities*

Capital Projects:

Woodbridge Developmental
Center—Education
therapy building (\$3,500,000)
North Princeton
Developmental Center (1,013,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

*33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired*

The unexpended balance as of June 30, 1988 in this account is appropriated.

*50 Economic Planning, Development and Security
55 Related Social Services Programs
7570 Division of Youth and Family Services*

The unexpended balance as of June 30, 1988 in this account is appropriated.

*70 Government Direction, Management and Control
76 Management and Administration*

Capital Projects:

Physical plant improvements—various	
institutions	(\$1,000,000)
Accreditation improvements .	(1,800,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department of Human Services	<u>\$14,713,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY
*10 Public Safety and Criminal Justice
11 Vehicular Safety*

Capital Projects:

Model agencies	(\$1,000,000)
Inspection station renovations	(2,000,000)
Flemington inspection station— purchase option	(730,000)
Inspection station support facilities	(824,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

12 Law Enforcement

Capital Projects:

State Police

Renovations and alterations	(\$477,000)

Southern regional headquarters—Hammonton	(4,324,000)

Roads and approaches	(352,000)

Marine Police

Burlington station	(1,757,000)

Port Newark station	(1,397,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

19 Central Planning, Direction and Management

The unexpended balance as of June 30, 1988 in this account is appropriated.

*80 Special Government Services**82 Protection of Citizens' Rights*

Capital Projects:

Volumetric laboratory—Weights and Measures Complex	(\$1,140,000)

Mobile weights and measures equipment	(251,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation,

Department of Law

and Public Safety

\$14,252,000

74 DEPARTMENT OF STATE

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

The unexpended balance as of June 30, 1988 in this account is appropriated.

*70 Government Direction, Management and Control**74 General Government Services*

The unexpended balance as of June 30, 1988 in this account is appropriated.

78 DEPARTMENT OF TRANSPORTATION

*60 Transportation Programs**61 State Highway Facilities*

Capital Project:

Transportation Trust

Fund Account	(\$331,000,000)

The unexpended balances as of June 30, 1988 of appropriations from the Transportation Trust Fund Account are appropriated for the specific projects approved by the Governor pursuant to the New Jersey transportation construction program, and approved revisions and supplements to the transportation construction program.

Any appropriation herein or heretofore made for projects and programs within the purview of the "emergency transportation tax act," P.L. 1961, c. 32 (C. 54:8A-1 et seq.), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Fund established in that law. Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1988 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 and 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

Capital Project:

Elberon train station (\$200,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department
of Transportation \$331,200,000

There is appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority sums for the specific projects identified under the general programs as follows:

BRIDGES

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>
		Summit Ave. & Maple Ave. over NJ Transit	Union
15	5C	Over Paulins Kill	Sussex
147	1C	Over Grassy Sound	Cape May
		Blackwell St. over NJ Transit	Morris
		Fanny Rd. over NJ Transit	Morris
		Cregar Rd. over NJ Transit	Hunterdon
		Maple Ave. over NJ Transit	Camden
1&9	(6)	Magnolia Ave. over Rte. 1&9	Union
1&9T	(22)	Over St. Pauls Ave.	Hudson
23	(10)	Southbound over Rte. 46	Passaic
30	(7)	Rte. 30 over Atlantic Line	Camden
35	(7)	Over Raritan River	Middlesex
46	(12)	Eastbound over Rte. 4 & Ramps B & L	Bergen
46	(21)	Over Passaic River	Morris
47	(3)	Bridge over Grassy Sound	Cape May
50	(1)	Over Tuckahoe River	Cape May
130	(4)	Over Little Timber Creek & S. Branch Newton Creek	Camden
		Bridge inspection & rating	Various
		Miscellaneous Contract	Various
		Adjustments	

LOCAL BRIDGES

3	3W	Over Berry's Creek	Bergen

46	13D	Over Passaic River & River Road & McBride Ave.	Passaic
166	(1)	Over Jakes Branch Bathgate Place & 7th St. over NJ Transit	Ocean Essex
		Bay St. over NJ Transit	Essex
		Linden Ave. over NJ Transit	Hudson
		Tuttle Parkway over NJ Transit	Union
		Pine Hollow Rd. over NJ Transit	Warren
		North Ninth St. over NJ Transit	Essex
		Local bridges	Various

CONSOLIDATED PRIMARY SYSTEM

38	3B	NJ Turnpike to .7 miles west of Rancocas Creek Rd., dualization	Burlington
70	12A, 13B	West of Rte. 9 to east of Airport Rd., dualization	Ocean
147	1C	Rte. 9 to New Jersey Ave., widening, bridge replacement	Cape May
1&9	(5)B	Pierson Ave. to south of Green Street	Middlesex
1&9	(5)C	Production Way to East Scott Ave.	Middlesex
1&9	(5)C	Production Way to East Scott Ave.	Union
18F	3C, 2E	Wyckoff Rd. to Garden State Parkway (refund of advance acquisition funding)	Monmouth
30/130	1H	Cooper River to Airport Circle & Airport Circle to Stand	Camden
		Miscellaneous Contract Adjustments	Various

DEMONSTRATION GRANT FUNDS

70	(5)	Laurelton Circle to Brielle Circle	Ocean
70	(5)	Laurelton Circle to Brielle Circle	Monmouth

DISCRETIONARY BRIDGE

1&9	2AJ	South Street viaduct	Essex

HAZARD ELIMINATION

		Cumberland County Guide Rail	Cumberland
		SRPM's County Roads	Various

		So. Jersey Overhead Signs	Various
		No. Jersey Overhead Signs, Contract 3	Various
		So. Jersey Rural RPMS	Various
		No. Jersey Rural RPMS	Various
18	(1)	North of 516 to Gunia Rd. & west of Messler St. to NJ Turnpike	Middlesex
46	7G	Route 46 jughandles at Drake Ave.	Morris
47	10E, 11D	South of Chestnut Ave. to north of Oak Rd. & Cedar Ave. to south of Olive Rd.	Cumberland
73	6C, 7C	North of Davis Ave. to north of Pump Branch Road	Camden
93	1D	North of Palisades Ave. to Schor Ave., Leonia	Bergen

CORRIDOR SAFETY IMPROVEMENT PROGRAM

1	(3)C	Route 1 & 130 Interchange	Middlesex

INTERSTATE DEDESIGNATION

522	(3)	County Rte. 522, South Brunswick	Middlesex
29F	10B, 10A	I-295/195 interchange to Lamberton Rd. (Rte. 129)	Mercer
206	(5)	Rte. 518 to Somerville Circle, dualization & highway improvements	Somerset
206/202	15H, 3G	Somerville Circle	Somerset

LOCAL INTERSTATE DEDESIGNATION

206/202	15H, 3G	Somerville Circle	Somerset
287	AIP	Access improvements, Piscataway	Middlesex
287	(5)	South Randolphville Rd. Interchange	Middlesex
		Local interstate dedesignation	Various
		Miscellaneous Contract Adjustments	Various

INTERSTATE HIGHWAYS

95	2F, 3E	M.P. 1-2.8 & 4.5-5.2; additional lane & increase vertical clearance	Mercer

295 676/76	5F, 7A 1G, 3K	Rte. 130 to Crosswicks From Morgan St. to Rte. 76 & from Rte. 676 to Nicholson Ave., addition of 3rd lane	Burlington Camden
295	7H	I-295 to I-195 interchange	Mercer
295	7J	South of interchange to Crosswicks Creek	Mercer
287	21D, 18B	Franklin Ave. to Ramapo River in Mahwah	Bergen
		Miscellaneous Contract Adjustments	Various

INTERSTATE 4R

80	8M	East of Rte. 15 to east of Beaver Brook, widening & resurfacing	Morris
195	1H, 2F, 3G, 4G, 5B	Vicinity of Lakeside Blvd. to Co. Rte. 527, fencing	Mercer
195	1H, 2F, 3G, 4G, 5B	Vicinity of Lakeside Blvd. to Co. Rte. 527, fencing	Monmouth
195	1H, 2F, 3G, 4G, 5B	Vicinity of Lakeside Blvd. to Co. Rte. 527, fencing	Ocean
78	(9)	West Peddie St. ramps	Essex
80	(5)	Passaic River Bridge to east of Teaneck Rd., deck protection, widening safety, resurfacing	Bergen
80	(6)	Truck weigh station westbound	Morris
280	(1)	Newark Downtown Connector Study	Essex
287		I-80 (M.P. 38) to Rte. 202 (M.P. 42.5); additional lane	Morris
295	(2)	Truck weigh station northbound	Salem
295	(4)	Northbound/NJ Turnpike, Salem Canal & Rte. 40	Salem
287	6M	Ramp revisions at I-287 southbound at Rte. 202-206	Somerset
		Miscellaneous Contract Adjustments	Various

RAIL HIGHWAY

Rail Highway Crossing Projects	Various

RURAL SECONDARY

Local Rural Secondary	Various

BETTERMENTSResurfacing Contracts

Milling Contract	Various
Concrete Curb Contract	Various
Contract 114—Region 1	Warren
Route 46	
Contract 318—Region 3	Middlesex
Route 130 SB	

Guiderail Safety Improvement Contracts

Contract #104—Region 1	Various
Contract #206—Region 2	Various
Contract #305—Region 3	Various
Contract #404—Region 4	Various

Bridge Maintenance

Bridge Deck Repair Contract	Various
Underwater Inspection Contract	Various

Special Engineering Projects

Route 46—1BF, 14K	Various
Route 3 (B)	Various
Route 46	Various

STATE

27	1AA	M.P. .5 to 3.1, resurfacing and safety, Jersey City-Newark Turnpike to ELRR-Conrail	Hudson
17	6J, 5AC, 6G	Sheridan Ave. to Franklin Turnpike	Bergen
18F	3C, 2E	Wayside Rd. to south of Overhill Rd. & Rte. 18 west of Wycoff Rd. (remaining costs)	Monmouth
23	3Y, 4G	Over Hamburg Turnpike, Pequannock River	Morris
23	3Y, 4G	Over Hamburg Turnpike, Pequannock River	Passaic
24F	10F, 11J	Columbia Turnpike to Passaic River	Morris

37	8G	M.P. 31.5 to 37.5, Rte 70 to Garden State Parkway, dualization	Ocean
73	5D	Intersection at Rte. 73 & Jackson Rd.	Camden
147		Wetlands Replacement	Cape May
206	24C, 25B	Climbing lane, Kittatinny Lake to vicinity of Co. Rte. 521	Sussex
		Underground electrical facilities	Various
31	(11)	Halstead St. (M.P. 33.5) to Co. Rte. 513 (M.P. 34.3)	Hunterdon
35	(10)	Sea Girt & Atlantic Aves. intersection improvements	Monmouth
45	(2)	Over Majors Run	Salem
295	(4)	Georgetown Rd. over I-295 (joint project with I-295/Salem Canal)	Salem
		Hudson River Waterfront Roadway Improvements	Hudson
9	25J, 4J	Interchange at Ernston Rd., additional right of way	Middlesex
49	6D	West of Commerce St. to west of West Ave. (M.P. 21.4 to 24.5)	Cumberland
129		Barlow St. & Rte. 1 to Hamilton Ave.	Mercer
129	10A, 11A	Hamilton Ave. to Rte. 29F	Mercer
		Miscellaneous contract adjustments	Various

PHYSICAL PLANT

Physical Plant	Various

RAIL FREIGHT

Rail Freight	Various

BRIDGE PAINTING

Statewide Bridge Painting	Various

TRAFFIC SIGNAL CONSTRUCTION

Traffic Signal Construction	Various

FEDERAL NON-PARTICIPATING COSTS

Non-Participating	Various

STATE AID

State Aid in lieu of federal urban system funds	Various
Municipal Aid	Various

URBAN SYSTEM

1&9 & 1J,	Hackensack River to Broad	Bergen
46 16P	and Broad to Fletcher	
19F 2M	I-80 to Paterson CBD	Passaic
35 10H	Drainage at Whale Creek	Monmouth
35 10H	Drainage at Whale Creek	Middlesex
1&9 6H, 7C	Tonnele Ave. to Rte. 3, widening to six lanes	Hudson
10 (2)	Intersection of Rte. 10 & Ridgedale Ave. (M.P. 15.8)	Morris

LOCAL FAUS BACKLOG

	Local FAUS Backlog	Various
	Miscellaneous Contract Adjustments	Various
10 2H	East of Franklin Rd. to west of Salem St.	Morris

NEW JERSEY TRANSIT CORPORATION

<u>Project Description</u>	<u>County</u>
<u>RAIL</u>	
● Major Rail Construction	
Contract closeouts	Various
● Rail Infrastructure	
Capital Maintenance	
Track rehabilitation	Various
Bridge rehabilitation	Various
Signals & communications	Various
Other rail infrastructure	Various
RVL track rationalization	Various
Immediate Action:	
Testing, clean-up, disposal	Various
Immediate action—NJT property	Various
Immediate action on NE Corridor	Various
Support Equipment & Facilities	
Intertrack fencing	Various

Meadows maintenance complex yard expansion	Hudson
Meadows maintenance complex car washer	Hudson
Non-revenue vehicles	
Materials yard relocation and improvements	
Centralized Traffic Control	
Centralized traffic control on NE Corridor	
● Rail Rolling Stock	
Overhaul	
Arrow III overhaul & conversion	
F40/U34 locomotive overhaul	
Associated capital maintenance (purchase major spare parts)	
New Acquisitions	
Six electric locomotives (partial payments)	
Purchase additional passenger coaches	
Bombardier lease payment (for existing coaches)	
Rail Equipment Telemetry System	
Rail equipment telemetry system	Various
● Rail Passenger Facilities	
Station Improvements	
Rail station rehabilitation	Various
Park and Ride	
Park and ride	Various
<u>BUS</u>	
● Bus Maintenance Facilities and Support Equipment	
Bus Garage Rehabilitation	
Newark bus complex lease	Essex
Newark bus complex rehabilitation	Essex
Big Tree garage	
Immediate action (emergency repairs)	Various
New Bus Garages	
Passaic bus facility	Passaic
Meadowlands bus facility	Hudson
Prospective northern bus facility	

Support Equipment & Facilities		
Non-revenue vehicles		
Operations support equipment		
Anti-spill fuel devices		
Weehawken bus storage lot	Hudson	
Revenue counting facility		
Radio system upgrade		
Testing, clean-up, disposal	Various	
Fare collection (card readers)		
● Bus Passenger Facilities and Rolling Stock		
Bus Terminal Rehabilitation		
Atlantic City bus terminal	Atlantic	
Raymond Plaza East	Essex	
Support Facilities		
Bus stop signs	Various	
New Bus Purchases		
Purchase buses—private carriers		
Purchase buses for growth		
<u>MISCELLANEOUS</u>		
Property lease payments	Various	
Special services match		
<u>NEW INITIATIVES</u>		
Montclair Connection	Essex	
Bus preferential treatment		
Penn Station capacity		
Hunter Connection		
Bergen-Main Connection (Secaucus Transfer)	Hudson	
Waterfront Connection	Hudson	
Monmouth-Ocean rail restoration	Monmouth/ Ocean	
Kearny Connection	Hudson	
NEC/NJCL yard expansion		
Other Trans-Hudson design work		

The unexpended balances as of June 30, 1988 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated for the specific projects approved by the Governor pursuant to the New Jersey transportation construction program, and approved revisions and supplements to the transportation construction program.

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 74 *General Government Services*

Capital Projects:

Capitol Complex:

Deferred maintenance	(\$1,275,000)
Interior planning and renovations	(7,641,000)
Capital replacement	(3,470,000)
Capital improvements	(4,005,000)
Acquisition of property	(500,000)

Statewide Programs:

Hazardous material removal	(3,000,000)
Roof repairs	(4,000,000)
Fire code compliance	(3,000,000)

The unexpended balance as of June 30, 1988 in this account is appropriated.

76 Management and Administration

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation,

Department of

the Treasury

\$26,891,000

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*43 *Environmental Quality*9140 *Delaware River Basin Commission*

Capital Project:

Amortization of multipurpose

dams	(\$2,000)

70 Government Direction, Management and Control

72 Governmental Review and Oversight

9150 *New Jersey Commission on Capital Budgeting and Planning*

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Miscellaneous Executive Commissions	<u>\$2,000</u>
Total Appropriation, Capital Construction	<u>\$474,156,000*</u>

Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department, subject to the approval of the Director of the Division of Budget and Accounting.

DEBT SERVICE

10 DEPARTMENT OF AGRICULTURE

70 Government Direction, Management and Control

76 Management and Administration

99-3370 Interest on Bonds	\$612,000
99-3370 Bond Redemption	<u>650,000</u>
Total Appropriation, Department of Agriculture	<u>\$1,262,000</u>

Special Purpose:

Interest:

Farmland Preservation Bonds (P.L. 1981, c. 276)	(\$612,000)

Redemption:

Farmland Preservation Bonds (P.L. 1981, c. 276)	(650,000)

20 DEPARTMENT OF COMMERCE, ENERGY

AND ECONOMIC DEVELOPMENT

50 *Economic Planning, Development and Security*51 *Economic Planning and Development*

99-2910 Interest on Bonds	\$3,565,000
99-2910 Bond Redemption	<u>2,502,000</u>
Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$6,067,000</u>

Special Purpose:

Interest:

Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(\$166,000)
Energy Conservation Bonds	
(P.L. 1980, c. 68)	(1,506,000)
Community Development Bonds	
(P.L. 1981, c. 486)	(1,548,000)
Community Development	
Refunding Bonds	
(P.L. 1985, c. 74)	(345,000)

Redemption:

Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(278,000)
Energy Conservation Bonds	
(P.L. 1980, c. 68)	(1,025,000)
Community Development Bonds	
(P.L. 1981, c. 486)	(1,120,000)
Community Development	
Refunding Bonds	
(P.L. 1985, c. 74)	(79,000)

22 DEPARTMENT OF COMMUNITY AFFAIRS

70 Government Direction, Management and Control

76 Management and Administration

99-8070 Interest on Bonds	\$1,388,000
99-8070 Bond Redemption	<u>1,585,000</u>
Total Appropriation, Department of Community Affairs	<u>\$2,973,000</u>

Special Purpose:

Interest:

State Housing Assistance Bonds	
(P.L. 1968, c. 127)	(\$210,000)
State Mortgage Assistance Bonds	
(P.L. 1976, c. 94)	(834,000)
State Mortgage Assistance	
Refunding Bonds	
(P.L. 1985, c. 74)	(344,000)

Redemption:

State Housing Assistance Bonds (P.L. 1968, c. 127)	(500,000)
State Mortgage Assistance Bonds (P.L. 1976, c. 94)	(750,000)
State Mortgage Assistance Refunding Bonds (P.L. 1985, c. 74)	(335,000)

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-7000 Interest on Bonds	\$20,408,000
99-7000 Bond Redemption	15,006,000
Total Appropriation, Department of Corrections	<u>\$35,414,000</u>

Special Purpose:

Interest:

State Institution Construction Bonds (P.L. 1960, c. 156)	(\$22,000)
New Jersey Institutions Construction Bonds (P.L. 1964, c. 144)	(18,000)
Public Buildings Construction Bonds (P.L. 1968, c. 128)	(468,000)
Institutions Construction Bonds (P.L. 1976, c. 93)	(1,454,000)
Institutional Construction Bonds (P.L. 1978, c. 79)	(624,000)
Public Purpose Buildings Construction Bonds (P.L. 1980, c. 119)	(3,114,000)
Correctional Facilities Construction Bonds (P.L. 1982, c. 120)	(10,549,000)
Institutions Construction Refunding Bonds (P.L. 1985, c. 74)	(739,000)

Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(1,220,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(822,000)
Correctional Facilities	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(1,378,000)
Redemption:	
State Institution	
Construction Bonds	
(P.L. 1960, c. 156)	(188,000)
New Jersey Institutions	
Construction Bonds	
(P.L. 1964, c. 144)	(540,000)
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(786,000)
Institutions Construction Bonds	
(P.L. 1976, c. 93)	(1,764,000)
Institutional Construction Bonds	
(P.L. 1978, c. 79)	(833,000)
Public Purpose Buildings	
Construction Bonds	
(P.L. 1980, c. 119)	(2,967,000)
Correctional Facilities	
Construction Bonds	
(P.L. 1982, c. 120)	(5,365,000)
Institutions Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(653,000)
Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(1,084,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(512,000)
Correctional Facilities	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(314,000)

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*35 *Education Administration and Management*

99-5095 Interest on Bonds	\$1,140,000
99-5095 Bond Redemption	<u>3,135,000</u>
Total Appropriation, Department of Education	<u>\$4,275,000</u>
Special Purpose:	
Interest:	
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(\$606,000)
State Facilities for the	
Handicapped Bonds	
(P.L. 1973, c. 149)	(133,000)
Institutional Construction Bonds	
(P.L. 1978, c. 79)	(136,000)
Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(265,000)
Redemption:	
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(1,019,000)
State Facilities for the	
Handicapped Bonds	
(P.L. 1973, c. 149)	(1,700,000)
Institutional Construction Bonds	
(P.L. 1978, c. 79)	(181,000)
Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(235,000)

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*46 *Environmental Planning and Administration*

99-4800 Interest on Bonds	\$62,566,000
99-4800 Bond Redemption	<u>64,698,000</u>
Total Appropriation, Department of Environmental Protection	<u>\$127,264,000</u>

Special Purpose:

Interest:

State Recreation and Conservation Land Acquisition Bonds (P.L. 1961, c. 46)	(\$116,000)
Water Conservation Bonds (P.L. 1969, c. 127)	(5,340,000)
State Recreation and Conservation Land Acquisition Bonds (P.L. 1971, c. 165)	(2,027,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L. 1974, c. 102)	(5,259,000)
Clean Waters Bonds (P.L. 1976, c. 92)	(4,921,000)
Beaches and Harbors Bonds (P.L. 1977, c. 208)	(1,273,000)
Emergency Flood Control Bonds (P.L. 1978, c. 78)	(491,000)
State Land Acquisition and Development Bonds (P.L. 1978, c. 118)	(4,692,000)
Natural Resources Bonds (P.L. 1980, c. 70)	(4,880,000)
Water Supply Bonds (P.L. 1981, c. 261)	(9,203,000)
1983 New Jersey Green Acres Bonds (P.L. 1983, c. 354)	(3,045,000)
Shore Protection Bonds (P.L. 1983, c. 356)	(2,534,000)
Water Conservation Refunding Bonds (P.L. 1985, c. 74)	(345,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds (P.L. 1985, c. 74)	(4,051,000)
Clean Waters Refunding Bonds (P.L. 1985, c. 74)	(230,000)
Beaches and Harbors Refunding Bonds (P.L. 1985, c. 74)	(460,000)

Emergency Flood Control	
Refunding Bonds	
(P.L. 1985, c. 74)	(230,000)
State Land Acquisition and	
Development Refunding Bonds	
(P.L. 1985, c. 74)	(5,234,000)
Natural Resources Refunding Bonds	
(P.L. 1985, c. 74)	(1,034,000)
Water Supply Refunding Bonds	
(P.L. 1985, c. 74)	(780,000)
1983 New Jersey Green	
Acres Refunding Bonds	
(P.L. 1985, c. 74)	(460,000)
Shore Protection Refunding Bonds	
(P.L. 1985, c. 74)	(230,000)
Wastewater Treatment Bonds	
(P.L. 1985, c. 329)	(5,731,000)
Redemption:	
State Recreation and Conservation	
Land Acquisition Bonds	
(P.L. 1961, c. 46)	(1,000,000)
Water Conservation Bonds	
(P.L. 1969, c. 127)	(12,235,000)
State Recreation and Conservation	
Land Acquisition Bonds	
(P.L. 1971, c. 165)	(5,330,000)
State Recreation and Conservation	
Land Acquisition and	
Development Bonds	
(P.L. 1974, c. 102)	(6,280,000)
Clean Waters Bonds	
(P.L. 1976, c. 92)	(5,080,000)
Beaches and Harbors Bonds	
(P.L. 1977, c. 208)	(1,805,000)
Emergency Flood Control Bonds	
(P.L. 1978, c. 78)	(650,000)
State Land Acquisition and	
Development Bonds	
(P.L. 1978, c. 118)	(4,750,000)
Natural Resources Bonds	
(P.L. 1980, c. 70)	(5,040,000)
Water Supply Bonds	
(P.L. 1981, c. 261)	(5,431,000)

1983 New Jersey Green	
Acres Bonds	
(P.L. 1983, c. 354)	(2,490,000)
Shore Protection Bonds	
(P.L. 1983, c. 356)	(1,550,000)
Water Conservation	
Refunding Bonds	
(P.L. 1985, c. 74)	(79,000)
State Recreation and Conservation	
Land Acquisition and	
Development Refunding Bonds	
(P.L. 1985, c. 74)	(3,613,000)
Clean Waters Refunding Bonds	
(P.L. 1985, c. 74)	(53,000)
Beaches and Harbors	
Refunding Bonds	
(P.L. 1985, c. 74)	(105,000)
Emergency Flood Control	
Refunding Bonds	
(P.L. 1985, c. 74)	(53,000)
State Land Acquisition and	
Development Refunding Bonds	
(P.L. 1985, c. 74)	(4,279,000)
Natural Resources Refunding Bonds	
(P.L. 1985, c. 74)	(235,000)
Water Supply Refunding Bonds	
(P.L. 1985, c. 74)	(332,000)
1983 New Jersey Green Acres	
Refunding Bonds	
(P.L. 1985, c. 74)	(105,000)
Shore Protection Refunding Bonds	
(P.L. 1985, c. 74)	(53,000)
Wastewater Treatment Bonds	
(P.L. 1985, c. 329)	(4,150,000)

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
25 *Health Administration*

99-4210 Interest on Bonds	\$29,000
99-4210 Bond Redemption	<u>48,000</u>
Total Appropriation, Department of Health	<u><u>\$77,000</u></u>

Special Purpose:

Interest:

Public Buildings

Construction Bonds

(P.L. 1968, c. 128) (\$29,000)

Redemption:

Public Buildings

Construction Bonds

(P.L. 1968, c. 128) (48,000)

50 DEPARTMENT OF HIGHER EDUCATION

30 *Educational, Cultural and Intellectual Development*36 *Higher Educational Services*

99-5400 Interest on Bonds \$15,983,000

99-5400 Bond Redemption 23,345,000

Total Appropriation,

Department of

Higher Education

\$39,328,000

Special Purpose:

Interest:

State Higher Education

Construction Bonds

(P.L. 1964, c. 142) (\$16,000)

Public Buildings

Construction Bonds

(P.L. 1968, c. 128) (4,457,000)

Higher Education

Construction Bonds

(P.L. 1971, c. 164) (3,619,000)

Medical Education

Facilities Bonds

(P.L. 1977, c. 235) (4,494,000)

Jobs, Science and

Technology Bonds

(P.L. 1984, c. 99) (3,397,000)

Redemption:

State Higher Education

Construction Bonds

(P.L. 1964, c. 142) (500,000)

Public Buildings

Construction Bonds

(P.L. 1968, c. 128) (7,500,000)

Higher Education	
Construction Bonds	
(P.L. 1971, c. 164)	(9,200,000)
Medical Education	
Facilities Bonds	
(P.L. 1977, c. 235)	(4,000,000)
Jobs, Science and	
Technology Bonds	
(P.L. 1984, c. 99)	(2,145,000)

54 DEPARTMENT OF HUMAN SERVICES

70 *Government Direction, Management and Control*76 *Management and Administration*

99-7500 Interest on Bonds	\$14,078,000
99-7500 Bond Redemption	<u>16,033,000</u>
Total Appropriation, Department of Human Services	<u>\$30,111,000</u>
Special Purpose:	
Interest:	
State Institution	
Construction Bonds	
(P.L. 1960, c. 156)	(\$37,000)
New Jersey Institutions	
Construction Bonds	
(P.L. 1964, c. 144)	(41,000)
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(1,706,000)
Institutions Construction Bonds	
(P.L. 1976, c. 93)	(1,349,000)
Institutional Construction Bonds	
(P.L. 1978, c. 79)	(1,226,000)
Public Purpose Buildings	
Construction Bonds	
(P.L. 1980, c. 119)	(4,276,000)
Human Services Facilities	
Construction Bonds	
(P.L. 1984, c. 157)	(1,229,000)
Institutions Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(686,000)

Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(2,399,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(1,129,000)
Redemption:	
State Institution	
Construction Bonds	
(P.L. 1960, c. 156)	(313,000)
New Jersey Institutions	
Construction Bonds	
(P.L. 1964, c. 144)	(1,260,000)
Public Buildings	
Construction Bonds	
(P.L. 1968, c. 128)	(2,870,000)
Institutions Construction Bonds	
(P.L. 1976, c. 93)	(1,637,000)
Institutional Construction Bonds	
(P.L. 1978, c. 79)	(1,638,000)
Public Purpose Buildings	
Construction Bonds	
(P.L. 1980, c. 119)	(4,074,000)
Human Services Facilities	
Construction Bonds	
(P.L. 1984, c. 157)	(800,000)
Institutions Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(606,000)
Institutional Construction	
Refunding Bonds	
(P.L. 1985, c. 74)	(2,132,000)
Public Purpose Buildings	
Construction Refunding Bonds	
(P.L. 1985, c. 74)	(703,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-1050 Interest on Bonds	\$277,000
99-1050 Bond Redemption	<u>288,000</u>

Total Appropriation, Department of Law and Public Safety .	<u>\$565,000</u>
Special Purpose:	
Interest:	
Institutional Construction Bonds (P.L. 1978, c. 79)	(\$94,000)
Institutional Construction Refunding Bonds (P.L. 1985, c. 74)	(183,000)
Redemption:	
Institutional Construction Bonds (P.L. 1978, c. 79)	(125,000)
Institutional Construction Refunding Bonds (P.L. 1985, c. 74)	(163,000)

78 DEPARTMENT OF TRANSPORTATION
60 *Transportation Programs*
64 *Planning and General Management Support*
61 *State Highway Facilities*

99-6000 Interest on Bonds	\$36,982,000
99-6000 Bond Redemption	<u>41,202,000</u>
Total Appropriation, State Highway Facilities	<u>\$78,184,000</u>
Special Purpose:	
Interest:	
Highway Improvement and Grade Crossing Elimination Bonds (P.L. 1930, c. 228)	(\$12,000)
State Transportation Bonds (P.L. 1968, c. 126)	(10,071,000)
Transportation Rehabilitation and Improvement Bonds (P.L. 1979, c. 165)	(14,380,000)
New Jersey Bridge Rehabilitation and Improvement Bonds (P.L. 1983, c. 363)	(6,125,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(5,820,000)

New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(574,000)	
Redemption:		
Highway Improvement and Grade Crossing Elimination Bonds (P.L. 1930, c. 228)	(265,000)	
State Transportation Bonds (P.L. 1968, c. 126)	(20,603,000)	
Transportation Rehabilitation and Improvement Bonds (P.L. 1979, c. 165)	(10,890,000)	
New Jersey Bridge Rehabilitation and Improvement Bonds (P.L. 1983, c. 363)	(4,650,000)	
Transportation Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(4,663,000)	
New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(131,000)	
<i>62 Public Transportation</i>		
99-6000 Interest on Bonds		\$14,031,000
99-6000 Bond Redemption		<u>16,577,000</u>
Total Appropriation, Public Transportation		<u>\$30,608,000</u>
Special Purpose:		
Interest:		
State Transportation Bonds (P.L. 1968, c. 126)	(\$4,525,000)	
Transportation Rehabilitation and Improvement Bonds (P.L. 1979, c. 165)	(6,767,000)	
Transportation Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(2,739,000)	

Redemption:

State Transportation Bonds (P.L. 1968, c. 126)	(9,257,000)	
Transportation Rehabilitation and Improvement Bonds (P.L. 1979, c. 165)	(5,125,000)	
Transportation Rehabilitation and Improvement Refunding Bonds (P.L. 1985, c. 74)	(2,195,000)	
Total Appropriation, Department of Transportation		<u>\$108,792,000</u>

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*73 *Financial Administration*

99-2070 Interest on Bonds		\$10,000,000
Total Appropriation, Department of the Treasury		<u>\$10,000,000</u>
Special Purpose:		
For payment of interest on future bond sales	(\$10,000,000)	
Total Appropriation, Debt Service		<u>\$366,128,000</u>

Such sums as may be needed for the payment of interest and/or principal due from the issuance of any bonds authorized under the several 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 payment of debt service administrative costs.

FEDERAL FUNDS

10 DEPARTMENT OF AGRICULTURE

40 *Community Development and Environmental Management*42 *Natural Resource Management*

01-3310 Animal Disease Control		\$30,000
02-3320 Plant Pest and Disease Control		<u>628,000</u>

Total Appropriation, Natural Resource Management		<u>\$658,000</u>
Personal Services:		
Salaries and wages	(\$135,000)	
Employee benefits	(22,000)	
Materials and Supplies	(6,000)	
Services Other Than Personal .	(22,000)	
Maintenance and Fixed Charges	(20,000)	
Special Purpose:		
Cooperative gypsy moth suppression	(450,000)	
Plant pest survey and detection program	(3,000)	
<i>50 Economic Planning, Development and Security</i>		
<i>51 Economic Planning and Development</i>		
06-3360 Marketing Services		\$12,000
07-3360 Commodity Distribution		<u>1,358,000</u>
Total Appropriation, Economic Planning and Development		<u>\$1,370,000</u>
Personal Services:		
Salaries and wages	(\$137,000)	
Employee benefits	(27,000)	
Materials and Supplies	(1,000)	
Services Other Than Personal .	(648,000)	
Maintenance and Fixed Charges	(68,000)	
Special Purpose:		
Jobs bills	(489,000)	
<i>52 Economic Regulation</i>		
05-3350 Other Commodity Regulation		<u>\$30,000</u>
Total Appropriation, Economic Regulation		<u>\$30,000</u>
Personal Services:		
Salaries and wages	(\$20,000)	
Employee benefits	(5,000)	
Services Other Than Personal .	(5,000)	
Total Appropriation, Department of Agriculture		<u>\$2,058,000</u>

20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT
40 *Community Development and Environmental Management*
42 *Natural Resource Management*

05-2820 Energy Resource	
Management	<u>\$760,000</u>
Total Appropriation, Natural Resource Management	<u>\$760,000</u>
Personal Services:	
Salaries and wages	(\$455,000)
Employee benefits	(104,000)
Materials and Supplies	(6,000)
Services Other Than Personal .	(98,000)
Maintenance and Fixed Charges	(4,000)
Special Purpose:	
State energy conservation program	(58,000)
Energy extension service	(12,000)
Institutional conservation program—schools and hospitals	(23,000)
Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$760,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS
40 *Community Development and Environmental Management*
41 *Community Development Management*

02-8020 Housing Services	<u>\$75,904,000</u>
Total Appropriation, Community Development Management	<u>\$75,904,000</u>
Personal Services:	
Salaries and wages	(\$4,309,000)
Employee benefits	(1,077,000)
Materials and Supplies	(169,000)
Services Other Than Personal .	(704,000)
Maintenance and Fixed Charges	(445,000)
Special Purpose:	
Small cities block grant program	(19,000)

Section 8 voucher certificate project	(67,000)
Moderate rehabilitation housing assistance	(51,000)
Rental assistance for low income families	(213,000)
State Aid and Grants:	
Housing voucher demonstration	(10,550,000)
Moderate rehabilitation housing assistance	(6,010,000)
Rental assistance for low income families	(33,840,000)
Small cities block grant program	(10,381,000)
Stewart B. McKinney Homeless Assistance Act	(1,434,000)
Shelter assistance	(4,650,000)
RAP rental rehabilitation	(1,945,000)
Additions, Improvements and Equipment	(40,000)

50 Economic Planning, Development and Security

55 Related Social Service Programs

05-8050 Human Resources	\$19,565,000
08-8060 Programs for the Aging	<u>31,598,000</u>
Total Appropriation, Related Social Service Programs	<u>\$51,163,000</u>
Personal Services:	
Salaries and wages	(\$1,651,000)
Employee benefits	(402,000)
Materials and Supplies	(28,000)
Services Other Than Personal .	(94,000)
Maintenance and Fixed Charges	(56,000)
Special Purpose:	
Purchase of legal services	(4,000)
Older Americans Act— Title III	(64,000)
Food distribution— Title VII	(3,900,000)

Community services		
block grant	(23,000)	
Weatherization assistance		
program	(22,000)	
State Aid and Grants:		
Older Americans Act—		
Title III	(26,545,000)	
Weatherization assistance		
program	(3,961,000)	
Community services		
block grant	(9,565,000)	
Home energy assistance		
program	(3,456,000)	
Purchase of legal		
services	(1,382,000)	
Additions, Improvements and		
Equipment	(10,000)	
Total Appropriation,		
Department of		
Community Affairs		<u>\$127,067,000</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>\$64,000</u>
Total Appropriation, New		
Jersey State Prison		<u>\$64,000</u>
Personal Services:		
Salaries and wages	(\$49,000)	
Special Purpose:		
Chapter II block grant	(15,000)	

7050 *East Jersey State Prison*

10-7050 Education Program		<u>\$22,000</u>
Total Appropriation, East		
Jersey State Prison		<u>\$22,000</u>
Special Purpose:		
ECIA, Chapter I	(\$6,000)	
Vocational education		
grant—basic	(16,000)	

7065 Southern State Correctional Facility

10-7065 Education Program		<u>\$92,000</u>
Total Appropriation, Southern State Correctional Facility		<u>\$92,000</u>
Special Purpose:		
ECIA, Chapter I, State institutions—delinquent	(\$5,000)	
Vocational education grant—basic	(87,000)	

7070 Mid-State Correctional Facility

10-7070 Education Program		<u>\$1,000</u>
Total Appropriation, Mid-State Correctional Facility		<u>\$1,000</u>
Special Purpose:		
ECIA, Chapter I, State institutions—delinquent	(\$1,000)	

7075 Riverfront State Prison

10-7075 Education Program		<u>\$47,000</u>
Total Appropriation, Riverfront State Prison		<u>\$47,000</u>
Materials and Supplies	(\$10,000)	
Special Purpose:		
Vocational education grant—basic	(25,000)	
Miscellaneous education programs	(12,000)	

7080 Edna Mahan Correctional Facility for Women

10-7080 Education Program		<u>\$65,000</u>
Total Appropriation, Edna Mahan Correctional Facility for Women		<u>\$65,000</u>
Personal Services:		
Salaries and wages	(\$31,000)	
Special Purpose:		
ECIA, Chapter I	(9,000)	
Vocational education grant—basic	(25,000)	

7090 Adult Diagnostic and Treatment Center, Avenel

10-7090 Education Program		<u>\$40,000</u>
Total Appropriation, Adult Diagnostic and Treatment Center, Avenel		<u>\$40,000</u>
Special Purpose:		
ECIA, Chapter I	(\$1,000)	
Vocational education grant—basic	(30,000)	
Miscellaneous education programs	(9,000)	

7110 Garden State Reception and Youth Correctional Facility

10-7110 Education Program		<u>\$234,000</u>
Total Appropriation, Garden State Reception and Youth Correctional Facility		<u>\$234,000</u>
Personal Services:		
Salaries and wages	(\$218,000)	
Special Purpose:		
Vocational education grant—basic	(16,000)	

7120 Albert C. Wagner Youth Correctional Facility

10-7120 Education Program		<u>\$72,000</u>
Total Appropriation, Albert C. Wagner Youth Correctional Facility		<u>\$72,000</u>
Personal Services:		
Salaries and wages	(\$57,000)	
Special Purpose:		
Vocational education grant—basic	(15,000)	

7130 Mountainview Youth Correctional Facility

10-7130 Education Program		<u>\$200,000</u>
Total Appropriation, Mountainview Youth Correctional Facility		<u>\$200,000</u>

Personal Services:

Salaries and wages (\$200,000)

7210 Lloyd McCorkle Training School for Boys and Girls

10-7210 Education Program \$210,000

Total Appropriation,

Lloyd McCorkle

Training School

for Boys and Girls

\$210,000

Personal Services:

Salaries and wages (\$210,000)

7220 New Jersey Training School for Boys

10-7220 Education Program \$328,000

Total Appropriation,

New Jersey Training

School for Boys

\$328,000

Personal Services:

Salaries and wages (\$328,000)

7225 Juvenile Medium Security Center

10-7225 Education Program \$151,000

Total Appropriation,

Juvenile Medium

Security Center

\$151,000

Personal Services:

Salaries and wages (\$151,000)

17 Parole and Community Programs

7010 Office of Parole and Community Programs

03-7010 Parole \$371,000

Total Appropriation,

Office of Parole and

Community Programs

\$371,000

Personal Services:

Salaries and wages (\$290,000)

Employee benefits (46,000)

Materials and Supplies (4,000)

Services Other Than Personal . (9,000)

Maintenance and Fixed Charges (22,000)

*18 Juvenile Correctional Services
7270 Juvenile Community Programs*

12-7270 Residential Care		\$655,000
Total Appropriation, Juvenile Community Programs		<u>\$655,000</u>
Personal Services:		
Salaries and wages	(\$391,000)	
Materials and Supplies	(119,000)	
Special Purpose:		
Project HELP developmental disability grant	(79,000)	
Wee care program	(66,000)	

*19 Central Planning, Direction and Management
7000 Division of Management and General Support*

01-7000 Planning, Management and General Support		\$258,000
99-7000 Management and Administrative Services		<u>1,057,000</u>
Total Appropriation, Division of Management and General Support		<u>\$1,315,000</u>
Personal Services:		
Salaries and wages	(\$388,000)	
Employee benefits	(32,000)	
Services Other Than Personal .	(32,000)	
Special Purpose:		
Incarcerated Mariel Cubans reimbursement program	(500,000)	
Improve interstate probation and parole system	(16,000)	
Miscellaneous education programs	(290,000)	
Miscellaneous corrections programs	(57,000)	
Total Appropriation, Department of Corrections		<u><u>\$3,867,000</u></u>

30 DEPARTMENT OF VETERANS' AFFAIRS AND DEFENSE

10 Public Safety and Criminal Justice

14 Military Services

99-3600 Management and		
Administration		\$230,000
30-3620 Physical Plant and		
Support Services		6,306,000
40-3620 New Jersey National		
Guard Support Services		<u>1,141,000</u>
Total Appropriation, Military		
Services		<u>\$7,677,000</u>
Personal Services:		
Salaries and wages	(\$2,816,000)	
Employee benefits	(336,000)	
Materials and Supplies	(1,762,000)	
Services Other Than Personal .	(486,000)	
Maintenance and Fixed Charges	(332,000)	
Special Purpose:		
Training and equipment		
pool sites	(115,000)	
Miscellaneous military		
services	(1,001,000)	
Additions, Improvements and		
Equipment	(829,000)	
3650 Vineland Veterans' Memorial Home		
30-3650 Physical Plant and		
Support Services		<u>\$3,101,000</u>
Total Appropriation,		
Vineland Veterans'		
Memorial Home		<u>\$3,101,000</u>
Special Purpose:		
Renovations of various		
buildings	(\$3,101,000)	
Total Appropriation, Department		
of Veterans' Affairs		
and Defense		<u><u>\$10,778,000</u></u>

34 DEPARTMENT OF EDUCATION
 30 *Educational, Cultural and Intellectual Development*
 31 *Direct Educational Services and Assistance*

03-5120 Miscellaneous Grants-in-Aid	\$12,447,000
04-5064 Adult and Continuing Education Programs	3,540,000
05-5066 Bilingual Education	415,000
05-5120 Bilingual Education	950,000
06-5066 Compensatory Education	2,109,000
06-5120 Compensatory Education	131,527,000
07-5065 Special Education Programs	13,870,000
07-5120 Special Education Programs	<u>53,859,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$218,717,000</u>
Personal Services:	
Salaries and wages	(\$4,081,000)
Employee benefits	(1,020,000)
Materials and Supplies	(376,000)
Services Other Than Personal .	(775,000)
Maintenance and Fixed Charges	(175,000)
Special Purpose:	
Adult basic education—administration	(102,000)
Transition program for refugee children, administration	(3,000)
ECIA, Chapter I, administration	(354,000)
Elementary and Secondary Education Act (ESEA), Title VI (handicapped), administration	(304,000)
Bilingual education, SEA project—coordinating technical assistance	(23,000)

Emergency immigrants' education assistance—	
administration	(14,000)
Services to deaf/blind children	(55,000)
Title VI-B LRC North	(53,000)
Title VI-B LRC North Satellite	(124,000)
Title VI-B LRC South	(19,000)
Title VI-B LRC Central	(77,000)
Job Training Partnership Act	(6,000)
Preschool incentive grant—	
administration	(139,000)
Early intervention—	
administration	(500,000)
Migrant educational program—	
administration	(95,000)
Refugee training program	(4,000)
State education training—	
handicapped	(104,000)
Literacy training homeless adults—administration	(19,000)
Homeless children and youth	(145,000)
State Aid and Grants:	
Education block grant—	
Chapter II—	
programmatic	(12,447,000)
ECIA, Chapter I, LEA disadvantaged	(128,581,000)
ECIA, Chapter I, State institutions, handicapped ..	(1,555,000)
Emergency immigrants' education assistance—program	(950,000)
Migrant education programmatic	(1,391,000)
Adult basic education—	
programmatic	(2,218,000)
Transition program for refugee children—programmatic	(326,000)

Preschool incentive grant	(7,190,000)
ESEA, Title VI (handicapped)	(53,358,000)
Literacy training homeless adults—programmatic	(353,000)
Services for deaf/blind children—programmatic	(48,000)
Early intervention— administration	(1,701,000)
Additions, Improvements and Equipment	(32,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	\$330,000
12-5012 Millburn Regional School for the Handicapped	380,000
12-5014 Morris Regional School for the Handicapped	50,000
13-5010 Newark Skills Center ..	<u>102,000</u>
Total Appropriation, Operation and Support of Educational Institutions	<u>\$862,000</u>
Personal Services:	
Salaries and wages	(\$552,000)
Employee benefits	(159,000)
Materials and Supplies	(18,000)
Services Other Than Personal .	(66,000)
Special Purpose:	
ESEA Title VI— handicapped	(4,000)
Services to deaf/blind children	(18,000)
Preschool incentive grant	(20,000)
Early intervention	(15,000)
Additions, Improvements and Equipment	(10,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational	
Education	<u>\$19,362,000</u>
Total Appropriation,	
Supplemental Education and	
Training Programs	<u>\$19,362,000</u>
Personal Services:	
Salaries and wages	(\$2,090,000)
Employee benefits	(523,000)
Materials and Supplies	(82,000)
Services Other Than Personal .	(269,000)
Maintenance and Fixed Charges	(4,000)
Special Purpose:	
Veterans' readjustment	
benefits	(11,000)
Consumer and useful homemaking—	
administration	(52,000)
Career education—research and	
development	(27,000)
Job Training Partnership	
Act	(19,000)
Vocational education—Basic	
grants—administration	(131,000)
Vocational education—Title II B	
leadership activities	(73,000)
Vocational education—Title II B	
technical committee	(53,000)
Vocational education—Title II	
county coordinator efforts .	(37,000)
Leadership—Consumer and	
homemaking education	(43,000)
State Aid and Grants:	
Consumer and useful homemaking—	
programmatic	(770,000)
Vocational education—Title II—	
programmatic	(14,996,000)
Community based organizations—	
programmatic	(152,000)
Additions, Improvements and	
Equipment	(30,000)

34 Educational Support Services

30-5063 General Academic Education		\$2,119,000
30-5120 General Academic Education		7,626,000
33-5067 Service to Local Districts		892,000
33-5068 Service to Local Districts		858,000
34-5067 Equal Educational Opportunities		886,000
37-5120 School Nutrition		89,600,000
38-5120 Facilities Planning and School Building Aid		<u>1,524,000</u>
Total Appropriation, Educational Support Services		<u>\$103,505,000</u>
Personal Services:		
Salaries and wages	(\$3,303,000)	
Employee benefits	(824,000)	
Materials and Supplies	(95,000)	
Services Other Than Personal .	(259,000)	
Maintenance and Fixed Charges	(13,000)	
Special Purpose:		
AIDS prevention education—administration	(393,000)	
Child care administrative	(6,000)	
Education for Economic Security Act (EESA)—Title II—administration	(613,000)	
Child nutrition—administration	(177,000)	
Nutrition education training program	(9,000)	
ECIA, Chapter II, Block grant—administration	(68,000)	
EESA, Title II—Math-science training—dissemination	(85,000)	
Drug-free schools and communities—administration	(98,000)	

ESEA, Title VI, handicapped	(23,000)
ESEA, Title II—Math- science—administration	(50,000)
Removal of architectural barriers—administration	(61,000)
Preschool incentive grant	(18,000)
Early intervention—child find outreach	(70,000)
Civil rights—Technical assistance and training	(55,000)
Title VI child study supervisors	(15,000)
National diffusion network— administration	(150,000)
Miscellaneous general academic education	(292,000)
State Aid and Grants:	
Special milk	(1,000,000)
School breakfast	(6,000,000)
Child care food	(11,009,000)
Child care sponsor administration	(300,000)
Cash for commodities	(700,000)
Child nutrition— Section 4	(13,500,000)
Child nutrition— Chapter II	(51,000,000)
Summer food	(4,000,000)
Summer food— administration	(500,000)
Education for Economic Security Act (EESA)—Title II— programmatic	(2,156,000)
Drug-free schools and communities— programmatic	(4,908,000)
Byrd scholarship program	(292,000)
Removal of architectural barriers—programmatic	(1,463,000)

35 Education Administration and Management

42-5120 School Finance and Auditing		\$628,000
99-5090 Management and Administrative Services		926,000
99-5095 Management and Administrative Services		<u>1,337,000</u>
Total Appropriation, Education Administration and Management		<u>\$2,891,000</u>
Personal Services:		
Salaries and wages	(\$1,731,000)	
Employee benefits	(432,000)	
Materials and Supplies	(60,000)	
Services Other Than Personal .	(202,000)	
Maintenance and Fixed Charges	(4,000)	
Special Purpose:		
ECIA, Chapter II—Block grant—administration	(276,000)	
ECIA, Chapter I, administration	(6,000)	
ESEA, Title VI, handicapped	(13,000)	
Child care audit	(167,000)	

37 Cultural and Intellectual Development Services

51-5070 Library Services		<u>\$3,450,000</u>
Total Appropriation, Cultural and Intellectual Development Services		<u>\$3,450,000</u>
Personal Services:		
Salaries and wages	(\$872,000)	
Employee benefits	(208,000)	
Materials and Supplies	(35,000)	
Services Other Than Personal .	(177,000)	
Special Purpose:		
LSCA Title III Interlibrary cooperation	(32,000)	
Libraries, literacy and urban communities programs	(25,000)	

LSCA Title I Public library services	(186,000)	
State Aid and Grants:		
LSCA Title II Library construction	(695,000)	
LSCA Title III Interlibrary cooperation	(321,000)	
Public library services— programmatic	(899,000)	
Total Appropriation, Department of Education		<u>\$348,787,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*42 *Natural Resource Management*

05-4840 Water Supply and Watershed Management		\$725,000
11-4870 Forest Resource Management		458,000
13-4880 Hunters' and Anglers' License Fund		2,710,000
14-4885 Shellfish and Marine Fisheries Management		1,249,000
15-4890 Marine Lands Management		<u>2,500,000</u>
Total Appropriation, Natural Resource Management		<u>\$7,642,000</u>
Personal Services:		
Salaries and wages	(\$2,799,000)	
Employee benefits	(609,000)	
Materials and Supplies	(602,000)	
Services Other Than Personal .	(1,239,000)	
Maintenance and Fixed Charges	(370,000)	
Special Purpose:		
Coastal zone management fourth year implementation	(252,000)	
Marine fisheries investigation and management	(44,000)	
Anadromous herring run restoration	(7,000)	

Fisheries management	
council	(5,000)
Northeast regional biomass	
program	(5,000)
Hunters' and Anglers'	
License Fund	(217,000)
Hunter safety training	(58,000)
Endangered species	(8,000)
Trapper education project	(5,000)
Water supply—safe drinking	
water	(119,000)
Winter flounder management	
plan	(7,000)
Striped bass stock	
identification	(342,000)
Weakfish management plan .	(12,000)
Surf clam management	(29,000)
Resource conservation	
and development	(2,000)
Consolidated forest	
management	(50,000)
Inventory of New Jersey	
coastal waters	(150,000)
Miscellaneous natural resource	
management programs	(5,000)
State Aid and Grants:	
Coastal zone management	
fourth year	
implementation	(400,000)
Rural community fire	
protection	(36,000)
Additions, Improvements and	
Equipment	(270,000)

43 Environmental Quality

02-4825 Air Pollution Control ..	\$3,700,000
07-4850 Water Monitoring and	
Planning	14,725,000
08-4855 Water Enforcement	2,750,000
09-4860 Public Wastewater	
Facilities	108,000,000

22-4861 Geological Survey		<u>8,800,000</u>
Total Appropriation,		
Environmental Quality		<u>\$137,975,000</u>
Personal Services:		
Salaries and wages	(\$10,116,000)	
Employee benefits	(1,228,000)	
Materials and Supplies	(362,000)	
Services Other Than Personal .	(19,766,000)	
Maintenance and Fixed Charges	(106,000)	
Special Purpose:		
Construction grants		
program	(3,853,000)	
Monitoring and planning—		
205-J	(1,258,000)	
Underground injection		
control	(23,000)	
Underground storage tanks		
notification	(70,000)	
Underground storage tanks ...	(121,000)	
Non-point source		
control	(677,000)	
Clean Lakes program	(36,000)	
Groundwater program	(35,000)	
State Aid and Grants:		
Construction loan		
revolving fund	(100,000,000)	
Additions, Improvements and		
Equipment	(324,000)	

44 Hazardous and Toxic Pollution Control

18-4810 Environmental Cancer		
and Toxic Substances		\$150,000
01-4820 Radiation Protection ...		54,000
04-4835 Pesticide Control		212,000
19-4815 Spill Prevention,		
Response and Site		
Cleanup	140,000,000	
23-4910 Waste Management	<u>10,700,000</u>	
Total Appropriation, Hazardous		
and Toxic Pollution		
Control		<u>\$151,116,000</u>

Personal Services:	
Salaries and wages	(\$8,646,000)
Employee benefits	(2,032,000)
Materials and Supplies	(304,000)
Services Other Than Personal .	(134,431,000)
Maintenance and Fixed Charges	(120,000)
Special Purpose:	
Cooperative pesticide	
enforcement	(25,000)
Environmental monitoring	
program	(8,000)
Pesticide technology	(4,000)
RCRA—Hazardous waste	(895,000)
Superfund grants	(2,022,000)
RCRA 3012 inventory of	
hazardous waste sites	(1,195,000)
Community risk information	
and decision-making	(50,000)
Evaluation of risk	
communication	(50,000)
Risk communication—	
public meetings	(50,000)
CERCLA enforcement	(1,000,000)
Additions, Improvements and	
Equipment	(284,000)

45 Recreational Resource Management

12-4875 Parks Management	<u>\$1,260,000</u>
Total Appropriation, Recreational	
Resource Management	<u>\$1,260,000</u>
Personal Services:	
Salaries and wages	(\$188,000)
Employee benefits	(44,000)
Materials and Supplies	(13,000)
Services Other Than Personal .	(18,000)
Special Purpose:	
Survey and planning operational/	
State administration	(70,000)
Historic preservation—	
acquisition and	
development	(250,000)

State Aid and Grants:

Survey and planning operational/ State administration	(643,000)
Additions, Improvements and Equipment	(34,000)

46 Environmental Planning and Administration

99-4800 Management and Administrative Services	<u>\$10,000,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$10,000,000</u>
Special Purpose: Land and Water Conservation Fund—SCORP grants	(\$10,000,000)
Total Appropriation, Department of Environmental Protection	<u>\$307,993,000</u>

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

01-4215 Vital Statistics	\$313,000
02-4220 Community Health Services	61,328,000
03-4230 Epidemiology and Disease Control	6,798,000
04-4240 Narcotic and Drug Abuse Control	13,900,000
12-4245 AIDS	14,925,000
05-4250 Alcoholism Control	4,436,000
08-4280 Diagnostic Services	209,000
09-4290 Clinical Laboratory Services	51,000
11-4235 Occupational and Environmental Health Control	<u>727,000</u>
Total Appropriation, Health Services	<u>\$102,687,000</u>
Personal Services: Salaries and wages	(\$10,328,000)
Employee benefits	(2,411,000)

Materials and Supplies	(448,000)
Services Other Than Personal .	(2,532,000)
Maintenance and Fixed Charges	(156,000)
Special Purpose:	
Supplemental food program—	
W.I.C.	(30,667,000)
Herbicide worker study	(11,000)
Effects of exposure to	
toxic waste sites on	
reproductive outcomes	(49,000)
Venereal disease project	(201,000)
Social services block grant—	
alcohol rehabilitation	
program	(9,000)
Automation of IDRC	
data base	(95,000)
Alcohol, drug abuse and	
mental health block grant—	
alcohol programs	(394,000)
Alcohol, drug abuse and	
mental health block grant—	
drug programs	(387,000)
Nutrition facilities	
inspections	(1,000)
Diabetes control program	(11,000)
Preventive health and health	
services block grant	(255,000)
Food inspection program	(83,000)
Emergency medical service—	
training project—	
highway safety	(12,000)
Child nutrition program—	
inspection services	(11,000)
Vital statistics component	(83,000)
Maternal and child health	
block grant	(619,000)
Sexually transmitted disease	
training center	
program	(13,000)
Sentinel event notification	
system—occupational	
risks	(20,000)

Agricultural worker health program	(2,000)
Tuberculosis control program	(15,000)
Health insurance benefits	(11,000)
Family planning program	(92,000)
Tumors among blacks	(69,000)
Capacity building—Occupational safety and health	(11,000)
Health program for Indo- Chinese refugees	(23,000)
SEER project	(107,000)
Immunization project	(128,000)
AIDS surveillance	(46,000)
Demonstration program to conduct health assessment	(43,000)
AIDS epidemiologic study of blood donors	(12,000)
Newark AIDS service demonstration project	(21,000)
Genetic counseling and testing	(2,000)
Perinatal HIV reduction	(43,000)
Food inspection N.J. Highway Authority	(170,000)
HIV transfusion study	(175,000)
Paterson project	(881,000)
Miscellaneous narcotics programs	(1,993,000)
Migrant dental health	(170,000)
Sickle cell program	(250,000)
Pediatric AIDS	(500,000)
State Aid and Grants:	
Preventive health services block grant	(1,310,000)
Social services block grant— family planning	(2,031,000)
Energy assistance block grant—maternal and child health services	(369,000)
Social services block grant— alcoholism services	(638,000)

Alcohol, drug abuse, and mental health block grant—	
alcoholism services	(1,318,000)
Alcohol, drug abuse and mental health block grant—	
narcotic and drug abuse control	(4,552,000)
Tuberculosis control program	(260,000)
Venereal disease project	(292,000)
Diabetes control program	(140,000)
Effects of exposure to toxic waste sites on reproductive outcomes	(78,000)
Genetic counseling and testing	(189,000)
Sexually transmitted disease training center program	(170,000)
AIDS surveillance	(82,000)
AIDS epidemiologic study of blood donors	(54,000)
Newark AIDS service demonstration project	(286,000)
Anti-drug abuse	(4,950,000)
Perinatal HIV reduction	(480,000)
Family planning program—Title X	(1,856,000)
Health program for Indo-Chinese refugees	(7,000)
Supplemental food program—W.I.C.	(10,000,000)
Maternal and child health block grant	(6,714,000)
Miscellaneous AIDS programs	(13,200,000)
Additions, Improvements and Equipment	(151,000)
Total Appropriation, Department of Health	<u>\$102,687,000</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	\$2,550,000
05-5400 Student Financial	
Assistance Administration	9,202,000
99-5400 Management and	
Administrative Services	<u>3,872,000</u>
Total Appropriation, Office	
of the Chancellor	<u>\$15,624,000</u>
Personal Services:	
Salaries and wages	(\$4,147,000)
Employee benefits	(763,000)
Materials and Supplies	(327,000)
Services Other Than Personal .	(3,375,000)
Maintenance and Fixed Charges	(216,000)
Special Purpose:	
Veterans' programs	(67,000)
Education for Economic Security	
Act—Title II	(2,000)
Student loan administrative	
cost deduction	
and allowance	(458,000)
State Aid and Grants:	
Carl D. Perkins	
scholarship program	(550,000)
Vocational education	(2,572,000)
State student incentive	
grant program	(2,000,000)
Education for Economic Security	
Act—Title II	(893,000)
Additions, Improvements and	
Equipment	(254,000)
Total Appropriation, Department	
of Higher Education	<u>\$15,624,000</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 ...		<u>\$13,524,000</u>
Total Appropriation, Division of Mental Health and Hospitals		<u>\$13,524,000</u>
Personal Services:		
Salaries and wages	(\$789,000)	
Employee benefits	(183,000)	
Materials and Supplies	(6,000)	
Services Other Than Personal .	(14,000)	
Special Purpose:		
Community services	(75,000)	
National Institute of Mental Health grants	(757,000)	
State Aid and Grants:		
Mental health block grant services	(9,948,000)	
Community mental health services for the homeless	(1,752,000)	

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services		
Administration and Management		\$43,652,000
22-7540 General Medical Services		<u>831,809,000</u>
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$875,461,000</u>
Personal Services:		
Salaries and wages	(\$12,312,000)	
Materials and Supplies	(126,000)	
Services Other Than Personal .	(4,278,000)	
Maintenance and Fixed Charges	(1,067,000)	
Special Purpose:		
Payments to fiscal agents	(16,158,000)	

Eligibility determination	(1,076,000)
Professional standard review organization—utilization review	(2,811,000)
Compensation awards	(37,000)
Affirmative action and equal employment opportunity program	(16,000)
On-line eligibility system	(966,000)
Medicaid management information system— fiscal agent selection process	(1,800,000)
Community care and waiver programs	(2,186,000)
Medicaid Health Care Cost Containment demonstration program	(750,000)
State Aid and Grants:	
Medical assistance	(731,499,000)
Peer grouping	(30,932,000)
Provider fee increase	(6,700,000)
Payments for medical assistance recipients	(16,946,000)
Medicaid expansion SOBRA	(45,732,000)
Additions, Improvements and Equipment	(69,000)

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

01-7600 Purchased Residential Care	\$24,738,000
02-7600 Social Supervision and Consultation	8,274,000
03-7600 Adult Activities	25,403,000
04-7600 Education and Day Training	2,953,000
99-7600 Management and Administrative Services	<u>9,596,000</u>

Total Appropriation, Division of Developmental Disabilities		<u>\$70,964,000</u>
Personal Services:		
Salaries and wages	(\$20,289,000)	
Employee benefits	(42,000)	
Maintenance and Fixed Charges	(2,527,000)	
Special Purpose:		
Foster grandparents	(725,000)	
State Aid and Grants:		
Community care waiver (purchased residential care)	(22,954,000)	
Intermediate care facilities— mental retardation (adult activities)	(21,117,000)	
Developmental disabilities	(1,856,000)	
Day-care services	(359,000)	
Citizen advocacy program	(145,000)	
Work-study training program for caseworkers	(950,000)	

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation		\$2,190,000
06-7610 Health Services		545,000
07-7610 Education and Training		386,000
98-7610 Physical Plant and Support Services		856,000
99-7610 Management and Administrative Services		<u>629,000</u>
Total Appropriation, Green Brook Regional Center		<u>\$4,606,000</u>
Personal Services:		
Salaries and wages	(\$4,606,000)	

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation		\$10,625,000

06-7620 Health Services	2,869,000
98-7620 Physical Plant and Support Services	1,055,000
99-7620 Management and Administrative Services	<u>745,000</u>
Total Appropriation, Vineland Developmental Center	<u>\$15,294,000</u>
Personal Services:	
Salaries and wages	(\$15,294,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation	\$3,471,000
06-7630 Health Services	1,882,000
98-7630 Physical Plant and Support Services	460,000
99-7630 Management and Administrative Services	<u>782,000</u>
Total Appropriation, North Jersey Developmental Center	<u>\$6,595,000</u>
Personal Services:	
Salaries and wages	(\$6,595,000)

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation	\$8,499,000
06-7640 Health Services	1,475,000
98-7640 Physical Plant and Support Services	1,237,000
99-7640 Management and Administrative Services	<u>796,000</u>
Total Appropriation, Woodbine Developmental Center	<u>\$12,007,000</u>
Personal Services:	
Salaries and wages	(\$12,007,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation	\$8,584,000
06-7650 Health Services	2,787,000

98-7650 Physical Plant and Support Services	1,417,000
99-7650 Management and Administration	<u>687,000</u>
Total Appropriation, New Lisbon Developmental Center	<u>\$13,475,000</u>
Personal Services:	
Salaries and wages	(\$13,475,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation	\$8,826,000
06-7660 Health Services	660,000
98-7660 Physical Plant and Support Services	279,000
99-7660 Management and Administrative Services	<u>1,110,000</u>
Total Appropriation, Woodbridge Developmental Center	<u>\$10,875,000</u>
Personal Services:	
Salaries and wages	(\$10,875,000)

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation	\$4,298,000
06-7670 Health Services	1,004,000
98-7670 Physical Plant and Support Services	1,262,000
99-7670 Management and Administrative Services	<u>1,055,000</u>
Total Appropriation, Hunterdon Developmental Center	<u>\$7,619,000</u>
Personal Services:	
Salaries and wages	(\$7,619,000)

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation	\$254,000
06-7680 Health Services	303,000

98-7680 Physical Plant and Support Services	32,000
99-7680 Management and Administrative Services	77,000
Total Appropriation, Edward R. Johnstone Training and Research Center	<u>\$666,000</u>
Personal Services:	
Salaries and wages	(\$666,000)

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation	\$5,300,000
06-7690 Health Services	771,000
98-7690 Physical Plant and Support Services	661,000
99-7690 Management and Administrative Services	865,000
Total Appropriation, North Princeton Developmental Center	<u>\$7,597,000</u>
Personal Services:	
Salaries and wages	(\$7,597,000)

*33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired*

11-7560 Habilitation and Rehabilitation	\$5,386,000
12-7560 Instruction, Community Programs and Prevention	319,000
99-7560 Management and Administrative Services	1,789,000
Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$7,494,000</u>
Personal Services:	
Salaries and wages	(\$3,369,000)
Materials and Supplies	(137,000)
Services Other Than Personal	(464,000)
Maintenance and Fixed Charges	(530,000)
Special Purpose:	
Compensation awards	(12,000)

Vocational rehabilitation—	
Independent living	(459,000)
State Aid and Grants:	
Social services block	
grant	(319,000)
Vocational rehabilitation—	
direct services	(2,148,000)
Additions, Improvements and	
Equipment	(56,000)

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Public Welfare

15-7550 Income Maintenance ...	\$440,969,000
99-7550 Management and	
Administrative Services	18,274,000
Total Appropriation, Division	
of Public Welfare	<u>\$459,243,000</u>
Personal Services:	
Salaries and wages	(\$3,825,000)
Materials and Supplies	(34,000)
Services Other Than Personal .	(1,669,000)
Maintenance and Fixed Charges	(254,000)
Special Purpose:	
Automated child support	
enforcement program	(5,801,000)
Employment programs	(1,220,000)
Compensation awards	(8,000)
Affirmative action and	
equal employment	
opportunity program	(8,000)
AFDC teenage parent	
program	(2,155,000)
Supplemental Security	
Income	(8,000,000)
Realizing economic	
achievement (REACH)	
program	(20,300,000)
State Aid and Grants:	
Refugee resettlement	
program	(968,000)

Food stamp program—county administration	(32,000,000)
Title XIX—county administration	(11,500,000)
Refugee resettlement program/ Cuban-Haitian entrant program—county administration	(194,000)
Social services block grant— county administration	(22,840,000)
Child support and paternity program—county administration	(12,400,000)
Dependent children assistance— county administration	(49,671,000)
Dependent children assistance	(232,070,000)
Low income energy assistance— county administration	(5,041,000)
Low income energy assistance	(43,924,000)
Miscellaneous income maintenance	(514,000)
Miscellaneous management and administrative services	(4,845,000)
Additions, Improvements and Equipment	(2,000)

*55 Related Social Services Programs
7570 Division of Youth and Family Services*

16-7570 Initial Response/ Case Management	\$24,728,000
17-7570 Substitute Care	15,867,000
18-7570 General Social Services	32,055,000
99-7570 Management and Administrative Services	<u>14,738,000</u>
Total Appropriation, Division of Youth and Family Services	<u>\$87,388,000</u>

Personal Services:	
Salaries and wages	(\$23,000,000)
Materials and Supplies	(2,520,000)
Services Other Than Personal .	(12,366,000)
Maintenance and Fixed Charges	(7,818,000)
State Aid and Grants:	
Initial response/Case	
management	(1,254,000)
Medicaid payment for children	
in institutions	(3,408,000)
Restricted grants	(723,000)
Title IV-E	(8,583,000)
Title IV-B child welfare	
services	(745,000)
General social services	(124,000)
Social services block	
grant—Purchase of	
service contracts	(19,828,000)
Low income energy	
assistance	(1,360,000)
Cuban-Haitian entrant	
program	(3,915,000)
Additions, Improvements and	
Equipment	(1,744,000)

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and	
Planning	\$3,125,000
99-7500 Management and	
Administrative Services	<u>24,794,000</u>
Total Appropriation, Division	
of Management and	
Budget	<u>\$27,919,000</u>
Personal Services:	
Salaries and wages	(\$1,585,000)
Employee benefits	(11,054,000)
Materials and Supplies	(2,000)
Services Other Than Personal .	(33,000)

Special Purpose:

Respite case for the elderly	(2,000,000)
Title IV-A, Aid to families with dependent children	(411,000)
Title IV-D, Child support and paternity	(298,000)
Title IV-B, Child welfare services	(134,000)
Title IV-E, Foster care	(413,000)
Low income energy assistance block grant	(50,000)
Community care waiver	(202,000)
Title XIX, ICF-MR	(4,022,000)
Title XIX, Medical assistance	(3,017,000)
Refugee resettlement program	(17,000)
Social services block grant	(1,823,000)
Vocational rehabilitation act, Section 120	(175,000)
Food stamp program	(259,000)
Migrant education program	(90,000)
ECIA, Chapter I— State institutions— handicapped	(1,759,000)
Deaf-blind training grant, Title VI-C	(230,000)
Vocational education, basic grant	(244,000)
Chapter 2 block grant	(29,000)
Miscellaneous programs	(70,000)
Additions, Improvements and Equipment	(2,000)
Total Appropriation, Department of Human Services	<u>\$1,620,727,000</u>

62 DEPARTMENT OF LABOR
50 Economic Planning, Development and Security
51 Economic Planning and Development

18-4570 Planning and Research	\$4,918,000
99-4565 Management and Administrative Services	19,578,000
Total Appropriation, Economic Planning and Development	<u>\$24,496,000</u>
Personal Services:	
Salaries and wages	(\$15,841,000)
Employee benefits	(3,990,000)
Materials and Supplies	(237,000)
Services Other Than Personal .	(2,262,000)
Maintenance and Fixed Charges	(1,619,000)
Special Purpose:	
Finance and controller	(8,000)
Current employment statistics	(13,000)
Occupational informational coordinating program	(12,000)
OSHA 200-S survey	(3,000)
Reports and analysis—	
unemployment insurance ...	(16,000)
Planning and research	(44,000)
ES 202 covered employment and wages	(10,000)
Local area unemployment statistics	(4,000)
Occupational employment statistics	(4,000)
Labor market information—	
ES	(21,000)
State/local planning information	(3,000)
Alien certification—planning and research	(3,000)
Management and administration	(6,000)
Compensation awards	(19,000)
Additions, Improvements and Equipment	(381,000)

52 Economic Regulation

12-4550 Enforcement of Workplace Standards		<u>\$1,267,000</u>
Total Appropriation, Economic Regulation		<u>\$1,267,000</u>
Personal Services:		
Salaries and wages	(\$708,000)	
Employee benefits	(178,000)	
Materials and Supplies	(9,000)	
Services Other Than Personal .	(56,000)	
Maintenance and Fixed Charges	(158,000)	
Special Purpose:		
Mine safety educational program	(1,000)	
OSHA on-site consultation	(152,000)	
Additions, Improvements and Equipment	(5,000)	

53 Economic Assistance and Security

01-4510 Unemployment Insurance		\$37,652,000
02-4515 Disability Determination		<u>23,371,000</u>
Total Appropriation, Economic Assistance and Security		<u>\$61,023,000</u>
Personal Services:		
Salaries and wages	(\$31,630,000)	
Employee benefits	(8,407,000)	
Materials and Supplies	(830,000)	
Services Other Than Personal .	(6,132,000)	
Maintenance and Fixed Charges	(6,287,000)	
Special Purpose:		
Old age and survivors' insurance— Disability determination	(3,400,000)	
Compensation awards	(130,000)	
Disability hearings unit	(3,000)	
State Aid and Grants:		
Old age and survivors' insurance—Disability determination	(3,900,000)	

Additions, Improvements and Equipment	(304,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation	\$29,510,000
08-4540 Work Incentive Program	2,163,000
09-4545 Employment Services ..	24,945,000
10-4545 Employment Development Services	<u>61,581,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$118,199,000</u>
Personal Services:	
Salaries and wages	(\$27,501,000)
Employee benefits	(7,166,000)
Materials and Supplies	(226,000)
Services Other Than Personal .	(3,985,000)
Maintenance and Fixed Charges	(4,192,000)
Special Purpose:	
Drug addicts and alcoholic program— SSI	(42,000)
Job Training Partnership Act—Title II-B, Summer youth employment and training program	(20,000,000)
Job Training Partnership Act—Title III, Dislocated workers	(4,747,000)
Compensation awards	(16,000)
Vocational rehabilitation services	(878,000)
DVR federal refunds	(400,000)
Work incentive program public service employment	(362,000)
Miscellaneous rehabilitation services	(371,000)
Rehabilitation in-service training	(50,000)

Employment services	(400,000)	
Disabled veterans' outreach program	(54,000)	
Job Training Partnership Act—Title IV, federally administered programs	(200,000)	
State Aid and Grants:		
Vocational rehabilitation services	(12,275,000)	
Comprehensive services for independent living	(212,000)	
Job Training Partnership Act—Title II-A—training services for the disadvantaged	(34,255,000)	
Work activity centers	(464,000)	
Work incentive program public service employment	(94,000)	
Rehabilitation of supplemental security income beneficiaries	(200,000)	
Additions, Improvements and Equipment	(109,000)	
Total Appropriation, Department of Labor		<u>\$204,985,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

03-1110 Driver Control		<u>\$4,994,000</u>
Total Appropriation, Vehicular Safety		<u>\$4,994,000</u>
Personal Services:		
Salaries and wages	(\$797,000)	
Employee benefits	(202,000)	
Materials and Supplies	(142,000)	
Services Other Than Personal .	(119,000)	
Maintenance and Fixed Charges	(53,000)	
Special Purpose:		
Federal highway safety program—State match	(48,000)	

Highway safety—traffic records	(13,000)
Planning and administration	(51,000)
Highway safety—fatal accident reporting system	(3,000)
Selective enforcement management	(8,000)
Highway safety—safety belt public awareness	(2,000)
Highway safety—safety restraints program management	(10,000)
Highway safety—alcohol education and public awareness coordinators	(11,000)
Alcohol education materials	(2,000)
Highway safety—public information and education	(2,000)
State Aid and Grants:	
Highway safety program—local accounts	(3,527,000)
Additions, Improvements and Equipment	(4,000)

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$570,000
08-1200 Emergency Services	2,196,000
09-1020 Criminal Justice	4,610,000
24-1200 Marine Police Operations	<u>704,000</u>
Total Appropriation, Law Enforcement	<u>\$8,080,000</u>
Personal Services:	
Salaries and wages	(\$68,000)
Special Purpose:	
State of New Jersey improvement grant	(25,000)

National shelter survey	(46,000)
Nuclear civil protection planning	(163,000)
Emergency management training and education— State match	(115,000)
Recreational boating safety financial assistance	(704,000)
Radiological defense officer project	(57,000)
FEMA State assistance program	(80,000)
Medicaid fraud unit	(2,500,000)
Northeast Hazardous Waste Coordination Committee ...	(370,000)
Supplemental patrol traffic accident reduction	(480,000)
Northwestern University police administration training program	(22,000)
Radiological systems maintenance	(73,000)
Data analysis center	(40,000)
Uniform crime reporting redesign	(400,000)
Clandestine laboratory	(300,000)
Statewide prosecution program	(400,000)
Organized crime and narcotic grant	(600,000)
Hazardous materials, Title III	(110,000)
State Aid and Grants: Emergency management assistance program	(1,527,000)

13 Special Law Enforcement Activities

18-1430 Law Enforcement	
Planning	<u>\$8,800,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$8,800,000</u>

State Aid and Grants:

Juvenile justice administration and grants	(\$1,300,000)
Justice Assistance Act— grants	(5,200,000)
Victim assistance grants	(2,300,000)

*80 Special Government Services**82 Protection of Citizens' Rights*

16-1350 Protection of Civil Rights	\$718,000
19-1440 Violent Crimes Compensation	<u>2,000,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$2,718,000</u>
Personal Services:	
Salaries and wages	(\$618,000)
Special Purpose:	
Fair housing assistance program	(100,000)
Victim compensation award	(2,000,000)
Total Appropriation, Department of Law and Public Safety	<u>\$24,592,000</u>

70 DEPARTMENT OF THE PUBLIC ADVOCATE

*80 Special Government Services**82 Protection of Citizens' Rights*

01-8310 Mental Health Advocacy	\$317,000
08-8350 Advocacy for the Developmentally Disabled	<u>711,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$1,028,000</u>
Personal Services:	
Salaries and wages	(\$645,000)
Employee benefits	(146,000)
Materials and Supplies	(22,000)
Services Other Than Personal .	(128,000)

Maintenance and Fixed Charges	(29,000)	
Special Purpose:		
Advocacy for the		
developmentally disabled ..	(24,000)	
Clients' assistance		
project	(15,000)	
Mental health protection		
and advocacy	(17,000)	
Additions, Improvements and		
Equipment	(2,000)	
Total Appropriation,		
Department of the		
Public Advocate		<u>\$1,028,000</u>

74 DEPARTMENT OF STATE

37 Cultural and Intellectual Development Services

05-2530 Support of the		
Arts		\$527,000
06-2535 Museum Services		200,000
07-2540 Development of		
Historical Resources		<u>50,000</u>
Total Appropriation, Cultural		
and Intellectual		
Development Services		<u>\$777,000</u>
Special Purpose:		
Basic block grant	(\$392,000)	
Arts in school	(120,000)	
NEA design arts	(15,000)	
NEH historical		
exhibition	(50,000)	
NEA arts expansion	(50,000)	
IMS general support	(100,000)	
NEH Black migration		
project	(50,000)	
Total Appropriation, Department		
of State		<u>\$777,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*61 *State Highway Facilities*

02-6200 Planning	\$6,900,000
10-6200 Federal Aid Interstate	
Highway Projects	182,400,000
12-6200 Resurfacing	42,690,000
15-6200 Interstate Transfer	
Program Funds NJ/NY	
Metro Area	43,000,000
20-6200 Federal Aid Urban	
System Highway Projects	30,100,000
25-6200 Federal Aid Consolidated	
Primary Highway Projects	55,000,000
27-6200 Corridor Safety	
Improvements	25,000,000
28-6200 Demonstration Projects	32,600,000
40-6200 Federal Aid Bridge	
and Highway Safety	
Projects	92,000,000
65-6200 Rail Freight Line	1,000,000
71-6200 Transportation	
Construction Engineering	750,000
Total Appropriation, State	
Highway Facilities	<u>\$511,440,000</u>
Special Purpose:	
Interstate highway	
projects	(\$182,400,000)
Interstate resurfacing	(42,690,000)
Interstate transfer	
program fund	(43,000,000)
Urban system projects	(30,100,000)
Consolidated primary	
projects	(55,000,000)
Metropolitan planning	
funds	(1,700,000)
Highway planning and	
research	(5,200,000)
Supportive services highway	
construction training	
program	(750,000)

Bridge and safety program	(92,000,000)
Demonstration projects— transportation	(32,600,000)
Corridor safety improvements	(25,000,000)
Rail freight line	(1,000,000)

63 Local Highway Facilities

15-6220 Interstate Transfer Program Funds NJ/NY Metro Area	\$6,800,000
30-6220 Federal Aid Rural Highway Projects	<u>6,300,000</u>
Total Appropriation, Local Highway Facilities	<u>\$13,100,000</u>
Special Purpose:	
Interstate transfer program	(\$6,800,000)
Rural secondary highway projects	(6,300,000)

64 Planning and General Management Support

02-6030 Planning	\$1,800,000
05-6070 Modal Services	<u>19,000,000</u>
Total Appropriation, Planning and General Management Support	<u>\$20,800,000</u>
Special Purpose:	
New Jersey Statewide public transportation grant (NJ 09-8007)	(\$1,800,000)
Airport Fund	(17,000,000)
Motor carrier safety assistance program	(2,000,000)
Total Appropriation, Department of Transportation	<u>\$545,340,000</u>

82 DEPARTMENT OF THE TREASURY
 50 *Economic Planning, Development and Security*
 52 *Economic Regulation*

50-2002 Board of Public	
Utilities	<u>\$114,000</u>
Total Appropriation, Economic Regulation	<u>\$114,000</u>
Special Purpose:	
Natural gas pipeline safety program	(\$114,000)
Total Appropriation, Department of the Treasury	<u><u>\$114,000</u></u>

98 THE JUDICIARY
 10 *Public Safety and Criminal Justice*
 15 *Judicial Services*

05-9730 Family Courts	<u>\$25,227,000</u>
Total Appropriation, Judicial Services	<u>\$25,227,000</u>
Special Purpose:	
Child support and paternity program	(\$25,169,000)
CASAS—Work with citizens' review board	(30,000)
N.J. Municipal Court Mercer Vicinage DWI program	(28,000)
Total Appropriation, The Judiciary	<u>\$25,227,000</u>
Total Appropriation, Federal Funds	<u><u>\$3,342,411,000</u></u>

Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and

for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly activity not related to expansion of course curricula; and Basic Educational Opportunity Grants (Pell Grants), Supplemental Educational Opportunity Grants, National Direct Student Loans, and College Work Study Funds in excess of the amount specifically appropriated, except that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of these 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, county or municipal authorities, regional authorities or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or 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, 1988 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, 1988 of accounts receivable balances which are established and reappropriated.

The unexpended balances of federal funds as of June 30, 1988 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, 1988 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, 1989, reports on proposed expenditures during fiscal year 1990 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 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>\$11,612,129,000*</u>

PROPERTY TAX RELIEF FUND

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 ..	\$1,749,630,000
03-5120 Miscellaneous Grants-	
in-Aid	2,387,000
05-5120 Bilingual Education	34,351,000
06-5120 Compensatory	
Education	155,034,000
07-5120 Special Education	<u>301,888,000</u>
Total Appropriation, Direct	
Educational Services	
and Assistance	<u>\$2,243,290,000</u>
State Aid:	
Current expense equalization	
aid	(\$1,749,630,000)

Payments for institutionalized children—unknown district of residence	(2,387,000)
Bilingual education aid	(34,351,000)
Compensatory education aid	(155,034,000)
Special education aid	(301,888,000)

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, 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>\$16,605,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$16,605,000</u>
State Aid:	
District and regional vocational education	(\$1,500,000)
Vocational education	(6,500,000)
Local vocational aid	(8,605,000)

34 Educational Support Services—State Aid

36-5120 Pupil Transportation ...	\$124,085,000
38-5120 Facilities Planning and School Building Aid	114,627,000
39-5120 Teachers' Pension and Annuity Assistance	<u>280,000,000</u>
Total Appropriation, Educational Support Services	<u>\$518,712,000</u>
State Aid:	
Transportation aid	(\$124,085,000)
School building aid debt service	(23,850,000)
School building aid	(90,777,000)
Social Security tax	(280,000,000)

The amount appropriated hereinabove for transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1986-87 school year.

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

\$2,778,607,000

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments, by utilizing the same method used in distributing general formula aid and school building aid in the 1987-88 school year.

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.

82 DEPARTMENT OF THE TREASURY
 70 *Government Direction, Management and Control*
 75 *State Subsidies and Financial Aid—State Aid*

32-2071 Revenue Sharing	\$50,000,000
33-2076 Homestead Rebates	304,500,000
34-2078 Reimbursement—Senior Citizens and Veterans	<u>46,800,000</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$401,300,000</u>
State Aid:	
Distribution of revenue sharing funds to qualifying municipalities	(\$50,000,000)
Payments to homeowners for homestead exemptions	(304,500,000)
State reimbursement to municipalities for senior/ disabled citizens' property tax exemptions	(25,400,000)
State reimbursement for veterans' property tax exemptions	(21,400,000)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for the senior/disabled citizens' and veterans' property tax exemptions and for additional payments to homeowners qualifying for homestead exemptions.

Notwithstanding the provisions of section 4 of P.L. 1976, c. 73 (C. 54A:10-4), the amount of revenue sharing paid by the State to municipalities for the calendar year 1988 shall be the same amount which was paid during calendar year 1987.

Total Appropriation, Department of the Treasury	<u>\$401,300,000</u>
Total Appropriation, State Aid	<u>\$3,179,907,000</u>

Total Appropriation, Property	
Tax Relief Fund	<u>\$3,179,907,000</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>\$36,428,000</u>
Total Appropriation, Special		
Law Enforcement		
Activities		<u>\$36,428,000</u>
Personal Services:		
Salaries and wages	(\$19,464,000)	
New positions	(451,000)	
Cash in lieu of		
maintenance	(840,000)	
Employee benefits	(5,789,000)	
Materials and Supplies	(995,000)	
Services Other Than Personal .	(3,612,000)	
Maintenance and Fixed Charges	(2,645,000)	
Special Purpose:		
Indirect costs	(1,392,000)	
Additions, Improvements and		
Equipment	(1,240,000)	

The amount hereinabove for Gaming Enforcement is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for Gaming Enforcement, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	<u>\$36,428,000</u>

82 DEPARTMENT OF THE TREASURY
70 *Government Direction, Management and Control*
73 *Financial Administration*

25-2095 Administration of	
Casino Gambling	<u>\$24,504,000</u>
Total Appropriation, Financial Administration	<u>\$24,504,000</u>
Personal Services:	
Chairman and Commissioners	(\$455,000)
Salaries and wages	(16,146,000)
Employee benefits	(3,838,000)
Materials and Supplies	(327,000)
Services Other Than Personal .	(1,856,000)
Maintenance and Fixed Charges	(1,355,000)
Special Purpose:	
Other special purpose	(497,000)
Additions, Improvements and Equipment	(30,000)

The amount hereinabove for Administration of Casino Gambling is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

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>\$24,504,000</u>
Total Appropriation, Casino Control Fund	<u>\$60,932,000</u>

CASINO REVENUE FUND
DIRECT STATE SERVICES
22 DEPARTMENT OF COMMUNITY AFFAIRS
40 *Community Development and Environmental Management*
41 *Community Development Management*

12-8025 Boarding House Regulation and Assistance	<u>\$4,000,000</u>
Total Appropriation, Community Development Management	<u>\$4,000,000</u>
Special Purpose:	
Boarding House Rental Assistance Fund	(\$4,000,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to section 17 of P.L. 1983, c. 530 (C. 55:14K-17), and subject to the approval of the Director of the Division of Budget and Accounting.

50 *Economic Planning, Development and Security*
55 *Related Social Services Programs*

08-8060 Programs for the Aging	<u>\$5,950,000</u>
Total Appropriation, Related Social Services Programs ..	<u>\$5,950,000</u>
Personal Services:	
Salaries and wages	(\$75,000)
Employee benefits	(25,000)
Special Purpose:	
Congregate housing support services	(1,750,000)
Senior citizen housing— safe housing and transportation	(3,000,000)
Task force study: housing options for seniors	(100,000)
Home delivered meals expansion	(1,000,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Community Affairs	<u>\$9,950,000</u>

46 DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services*

02-4220 Community Health Services	\$580,000
03-4230 Epidemiology and Disease Control	<u>1,700,000</u>
Total Appropriation, Health Services	<u>\$2,280,000</u>
Personal Services:	
Salaries and wages	(\$156,000)
Materials and Supplies	(3,000)
Services Other Than Personal .	(15,000)
Grants:	
Statewide birth defects registry	(500,000)
Geriatric Health Assessment Centers	(600,000)
Demonstration adult day care—Alzheimer's disease	(1,006,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

22 *Health Planning and Evaluation*

06-4260 Health Facilities Evaluation	<u>\$100,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$100,000</u>
Special Purpose:	
Homemaker home health aide certification	(\$100,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Health	<u>\$2,380,000</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	\$1,580,000

24-7540 Pharmaceutical Assistance to the Aged and Disabled	<u>64,246,000*</u>

Total Appropriation, Special Health Services	<u>\$65,826,000*</u>

Personal Services:

Salaries and wages	(\$902,000)
Employee benefits	(212,000)
Materials and Supplies	(25,000)
Services Other Than Personal .	(387,000)
Maintenance and Fixed Charges	(149,000)

Special Purpose:

Payments to fiscal agents	(656,000)
Eligibility determination	(327,000)
Payments to fiscal agents (PAAD)	(774,000)
Compensation awards	(2,000)
Other special purpose	(236,000)

Grants:

Pharmaceutical Assistance to the Aged and Disabled— Claims, P.L. 1975, c. 194 (C. 30:4D-20 et seq.)	(61,854,000)
PAAD dispensing fee increase	(280,000)*
Additions, Improvements and Equipment	(22,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for claims.

All funds recovered under P.L. 1968, c. 413 (C. 30:4D-1 et seq.) during the fiscal year ending June 30, 1989 are appropriated.

*30 Educational, Cultural and Intellectual Development
32 Operation and Support of Educational Institutions
7600 Division of Developmental Disabilities*

01-7600 Purchased Residential Care	\$14,083,000
02-7600 Social Supervision and Consultation	104,000
03-7600 Adult Activities	8,213,000
04-7600 Education and Day Training	<u>600,000</u>
Total Appropriation, Division of Developmental Disabilities	<u>\$23,000,000</u>
Special Purpose:	
Homemaker services (State share)	(\$32,000)
Grants:	
Private institutional care	(1,245,000)
Group homes	(11,473,000)
Skill development homes	(1,233,000)
Family care	(132,000)
Home assistance	(72,000)
Purchase of adult activity services	(8,213,000)
Purchase of day training services	(600,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7540 Division of Medical Assistance and Health Services*

28-7540 Lifeline Programs		<u>\$69,594,000</u>
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$69,594,000</u>
Personal Services:		
Salaries and wages	(\$3,024,000)	
Employee benefits	(711,000)	
Materials and Supplies	(50,000)	
Services Other Than Personal .	(783,000)	
Maintenance and Fixed Charges	(148,000)	
Special Purpose:		
Lifeline fiscal agent PAAD reimbursement	(51,000)	
Compensation awards	(6,000)	
Other special purpose	(420,000)	
Grants:		
Payments for lifeline credits	(39,482,000)	
Payments for tenants' assistance rebates	(24,896,000)	
Additions, Improvements and Equipment	(23,000)	

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for payments to persons qualifying for lifeline programs.

*50 Economic Planning, Development and Security**55 Related Social Services Programs**7570 Division of Youth and Family Services*

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

\$4,500,000

Grants:

Protective services for
the elderly and
disabled (\$1,500,000)
Personal attendant
demonstration program (3,000,000)

The amount hereinabove is appropriated from the Casino Revenue
Fund.

70 Government Direction, Management and Control
76 Management and Administration
7500 Division of Management and Budget

87-7500 Research, Policy and

Planning

\$2,100,000

Total Appropriation,
Division of
Management and
Administration

\$2,100,000

Special Purpose:

Respite care of the
elderly (\$2,100,000)

Total Appropriation, Department
of Human Services

\$165,020,000*

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security
54 Manpower and Employment Services
4535 Division of Vocational Rehabilitation Services

07-4535 Vocational Rehabilitation

Services

\$720,000*

Total Appropriation,
Division of
Vocational Rehabilitation
Services

\$720,000*

Special Purpose:

Sheltered workshop
transportation (\$720,000)*

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Labor	<u>\$720,000*</u>
Total Appropriation, Direct State Services—Casino Revenue Fund	<u>\$178,070,000*</u>

STATE AID

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*24 *Special Health Services*

22-7540 General Medical Services	<u>\$45,601,000</u>
Total Appropriation, Special Health Services	<u>\$45,601,000</u>
State Aid:	
Provider fee increase	(\$1,100,000)
Payments for medical assistance recipients (State share)	(14,946,000)
Medicaid expansion— SOBRA	(20,055,000)
Home care expansion— State only	(8,000,000)
Hearing aid assistance for the aged and disabled	(1,500,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for the payment of claims, subject to the approval of the Director of the Division of Budget and Accounting.

From the sums appropriated hereinabove for Medicaid Expansion—SOBRA, such sums as are necessary, not to exceed 10% of the amount appropriated for this program, are allocated for the administration of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services	<u>\$45,601,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*62 *Public Transportation—State Aid*

04-6050 Railroad and Bus

Operations	<u>\$14,963,000</u>

Total Appropriation,	

Public Transportation	<u>\$14,963,000</u>

State Aid:

Transportation assistance

for senior citizens and

disabled residents (\$14,963,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

The unexpended balance as of June 30, 1988 in this account is appropriated.

Total Appropriation, Department of Transportation	<u>\$14,963,000</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>\$17,900,000</u>

Total Appropriation, State	

Subsidies and Financial	

Aid	<u>\$17,900,000</u>

State Aid:

Reimbursements to municipalities

for senior and disabled

citizens' tax exemptions (\$17,900,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for reimbursements to municipalities qualifying for such payments or reimbursements.

Total Appropriation, Department of the Treasury	<u>\$17,900,000</u>

Total Appropriation, State Aid—Casino Revenue Fund	<u>\$78,464,000</u>
Total Appropriation, Casino Revenue Fund	<u>\$256,534,000*</u>

GUBERNATORIAL ELECTIONS FUND
66 DEPARTMENT OF LAW AND PUBLIC SAFETY
10 Public Safety and Criminal Justice
13 Special Law Enforcement Activities

17-1420 Election Law Enforcement	<u>\$8,000,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$8,000,000</u>
Special Purpose: Public financing of the Gubernatorial election	(\$8,000,000)

The amount hereinabove for public financing of the gubernatorial primary and general election is appropriated from the Gubernatorial Elections Fund.

In addition to the amount hereinabove, there is appropriated from the Gubernatorial Elections Fund such additional sums as may be required for payments to persons qualifying for additional public funds; provided however, that should the amount in the Gubernatorial Elections Fund be insufficient to support such appropriation, there may be appropriated from the General Fund, as a loan to the Gubernatorial Elections Fund, such sums as may be required.

Total Appropriation, Gubernatorial Elections Fund	<u>\$8,000,000</u>
Grand Total Appropriation, All Funds	<u>\$15,117,502,000*</u>

2. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget 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

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otherwise provided herein, and the unexpended balances as of June 30, 1988 of such funds.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1988 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.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to allotment by the Director of the Division of Budget and Accounting.

7. The unexpended balances as of June 30, 1988 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated.

8. Unless otherwise provided, balances remaining as of June 30, 1988 in accounts of appropriations enacted subsequent to April 1, 1988 are appropriated.

9. 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, 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 Gov-

error 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.

10. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

11. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased telephone, motor pool, insurance, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, to an Interdepartmental 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.

12. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written

ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of 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.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal Insurance Administration requirements.

15. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

16. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

17. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

18. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

19. Notwithstanding the provisions of P.L. 1954, c. 48 (C. 52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJEEN) as if they were State government agencies pursuant to subsection (a) of section 5 of P.L. 1954, c. 48 (C. 52:34-10); provided however, that any expenditure with NJEEN shall be subject to the prior approval of the Director of the Division of Budget and Accounting.

20. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$250 due and owing to the State.

21. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$1,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$1,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

22. The unexpended balances as of June 30, 1988 in any account which represents funding from the Inter-Departmental Accounts for

the continuation and expansion of data processing systems are appropriated for the same purpose.

23. 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.

24. 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.

25. 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 formulation of the Governor's Budget Recommendation Document dated February 2, 1988.

26. Receipts in excess of those anticipated from employee maintenance deductions are appropriated for the purpose of maintenance of employee housing units, subject to allotment by the Director of the Division of Budget and Accounting.

27. State agencies shall prepare and submit a timely copy of their departmental budget requests, and spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer, by October 1, 1988 including quarterly updated spending plans on January 1 and April 1, 1989. 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 and requests shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

28. 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.

29. 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.

30. a. There is hereby created within the General Treasury a restricted reserve fund to be known as the "Surplus Revenue Fund," in the amount of \$170,872,495, credited from undesignated balances. In addition, the State Treasurer shall credit to the "Surplus Revenue Fund," on or before December 31, 1988, the amounts determined pursuant to subsection c. of this section. 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 section. 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, no later than January 15, 1989.

b. As used in this section "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. The amount to be credited to the "Surplus Revenue Fund" shall be determined by the State Treasurer in the following manner:

(1) He shall identify the amount of General Fund anticipated revenue certified by the Governor upon approval of P.L. 1987, c. 154.

(2) He shall determine, from the annual financial report of the General Fund for the fiscal year 1988, the amount of revenue actually deposited in the General Fund in that fiscal year. If in fiscal year 1988, there was a law enacted which increases the revenue to the General Fund, the yield from that increase for that fiscal year shall be disregarded in determining the amount to be credited to the "Surplus Revenue Fund."

(3) 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 paragraph (2) of subsection c. of this section over the amount determined in paragraph (1) of subsection c. 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 fiscal year 1988 is less than the amount of revenue collections pursuant to that act as certified by the Governor upon approval of P.L. 1987, c. 154, the amount of the credit to the "Surplus Revenue Fund" otherwise calculated pursuant to this paragraph shall be reduced by the difference between the amount so certified and the actual collections.

d. The Governor shall include in his budget message to the Legislature for fiscal year 1990 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, 1990. 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 1989 fiscal year and the amount of revenue anticipated for the 1989 fiscal year as reflected in the annual budget message for that fiscal year.

e. Balances in the "Surplus Revenue Fund" shall not be available for appropriation except as provided in this section. Balances in the "Surplus Revenue Fund" may be appropriated by the Legislature only: (1) upon separate certification by the Governor that anticipated revenues in the General Fund are estimated to be less than those certified by him upon approval of the 1989 annual appropriation act; or (2) 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.

f. The provisions of this section 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 subsection, "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.

g. (1) If in fiscal year 1989 there is enacted an appropriation from the "Surplus Revenue Fund" pursuant to subsection e. of this section, 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 paragraph (2) of this subsection.

(2) 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 this annual appropriation act, the restrictions of paragraph (1) of this subsection 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.

h. Notwithstanding the restrictions on the appropriation of the balances in the "Surplus Revenue Fund" imposed by subsection e. of this section, 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 upon approval of this 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 subsection i. of this section.

i. Upon notice from the State Treasurer of the amount of excess in the "Surplus Revenue Fund" pursuant to subsection h. of this section, there may be appropriated sums for any one or more of the following purposes:

(1) To provide a reserve fund for retirement, purchase or discharge of outstanding general obligation bonds of the State of New Jersey;

(2) To provide appropriations for capital projects;

(3) To provide appropriations to reduce or offset real property taxes.

j. The amount available for appropriation for the purposes specified in subsection i. 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 upon approval of this annual appropriation act. If the amount reported by the State Treasurer as required in subsection h. is in excess of the amount available for appropriation pursuant to subsection i. as limited in this subsection, that amount, if any, shall be included in the undesignated balance in the General Fund and available for appropriation as otherwise provided by law.

31. This act shall take effect July 1, 1988.

Approved June 30, 1988.

*Reduced by line-item veto of the Governor. See statement following.

Statement to Chapter 47
(Senate Bill No. 2800)

I am returning Senate Bill No. 2800 with my signature, together with certain constitutionally permitted modifications which are set forth herein.

This budget provides expenditures of \$11,775,000,000. It calls for no new taxes. It contains reserves against future contingencies of more than one-half billion dollars, while it invests more than \$1.2 billion of additional funds in our State's continued growth and pros-

perity. This budget is a responsible yet prudent spending plan. This budget will provide:

- A total of \$5.7 billion in State Aid to ease the pressure on local property taxes, including \$3.4 billion in school aid—an increase of \$272 million from last year. I had initially proposed even greater funding of school aid. My February, 1988 budget submission called for a \$310 million increase in school aid, which would have been the single largest increase in our State's history. The Legislature reduced this spending proposal by \$42 million, chiefly by eliminating funding for a proposal to set minimum teachers' salaries at \$22,000. I continue to believe that increases in teachers' salaries are vital to education reform. The Legislature's failure to include monies for this proposal disappoints me. I will continue to press for enactment of enabling legislation effecting a \$22,000 minimum salary. However, even with this legislative reduction, this year's increase in school funding is the second largest increase in history. State Aid for schools has increased by more than \$1.6 billion since I became Governor.
- An increase of over \$243 million for the Department of Human Services. The total State commitment for this Department is \$2.3 billion. This level of funding, together with almost \$1.6 billion in federal funds, will permit us to significantly expand services to the elderly, disabled and poor. Some of the most significant expansions include:
 - Expanding our commitment to REACH, our innovative welfare reform program. Our commitment to REACH in fiscal year 1989 will be in excess of \$35 million, up \$22.5 million from last year's budget.
 - As it reaches my desk, this budget contains approximately \$25 million in State funds to assist the homeless. This amount, together with supplemental appropriations of \$7 million which I signed last month, brings our total commitment in homeless aid from all sources to in excess of \$53 million, more than double last year's appropriation.
 - A marked expansion of funding for the mentally ill and developmentally disabled. Approximately \$94 million is committed for services for the mentally ill, combined with approximately \$126 million in State funds for the developmentally disabled, totaling \$220 million or an increase

of more than \$28 million from fiscal year 1988. The expansion of our community mental health program represents \$18.6 million of this increase, which is 24.5 percent higher than current spending levels and means that I have increased spending on this item by 200 percent since I took office.

- An increase of more than \$133 million in our Medicaid program to enable us to provide a safety net of health care for our aged, disabled and poor. This increase includes \$7.1 million for enhanced provider fees and \$51 million for nursing home beds for the elderly. Our most vulnerable are assured of necessary medical care.
- An increase of \$50 million for our Distressed Cities Program. With this increase we have increased spending in this program from \$18 million, two short years ago, to \$120 million today. This program is the lifeblood of the revitalization of our urban centers. The program must be made permanent. Unfortunately, we still have not settled on a funding source for this program apart from general revenue, so its continued existence is precarious. I pledge to continue to work with the Legislature to find a permanent source of funding so our cities can properly plan, with our assistance, their financial futures.
- An increase of \$49 million for our public colleges and universities, bringing our total commitment to more than \$1 billion. This budget provides for expansion of Challenge Grants to community colleges, Rutgers University, New Jersey Institute of Technology, and the University of Medicine and Dentistry of New Jersey as well as a continuation of our Challenge Grant programs for our State colleges. In addition, this budget provides \$6 million for the first round of Challenge Grants to independent colleges and universities, to encourage these institutions to strive for excellence in their programs. As well, this budget provides for a restructured formula of State Aid for our county colleges.
- This budget also provides the first-year funding of our Transportation Trust II Program. Three hundred sixty-six million dollars are appropriated from the Transportation Trust Fund for essential highway and mass transit improvements. In addition, the budget provides an increase in our pay-as-you-go capital program of almost \$160 million. Including the proposed Clean Ocean capital programs, which the Legislature has ap-

proved through separate appropriation bills, the total capital program is \$517 million—by far the largest pay-as-you-go program in the State's history.

In addition, this budget provides approximately \$10 million in State dollars to begin a new housing program called JUMPP, which will create hundreds of affordable rental apartments in our urban areas. It also provides \$31 million in State dollars to fight the dread disease AIDS, an increase of 125 percent over current spending levels. Additional monies are also provided for cultural activities, mass transit and law enforcement.

Once again, I am indebted to the Legislature, particularly the Appropriations Committees of both houses and their respective Chairmen, Senator Larry Weiss and Assemblyman "Doc" Villane. These individuals have worked tirelessly to provide State government with the means it needs to achieve the policy objectives we set. The two Chairmen, Senator Weiss and Assemblyman Villane, have provided their considerable experience and wisdom to the process, and we all have benefited as a result. They have once again produced a budget that will serve the people of this State well.

The increase in this budget for State Aid and programs is more than \$1.2 billion over last year's spending plan. Although this is a significant increase in spending, it is targeted to continuance of essential State services, increases in property tax relief, and added investments in critical capital projects. The budget also reflects a prudent hand. It sets aside an operating reserve of about 2%. More importantly, the budget provides \$288 million in a surplus revenue fund, set aside to guarantee against future economic contingencies and emergencies. The creation of this reserve, which Senator Weiss has long advocated, provides us with a hedge against economic downturns and protects us from having to face the Hobson's choice of either cutting essential programs or enacting counter-productive tax measures at critical points in the business cycle. I need not remind you that other states with basic economic structures strikingly similar to ours have experienced fiscal difficulties recently.

Of course, I do not agree with all of the modifications proposed to my budget by the Legislature, any more than the Legislature agreed wholeheartedly with my original spending proposal. This is the nature of the democratic process, and this budget thus produced is the product of compromise. On balance, I am satisfied with the end product. However, I am disappointed with a lack of legislative action on two environmental fronts. For the second consecutive year,

the Legislature has failed to enact a stable funding source for natural resources. Last year, the Legislature proposed a stopgap program for natural resources, which I approved. This year, it also proposes a quick fix—\$5 million for shore protection. I cannot approve this expenditure. We must confront this problem. We need a stable funding program to properly plan our management of this State's natural resources.

My single largest disappointment is the Legislature's failure to enact legislation providing for a Coastal Commission. As noted, this budget reflects the legislative concurrence in most of my original 14-point Clean Ocean Plan, calling for an expenditure of more than \$40 million to protect our coastal resources. Capital spending alone, however, is an inadequate solution. Until we create a diligent watchdog and advocate for the coast, a body that will provide a common planning and regulatory mechanism for our coastal municipalities, the future of our coast will remain in jeopardy. Only the Coastal Commission can fill that role. I again call on the Legislature to create the Coastal Commission.

I am also disappointed in the Legislature's failure to appropriate monies for my employment policy initiatives. Without job training, our work force will not be prepared to meet the challenge of tomorrow's technology.

Nevertheless, on balance, I am satisfied that this budget wisely invests in our future and am pleased to sign it into law for fiscal year 1989. It will continue the State's fiscal integrity and sound fiscal practices.

Revenue Certification

In accordance with the provision of the State Constitution, I hereby certify that the resources listed below or contained in Senate Bill No. 2800 are available to support appropriations made by Senate Bill No. 2800 for the fiscal year ending June 30, 1989.

General Fund

Undesignated Fund Balance, July 1, 1988	\$416,886,505
All Revenue same as S-2800	8,179,397,000
Less: Credit to Surplus Revenue Fund	(117,062,500)
Total Resources, General Fund	<u>\$8,479,221,005</u>

Surplus Revenue Fund

All Resources same as S-2800	\$287,934,995

Property Tax Relief Fund

All Resources same as S-2800	\$3,182,907,038

Casino Revenue Fund

All Resources same as S-2800	\$367,000,000

Casino Control Fund

All Resources same as S-2800	\$60,932,000

Gubernatorial Elections Fund

All Resources same as S-2800	\$2,339,128
Grand Total Resources	<u>\$12,380,334,166</u>

Federal Funds

Uncertainty over the amount of federal aid which may be available to the State prevents me from making a like certification in the case of federal funds. Federal monies specified in the appropriations cannot be regarded as immediately available for expenditure. Pursuant to C. 52:27B-26, I direct that expenditures be permitted under these appropriations only upon determination by the Director of the Division of Budget and Accounting that federal funds to support any expenditure are receivable or have been received by the State.

"Direct State Services"
"Department of Agriculture"

Page

21	"03-3330 Resource Development Services	\$1,672,000"
	This item is reduced to \$1,522,000.	
21	"Total Appropriation, Natural Resource Management	4,776,000"
	This item is reduced to \$4,626,000.	
21	"Non-point source pollution program .. This item is deleted in its entirety.	(150,000)"

21	“06-3360 Marketing Services	2,126,000”
	This item is reduced to \$2,101,000.	
21	“Total Appropriation, Economic Planning and Development	2,126,000”
	This item is reduced to \$2,101,000.	
22	“Agricultural Agents Association of New Jersey	(25,000)”
	This item is deleted in its entirety.	
23	“Total Appropriation, Department of Agriculture	\$10,674,000”
	This item is reduced to \$10,499,000.	
<i>“Department of Commerce, Energy and Economic Development”</i>		
24	“10-2920 Public Broadcasting Services	\$9,061,000”
	This item is reduced to \$9,036,000.	
24	“Total Appropriation, Cultural and Intellectual Development Services	9,061,000”
	This item is reduced to \$9,036,000.	
24	“Grant to WBGO	(125,000)”
	This item is reduced to \$100,000.	
25	“20-2800 Economic Development	3,380,000”
	This item is reduced to \$3,280,000.	
26	“Total Appropriation, Economic Planning and Development	22,599,000”
	This item is reduced to \$22,499,000.	
27	“Grant to BPUM Impact Corporation for Poet’s Row Industrial Park	(100,000)”
	This item is deleted in its entirety.	
28	“Total Appropriation, Department of Commerce, Energy and Economic Development	\$56,815,000”
	This item is reduced to \$56,690,000.	

"Department of Community Affairs"

32	"05-8050 Community Resources	\$6,370,000"
	This item is reduced to \$5,650,000.	
32	"08-8060 Programs for the Aging	1,373,000"
	This item is reduced to \$1,348,000.	
32	"15-8051 Women's Programs	2,577,000"
	This item is reduced to \$2,517,000.	
32	"Total Appropriation, Related Social Services Programs	14,386,000"
	This item is reduced to \$13,581,000.	
33	"Job Training Center for Urban Women Act—Plainfield	(25,000)"
	This item is deleted in its entirety.	
33	"State Legal Services Office	(2,250,000)"
	This item is reduced to \$2,000,000.	
33	"Grant to La Casa de Don Pedro	(70,000)"
	This item is reduced to \$60,000.	
33	"Grant to Greater Newark Chamber of Commerce summer campership program	(25,000)"
	This item is deleted in its entirety.	
33	"Grant to Westside Community Center—Asbury Park	(100,000)"
	This item is reduced to \$50,000.	
33	"Grant to Irvington PAL	(50,000)"
	This item is reduced to \$35,000.	
34	"Grant to North Ward Cultural Center	(285,000)"
	This item is reduced to \$260,000.	
34	"Grant to Trenton Roebling Community Development Corporation	(50,000)"
	This item is deleted in its entirety.	
34	"Grant to YMCA—Metuchen	(30,000)"
	This item is reduced to \$15,000.	

34	“Grant to Keyport Women’s Resource Center	(25,000)”
	This item is reduced to \$15,000.	
34	“Grant to Samaritan Center, Inc.— emergency funds for the homeless	(50,000)”
	This item is reduced to \$25,000.	
34	“Grant to Housing and Neighborhood Development Services, Inc	(75,000)”
	This item is reduced to \$65,000.	
34	“Grant to Salem County YMCA	(60,000)”
	This item is reduced to \$30,000.	
34	“Grant to Hackensack Rape Crisis Center	(50,000)”
	This item is reduced to \$25,000.	
34	“Grant to Services for the Missing, Inc.	(25,000)”
	This item is reduced to \$20,000.	
34	“Grant to Metlar House	(45,000)”
	This item is deleted in its entirety.	
35	“Grant to People Care Center of Somerset County	(250,000)”
	This item is reduced to \$100,000.	
35	“Grant to Long Branch Community Club	(25,000)”
	This item is reduced to \$10,000.	
35	“Grant to Irvington Senior Citizen Center	(50,000)”
	This item is reduced to \$25,000.	
35	“Total Appropriation, Department of Community Affairs	53,748,000”
	This item is reduced to \$52,943,000.	
<i>“Department of Corrections”</i>		
36	“13-7025 Institutional Program Support	\$68,872,000”
	This item is reduced to \$68,847,000.	

36	“Total Appropriation, System-Wide Program Support	68,872,000”
	This item is reduced to \$68,847,000.	
37	“Grant to Offender Aid and Restitution of Essex County	(25,000)”
	This item is deleted in its entirety.	
44	“12-7270 Juvenile Community Programs	8,866,000”
	This item is reduced to \$8,841,000.	
44	“Total Appropriation, Residential Care	10,774,000”
	This item is reduced to \$10,749,000.	
44	“Juvenile Resource Center, Camden ...	(75,000)”
	This item is reduced to \$50,000.	
46	“Total Appropriation, Department of Corrections	424,148,000”
	This item is reduced to \$424,098,000.	
	<i>“Department of Veterans’ Affairs and Defense”</i>	
46	“40-3620 New Jersey National Guard Programs Support	\$1,652,000”
	This item is reduced to \$1,552,000.	
46	“Total Appropriation, Military Services	13,319,000”
	This item is reduced to \$13,219,000.	
47	“National Guard Support—Fort Dix Job Placement, ROTC enlistees	(100,000)”
	This item is deleted in its entirety.	
47	“50-3610 Veterans’ Outreach and Assistance	2,674,000”
	This item is reduced to \$2,584,000.	
47	“Total Appropriation, Veterans’ Programs Support	4,031,000”
	This item is reduced to \$3,941,000.	
48	“Grant to Wayne Township for Veterans’ memorial park	(90,000)”
	This item is deleted in its entirety.	

49	“Total Appropriation, Department of Veterans’ Affairs and Defense	44,906,000”
	This item is reduced to \$44,716,000.	
	<i>“Department of Environmental Protection”</i>	
55	“Marine Lands Management	\$5,935,000”
	This item is reduced to \$5,735,000.	
55	“Total Appropriation, Natural Resource Management	24,111,000”
	This item is reduced to \$23,911,000.	
55	“Office of Environmental Analysis	(200,000)”
	This item is deleted in its entirety.	
57	“07-4850 Water Monitoring and Planning	1,706,000”
	This item is reduced to \$1,656,000.	
57	“Total Appropriation, Environmental Quality	31,813,000”
	This item is reduced to \$31,763,000.	
58	“Hackensack River environmental study	(50,000)”
	This item is deleted in its entirety.	
63	“12-4875 Parks Management	22,465,000”
	This item is reduced to \$22,395,000.	
63	“Total Appropriation, Recreational Resource Management	23,909,000”
	This item is reduced to \$23,839,000.	
63	“Historic Sites Trust	(70,000)”
	This item is reduced to \$20,000.	
64	“Grant to Spring Lake Historical Society	(25,000)”
	This item is reduced to \$10,000.	
64	“Grant to Strauss Museum—Atlantic Highlands	(15,000)”
	This item is reduced to \$10,000.	
65	“Total Appropriation, Department of Environmental Protection	123,981,000”
	This item is reduced to \$123,661,000.	

"Department of Health"

66	"02-4220 Community Health Services	\$18,434,000"
	This item is reduced to \$18,234,000.	
66	"05-4250 Alcoholism Control	3,226,000"
	This item is reduced to \$2,910,000.	
66	"Total Appropriation, Health Services	77,289,000"
	This item is reduced to \$76,773,000.	
67	"Urban rodent control	(257,000)"
	This item is reduced to \$157,000	
67	"Epilepsy Foundation of New Jersey	(50,000)"
	This item is deleted in its entirety.	
67	"Burn Foundation of Philadelphia	(50,000)"
	This item is deleted in its entirety.	
68	"Compulsive gambling	(390,000)"
	This item is reduced to \$349,000.	
68	"Shire Alcohol Treatment and Education Center	(200,000)"
	This item is reduced to \$100,000.	
68	"Somerset County Council on Alcoholism	(100,000)"
	This item is reduced to \$50,000.	
68	"Epiphany House (Monmouth County)	(250,000)"
	This item is reduced to \$125,000.	
70	"07-4270 Health Planning and Resource Development	6,646,000"
	This item is reduced to \$6,171,000.	
70	"Total Appropriation, Health Planning and Evaluation	11,642,000"
	This item is reduced to \$11,167,000.	
70	"Local health planning agencies	(950,000)"
	This item is reduced to \$475,000.	

71	“Total Appropriation, Department of Health	100,025,000”
	This item is reduced to \$99,034,000.	
	<i>“Department of Higher Education”</i>	
75	“13-5500 Extension and Public Service	\$769,000”
	This item is reduced to \$624,000.	
75	“Sub-Total General Operations	37,056,000”
	This item is reduced to \$36,911,000.	
75	“Total All Operations	54,313,000”
	This item is reduced to \$54,168,000.	
76	“Total Appropriation, Glassboro State College	28,795,000”
	This item is reduced to \$28,650,000.	
76	“Adult Learning Resource Center	(145,000)”
	This item is deleted in its entirety.	
87	“11-5600 Instruction	(149,432,000)”
	This item is reduced to \$149,307,000.	
87	“12-5600 Sponsored Programs and Research	14,237,000”
	This item is reduced to \$14,132,000.	
87	“Sub-Total General Operations	329,336,000”
	This item is reduced to \$329,106,000.	
87	“Total All Operations	468,378,000”
	This item is reduced to \$468,148,000.	
87	“Total Appropriation	226,455,000”
	This item is reduced to \$226,225,000.	
88	“Environmental Law Center	(125,000)”
	This item is deleted in its entirety.	
88	“N.J. government education series	(75,000)”
	This item is deleted in its entirety.	
88	“Joint Peace Corps program, Rutgers—Camden	(30,000)”
	This item is deleted in its entirety.	

89	"12-5620 Sponsored Programs and Research	13,104,000"
	This item is reduced to \$12,804,000.	
89	"Sub-Total General Operations	19,751,000"
	This item is reduced to \$19,451,000.	
89	"Total All Operations	33,001,000"
	This item is reduced to \$32,701,000.	
89	"Sub-Total Appropriation	19,751,000"
	This item is reduced to \$19,451,000.	
90	"Snyder farm planning and operation	(1,191,000)"
	This item is reduced to \$891,000.	
90	"Total Appropriation, Rutgers, The State University	246,206,000"
	This item is reduced to \$245,676,000.	
90	"12-5630 Sponsored Programs and Research	35,574,000"
	This item is reduced to \$35,554,000.	
90	"Total All Operations	328,575,000"
	This item is reduced to \$328,555,000.	
91	"Total Appropriation, University of Medicine and Dentistry of New Jersey	154,880,000"
	This item is reduced to \$154,860,000.	
91	"Research under contract with the Institute of Medical Research, Camden	(810,000)"
	This item is reduced to \$790,000.	
94	"Total Appropriation, Department of Higher Education	822,386,000"
	This item is reduced to \$821,691,000.	
<i>"Department of Human Services"</i>		
94	"08-7700 Community Services	\$97,990,000"
	This item is reduced to \$97,810,000.	

- 94 "Total Appropriation, Division of
Mental Health and Hospitals 102,178,000"
This item is reduced to \$101,998,000.
- 95 "Morris Adolescent Specialized
Care (240,000)"
This item is reduced to \$120,000.
- 95 "Irvington Mental Health Center (60,000)"
This item is deleted in its entirety.
- 99 "24-7540 Pharmaceutical Assistance to
the Aged and Disabled 60,375,000"
This item is reduced to \$60,130,000.
- 99 "Total Appropriation, Division of
Medical Assistance and Health
Services 78,968,000"
This item is reduced to \$78,723,000.
- 100 "PAA dispensing fee increase (490,000)"
This item is reduced to \$245,000.
- 100 "Notwithstanding the provisions of the
'Administrative Procedure Act,' P.L. 1968,
c. 410 (C. 52:14B-1 et seq.) and any other
law to the contrary, the Commissioner is
authorized to pay from the PAA dispensing
fee increase account hereinabove and from
the PAAD dispensing fee increase account
in the Casino Revenue Fund, to eligible
pharmacies pursuant to P.L. 1975, c. 194
(C. 30:4D-20 et seq.) an increase of ((\$0.20))
per prescription dispensing fee."
The amount in double parentheses is
reduced to \$0.10.
- 101 "The funds hereinabove appropriated for
the Medicaid Health Care Cost
Containment Demonstration Program shall
not be expended until enabling legislation
is enacted and until a spending plan has
been reviewed and approved by the
Director of the Division of Budget and
Accounting."
The quoted language is deleted in its
entirety.

101	“04-7600 Education and Day Training	\$12,553,000”
	This item is reduced to \$12,353,000.	
101	“99-7600 Management and Administrative Services	14,916,000”
	This item is reduced to \$14,836,000.	
101	“Total, Division of Developmental Disabilities	202,185,000”
	This item is reduced to \$201,905,000.	
101	“Total Appropriation, Division of Developmental Disabilities	109,048,000”
	This item is reduced to \$108,768,000.	
102	“Mercer Day Training Center	(200,000)”
	This item is deleted in its entirety.	
102	“Cerebral Palsy of Essex and West Hudson	(80,000)”
	This item is deleted in its entirety.	
107	“12-7560 Instruction, Community Programs and Prevention	5,309,000”
	This item is reduced to \$5,269,000.	
107	“Total Appropriation, Commission for the Blind and Visually Impaired	11,739,000”
	This item is reduced to \$11,699,000.	
108	“Recording for the Blind	(40,000)”
	This item is deleted in its entirety.	
109	“The Director of the Division of Budget and Accounting may transfer or credit amounts from the Realizing Economic Achievement (REACH) program account to any department or agency as may be necessary to effectuate the purposes of the program, provided that any such transfer or credit shall be made by means of a request for transfer that shall be subject to legislative approval pursuant to the procedures established in section 9 of this act.” The quoted language is deleted in its entirety.	

109	“17-7570 Substitute Care	27,782,000”
	This item is reduced to \$27,345,000.	
109	“18-7570 General Social Services	79,836,000”
	This item is reduced to \$78,842,000.	
109	“99-7570 Management and Administrative Services	28,973,000”
	This item is reduced to \$28,923,000.	
109	“Total, Division of Youth and Family Services	216,943,000”
	This item is reduced to \$215,462,000.	
110	“Total Appropriation, Division of Youth and Family Services	129,778,000”
	This item is reduced to \$128,297,000.	
110	“State Adoption and Resource Centers expansion	(500,000)”
	This item is deleted in its entirety.	
110	“Shelters and services for battered spouses	(1,637,000)”
	This item is reduced to \$1,200,000.	
111	“Child assault prevention project	(1,109,000)”
	This item is reduced to \$900,000.	
111	“SOLACE shelter for victims of domestic violence, Camden	(40,000)”
	This item is deleted in its entirety.	
111	“Children’s Home Society for N.J. for KIKS programs	(95,000)”
	This item is reduced to \$50,000.	
111	“Elizabeth Coalition to House the Homeless	(100,000)”
	This item is deleted in its entirety.	
111	“Old Bridge Township human services program	(100,000)”
	This item is deleted in its entirety.	
111	“Warren County Human Services Advisory Council—Family day care program	(50,000)”
	This item is deleted in its entirety.	

- 113 “The unexpended balances as of June 30, 1988 in the Hospital information system and Health care financial information system accounts (, not to exceed \$500,000 combined,) are appropriated.”
The language in parentheses is deleted.
- 113 “Total Appropriation, Department of Human Services 876,037,000”
This item is reduced to \$873,811,000.
- 113 “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 allowance shall not exceed \$35 per month for any eligible resident of an institution, and) except that the total amount herein for these allowances shall not exceed \$1,200,000.”
The language in parentheses is deleted.
- 113 “Notwithstanding the provisions of any law to the contrary, no appropriation in this act or in any supplement to this act shall be expended or transferred to any account for expenditure by any State officer for any appeal by or on behalf of the Department of Human Services regarding In the Matter of Petitions for Rulemaking N.J.A.C. 10:82-1.2 and 10:85-4.1, 233 N.J. Super. 453 (App. Div. 1988), decided March 23, 1988.”
The quoted language is deleted in its entirety.
- 114 “The Commissioner shall propose pursuant to the ‘Administrative Procedure Act,’ P.L. 1968, c. 410 (C. 52:14B-1 et seq.), and file with the President of the Senate and the Speaker of the General Assembly, on or before November 1, 1988, rules establishing a ‘standard of need’ based on the actual

cost of basic necessities in New Jersey for general assistance recipients and aid to families with dependent children recipients in accordance with P.L. 1947, c. 156 (C. 44:8-107 et seq.) and P.L. 1959, c. 68 (C. 44:10-1 et seq.) respectively. The 'standard of need' shall be based upon the actual costs in New Jersey of purchasing the necessary food, clothing, housing, fuel, medical care, transportation and other basic living and safety essentials as may be necessary to protect the well-being of recipients of assistance pursuant to P.L. 1947, c. 156 and P.L. 1959, c. 86." The quoted language is deleted in its entirety.

"Department of Labor"

116	"The unexpended balance as of June 30, 1988 in the New Jersey Occupational Information Coordinating Committee account is appropriated." The quoted language is deleted in its entirety.	
116	"12-4550 Enforcement of Workplace Standards This item is reduced to \$7,557,000.	\$7,607,000"
116	"Total Appropriation, Economic Regulation This item is reduced to \$8,253,000.	8,303,000"
116	"Mine safety grant to Mine Hill Township This item is deleted in its entirety.	(50,000)"
117	"The unexpended balance as of June 30, 1988 in the Special Task Force on the Apparel Industry account is appropriated." The quoted language is deleted in its entirety.	

118	“07-4535 Vocational Rehabilitation Services	16,756,000”
	This item is reduced to \$15,886,000.	
118	“10-4545 Employment Development Services	8,088,000”
	This item is reduced to \$8,038,000.	
118	“23-4538 Services for the Deaf	358,000”
	This item is reduced to \$328,000.	
118	“Total Appropriation, Manpower and Employment Services	28,060,000”
	This item is reduced to \$27,110,000.	
118	“Services to Clients (State share)	(4,090,000)”
	This item is reduced to \$3,220,000.	
119	“Fair Lawn School for the Deaf	(200,000)”
	This item is reduced to \$170,000.	
119	“Opportunities Industrialization Center—Camden	(50,000)”
	This item is deleted in its entirety.	
119	“Total Appropriation, Department of Labor	73,732,000”
	This item is reduced to \$72,732,000.	

“Department of Law and Public Safety”

- 124 “The unexpended balance as of June 30, 1988 in the Air ambulance program account is appropriated (and shall be used to reduce lease purchase payments for air ambulances) subject to the approval of the Director of the Division of Budget and Accounting.”
The language in parentheses is deleted.
- 130 “The unexpended balance in excess of (\$8,000,000) as of June 30, 1988 in the Securities Enforcement Fund account is appropriated.”
The amount in parentheses is reduced to \$7,000,000.

“Department of State”

134	“05-2530 Support of the Arts	\$22,850,000”
	This item is reduced to \$22,610,000.	
134	“06-2535 Museum Services	3,568,000”
	This item is reduced to \$3,518,000.	
134	“07-2540 Development of Historical Resources	1,493,000”
	This item is reduced to \$1,429,000.	
134	“Total Appropriation, Cultural and Intellectual Development Services	27,911,000”
	This item is reduced to \$27,557,000.	
134	“Arts Foundation of New Jersey	(150,000)”
	This item is reduced to \$100,000.	
134	“Princeton Art Association—Trenton Visual Art Center	(80,000)”
	This item is reduced to \$60,000.	
134	“Metro Lyric Opera	(20,000)”
	This item is deleted in its entirety.	
134	“Museums Council of New Jersey— history museums	(150,000)”
	This item is reduced to \$75,000.	
134	“Woodson Foundation	(40,000)”
	This item is reduced to \$20,000.	
135	“Grant for travel expenses for students competing in Bicentennial Competition on Constitution	(15,000)”
	This item is deleted in its entirety.	
135	“Monmouth Museum	(50,000)”
	This item is reduced to \$25,000.	
135	“Ludlow Homestead—relocation and renovation	(30,000)”
	This item is reduced to \$25,000.	
135	“Grant to Morris Museum—Capital Construction Fund	(50,000)”
	This item is reduced to \$25,000.	

135	“American Hungarian Heritage Foundation Museum	(50,000)”
	This item is reduced to \$25,000.	
135	“Oakside Cultural Center	(100,000)”
	This item is reduced to \$75,000.	
135	“Ford Faesch House	(75,000)”
	This item is reduced to \$38,000.	
135	“Trenton City Museum	(25,000)”
	This item is reduced to \$13,000.	
137	“Total Appropriation, Department of State	41,600,000”
	This item is reduced to \$41,246,000.	

“Department of Transportation”

- 138 “The department shall immediately hire the additional personnel needed to insure that the roadway and bridge maintenance crew assigned to Ridgewood, which is responsible for maintaining Route 17 north of Paramus in Bergen County, is staffed at its appropriated level. However, if the department is unable to attain the appropriated staff level for its roadway and bridge maintenance crew assigned to Ridgewood on or before August 30, 1988, the department shall contract with the local municipalities for the required maintenance along Route 17 north of Paramus.”
The quoted language is deleted in its entirety.
- 138 “On or before August 30, 1988 the Commissioner of Transportation shall report to the Senate Transportation and Communications Committee, Assembly Transportation and Communications Committee, the Senate Revenue, Finance and Appropriations Committee, and the Assembly Appropriations Committee on

the number of staff assigned to the Ridgewood roadway and bridge maintenance crew.”

The quoted language is deleted in its entirety.

139	“04-6050 New Jersey Transit Corporation Bus Operations	\$278,800,000”
	This item is reduced to \$278,600,000.	
139	“Total All Operations	589,900,000”
	This item is reduced to \$589,700,000.	
139	“Total Appropriation, Public Transportation	193,700,000”
	This item is reduced to \$193,500,000.	
139	“Ridership Study	(200,000)”
	This item is deleted in its entirety.	
140	“Receipts in excess of (\$1,000,000) 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.” The amount in parentheses is reduced to \$600,000.	
140	“The department shall contract with private vendors for the preparation and publication of the New Jersey Official Transportation Map and Guide.” The quoted language is deleted in its entirety.	
140	“Total Appropriation, Department of Transportation	372,172,000”
	This item is reduced to \$371,972,000.	

“Interdepartmental Accounts”

- 149 “In addition to the sums hereinabove for
Rent: Buildings and grounds, 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 Rent: Buildings and grounds.”

The quoted language is deleted in its entirety.

- 153 “The Director of the Division of Budget and Accounting shall report to the Senate Revenue, Finance and Appropriations Committee and the Subcommittee on Governmental Operations, Public Investments and Finance of the Assembly Appropriations Committee on or before February 1, 1989 on the rules, regulations and procedures of an executive branch employee attrition program. This report should include a detailed listing of salary account savings and staff reductions.”
This quoted language is deleted in its entirety.

“The Judiciary”

- 154 “County court takeover ((—first year implementation)) (\$18,000,000)”
The language in double parentheses is deleted.
- 154 “Total Appropriation, Direct State Services 4,940,023,000”
This item is reduced to \$4,932,892,000.

“State Aid”

“Department of Community Affairs”

- 155 “04-8030 Local Government Services .. \$237,729,000”
This item is reduced to \$237,479,000.
- 155 “Total Appropriation, Community Development Management 273,775,000”
This item is reduced to \$273,525,000.

156	“Grant to Union Beach Fire Company	(50,000)”
	This item is reduced to \$25,000.	
156	“Grant to Lodi for municipal services expansion	(250,000)”
	This item is reduced to \$25,000.	
157	“The amount hereinabove for Relocation Assistance shall be available to municipalities qualifying for assistance; provided however, that each recipient municipality match its grant with an equal amount, except for those municipalities exempted by rules and regulations promulgated by the department. The amount also may be used by qualifying municipalities for the relocation of fire victims, with no local matching funds required.” The quoted language is deleted in its entirety.	
160	“05-8050 Community Resources	2,520,000”
	This item is reduced to \$2,335,000.	
160	“Total Appropriation, Related Social Services Programs	4,990,000”
	This item is reduced to \$4,805,000.	
160	“Grant to Belleville Senior Citizen Van	(20,000)”
	This item is deleted in its entirety.	
160	“Grant to Borough of Lawnside for purchase of ambulance	(65,000)”
	This item is deleted in its entirety.	
160	“Grant to Hoboken Township for recreation programs	(25,000)”
	This item is deleted in its entirety.	
160	“Grant to West New York for recreation programs	(25,000)”
	This item is deleted in its entirety.	

160	“Grant to Latin American Community Action Agency of Hudson	(200,000)”
	This item is reduced to \$150,000.	
160	“Total Appropriation, Department of Community Affairs	278,765,000”
	This amount is reduced to \$278,330,000.	
	<i>“Department of Education”</i>	
160	“03-5120 Miscellaneous Grants-in-Aid .	\$27,398,000”
	This item is reduced to \$27,188,000.	
161	“07-5120 Special Education	21,831,000”
	This item is reduced to \$21,556,000.	
161	“Total Appropriation, Direct Educational Services and Assistance	104,955,000”
	This item is reduced to \$104,470,000.	
161	“Henry Hudson Regional School District for athletic field	(25,000)”
	This item is deleted in its entirety.	
161	“Grant to Mercer County Special Services school district	(275,000)”
	This item is deleted in its entirety.	
161	“Middletown Teen Drug and Alcohol Counseling	(25,000)”
	This item is deleted in its entirety.	
161	“Grant to the Trenton Family Life Program	(60,000)”
	This item is deleted in its entirety.	
162	“Grant to Union City Gifted and Talented Program	(100,000)”
	This item is deleted in its entirety.	
162	“The sum hereinabove appropriated 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 (, but only to the extent of 50% of the amount appropriated hereinabove. An amount not to exceed 50% of the amount hereinabove appropriated for Nonpublic aid for asbestos shall be available solely for reimbursement of nonpublic schools that have completed or substantially completed asbestos removal or encapsulation projects on or before July 1, 1988)."

The language in parentheses is deleted.

- 163 "The Department of Education shall develop a cost factor of nonpublic auxiliary services that shall include all costs associated with the provision of compensatory education, bilingual education, supplemental instruction and home instruction services to the nonpublic schools. The additional funds provided by this revision in the cost factor shall be allocated for the provision of compensatory education services in the nonpublic schools in the 1988-89 school year."
- The quoted language is deleted in its entirety.

164	"51-5070 Library Services	17,589,000"
	This item is reduced to \$17,349,000.	
164	"Total Appropriation, Cultural and Intellectual Development Services	17,589,000"
	This item is reduced to \$17,349,000.	

164	"Assistance to branch libraries/audio-visual services	(200,000)"
	This item is deleted in its entirety.	
164	"Grant to Cumberland County Book-mobile—purchase of new van	(60,000)"
	This item is reduced to \$40,000.	
164	"Grant to Nutley Free Public Library	(20,000)"
	This item is deleted in its entirety.	
165	"Total Appropriation, Department of Education	662,976,000"
	This item is reduced to \$662,251,000.	

"Department of Environmental Protection"

165	"15-4890 Marine Lands Management ..	\$4,363,000"
	This item is reduced to \$4,100,000.	
165	"Total Appropriation, Natural Resource Management	4,363,000"
	This item is reduced to \$4,100,000.	
165	"Wesley Lake cleanup	(250,000)"
	This item is deleted in its entirety.	
165	"Grant to Island Heights Borough for shore protection	(13,000)"
	This item is deleted in its entirety.	
166	"08-4855 Water Enforcement	400,000"
	This item is reduced to \$375,000.	
166	"Total Appropriation, Environmental Quality	16,475,000"
	This item is reduced to \$16,450,000.	
166	"Wall Township pond cleanup	(50,000)"
	This item is reduced to \$25,000.	
168	"Total Appropriation, Department of Environmental Protection	29,352,000"
	This item is reduced to \$29,064,000.	

"Department of Higher Education"

168	"06-5400 Aid to County Colleges	\$113,045,000"
	This item is reduced to \$112,045,000.	

168	“Total Appropriation, Office of the Chancellor	113,045,000”
	This item is reduced to \$112,045,000.	
168	“Operational Costs	(90,566,000)”
	This item is reduced to \$89,566,000.	
168	“Total Appropriation, Department of Higher Education	113,045,000”
	This item is reduced to \$112,045,000.	
	<i>“Department of Human Services”</i>	
169	“22-7540 General Medical Services	\$801,834,000”
	This item is reduced to \$801,469,000.	
169	“Total Appropriation, Division of Medical Assistance and Health Services	801,834,000”
	This item is reduced to \$801,469,000.	
171	“Prescription drug dispensing fee increase	730,000”
	This item is reduced to \$365,000.	
172	“Notwithstanding the provisions of the 'Administrative Procedure Act,' P.L. 1968, c. 410 (C. 52:14B-1 et seq.) and any other law to the contrary, the Commissioner is authorized to pay from the Prescription drug dispensing fee increase account hereinabove to eligible pharmacies pursuant to P.L. 1968, c. 413 (C. 30:4D-1 et seq.) an increase of ((\$0.20)) per prescription dispensing fee.” The amount in double parentheses is reduced to \$0.10	
174	“Total Appropriation, Department of Human Services	1,190,730,000”
	This item is reduced to \$1,190,365,000.	
178	“Total Appropriation, State Aid	2,499,355,000”
	This item is reduced to \$2,496,542,000.	

“Capital Construction”
“Department of Environmental Protection”

- 182 “Shore protection (\$5,000,000)”
 This item is deleted in its entirety.
- 182 “Rowands Pond restoration (150,000)”
 This item is reduced to \$75,000.
- 182 “Shaw’s Mill Pond dam repair (150,000)”
 This item is deleted in its entirety.
- 182 “Nacote Creek laboratory renovation .. (175,000)”
 This item is deleted in its entirety.
- 183- “Notwithstanding the provisions of P.L.
 184 1954, c. 48 (C. 52:34-6 et seq.), the
 Department of Environmental Protection
 may enter into a contract ((in an amount
 not to exceed \$400,000)), with the Waterloo
 Foundation for the Arts for improvements
 to existing State-owned structures or for the
 construction of new facilities at Waterloo
 Village. ((In awarding contracts, the
 Waterloo Foundation shall be subject to the
 provisions of P.L. 1954, c. 48 (C. 52:34-6 et
 seq.) unless the contract is for a historic
 restoration project which meets the
 following requirements:
- a. the project requires a unique application
 of specialized planning, management and
 operational strategies, skills and
 techniques;
 - b. certain construction management
 personnel, engineers, architects and
 contractors must be employed due to their
 skill and expertise in identifying,
 displaying and protecting the historical
 significance of a project; and
 - c. the project must be completed in a
 timely and efficient manner.))”
- The language in double parentheses is
 deleted.

- 184 “Total Appropriation, Department of
Environmental Protection 60,700,000”
This item is reduced to \$55,300,000.

“Department of Transportation”

- 188 “The unexpended balances as of June 30,
1988 of appropriations from the
Transportation Trust Fund Account are
appropriated for the specific projects
approved by the Governor pursuant to the
New Jersey transportation construction
program, and approved revisions and
supplements to the construction program
(in each year for which balances exist,
provided that any transfer of funds between
the approved projects is subject to the
approval of the Director of the Division of
Budget and Accounting and the Joint
Budget Oversight Committee or its
successor).”
The language in parentheses is deleted.
- 188 “The unexpended balances as of June 30,
1988 of appropriations from the Federal Aid
Interstate Highway Projects, Federal Aid
Urban System Highway Projects, Federal
Aid Consolidated Primary Highway
Projects, Federal Aid Rural Highway
Projects, Federal Aid Bridge and Highway,
Non-Federal Aid Highway Projects, Rail
Freight and Physical Plant accounts are
appropriated.”
The quoted language is deleted in its
entirety.
- 189 “There are appropriated from the revenues
and other funds of the New Jersey
Transportation Trust Fund Authority ((the
following)) sums for the specific projects
identified under the general programs as
follows:

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>Bridges</u>				
		Summit Ave. & Maple Ave. over NJ Transit	Union	((\$560,000))
15	5C	Over Paulins Kill	Sussex	((382,000))
147	1C	Over Grassy Sound	Cape May	((8,312,000))
		Blackwell St. over NJ Transit	Morris	((53,000))
		Fanny Rd. over NJ Transit	Morris	((108,000))
		Cregar Rd. over NJ Transit	Hunterdon	((29,000))
		Maple Ave. over NJ Transit	Camden	((65,000))
1 & 9	(6)	Magnolia Ave. over Rte. 1 & 9	Union	((79,000))
1 & 9T	(22)	Over St. Pauls Ave.	Hudson	((300,000))
23	(10)	Southbound over over Rte. 46	Passaic	((25,000))
30	(7)	Rte. 30 over Atlantic Line	Camden	((96,000))
35	(7)	Over Raritan River	Middlesex	((200,000))
46	(12)	Eastbound over Rte. 4 & Ramps B & L	Bergen	((120,000))
46	(21)	Over Passaic River	Morris	((75,000))
47	(3)	Bridge over Grassy Sound	Cape May	((200,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
50	(1)	Over Tuckahoe River	Cape May	((60,000))
130	(4)	Over Little Timber Creek and S. Branch Newton Creek	Camden	((25,000))
		Bridge inspection & rating	Various	((800,000))
		Miscellaneous Contract Adjustments	Various	((900,000))
<u>Local Bridges</u>				
3	3W	Over Berry's Creek	Bergen	((60,000))
46	13D	Over Passaic River & River Road & McBride Ave.	Passaic	((40,000))
166	(1)	Over Jakes Branch	Ocean	((100,000))
		Bathgate Place & 7th St. over NJ Transit	Essex	((700,000))
		Bay St. over NJ Transit	Essex	((240,000))
		Linden Ave. over NJ Transit	Hudson	((500,000))
		Tuttle Parkway over NJ Transit	Union	((400,000))
		Pine Hollow Rd. over NJ Transit	Warren	((50,000))
		North Ninth St. over NJ Transit	Essex	((60,000))
		Local bridges	Various	((1,000,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>Consolidated Primary System</u>				
38	3B	NJ Turnpike to .7 mile west of Rancocas Creek Rd. dualization	Burlington	((5,525,000))
70	12A, 13B	West of Rte. 9 to east of Airport Rd., dualization	Ocean	((2,750,000))
147	1C	Rte. 9 to New Jersey Ave., widening, bridge replacement	Cape May	((2,500,000))
1 & 9	(5)B	Pierson Ave. to south of Green St.	Middlesex	((325,000))
1 & 9	(5)C	Production Way to east of Scott Ave.	Middlesex	((255,000))
1 & 9	(5)C	Production Way to east of Scott Ave.	Union	((255,000))
18F	3C, 2E	Wycoff Rd. to Garden State Parkway (refund of advance acquisition funding)	Monmouth	((1,500,000))
30/130	1H	Cooper River to Airport Circle & Airport Circle to Stand Miscellaneous Contract Adjustments	Camden Various	((500,000)) ((1,159,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>Demonstration Grant Funds</u>				
70	(5)	Laurelton Circle to Brielle Circle	Ocean	((200,000))
70	(5)	Laurelton Circle to Brielle Circle	Monmouth	((200,000))
<u>Discretionary Bridge</u>				
1 & 9	2AJ	South Street viaduct	Essex	((100,000))
<u>Hazard Elimination</u>				
		Cumberland County Guide Rail	Cumberland	((50,000))
		SRPM's County Roads	Various	((120,000))
		South Jersey Overhead Signs	Various	((300,000))
		North Jersey Overhead Signs, Contract 3	Various	((257,000))
		South Jersey Rural RPMS	Various	((70,000))
		North Jersey Rural RPMS	Various	((50,000))
18	(1)	North of 516 to Gunia Rd. and west of Messler St. to the NJ Turnpike	Middlesex	((31,000))
46	7G	Route 46 jug- handles at Drake Ave.	Morris	((50,000))
47	10E, 11D	South to Chestnut Ave. to north to Oak Rd. and Cedar Ave. to south of Olive Rd.	Cumberland	((35,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
73	6C, 7C	North of Davis Ave. to north of Pump Branch Rd.	Camden	((50,000))
93	1D	North of Palisades Ave. to Schor Ave., Leonia	Bergen	((30,000))
<u>Corridor Safety Improvement Program</u>				
1	(3)C	Route 1 & 130 Interchange	Middlesex	((reserved))
<u>Interstate Dedesignation</u>				
522	(3)	County Rte. 522, South Brunswick	Middlesex	((2,325,000))
29F	10B, 10A	I-295/195 interchange to Lamberton Rd. (Rte. 129)	Mercer	((225,000))
206	(5)	Rte. 518 to Somerville Circle, dualization and highway improvements	Somerset	((180,000))
206/ 202	15H, 3G	Somerville Circle	Somerset	((150,000))
<u>Local Interstate Dedesignation</u>				
206/ 202	15H, 3G	Somerville Circle	Somerset	((450,000))
287	AIP	Access improvements, Piscataway	Middlesex	((45,000))
287	(5)	South Randolphville Rd. Interchange	Middlesex	((120,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
		Local interstate dedesignation	Various	((1,200,000))
		Miscellaneous Contract Adjustments	Various	((450,000))
<u>Interstate Highways</u>				
95	2F, 3E	M.P. 1-2.8 & 4.5-5.2; additional lane and increase vertical clearance	Mercer	((500,000))
295	5F, 7A	Rte. 130 to Crosswicks	Burlington	((3,430,000))
676/76	1G, 3K	From Morgan St. to Rte. 76 & from Rte. 676 to Nicholson Ave., addition of 3rd lane	Camden	((300,000))
295	7H	I-295 to I-195 interchange	Mercer	((610,000))
295	7J	South of interchange to Crosswicks Creek	Mercer	((60,000))
287	21D, 18B	Franklin Ave. to Ramapo River in Mahwah	Bergen	((reserved))
		Miscellaneous Contract Adjustments	Various	((400,000))
<u>Interstate 4R</u>				
80	8M	East of Rte. 15 to east of Beaver Brook, widening & resurfacing	Morris	((3,500,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
195	1H, 2F, 3G, 4G, 5B	Vicinity of Lakeside Blvd. to Co. Rte. 527, fencing	Mercer	((147,000))
195	1H, 2F, 3G, 4G, 5B	Vicinity of Lakeside Blvd. to Co. Rte. 527, fencing	Monmouth	((147,000))
195	1H, 2F, 3G, 4G, 5B	Vicinity of Lakeside Blvd. to Co. Rte. 527, fencing	Ocean	((147,000))
78	(9)	West Peddie St. ramps	Essex	((10,000))
80	(5)	Passaic River Bridge to east of Teaneck Rd., deck protection, widening, safety, resurfacing	Bergen	((500,000))
80	(6)	Truck weigh station westbound	Morris	((25,000))
280	(1)	Newark Downtown Connector Study	Essex	((70,000))
287	I-80	(M.P. 38) to Rte. 202 (M.P. 42.5); additional lane	Morris	((150,000))
295	(2)	Truck weigh station northbound	Salem	((25,000))
295	(4)	Northbound/ NJ Turnpike, Salem Canal & Rte. 40	Salem	((30,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
287	6M	Ramp revisions at I-287 southbound at Rte. 202-206	Somerset	((30,000))
		Miscellaneous Contract Adjustments	Various	((161,000))
<u>Rail Highway</u>				
		Rail Highway Crossing Projects	Various	((350,000))
<u>Rural Secondary</u>				
		Local Rural Secondary	Various	((1,500,000))
<u>Betterments</u>				
<u>Resurfacing Contracts</u>				
		Milling Contract	Various	((700,000))
		Concrete Curb Contract	Various	((200,000))
		Contract 114— Region 1 Route 46	Warren	((1,500,000))
		Contract 318— Region 3 Route 130 SB	Middlesex	((1,500,000))
<u>Guiderail Safety Improvement Contracts</u>				
		Contract 04— Region 1	Various	((300,000))
		Contract 06— Region 2	Various	((200,000))
		Contract 05— Region 3	Various	((250,000))
		Contract 04— Region 4	Various	((350,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>Bridge Maintenance</u>				
		Bridge Deck Repair Contract	Various	((600,000))
		Underwater Inspection Contract	Various	((300,000))
<u>Special Engineering Projects</u>				
		Route 46— 1BF, 14K	Various	((3,750,000))
		Route 3 (B)	Various	((1,000,000))
		Route 46	Various	((750,000))
<u>State</u>				
7	1AA	M.P. .5 to 3.1 resurfacing and safety, Jersey City- Newark Turnpike to ELRR-Conrail	Hudson	((1,500,000))
17	6J, 5AC, 6G	Sheridan Ave. to Franklin Turnpike	Bergen	((18,800,000))
18F	3C, 2E	Wayside Rd. to south of Overhill Rd. & Rte. 18 west of Wycoff Rd. (remaining costs)	Monmouth	((3,000,000))
23	3Y, 4G	Over Hamburg Turnpike, Pequannock River	Morris	((750,000))
23	3Y, 4G	Over Hamburg Turnpike, Pequannock River	Passaic	((750,000))
24F	10F, 11J	Columbia Turnpike to Passaic River	Morris	((38,800,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
37	8G	M.P. 31.5 to 37.5, Rte. 70 to Garden State Parkway, dualization	Ocean	((41,900,000))
73	5D	Intersection at Rte. 73 & Jackson Rd.	Camden	((630,000))
147		Wetlands Replacement	Cape May	((600,000))
206	24C, 25B	Climbing Lane, Kittatinny Lake to vicinity of Co. Rte. 521	Sussex	((425,000))
		Underground electrical facilities	Various	((2,000,000))
31	(11)	Halstead St. (M.P. 33.5) to Co. Rte. 513 (M.P. 34.3)	Hunterdon	((544,000))
35	(10)	Sea Girt & Atlantic Aves. intersection improvements	Monmouth	((568,000))
45	(2)	Over Majors Run	Salem	((50,000))
295	(4)	Georgetown Rd. over I-295 (joint project with I-295/Salem Canal)	Salem	((84,000))
		Hudson River Waterfront Roadway Improvements	Hudson	((3,540,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
9	25J, 4J	Interchange at Ernston Rd., additional right-of- way	Middlesex	((7,000,000))
49	6D	West of Commerce St. to west of West Ave. (M.P. 21.4 to 24.5)	Cumberland	((15,000))
129		Barlow St. & Rte. 1 to Hamilton Ave.	Mercer	((1,000,000))
129	10A, 11A	Hamilton Ave. to Rte. 29F	Mercer	((100,000))
		Miscellaneous Contract Adjustments	Various	((5,990,000))
<u>Physical Plant</u>				
		Physical Plant	Various	((5,000,000))
<u>Rail Freight</u>				
		Rail Freight	Various	((3,000,000))
<u>Bridge Painting</u>				
		Statewide Bridge Painting	Various	((8,000,000))
<u>Traffic Signal Construction</u>				
		Traffic Signal Construction	Various	((4,500,000))
<u>Federal Non-Participating Costs</u>				
		Non- Participating	Various	((5,000,000))

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
<u>State Aid</u>				
		State Aid in lieu of federal urban system funds	Various	((35,000,000))
		Municipal Aid	Various	((30,000,000))
<u>Urban System</u>				
1 & 9 & 46	1J, 16P	Hackensack River to Broad and Broad to Fletcher	Bergen	((2,062,000))
19F	2M	I-80 to Paterson CBD	Passaic	((8,156,000))
35	10H	Drainage at Whale Creek	Monmouth	((54,000))
35	10H	Drainage at Whale Creek	Middlesex	((54,000))
1 & 9	6H, 7C	Tonnele Ave. to Rte. 3, widening to six lanes	Hudson	((200,000))
10	(2)	Intersection of Rte. 10 & Ridgedale Ave. (M.P. 15.8)	Morris	((150,000))
<u>Local FAUS Backlog</u>				
		Local FAUS Backlog	Various	((2,500,000))
		Miscellaneous Contract Adjustments	Various	((750,000))
10	2H	East of Franklin Rd. to west of Salem St.	Morris	((500,000))

New Jersey Transit Corporation

<u>Project Description</u>	<u>County</u>	<u>Amount</u>
<u>Rail</u>		
<u>Major Rail Construction</u>		
Contract closeouts	Various	((2,000,000))
<u>Rail Infrastructure</u>		
<u>Capital Maintenance</u>		
Track rehabilitation	Various	((reserved))
Bridge rehabilitation	Various	((reserved))
Signals & communications	Various	((250,000))
Other rail infrastructure	Various	((reserved))
RVL track rationalization	Various	((reserved))
<u>Immediate Action:</u>		
Testing, clean-up disposal	Various	((500,000))
Immediate action—NJT property	Various	((3,500,000))
Immediate action on NE Corridor	Various	((1,000,000))
<u>Support Equipment & Facilities</u>		
Intertrack fencing	Various	((100,000))
Meadows maintenance complex yard expansion	Hudson	((reserved))
Meadows maintenance complex car washer	Hudson	((reserved))
Non-revenue vehicles		((200,000))
Materials yard relocation and improvements		((reserved))
<u>Centralized Traffic Control</u>		
Centralized traffic control on NE Corridor		((reserved))
<u>Rail Rolling Stock</u>		
<u>Overhaul</u>		
Arrow III overhaul & conversion		((11,210,000))
F40/U34 locomotive overhaul		((2,400,000))
Associated capital maintenance (purchase major space parts)		((1,000,000))
<u>New Acquisitions</u>		
Six electric locomotives (partial payments)		((1,570,000))

<u>Project Description</u>	<u>County</u>	<u>Amount</u>
Purchase additional passenger coaches		((9,490,000))
Bombardier lease payment (for existing coaches)		((9,500,000))
Rail Equipment Telemetry System		
Rail equipment telemetry system	Various	((reserved))
Rail Passenger Facilities		
Station Improvements		
Rail station rehabilitation	Various	((2,200,000))
Park and Ride		
Park and ride	Various	((reserved))
<u>Bus</u>		
Maintenance Facilities and Support Equipment		
Bus Garage Rehabilitation		
Newark bus complex lease	Essex	((660,000))
Newark bus complex rehabilitation	Essex	((4,920,000))
Big Tree garage		((120,000))
Immediate action (emergency repairs)	Various	((2,250,000))
New Bus Garages		
Passaic bus facility	Passaic	((5,550,000))
Meadowlands bus facility	Hudson	((5,000,000))
Prospective northern bus facility		((reserved))
Support Equipment & Facilities		
Non-revenue vehicles		((200,000))
Operations support equipment		((300,000))
Anti-spill fuel devices		((160,000))
Weehawken bus storage lot	Hudson	((1,700,000))
Revenue counting facility		((200,000))
Radio system upgrade		((200,000))
Testing, clean-up, disposal	Various	((600,000))
Fare collection (card readers)		((reserved))
Bus Passenger Facilities and Rolling Stock		
Bus Terminal Rehabilitation		
Atlantic City bus terminal	Atlantic	((2,200,000))

<u>Project Description</u>	<u>County</u>	<u>Amount</u>
Raymond Plaza East	Essex	((120,000))
Support Facilities		
Bus stop signs	Various	((180,000))
New Bus Purchases		
Purchase buses—private carriers		((reserved))
Purchase buses for growth		((reserved))
<u>Miscellaneous</u>		
Property lease payments	Various	((600,000))
Special services match		((400,000))
<u>New Initiatives</u>		
Montclair Connection	Essex	((920,000))
Bus preferential treatment		((100,000))
Penn Station capacity		((reserved))
Hunter Connection		((reserved))
Bergen—Main Connection	Hudson	((reserved))
(Secaucus Transfer) Waterfront Connection	Hudson	((reserved))
Monmouth-Ocean rail restoration	Monmouth/ Ocean	((200,000))
Kearny Connection	Hudson	((reserved))
NEC/NJCL yard expansion		((reserved))
Other Transportation—Hudson design work		((reserved))

The amounts and language within double parentheses are deleted.

- 198 “The unexpended balances as of June 30, 1988 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated for the specific projects approved by the Governor pursuant to the New Jersey transportation construction program, and approved revisions and supplements to the construction program (in each year for which balances exist, provided that any transfer of funds between the approved projects is subject to the approval of the Director of the Division of

Budget and Accounting and the Joint Budget Oversight Committee or its successor).”

The language in parentheses is deleted.

- 198 “Notwithstanding the provisions of section 9 and any other provision of this act to the contrary, in order to provide the department with flexibility in administering the specific appropriations by project identified in this act, the commissioner may transfer a part of any item to any other item subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor. Projects identified above as reserved may receive a transfer from any specific item of appropriation above subject to the approval of the director and the Joint Budget Oversight Committee or its successor. The director shall transmit a transfer request to the Legislative Budget and Finance Officer for submission to the Joint Budget Oversight Committee. Upon approval of the director and the committee, the transfer shall take effect.”
- The quoted language is deleted in its entirety.

- 200 “Total Appropriation, Capital
Construction 479,556,000”
This item is reduced to \$474,156,000.
- 246 “Total Appropriation, General
Fund 11,627,473,000”
This item is reduced to \$11,612,129,000.

“Casino Revenue Fund”
“Department of Human Services”

- 253 “24-7540 Pharmaceutical Assistance to the
Aged and Disabled \$64,526,000”
This item is reduced to \$64,246,000.

253	“Total Appropriation, Special Health Services	66,106,000”
	This item is reduced to \$65,826,000.	
253	“PAAD dispensing fee increase	(560,000)”
	This item is reduced to \$280,000.	
255	“Total Appropriation, Department of Human Services	165,300,000”
	This item is reduced to \$165,020,000.	
<i>“Department of Labor”</i>		
255	“07-4535 Vocational Rehabilitation Services	\$1,420,000”
	This item is reduced to \$720,000.	
255	“Total Appropriation, Division of Vocational Rehabilitation Services	1,420,000”
	This item is reduced to \$720,000.	
255	“Sheltered workshop transportation	(1,420,000)”
	This item is reduced to \$720,000.	
255	“The unexpended balance as of June 30, 1988 in the Sheltered workshop transportation account is appropriated.” The quoted language is deleted in its entirety.	
255	“Total Appropriation, Department of Labor	1,420,000”
	This item is reduced to \$720,000.	
255	“Total Appropriation, Direct State Services—Casino Revenue Fund	179,050,000”
	This item is reduced to \$178,070,000.	
257	“Total Appropriation, Casino Revenue Fund	257,514,000”
	This item is reduced to \$256,534,000.	
258	“Grand Total Appropriation, All Funds	15,133,826,000”
	This item is reduced to \$15,117,502,000.	

"General Provisions"

- 264 Section 27. "State agencies shall prepare and submit a timely copy of their departmental budget requests (, budget planning documents) and spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer, by October 1, 1988 including quarterly updated spending plans on January 1 and April 1, 1989. 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 and requests shall be submitted on forms specified by the Director of the Division of Budget and Accounting."
- The language in parentheses is deleted.

SUMMARY

This appropriation bill, with my line-item veto adjustments, provides a spending plan for fiscal year 1989. The total appropriation for all State funds is \$11.775 billion, an increase of approximately \$1.2 billion over the fiscal year 1988 adjusted appropriation. This appropriation is less than the amount recommended by the Legislature by \$16.5 million.

More than 58 percent of the budget is directed to State Aid to local governments or grants-in-aid to individuals and non-profit organizations. The two largest appropriations in the budget are \$3.4 billion for aid to local school districts, and \$2.2 billion to the Department of Human Services to provide aid and assistance to our less fortunate. The recommendation for school aid represents an increase of \$272 million over the current year. The Human Services recommendation is an increase of \$243 million over current spending patterns, and is directed principally towards community programs for the mentally ill and developmentally disabled, Medicaid, the homeless, Youth and Family Services, and welfare reform. Other significant increases in the budget are for distressed cities, environmental programs, trans-

portation construction, correctional programs and law enforcement activities, and higher education.

This budget is consistent with my belief that a budget of \$11.7 billion must have an adequate reserve. Including the Rainy Day Fund, the budget has reserves of \$500 million in the General Fund and Property Tax Relief Fund and \$110.5 million in the Casino Revenue Fund.

I have reduced funds for the following programs, in the amounts indicated, for the stated reasons.

“DIRECT STATE SERVICES”

Department of Agriculture

\$150,000 Funds for the Non-Point Source Pollution Program are eliminated. The State Department of Environmental Protection has several pollution control programs which include non-point source pollution, as well as the enforcement powers necessary to control pollution. The two Departments should coordinate their activities rather than institute duplicative programs.

25,000 Funds for the Agricultural Agents Association of New Jersey are eliminated. The monies would be used to help the association conduct a National Conference of Agricultural Agents. This type of expense should be borne by the Association with the assistance of private sector entities who benefit from the services of the Association.

**Department of Commerce, Energy
and Economic Development**

\$25,000 This leaves an appropriation of \$100,000 to support WBGO, a public radio station in Newark. It provides an increase of 33% over the current year's appropriation for this purpose.

100,000 This item would provide funds to the Black People's Unity Movement (BPUM) Impact Corporation for equity capital financing of a 40,000 square foot building that would be part of the Poet's Row Industrial Park project in Camden. There are existing sources of capital financing for which this organization should make application. For example, the N.J. Economic Develop-

ment Authority as well as the local development financing fund may have monies available for projects of this type.

Department of Community Affairs

- \$25,000 This would have provided funding for the Job Training Center for Urban Women in Plainfield. The Plainfield program already receives monies from our statewide Job Training program. \$324,000 is budgeted for that program and is shared by three centers.
- 250,000 Funding for a grant to the State Legal Services Office is reduced to \$2,000,000, which is \$250,000 more than fiscal year 1988 and 60 percent over the fiscal year 1987 appropriation.
- 10,000 This item is reduced to \$60,000. The remaining appropriation will continue funding to La Casa de Don Pedro at the fiscal year 1988 level.
- 25,000 This grant to the Greater Newark Chamber of Commerce summer campership program is eliminated. Funds for this type of program should be raised privately.
- 50,000 This item is reduced to \$50,000. This will provide monies for the Westside Community Center—Asbury Park to make structural repairs to the facility.
- 15,000 This would have provided a total of \$50,000 to Irvington Police Athletic League. The budget includes \$35,000 for this community agency to make capital improvements.
- 25,000 This grant to the North Ward Cultural Center—Newark would have provided \$285,000. The budget includes \$260,000 in continuation funding to support various programs operated at the center. Funding for the center has increased by 70% since 1987.
- 50,000 This grant to the Trenton Roebling Community Development Corporation is eliminated. The monies would have been used to study whether an industrial museum should be placed at the old Roebling site. This type of project should be financed from local and private sources or through the competitive grant process within the Department of State.

- 15,000 This grant to the Metuchen YMCA is reduced to \$15,000. This is sufficient to purchase one van.
- 10,000 This grant to Keyport Women's Resource Center would have provided \$25,000. The budget includes \$15,000 to relocate the center to a new facility.
- 25,000 This grant to Samaritan Center, Inc. is reduced to \$25,000 for this agency to provide emergency funds for the homeless. The budget also includes \$4.8 million in funding in the Department of Community Affairs and \$5.9 million in the Department of Human Services for the homeless.
- 10,000 This grant to Housing and Neighborhood Development Services Inc. is reduced by \$10,000. This leaves \$65,000 which is sufficient for the agency to carry on its program of operating carpentry training for the homeless and unskilled and rehabilitation of low and moderate income housing units. This represents continuation funding from 1988.
- 30,000 This grant to Salem County YMCA would have provided \$60,000. The budget includes \$30,000 for the replacement of the heating unit at the facility.
- 25,000 This grant to Hackensack Rape Crisis Center is reduced to \$25,000 which will be used to provide various services including court preparation and accompaniment, hotline services, group counseling, community education and child abuse and emergency services.
- 5,000 This grant to Services for the Missing Inc. is reduced by \$5,000, leaving \$20,000 to be used to provide services to people looking for missing persons. This is the same level of assistance as provided last year.
- 45,000 This would provide a \$45,000 grant to Metlar House for structural improvements. Bond monies are available for this purpose. Application should be made to our Department of Environmental Protection.
- 150,000 This leaves \$100,000 in public monies as a grant to People Care Center to be utilized as part of a capital renovation project. When complete, the project will house charitable groups.

- 15,000 This grant to the Long Branch Community Club would have provided \$25,000 to support community club programs. This leaves \$10,000 to support this program. Private fund-raising efforts should support the remaining needs.
- 25,000 This grant to the Irvington Senior Citizens Center is reduced to \$25,000 which is the same level of funding approved for this program in fiscal year 1988.

Department of Corrections

- \$25,000 Funds for Offender Aid and Restitution of Essex County are eliminated. This organization provides counseling and social services referrals for men and women following their release from prisons in Essex County. Organizations such as this may be worthwhile supporting with taxpayers' funds but all such similar organizations should have an equal opportunity to obtain support based on appropriate programs and funding criteria as determined by the Department of Corrections.
- 25,000 This still leaves \$50,000 for the Juvenile Resource Center, Camden, which is an increase of \$25,000 over the fiscal year 1988 appropriation. This will provide sufficient State support to this program which helps juvenile offenders.

Department of Veterans' Affairs and Defense

- \$100,000 This item, to provide job placement services only to ROTC enlistees, is deleted. Job placement services are available to all New Jersey citizens from the Department of Labor.
- 90,000 This would appropriate \$90,000 to Wayne Township to improve property along old Route 23 to create a park in which a memorial to veterans would be erected. Memorial sites should be erected in consultation with the department to ensure a coordinated approach that best suits the needs of the various veterans' groups. The Department was not consulted on this proposal.

Department of Environmental Protection

- \$200,000 This funding would support the Office of Environmental Analysis. The functions of this office have either

been completed or reallocated to other units within the Department; therefore these funds are not needed.

50,000 This funding supports a study of toxicity in the Hackensack River to determine whether a hazardous waste cleanup is necessary. This work is arguably within the purview of the Hackensack Meadowlands Development Commission, or may be funded using existing capital appropriations or from DEP's Spill Compensation Fund or Hazardous Site Mitigation Fund, based on its priority relative to other cleanup sites in the State.

50,000 This reduction would leave the Historic Sites Trust appropriation for operating expenses at \$20,000, as requested by DEP. No increase is necessary because language has been inserted in the budget to permit any additional costs to be charged against appropriate bond funds.

15,000 These funds represent a grant to the Spring Lake Historical Society. This provides an appropriation of \$10,000 for this purpose, the same level as the current fiscal year.

5,000 This grant would provide operating assistance to the Atlantic Highlands Historical Society and Strauss House. This provides an appropriation of \$10,000 for this purpose, the same level as the current fiscal year.

Department of Health

\$100,000 This leaves \$157,000 as a continuation budget for the Urban Rodent Control Program.

50,000 This would provide funds to the Epilepsy Foundation to expand services in Warren, Sussex, and Western Morris County. In FY 88, the Department of Human Services was appropriated \$51,000 to develop a study to determine the needs of epileptics in the State. The study is not yet complete. Funding determinations must await completion of this study.

50,000 This would provide for burn prevention programs in the Southern New Jersey area, through a grant to the Burn Foundation of Philadelphia. Providing grants to out-of-State organizations is not a prudent use of New

Jersey taxpayers' funds. Funds for prevention programs in South Jersey are available from carry-forward funds from the \$750,000 supplemental in FY 88 for the Burn Victim Assistance Program.

- 41,000 Continuation funding of \$349,000 for compulsive gambling is included in the budget. A Governor's task force on this subject is due to release a report on the subject in the near future. The Task Force's recommendations should be considered before any additional funding is included.
- 100,000 The budget includes \$100,000 for Shire Alcohol Treatment and Education Center, an increase of \$75,000 from last year's funding level. In addition, the budget provides more than \$13 million from the General Fund for drug and alcohol treatment, and over \$14 million from the Alcohol Education, Rehabilitation and Enforcement Fund for alcohol treatment.
- 50,000 A grant of \$50,000 for the Somerset County Council on Alcoholism is included in the budget. This additional funding would have provided a grant of \$100,000 to the Council to assist in its operations. As noted, the budget recommends over \$13 million from the General Fund for drug and alcohol treatment and over \$14 million from the Alcohol Education, Rehabilitation and Enforcement Fund for alcohol treatment.
- 125,000 A grant for \$125,000 for Epiphany House is included in the budget to purchase and renovate a house for recovering women alcoholics and drug abusers. As noted, the budget recommends over \$13 million from the General Fund for drug and alcohol treatment, and over \$14 million from the Alcohol Education, Rehabilitation and Enforcement Fund for alcohol treatment.
- 475,000 This would have provided \$950,000, a 275% increase, for local health planning agencies. The budget includes \$475,000 for the cost of the Certificate of Need services performed by these agencies for the Department of Health, still a significant increase over current year funding.

Department of Higher Education

- \$145,000 This would provide funding for Glassboro State College's Adult Training Center. Funding for this purpose should come from resources of the Department of Education to avoid duplication of programs and a comprehensive plan for provision of this service.
- 125,000 There are numerous environmental advocacy groups in the State. There is no reason to single out the Environmental Law Center for special State assistance. There are ample funds in Rutgers' budget should they choose to continue to support it.
- 75,000 This would provide funds to establish the New Jersey Government Education Series at Rutgers. Funding should not be provided until the Department's plan for this program has been formally reviewed.
- 30,000 To provide funds to establish a State funded Joint Peace Corps Program at Rutgers. Participating students have other sources available to defray costs such as financial aid programs and work study. A new funding program should not be implemented until the Department has formally reviewed a proposal.
- 300,000 Additional funding for the Snyder Farm Planning and operations program at the Agricultural Experiment Station is deleted. \$891,000 has already been provided which is sufficient to cover full-year operational costs.
- 20,000 This funding is for Research under contract with the Institute of Medical Research in Camden. This still leaves an appropriation of \$790,000 which reflects an increase of \$250,000 for this purpose.

Department of Human Services

- \$120,000 Funding of \$120,000 for the Morris Adolescent Specialized Care unit is included in the budget. In addition, the budget includes \$97.7 million to support community mental health programs throughout the State.
- 60,000 Provides a grant to the Irvington Mental Health Center for an increase in the number of clients due to census reduction at the Essex County Hospital. The budget includes \$97.7 million for community mental health funding. The agency should submit a competitive

proposal to the Division of Mental Health and Hospitals in order to receive consideration for its programs.

- 245,000 Funding to increase the dispensing fee paid to pharmacies participating in the Pharmaceutical Assistance for the Aged program by \$.20 per prescription. The fiscal year 1986, 1987, and 1988 budgets have included funds for a \$.375, \$.375, and \$.10 increase, respectively, while other fee-for-service providers have received no increase. Funding is increased by \$245,000 to provide an additional \$.10 per prescription.
- 200,000 Funding for additional classroom space for day training programs for developmentally disabled children at the Mercer Day Training Center. Funding of \$29.4 million has been provided in the budget for community programs for the developmentally disabled. A grant may be available for these services if the agency applies to the Division of Developmental Disabilities and meets the appropriate criteria established by the Division's grant award process.
- 80,000 Funding for various capital improvement projects for Cerebral Palsy of Essex and West Hudson. A total of \$2.3 million in funding has been included in the budget for persons with cerebral palsy and other developmental disabilities since the Division's name and mandate were changed from Mental Retardation to Developmental Disabilities. Grants for these agencies may be available through the Division of Developmental Disabilities' grant award process.
- 40,000 Funding for a grant to Recording for the Blind, Inc. in Princeton. Monies for programs to assist the blind are included in the Commission for the Blind's budget. The line-item for services to rehabilitation clients is increased \$300,000 in the budget. The agency should apply to the Commission for a grant.
- 500,000 This would provide funding to expand State adoption resource centers which will allow for an increase of approximately 16 positions and associated non-salary operating costs. The need for expansion has not been demonstrated.

- 437,000 This would provide funding to the Division of Youth and Family Services for the purpose of expanding shelters and services for battered spouses. A 5% cost-of-living adjustment to continue program activities at the current services level in fiscal year 1989 is included in the budget. An additional \$413,000 is also provided to expand services and shelters for a total of \$1.2 million.
- 209,000 This would provide an appropriation to the Division of Youth and Family Services for the purpose of expanding the child assault prevention project. The budget includes an increase of \$191,000 for a total of \$900,000.
- 40,000 This would provide a grant to the SOLACE shelter in Camden for victims of domestic violence. The budget includes over \$2.1 million in funding for domestic violence programs. The agency should submit a competitive proposal and be considered based on priority of need by the Division of Youth and Family Services.
- 45,000 This provides a \$50,000 grant to the Home Society of New Jersey for KIKS (Kids Intervention with Kids in School) programs. This represents continuation funding from last year.
- 100,000 This would provide a grant to the Elizabeth Coalition to House the Homeless to develop the Support Services for Homeless Children Program. The budget includes over \$53 million in total funding for programs to aid the homeless in the Departments of Community Affairs and Human Services.
- 100,000 This would provide a grant to Old Bridge Township to provide day care services, latch-key programs, programs for the mentally retarded, and programs for persons with Alzheimer's Disease. A competitive proposal should be submitted and considered based on priority of need by the Division of Youth and Family Services or other appropriate agencies in the Department of Human Services.
- 50,000 This would provide a grant to the Warren County Human Services Advisory Council to develop a family day care program in Warren County. The County

Human Services Advisory Councils (CHSAC) were created as a method of working out mutually agreeable goals and priorities between the State and local providers. The budget includes \$9.2 million in funding for County Human Services Advisory Councils.

Department of Labor

- \$50,000 There is no need for the grant to Mine Hill. The Department of Labor currently has a mine safety group which deals with this type of problem and can assist this community.
- 870,000 These funds would have increased the funding level of the basic services program operated by the Division of Vocational Rehabilitation Services. This increase would raise the salary levels for those workers providing supported employment and case management services on a contract basis. It is the responsibility, however, of these private, non-profit facilities to negotiate their salary levels and then pass these costs on to the State through the normal cost-per-client funding mechanism. \$2,720,000 in funding is budgeted for this program.
- 30,000 This would provide an additional \$50,000 to the Fair Lawn School for the Deaf. This leaves an appropriation of \$170,000 for this purpose which represents an increase of \$20,000 or 13% over the current year's funding.
- 50,000 These monies would go to the Opportunities Industrialization Center of Camden. This is a private skills training operation. They currently do not have any contracts with the State to provide job training. In addition, there are existing, larger programs which provide these same services.

Department of State

- \$50,000 This leaves \$100,000 for the Arts Foundation of New Jersey, thus representing a 33 1/3% increase above the FY 88 line-item appropriation. The Arts Foundation's primary program is the Summer Arts Institute, housed at Rutgers University, which provides a five-week residential program for high school students in the visual and performing arts.

- 20,000 This leaves \$60,000 for the Princeton Art Association—Trenton Visual Center. This continues funding at the same level as was made in FY 88 by line-item appropriation.
- 20,000 This would make funds available to the Metro Lyric Opera to conduct market development and provide product diversification to attract larger audiences. The Council on the Arts provides technical support and expertise for groups needing marketing assistance.
- 75,000 This leaves \$75,000 for the Museum Council of New Jersey—history museums. This represents a first-time line-item appropriation for the Museum Council.
- 20,000 This leaves \$20,000 for the Woodson Foundation and represents a \$3,500 (21%) increase above the fiscal year 1988 grant award of \$16,500.
- 15,000 This would provide \$15,000 for travel expenses of students competing in the Bicentennial competition on the Constitution. The Bicentennial Constitution Commission should underwrite the cost of this trip or private contributions should be sought.
- 25,000 This leaves \$25,000 for the Monmouth Museum. The funds would be used to assist in the construction of the Becker Children's Wing. Total cost of the construction is projected at \$500,000.
- 5,000 This leaves \$25,000 for the Ludlow Homestead relocation and renovation project.
- 25,000 This leaves \$25,000 for the Morris Museum's Capital Construction Fund. The funds would be used to construct a new gallery, thus doubling the current exhibition space. This is part of the Morris Museum's two-year drive to raise \$5 million for construction and renovations.
- 25,000 This leaves \$25,000 for the American Hungarian Heritage Foundation Museum.
- 25,000 This leaves \$75,000 for the Oakside Cultural Center. The funds will be used to repair structural damage done to the building by termites. The building is 200 years old.

- 37,000 This leaves \$38,000 for the Ford Faesch House.
- 12,000 This leaves \$13,000 for the Trenton City Museum to sponsor a Russian exhibit which aims to foster a better understanding between the United States and Russia.

Department of Transportation

- \$200,000 This would provide funds for New Jersey Transit Corporation to update its profile of bus and rail riders. Two of the stated objectives which NJ Transit hoped to achieve during fiscal year 1989 were to continue the aggressive marketing campaign which targeted specific groups with a view towards increasing ridership and increasing public awareness of NJT services, and improved customer communications through its established Customer Service organization. Since these activities are currently an ongoing function, additional funds for this purpose should not be necessary.

"STATE AID"

Department of Community Affairs

- \$25,000 This grant to the Union Beach Fire Company would have totaled \$50,000. The budget includes \$25,000 for replacement of an antiquated paging system.
- 225,000 This grant to the Borough of Lodi for municipal services would have provided \$250,000. The budget includes \$25,000 for the purchase of fire-fighting equipment.
- 20,000 This grant to the Belleville Senior Citizen Center would have provided \$20,000 for the purchase of a van. The need for the purchase of this additional equipment requires further evaluation.
- 65,000 Lawnside already receives significant State assistance and is eligible to apply for funds from numerous State programs for items such as this. Therefore, this line-item is deleted.
- 25,000 This grant to Hoboken Township would have provided \$25,000 for recreation programs. Hoboken is eligible for funding under the Distressed Cities program. This program should be funded at the local level.

25,000 This grant to West New York would have provided \$25,000 for recreational programs. This item is more appropriately funded at the local level. It is presumed that West New York will become eligible for Distressed Cities funding in fiscal year 1989.

50,000 This reduction leaves \$150,000 in the budget for a grant to the Latin-American Community Action Agency located in West New York. This funding will support the agency's operations which include food assistance, immigration assistance and other services for persons in the Hudson County area.

Department of Education

\$275,000 This grant is intended to provide full funding to the Mercer County Special Services school district. In order to assure equity among all districts, funds for this program are allocated by formula at the same level in Fiscal Year 1989 as other local school districts (96.9% of full funding). This line-item would negate the formula distribution process.

25,000 This represents funds for the Henry Hudson High School athletic field. This type of funding should come from the local school district budget and be reimbursed through equalization State aid.

25,000 This funding provides support to the Middletown Teen Drug and Alcohol Counseling Program in public schools. The Fiscal Year 1989 budget contains \$1.7 million in State funding and approximately \$4.9 million in federal funds for grants for various drug and alcohol programs in local school districts. Funding for this program should come from that source and not by a special appropriation.

60,000 These funds are to provide a grant to the Trenton Family Life Program to support the salaries and fringe benefits of two elementary teachers. This program is more appropriately funded as a local budget item which is supported through equalization State aid in direct relation to the wealth of the district.

100,000 This is to provide a grant to the Union City Gifted and Talented Program. Funding for this program is more

appropriately a local budget item which is supported through equalization State aid in direct relation to the wealth of the district.

- 200,000 This would provide direct grants for library development aid for urban library branches to use for audio-visual services. This still leaves an appropriation of \$600,000, same as the current fiscal year, for this purpose. The fiscal year 1989 budget has already provided an increase of \$2,385,000 or 16% over the current fiscal year for library State aid programs.
- 20,000 This is to provide funds to the Cumberland County Library to replace its current bookmobile van. This leaves an appropriation of \$40,000 for this purpose.
- 20,000 This funding is to provide for the installation of a sprinkler system in the Nutley Free Public Library. Under the Library Construction Incentive Aid Program, the library may receive up to 50% of the cost in State aid but is required to provide the balance of funds from its own resources. These funds would supply approximately two-thirds of the remaining funds which Nutley would have to raise in order to qualify for State aid. This is more appropriately addressed as a local budget item rather than through a State appropriation. The Fiscal Year 1989 budget has already provided an increase of \$2,385,000 or 16 percent over the prior fiscal year for Library State Aid programs.

Department of Environmental Protection

- \$250,000 This funding supports the rehabilitation of Wesley Lake in Monmouth County. This project received \$50,000 in State appropriations in fiscal year 1987 and \$120,000 in fiscal year 1988. As of June 1, 1988, there had been no spending on this project and \$170,000 is currently available.
- 13,000 This would provide 75 percent of the funds required to restore swimming beaches in Island Heights Borough, near Toms River. This measure circumvents DEP's existing shore protection program, whereby beach projects are ranked on a priority basis for the distribution of \$12 million in capital funds provided in the fiscal year 1988 budget. Projects such as this should be

funded from the Natural Resources Preservation and Restoration Fund, which is currently pending before the Legislature, and not addressed piecemeal through annual appropriations.

- 25,000 Provides a grant for the dredging of Wall Township's municipal pond. This leaves an appropriation of \$25,000 for this purpose.

Department of Higher Education

- \$1,000,000 Additional funding for County College Operational Aid. Sufficient funds have already been provided to fund the new formula as agreed to by the Department and the County Colleges.

Department of Human Services

- \$365,000 This funding would increase the prescription drug dispensing fee by \$.20 to pharmacies participating in the Medicaid program. Pharmacy providers have received increases in the fiscal year 1986, 1987 and 1988 budgets of \$.375, \$.375 and \$.10, respectively, while other fee-for-service providers have received no increase. Funding is increased \$365,000 to provide an additional \$.10 per prescription.

"CAPITAL CONSTRUCTION"

Department of Environmental Protection

- \$75,000 This funding provides for the restoration of Rowand's Pond within Rowand's Park and Wildlife Management Area, Camden County. This project may be included in DEP's ongoing Major Maintenance and Rehabilitation Program within its capital budget (\$4 million annual appropriation), based on its merit relative to other State park and recreational facility projects.
- 150,000 This funding represents dam repair costs at Shaw Mill Pond, Cumberland County, which is owned by DEP's Division of Fish, Game, and Wildlife. The Department should submit a separate capital request for additional funds for this project, to be judged in relation to other dam reconstruction needs throughout the State.
- 175,000 These funds support the renovation of the Nacote Creek laboratory within the Forsythe National Wildlife

Refuge in Atlantic County. Federal funds should be pursued for this project, since it is located within a national wildlife center.

5,000,000 A total of \$12 million was appropriated in fiscal year 1988 for shore protection. This program should be funded through the proposed Natural Resources Preservation and Restoration Fund currently pending in the Legislature.

Department of Human Services

280,000 This funding would provide an additional \$.20 dispensing fee to eligible pharmacies in the Pharmaceutical Assistance to the Aged and Disabled program. Pharmacies have received several increases in recent years. The budget includes a funding increase of \$.10 per prescription.

Department of Labor

700,000 This increase would provide an additional \$700,000 to the Sheltered Workshop Transportation program. The enabling legislation for this program specified \$720,000 rather than \$1,420,000. This specified amount (\$720,000) should be sufficient to provide transportation services to those who need it the most.

"LANGUAGE (OTHER)"

Department of Community Affairs

This language which would have provided funds to municipalities for relocation assistance to fire victims without a local match is deleted. The funding implications of this proposed language may be substantial and require more thorough review.

Department of Education

Language which would require that half of all funds available for nonpublic aid for asbestos be used to reimburse schools for projects that were completed or substantially completed before July 1, 1988, is eliminated. This language is contrary to the current policy which is in effect for reimbursement for asbestos expenses to public schools.

Language which would require the Department of Education to develop a cost factor for nonpublic aux-

iliary services that includes all associated costs for this program is eliminated. This change, if appropriate, should be accomplished by separate legislation rather than through the appropriations act.

Department of Environmental Protection

Language which proposes to limit DEP capital contracts for improvements to State-owned facilities within Waterloo Village to \$400,000, and subjects such contracts to the provisions of P.L. 1954, c. 48 (C. 52:34-6 et seq.) is deleted. The existing language governing the Waterloo Village project is deemed adequate in its current form.

Department of Human Services

Language changing the title of the Garden State Health Plan to the Medicaid Cost Containment Demonstration Program and the emphasis of the program to cost savings rather than the provision of organized medical services to Medicaid clients has been deleted. The language would delay expenditures and, thus, implementation of the program while legislation is enacted and a spending plan is reviewed and approved by the Director of the Division of Budget and Accounting. The \$750,000 included in the budget represents the State share of a \$1.5 million spending plan which has already been reviewed by the Director of the Division of Budget and Accounting.

Language which would authorize a \$.20 per prescription dispensing fee increase to pharmacies participating in the Pharmaceutical Assistance to the Aged and Disabled program has been modified. The item of funding to which this language refers has been reduced to provide for a \$.10 increase. Therefore, the language has been modified.

Language which would authorize the Director of the Division of Budget and Accounting to transfer funds from the REACH program to any department or agency for the purposes of the program but requiring that all movement of funds for the REACH program be accomplished via a transfer is deleted. There are many situations where other bookkeeping entries are the proper documents to use when processing payments for

services rendered in compliance with New Jersey's Financial Management Information System. This language would prohibit the use of those documents and create an exception to an otherwise universally applied system.

Language limiting carry-forward of unexpended balances for the Hospital Financial Information System to \$500,000 is deleted.

Language limiting the monthly personal needs allowance to \$35 for patients/residents in State institutions with no other source of funds is deleted. This will allow the monthly allowance to increase to \$40 and maintain equity with the monthly allowance of patients/residents covered by federally funded programs such as Medicaid.

Language which would have disallowed any appropriation to be spent for any appeal by or on behalf of the Department of Human Services regarding In the Matter of Petitions for Rulemaking N.J.A.C. 10:82-1.2 and 10:85-4.1, 223 N.J. Super. 453 (App. Div. 1988) is deleted. Such language constitutes an improper intrusion by the Legislative branch into the affairs of the Executive.

Language to establish a "standard of need" is deleted. The question of a standard of need should be addressed in the context of separate legislation and should not be included within the appropriations act, which has a life of but one year.

Language in State Aid that would authorize the \$.20 per prescription dispensing fee increase to eligible pharmacies is modified to authorize an increase of \$.10. The funding relative to this language was reduced.

Department of Labor

Language allowing unexpended balances in the New Jersey Occupational Information Coordinating Committee account to be appropriated is deleted. An appropriation has been provided for this purpose for fiscal year 1989 and thus this language is unnecessary.

Language allowing unexpended balances in the Special Task Force on the Apparel Industry account to be appropriated is deleted. An appropriation has been provided for this purpose in fiscal year 1989 and thus the language is unnecessary.

Language in the Casino Revenue Fund allowing unexpended balances in the Sheltered workshop transportation account to be appropriated in fiscal year 1989 is deleted. The appropriation for fiscal year 1989 is adequate for this purpose.

Department of Law and Public Safety

Language which would require carry-forward balances in the Air ambulance program to be used to reduce lease purchase payments is deleted. This limitation is too restrictive; the program may require these funds for other purposes.

Language is modified which would limit appropriation of unexpended balances to the amount in excess of \$8,000,000.

Department of Transportation

Language which directs the Commissioner to fully staff the maintenance crew assigned to Ridgewood, to ensure adequate maintenance and snow removal on Route 17, or contract with local municipalities if full staffing is not accomplished by August 30, 1988, has been deleted. This is a discretionary judgment which the Commissioner should be allowed to make in light of all the circumstances existing at the time. This type of legislative mandate is improper.

Language which would allow the department to appropriate highway application and permit fees in excess of \$1,000,000 has been modified to allow the appropriation of fees in excess of \$600,000.

Language which would direct the department to contract with private vendors for the preparation and publication of the New Jersey Official Transportation Map and Guide has been deleted. The department produces the map in conjunction with related activities using state-of-the-art cartographic techniques. No cost sav-

ings or improvement would be realized by bidding this activity for contract production.

Language which would appropriate the unexpended balances, and restricts the transfer of funds from prior years' balances of the Transportation Trust Fund Account to projects on the program for the year in which the balance exists, has been modified, by deleting the restrictive portions. This language would limit the flexibility of the department to respond to the changing funding needs and priorities of the projects in past and current years' programs.

Language which would appropriate unexpended balances from various federal and non-federal sources has been deleted. This language serves no useful purpose since the general provisions in section 9 provide sufficient authority to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer to transfer any sums necessary for the advancement of the program.

Language which would appropriate funds from the Transportation Trust, and allows its expenditure by specific project has been modified. The modification leaves the project listing intact but eliminates the specific sums allocated to each project.

Language which would appropriate the unexpended balances, and restricts the transfer of funds from prior years' balances of the Transportation Trust Fund Authority to projects on the program for the year in which the balance exists, has been modified, by deleting the restrictive portions. This language would limit the flexibility of the department to respond to the changing funding needs and priorities of the projects in past and current years' programs. The transfer language is deleted. Should transfers be necessary, the provisions of section 9 provide sufficient authority to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer to transfer the sums necessary for the advancement of the program.

Language which requires that transfers from any project (item) to any other project (item) be approved by the Director of the Division of Budget and Accounting, the Legislative Budget and Finance Officer, and the Joint Budget Oversight Committee, and which permits the approval of a transfer of funds from any specific project (item) to a project (item) identified as reserved, has been deleted. This language would reduce the department's flexibility in responding to changing funding needs among its projects and increase processing delays in transferring funds. In addition, the provisions of section 9 provide sufficient authority to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer to transfer the sums necessary for the advancement of the program.

Interdepartmental Accounts

Language allowing the Director of the Division of Budget and Accounting to transfer or credit \$1,000,000 from appropriations to various spending agencies' information processing accounts to the Rent: Buildings and grounds account is deleted. This language is being deleted because it would result in a corresponding and direct decrease in revenue needed by the Office of Telecommunications and Information Systems (OTIS) to provide adequate information processing services requested by various State agencies.

Language requiring the Director of the Division of Budget and Accounting to report to the Legislature on the rules, regulations and procedures of an Executive Branch employee attrition program is deleted.

The Judiciary

The language in the title of the line-item identifying these funds as first year implementation is deleted. The funds are retained for the purpose of implementing a program subject to the enactment of enabling legislation. If the program created is to be permanent at any funding level, the enabling legislation should identify a suitable funding source.

"GENERAL LANGUAGE"

Section 27 The budget planning documents are internal communications between the Governor and Agency Heads. They do not represent part of the Governor's formal budget submission to the Legislature. The Budget forms provided to the Office of Legislative Services include all the information required under State statute.

As always, I stand ready to work with the Legislature to address the needs of our great State.

Respectfully,

Thomas H. Kean
Governor

CHAPTER 48

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

55 Related Social Services Programs

7570 Division of Youth and Family Services

18-7570 General Social Services ...	\$1,477,188

State Aid and Grants:

Aging out programs	(\$1,477,188)

2. This act shall take effect immediately.

Approved June 30, 1988.

CHAPTER 49

AN ACT concerning adult-oriented information-access telephone service and supplementing chapter 17 of Title 48.

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

C. 48:17-22 Access option.

1. No telephone company the principal business of which is the provision of telephone service within this State shall provide a subscriber access to adult-oriented information-access telephone service originating in the State without written authorization from the subscriber.

The Board of Public Utilities shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this act. The rules and regulations shall include:

a. Specification of a method or methods for telephone companies to institute the access option, taking into consideration the operational requirements and limitations of the various types of telephone equipment or central office switching equipment in use throughout the State;

b. The requirement that adult-oriented information-access service shall not be available through telephone company operators or pay telephones;

c. The manner in which subscribers will be notified, free of charge, of the provisions of this act;

d. The manner in which a subscriber may notify the telephone company that access to the adult-oriented information-access telephone is desired, including the requirements that the subscriber be over 18 years of age and that the request for access be in writing; and

e. The fee to be paid for processing a request for access, including the provision that a subscriber's initial request for access will be free of charge.

For purposes of this section "adult-oriented information-access telephone service" means a class of telephone service where for a charge, in addition to the basic exchange charge, sexually explicit recorded messages are furnished.

2. This act shall take effect immediately.

Approved June 30, 1988.

CHAPTER 50

AN ACT to amend the "New Jersey Wiretapping and Electronic Surveillance Control Act," approved January 14, 1969 (P.L. 1968, c. 409).

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

1. Section 28 of P.L. 1968, c. 409 is amended to read as follows:

28. This act shall take effect January 1, 1969 and remain in effect until July 1, 1989.

2. This act shall take effect immediately.

Approved June 30, 1988.

CHAPTER 51

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

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

FEDERAL FUNDS

54 DEPARTMENT OF HUMAN SERVICES
 50 Economic Planning, Development and Security
 55 Related Social Services Programs
 7570 Division of Youth and Family Services

16-7570 Initial Response/ Case Management	\$2,953,000
17-7570 Substitute Care	\$7,388,000
18-7570 General Social Services ...	\$2,697,000
99-7570 Management and Administrative Services	<u>\$43,746</u>
Total appropriation, Division of Youth and Family Services	<u>\$13,081,746</u>
Personal Services:	
Salaries and wages	(\$7,811,746)
State Aid and Grants:	
Substitute care	(\$5,270,000)

2. This act shall take effect immediately.

Approved June 30, 1988.

CHAPTER 52

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 350 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	24
Burlington	5
Camden	14
Cape May	3
Cumberland	5
Essex	28
Gloucester	8
Hudson	20
Hunterdon	3
Mercer	8
Middlesex	18
Monmouth	16
Morris	13
Ocean	12
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
Warren	2

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. This act shall take effect immediately.

Approved July 6, 1988.

CHAPTER 53

AN ACT to exempt certain marine terminal operations services and equipment from the sales and use tax, amending P.L. 1980, c. 105.

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

1. Section 24 of P.L. 1980, c. 105 (C. 54:32B-8.12) is amended to read as follows:

C. 54:32B-8.12 Marine terminal services tax exemption.

24. Receipts from sales or charges for repairs, alterations or conversion of commercial ships or any component thereof including cargo containers of any type whatsoever, barges and other vessels of 50-ton burden or over, primarily engaged in interstate or foreign commerce, machinery, apparatus and equipment for use at a marine terminal facility in loading, unloading and handling cargo carried by those commercial ships, barges and other vessels, and storage and other services rendered with respect to such loading, unloading and handling cargo at a marine terminal facility, or other vessels, regardless of tonnage, primarily engaged in commercial fishing or shell fishing, including equipment necessary for harvesting fish, shellfish and other crustaceans and aquatic organisms, or other vessels primarily engaged in commercial party boat (head boat) sport fishing and subject to annual inspection by the United States Coast Guard, and of governmentally-owned ships, barges and other vessels and property used by or purchased for the use of such vessels, machinery, apparatus and equipment for fuel, provisions, supplies, maintenance and repairs (other than articles purchased for the original equipping of a new ship) are exempt from the tax imposed under the Sales and Use Tax Act.

2. This act shall take effect immediately.

Approved July 8, 1988.

CHAPTER 54

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS
 50 Economic Planning, Development and Security
 55 Related Social Services Programs—State Aid

05-8050 Community Resources \$80,000

State Aid:

Supplemental Community Resources
 Grant to the Latin-American
 Community Action Agency in West
 New York (\$80,000)

2. This act shall take effect immediately.

Approved July 8, 1988.

CHAPTER 55

AN ACT to repeal N.J.S. 59:5-3, the special statute of limitations for prisoners bringing suit under the "New Jersey Tort Claims Act."

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

Repealer.

1. N.J.S. 59:5-3 is repealed.
2. This act shall take effect immediately.

Approved July 8, 1988.

CHAPTER 56

AN ACT concerning industrial pretreatment standards and sewage sludge quality, and amending and supplementing P.L. 1977, c. 74.

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

C. 58:10A-38 Findings, determinations.

1. The Legislature finds that contaminated sludges are often ocean dumped; that land-based disposal methods for sludge are en-

vironmentally preferable to the current practice of ocean dumping; that land-based disposal of sludge requires the removal of contaminants from the waste stream; that by requiring land-based sludge management criteria for sludges which are currently ocean dumped, the sewage treatment plants will have the option to cease ocean dumping in favor of a land-based disposal method; and that even if ocean dumping of sludge continues, it is prudent to minimize the presence of contaminants in the sludge.

The Legislature further finds that the State should work toward developing alternatives to ocean disposal of sludge in the event that the practice is prohibited, and that the land-based sludge management criteria already established for sludge should be used to develop the standards for limiting the levels of contaminants discharged by industrial establishments into the sewerage systems, which limits should be incorporated in the discharge permits issued to facilities.

The Legislature therefore determines that all sludge generated in the State from the operation of municipal treatment works should meet the quality standards established by the Department of Environmental Protection for the land-based sludge management of sludge and that the attainment of these standards should be reflected in the permits issued for pretreatment discharges.

C. 58:10A-39 Definitions.

2. As used in this act:

“Land-based sludge management criteria” means those standards 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.

“Pretreatment permit” means a permit issued by either the department or by a municipal treatment works or by both for the discharge of industrial wastewater into a sewerage system;

“Sludge” means the solid residue and associated liquid resulting from physical, chemical, or biological treatment of domestic or industrial wastewaters;

“Wastewater” means residential, commercial, industrial, or agricultural liquid waste, sewage, stormwater runoff, or any combination thereof, or other residue discharged to or collected by a sewerage system.

C. 58:10A-40 Pollutant discharge limits.

3. All pretreatment permits shall include limits on the discharge of pollutants, which limits shall be based on the attainment of land-based sludge management criteria for sludge from the municipal treatment works. Sludge that meets the land-based sludge management criteria shall be of sufficient quality to be disposed of in a land-based manner without degrading the environment or posing a threat to human health.

C. 58:10A-41 Conformance to land-based sludge management criteria.

4. On or after March 17, 1991, all sludge generated in this State by municipal treatment works shall conform to the land-based sludge management criteria.

C. 58:10A-42 Plan for land-based management.

5. Each municipal treatment works shall prepare a plan for the land-based management of sludges currently disposed of in the ocean. The plan shall provide for the termination of ocean disposal by March 17, 1991 and shall include, but need not be limited to, an analysis of the pretreatment, air pollution control, residuals management, funding requirements and potential sources thereof necessary for the implementation of the land-based management methods chosen by the municipal treatment works. Not later than April 30, 1989, each municipal treatment works shall develop a plan to implement land-based sludge management methods and shall so certify to the Department of Environmental Protection. Not later than June 30, 1989, the department shall submit the several plans to the Governor and the Legislature, together with its comments thereon and any recommendations for legislative or administrative action deemed appropriate.

C. 58:10A-43 Compliance schedules.

6. The Department of Environmental Protection shall establish compliance schedules for municipal treatment works. The compliance schedules shall include deadlines for submittal of the permit application or applications for the chosen land-based sludge management method or methods, awarding of the construction contract, commencement of construction, and completion of construction. The department shall act either to approve, conditionally approve or deny permit applications within six months of their submittal.

7. Section 6 of P.L. 1977, c. 74 (C. 58:10A-6) is amended to read as follows:

C. 58:10A-6 NJPDES permits; exemptions.

6. a. It shall be unlawful for any person to discharge any pol-

lutant, 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 Pollution 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 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 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 such reports of monitoring results as he may require;

(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.

g. The commissioner 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 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 may exempt from this notification requirement when ample capacity remains in the facility to accommodate new inflows. Such notifications shall estimate the effects of such 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 for his 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. All owners of municipal treatment works are hereby authorized to prescribe terms and conditions, consistent with applicable State and federal law, upon which pollutants may be introduced into such works, and to exercise the same right of entry, inspection, sampling and copying with respect to users of such works as are vested in the commissioner by this act or by any other provision of State law. 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 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.

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 facilities which serve the needs of the regional community and which conform to the adopted areawide water quality management plan for that region.

8. This act shall take effect immediately.

Approved July 11, 1988.

CHAPTER 57

AN ACT prohibiting the ocean disposal of sewage sludge, and supplementing P.L. 1977, c. 74.

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

C. 58:10A-44 Short title.

1. This act shall be known and may be cited as the "Ocean Sludge Dumping Elimination Act."

C. 58:10A-45 Findings.

2. The Legislature finds that 2.8 million wet tons (1 million dry pounds) of sewage sludge generated by six New Jersey municipal treatment works each day are ocean disposed at the federally designated 106-mile dump site; that these sludges are ocean rather than

land disposed in recognition of the threat posed by the presence of contaminants; that the United States Environmental Protection Agency has officially affirmed a termination of ocean dumping as its adopted policy, a goal undermined by continuing at-sea disposal of sewage sludge; and that experts in deepwater ocean ecosystems have attested to the deleterious effects of waste disposal on the ocean environment.

C. 58:10A-46 Ocean disposal prohibited.

3. The provisions of any other law, rule or regulation to the contrary notwithstanding, municipal treatment works are prohibited from disposing of sludge in ocean waters by March 17, 1991.

4. This act shall take effect immediately.

Approved July 11, 1988.

CHAPTER 58

AN ACT requiring the Department of Environmental protection to conduct a wood debris study in the New York Bight and to assess wood debris collection and disposal practices, and making an appropriation.

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

1. This act shall be known and may be cited as the "New York Bight Wood Debris Study Act."

2. The Department of Environmental Protection shall, within 60 days of the effective date of this act, determine the need for a study of suspected sources of wood debris in the waters of the New York Bight. If the department determines a study is required, the department shall conduct, or cause to be conducted, within the limits of funds available therefor, an investigation of existing and potential sources of wood debris, including debris from the incineration of wood debris or barges off the New Jersey coast; deteriorating pier and other shore structures, including removal, reconstruction or demolition work on piers and shore structures; and from other sources discharging wood debris into coastal or ocean waters. If required, the study shall be completed within 240 days of the effective date of this act. The study may include physical inspection and monitoring of pos-

sible sources of wood debris and a literature survey of studies on sources and flow patterns of wood debris and other relevant materials.

3. Within 180 days of the effective date of this act, the department shall:

a. Identify, after public consultations, alternatives to the incineration of wood in ocean waters and assess their practicability, financial costs, environmental impacts, and compliance with State and federal laws; and

b. Identify more effective methods of wood salvage and collection in order to control or eliminate the various sources of wood debris entering coastal or ocean waters.

4. Not later than 270 days from the effective date of this act, the department shall submit its findings and recommendations to the Senate Energy and Environment Committee and the Assembly Environmental Quality Committee, including recommendations for any legislation that may be required. The recommendations shall also set out the department's plan for eliminating the need for incineration of wood or wood debris in ocean waters, including identification of alternatives thereto, and for improving control of, or eliminating, current or potential sources of wood debris entering coastal and ocean waters.*

5. This act shall take effect immediately.

Approved July 11, 1988.

*Appropriation deleted by line-item veto of the Governor. See statement following.

Statement to Chapter 58
(Assembly Bill No. 2841 (First Reprint))

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Assembly Bill No. 2841 (First Reprint) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill appropriates \$95,000 to the Department of Environmental Protection (DEP). The bill specifies that if the DEP determines that a study of the origins of wood debris is warranted, that these monies would be used to fund that study.

I strongly support this bill's intent. However, I am advised by the DEP that extensive data has already been collected and is available for studying the origins of wood debris along our coast.

Therefore, I would suggest that the DEP presently has information at its disposal and sufficient resources which will enable it to study this issue in a thorough fashion, if deemed necessary, without this bill's appropriation.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:

Page 2, Section 5, Lines 36-39: Delete in entirety.

Page 3, Section 6, Line 1: Delete "6." Insert "5."

Respectfully,

Thomas H. Kean
Governor

CHAPTER 59

AN ACT requiring the Department of Health to conduct a study of the health risks posed by pollution of coastal waters, and making an appropriation therefor.

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

1. The Legislature finds and declares that the presence of pollutants in coastal waters may pose a threat to public health and the continued vitality of the tourism industry in New Jersey; that evidence recently submitted to the Department of Environmental Protection by concerned citizens and experts suggests a possible link between contact with pollutants in coastal waters and the incidence in the general population of a variety of human illnesses; and, that, therefore, to insure protection of the public health and safety, it is appropriate to undertake a comprehensive study to determine what, if any relationship may exist between contact with pollutants in coastal waters and the incidence of these human illnesses, and to guide any remedial action that may be deemed necessary or appropriate.

2. The Department of Health, in collaboration with the Department of Environmental Protection, shall undertake a study to determine the nature of any relationship between contact with pollutants in coastal waters and the incidence of human illnesses. The study shall be conducted over a period of time sufficient to assure results that reflect all seasonal activities, climatic conditions, and exposure conditions.

3. The Department of Health shall, within one year of the effective date of this act, submit a report to the Governor and the Legislature summarizing the findings of the study conducted pursuant to section 2 of this act, together with recommendations for legislative or administrative action deemed appropriate.

4. There is appropriated from the General Fund to the Department of Health the sum of \$350,000* to conduct the study required by this act.

5. This act shall take effect immediately.

Approved July 11, 1988.

*Reduced by line-item veto of the Governor. See statement following.

Statement to Chapter 59
(Assembly Bill No. 2844)

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Assembly Bill No. 2844 at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill would appropriate \$1 million to the Department of Health so that agency, in cooperation with the Department of Environmental Protection, might study the impact of ocean pollution on human health. The bill requires that the study be completed within one year of its effective date.

The Department of Health advises that a study such as that required by this bill is already underway. In fact, the results of this study are expected within the next few months. The Department of Health has further advised that since there remains approximately \$160,000 in funding for the agency's completion of this effort, \$350,000 will be sufficient to implement this bill. This amount is consistent with a proposed Budget Resolution which is presently being considered as part of the appropriations process.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:

Page 1, Section 4, Line 33: Delete "\$1,000,000," insert
 "\$350,000"

Respectfully,

Thomas H. Kean
 Governor

CHAPTER 60

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

43 Environmental Quality

08-4855 Monitoring, Surveillance	
and Enforcement	\$500,000
Special Purpose:	
Expansion of Coastal Sewage	
Treatment Enforcement	(\$500,000)

2. Not later than April 1, 1989, the Department of Environmental Protection shall report to the Assembly Environmental Quality Committee and the Senate Energy and Environment Committee the results of the supplementary monitoring, surveillance and enforcement activities conducted pursuant to section 1 of this act, and provide an assessment of program resources and needs required by the department in carrying out its responsibilities for assuring the

proper and safe operation of sewage treatment plants discharging wastewater into coastal waters.

3. This act shall take effect immediately.

Approved July 11, 1988.

CHAPTER 61

AN ACT prohibiting the discharge of certain materials into the ocean waters and providing penalties therefor.

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

C. 58:10A-47 Short title.

1. This act shall be known and may be cited as the "Ocean Dumping Enforcement Act."

C. 58:10A-48 Definitions.

2. As used in this act:

"Dump" or "dumping" means the disposition of material. Dumping does not mean: (1) the disposition of any effluent from any outfall structure to the extent that the disposition is regulated under the provisions of the State "Water Pollution Control Act," P.L. 1977, c. 74 (C. 58:10A-1 et seq.); (2) a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on, vessels; (3) the construction of any fixed structure or artificial island nor the intentional placement of any device in ocean waters, or on or in the submerged land beneath those waters, for a purpose other than disposal, when the construction or placement is otherwise regulated by federal or State law or occurs pursuant to an authorized federal or State program; (4) the deposit of fish, shellfish, and other animals and plants, or their body parts, for the purpose of developing, maintaining, or harvesting fishery, plant, or shellfish resources and is otherwise regulated by federal or State law or occurs pursuant to an authorized federal or State program; (5) the discharge of sewage as defined pursuant to 33 U.S.C. §1322; or (6) any dumping activity permitted and not violative of the provisions of the federal "Marine Protection, Research, and Sanctuaries Act of 1972," 33 U.S.C. §1401 et seq. or other State or federal law;

"Material" means matter of any kind or description, including, but

not limited to, dredged material, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical, and biological warfare agents, radioactive materials, chemicals, biological and laboratory waste, wrecked or discarded equipment, rock, sand, excavation debris, and industrial, municipal, agricultural, and other waste;

“Ocean waters” means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, April 29, 1958, 15 U.S.T. 1606, T.I.A.S. No. 5639.

C. 58:10A-49 Crime of 3rd degree; penalty; reward.

3. a. A person who intentionally dumps any material into the ocean waters within the jurisdiction of this State, or into the waters outside the jurisdiction of this State, which material enters the ocean waters within the jurisdiction of this State, is guilty of a crime of the third degree.

b. Of the monetary penalty imposed pursuant to this section, 10% shall be paid to the Department of Environmental Protection from the General Fund if the Attorney General determines that a person or persons are entitled to a reward pursuant to subsection c. of this section.

c. Any person who provides information to an enforcing authority concerning a violation of this act that proximately results in the imposition and collection of a criminal penalty as the result of a criminal action brought pursuant to this act shall be entitled to a reward of 10% of the penalty collected. The reward shall be paid by the department from moneys received pursuant to subsection b. of this section. If more than one person is entitled to a reward, the Attorney General shall determine the percentage of the reward that each person shall receive. The Attorney General 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 this section, including procedures to assure the anonymity of the person or persons providing the information to the enforcing authority when appropriate.

C. 58:10A-50 Necessary dumping.

4. The provisions of this act do not apply when the dumping of any material is necessary to secure the safety of human life or of vessels, aircraft, platforms, or other man-made structures at sea in cases of force majeure caused by stress of weather, or in any case

that constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon the dumping will be less than would otherwise occur. In such instances dumping pursuant to this section shall be so conducted as to minimize the likelihood of damage to human or marine life.

C. 58:10A-51 Submission of proposals.

5. The Attorney General shall submit to the Administrator of the federal Environmental Protection Agency whatever proposals may be necessary pursuant to 33 U.S.C. §1416 in order to allow enforcement of the provisions of this act.

6. This act shall take effect immediately.

Approved July 11, 1988.

CHAPTER 62

AN ACT to promote public education regarding the impact of non-biodegradable materials on ocean waters, and making an appropriation.

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

C. 58:10A-52 Short title.

1. This act shall be known, and may be cited, as the "Clean Ocean Education Act."

C. 58:10A-53 Findings, declarations.

2. The Legislature finds and declares that the presence of plastic and other non-biodegradable materials in coastal waters has an adverse effect on the quality of ocean waters, on sea mammals and other marine life, and potentially on human health; that behavior which results in ocean and beach discharges of such materials is the product, at least in part, of a lack of information and awareness on the part of the general public of the consequences of their acts; and that a public education program can play a key role in supplementing State, federal, and international efforts to reduce ocean pollution and promote a healthy marine environment.

C. 58:10A-54 Educational materials.

3. The Department of Environmental Protection, in consultation with the Department of Education and citizen, educational and environmental groups, shall prepare educational materials concerning the deleterious effects of plastics and other forms of pollution on the marine environment. The materials shall promote the values of litter control, oil recycling, street cleaning, and "pooper scooper" activities; encourage the use of biodegradable or recyclable alternatives to plastics where adequate alternatives exist; and inform citizens of the need to develop and participate in community programs for recycling, litter control, and other similar public benefit programs. The Department of Environmental Protection shall distribute these educational materials to civic, community, and other public interest organizations.

C. 58:10A-55 Distribution to school districts.

4. The Department of Education shall distribute the educational materials prepared by the Department of Environmental Protection pursuant to section 3 of this act to each school district in the State. Local school boards are encouraged to integrate these educational materials into the curricula where possible, and to otherwise make them available to elementary and secondary school children for extracurricular activities and to their parents.

5. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$50,000 to carry out its responsibilities under this act.

6. This act shall take effect immediately.

Approved July 11, 1988.

CHAPTER 63

AN ACT concerning pretreatment of industrial wastewater, supplementing Title 58 of the Revised Statutes, and making an appropriation.

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

C. 58:11-51.1 Findings, declarations.

1. The Legislature finds and declares that only the most contaminated sludges are ocean disposed; that these sludges are gener-

ated by sewage treatment plants, which receive large quantities of contaminated industrial wastewater; that land-based disposal of sludge requires the removal of these contaminants from the waste stream; that even if ocean dumping of sludge continues, it is prudent to minimize the presence of contaminants in the sludge; that the removal of contaminants from industrial wastewater requires additional standards, which the Department of Environmental Protection is singularly qualified to develop; and that to develop these stricter standards, the department requires additional resources.

C. 58:11-51.2 Pretreatment of industrial discharges.

2. The Department of Environmental Protection shall accelerate the industrial wastewater pretreatment program, hire additional personnel, develop stricter standards for industrial discharges, and increase enforcement and monitoring of pretreatment permittees.

3. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$1,000,000* to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved July 11, 1988.

*Reduced by line-item veto of the Governor. See statement following.

Statement to Chapter 63
(Senate Bill No. 2351 (First Reprint))

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 2351 (First Reprint) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill appropriates \$2 million and requires the Department of Environmental Protection to accelerate its industrial wastewater treatment program, hire additional personnel, develop stricter standards for industrial discharges and increase the enforcement and monitoring of pretreatment permittees.

I wholeheartedly support this legislation as a vital component of our comprehensive ocean protection effort. Accordingly, in the proposed Budget for Fiscal Year 1989, I recommend that \$1 million be provided for the purposes set forth in this bill. I am advised by our Department of Environmental Protection that this amount is sufficient to efficiently carry out this bill's intent during the upcom-

ing fiscal year; thus, I am reducing the amount appropriated by this bill to reflect the amount I originally proposed for this program.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill:

Page 1, Section 3, Line 26: Delete "\$2,000,000" insert
 "\$1,000,000"

Respectfully,

Thomas H. Kean
Governor

CHAPTER 64

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 352 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	24
Burlington	5
Camden	14
Cape May	3
Cumberland	5
Essex	28
Gloucester	8
Hudson	20
Hunterdon	3
Mercer	8

Middlesex	18
Monmouth	16
Morris	13
Ocean	14
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
Warren	2

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. This act shall take effect immediately.

Approved July 14, 1988.

CHAPTER 65

AN ACT concerning county detectives in certain counties and amending N.J.S. 2A:157-8.

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

1. N.J.S. 2A:157-8 is amended to read as follows:

County detectives.

2A:157-8. In counties of the fifth class with a population of 400,000 or less there may be appointed not in excess of 12 county detectives, and in counties of the fifth class with a population in excess of 400,000 there may be appointed not in excess of 15 county detectives, of whom one may be designated chief of county detectives, two captains of county detectives, and four lieutenants of county detectives.

2. This act shall take effect immediately.

Approved July 14, 1988.

CHAPTER 66

AN ACT concerning the amounts of money expended by municipalities to aid certain privately owned libraries and reading rooms and amending P.L. 1976, c. 68.

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

1. Section 3 of P.L. 1976, c. 68 (C. 40A:4-45.3) is amended to read as follows:

C. 40A:4-45.3 Budget "cap"; exceptions.

3. In the preparation of its budget a municipality shall limit any increase in said budget to 5% or the index rate, whichever is less, over the previous year's final appropriations subject to the following exceptions:

a. The amount of revenue generated by the increase in valuations, based solely on applying the preceding year's general tax rate of the municipality to the assessed value of new construction or improvements, or by payments in lieu of taxes made by a tax-exempt public entity to the extent that the payment received for any single property exceeds the amount of property taxes received on that property in the year immediately preceding the acquisition of that property by the public entity, or, in the case of State property subject to the provisions of P.L. 1977, c. 272 (C. 54:4-2.2a et seq.), to the extent that the total State payment exceeds the amount received in the 1982 budget year;

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) An increase based upon special emergency appropriations made pursuant to N.J.S. 40A:4-53, N.J.S. 40A:4-54, section 1 of P.L. 1961, c. 22 (C. 40A:4-55.1) or section 1 of P.L. 1968, c. 194 (C. 40A:4-55.13). Special emergency appropriations shall be approved by at least two-thirds of the governing body and the Director of the Division of Local Government Services. Neither approval procedure in paragraph (1) or (2) of this subsection shall apply to appropriations adopted for a purpose referred to in subsection d. or j. below;

d. All debt service, including that of a Type I school district;

e. 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. Expenditures mandated after the effective date of this act pursuant to State or federal law;

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, or derived from the sale of municipal assets;

i. Any amount approved by any referendum or any amount expended to conduct a special election required by law to be held at a time other than the time of a general election or regular municipal election, as appropriate;

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 inter-municipal 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. Programs funded wholly or in part by federal or State funds and amounts received or to be received from federal, State or other funds in reimbursement for local expenditures. If a municipality provides matching funds in order to receive the federal or State funds, only the amount of the match which is required by law 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. Any decrease in amounts received pursuant to any federal general purposes aid program from the amounts received in local budget year 1982, after deducting from the decrease any amount of new or increased federal or State general purposes aid explicitly provided for the purpose of replacing the decrease in federal aid;

p. (Deleted by amendment, P.L. 1987, c. 74.)

q. Expenditures of amounts to fund the purchase of vehicles used solely for police purposes by the municipal police department and all equipment installed in or on the vehicles;

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. Any additional expenditures for the testing of water supplies pursuant to P.L. 1983, c. 443 (C. 58:12A-12 et al.) or any expenditures necessary to comply with an order or permit issued by the Department of Environmental Protection for the construction, improvement, repair or rehabilitation of public water supply systems pursuant to P.L. 1981, c. 262 (C. 58:1A-1 et seq.);

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. Amounts appropriated for the cost of providing insurance coverage for the municipality, its departments, boards, agencies, com-

missions, officers and employees, which exceed the amount appropriated therefor, in the 1985 local budget;

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); or

x. Amounts expended to aid privately owned libraries and reading rooms, pursuant to R.S. 40:54-35.

2. This act shall take effect immediately.

Approved July 19, 1988.

CHAPTER 67

AN ACT concerning temporary or emergency transportation of alcoholic beverages and supplementing Title 33 of the Revised Statutes.

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

C. 33:1-28a Special permit.

1. The Director of the Division of Alcoholic Beverage Control or, pursuant to rules and regulations, any designated agent of the director, may issue a special permit for the temporary or emergency transportation of alcoholic beverages into or out of the State in any vehicle which is not otherwise so authorized in accordance with R.S. 33:1-28. The fee for these permits shall be \$25.00 and, where a designated agent issues the permit, the agent may receive an additional surcharge in an amount to be fixed by the director.

2. This act shall take effect on the first day of the fourth month after enactment.

Approved July 19, 1988.

CHAPTER 68

AN ACT extending time limitations for certain prosecutions and amending N.J.S. 2C:1-6.

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

1. N.J.S. 2C:1-6 is amended to read as follows:

Time limitations.

2C:1-6. Time Limitations. a. A prosecution for any offense set forth in N.J.S. 2C:11-3 or N.J.S. 2C:11-4 may be commenced at any time.

b. Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitations:

- (1) A prosecution for a crime must be commenced within five years after it is committed;

- (2) A prosecution for a disorderly persons offense or petty disorderly persons offense must be commenced within one year after it is committed;

- (3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-2, 2C:30-3, or any attempt or conspiracy to commit such an offense, must be commenced within seven years after the commission of the offense;

- (4) A prosecution for an offense set forth in N.J.S. 2C:14-2 or N.J.S. 2C:14-3, when the victim at the time of the offense is below the age of 18 years, must be commenced within two years of the victim's attaining the age of 18 years or within five years after the crime is committed, whichever date is later.

c. An offense is committed either when every element occurs or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

d. A prosecution is commenced for a crime when an indictment is found and for a nonindictable offense when a warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay. Nothing contained in this section, however, shall be deemed to prohibit the downgrading of an indictable offense to a nonindictable offense at any time if the indictable offense

was filed within the statute of limitations applicable to indictable offenses.

e. The period of limitation does not run during any time when a prosecution against the accused for the same conduct is pending in this State.

f. The limitations in this section shall not apply to any person fleeing from justice.

g. Except as otherwise provided in this code, no civil action shall be brought pursuant to this code more than five years after such action accrues.

2. This act shall take effect immediately.

Approved July 20, 1988.

CHAPTER 69

AN ACT concerning the admissibility of evidence for prosecutions for certain sexual crimes and amending N.J.S. 2C:14-7 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:14-7 is amended to read as follows:

Victim's previous sexual conduct.

2C:14-7. a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, or endangering the welfare of a child in violation of N.J.S. 2C:24-4, evidence of the victim's previous sexual conduct shall not be admitted nor reference made to it in the presence of the jury except as provided in this section. When the defendant seeks to admit such evidence for any purpose, he must apply for an order of the court before the trial or preliminary hearing, except that the court may allow the motion to be made during trial if the court determines that the evidence is newly discovered and could not have been obtained earlier through the exercise of due diligence. After the application is made, the court shall conduct a hearing in camera to determine the admissibility of the evidence. If the court finds that evidence offered by the defendant regarding the sexual conduct of the victim

is relevant and that the probative value of the evidence offered is not outweighed by its collateral nature or by the probability that its admission will create undue prejudice, confusion of the issues, or unwarranted invasion of the privacy of the victim, the court shall enter an order setting forth with specificity what evidence may be introduced and the nature of the questions which shall be permitted, and the reasons why the court finds that such evidence satisfies the standards contained in this section. The defendant may then offer evidence under the order of the court.

b. In the absence of clear and convincing proof to the contrary, evidence of the victim's sexual conduct occurring more than one year before the date of the offense charged is presumed to be inadmissible under this section.

c. Evidence of previous sexual conduct shall not be considered relevant unless it is material to negating the element of force or coercion or to proving that the source of semen, pregnancy or disease is a person other than the defendant. For the purposes of this section, "sexual conduct" shall mean any conduct or behavior relating to sexual activities of the victim, including but not limited to previous or subsequent experience of sexual penetration or sexual contact, use of contraceptives, living arrangement and life style.

2. This act shall take effect immediately.

Approved July 20, 1988.

CHAPTER 70

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES
62 DEPARTMENT OF LABOR
54 Manpower and Employment Services

23-4538 Services for the Deaf \$50,000

Special Purpose:

Commission to study services
and programs available to
hearing impaired children
(P.L. 1987, J.R. 2) (\$50,000)

2. This act shall take effect immediately.

Approved July 21, 1988.

CHAPTER 71

AN ACT concerning health service corporations, and amending and
supplementing P.L. 1985, c. 236.

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

1. Section 3 of P.L. 1985, c. 236 (C. 17:48E-3) is amended to read
as follows:

C. 17:48E-3 Health service corporations.

3. a. No health service corporation shall be established as a corporation organized for pecuniary profit. Every health service corporation established pursuant to the provisions of this act shall be operated for the benefit of its subscribers.

b. No person, firm, association or corporation, other than a health service corporation or an insurance company authorized to transact life or health insurance in accordance with Title 17B of the New Jersey Statutes, shall establish, maintain or operate a health service plan. No person, firm, association or corporation, other than a hospital service corporation, a medical service corporation, a dental service corporation to the extent permitted by P.L. 1968, c. 305 (C. 17:48C-1 et seq.), or an insurance company authorized to transact life or health insurance business or the kinds of insurance specified in subsection (d) of R.S. 17:17-1, shall otherwise contract in this State with persons to pay for or to provide for health services on the basis of premiums or other valuable considerations to be collected by the person, firm,

association or corporation from any persons for the issuance of the contracts. This section shall not be construed as preventing the exercise of any authority or privilege granted to any corporation by a certificate of authority issued by the commissioner pursuant to any law of this State, or as preventing any person, firm, association or corporation from furnishing health services required under any workers' compensation law, or law pertaining to health maintenance organizations, or as otherwise provided by law.

c. A health service corporation shall, unless prohibited by the commissioner, offer as an option medical-surgical contracts and dental subscriber contracts which afford subscribers prepaid or postpaid benefits pursuant to which payment is made to participating providers for medical-surgical and dental services rendered by a participating provider network with agreements granting an aggregate differential allowance or discount on charges, as well as a limit on total allowances which may or may not be related to the subscriber's income level, where the aggregate differential or discount on charges and limit on total allowances may be achieved by payment of either the individual provider's actual charge or the health service corporation's allowance on the charge, whichever is less.

d. A health service corporation shall, unless the commissioner otherwise directs, maintain a continuous open enrollment period, providing coverage to persons who are otherwise unable to obtain hospital, medical-surgical, or major medical coverage.

e. No health service corporation shall have the power to underwrite life insurance as defined in Title 17B of the New Jersey Statutes directly, but a health service corporation may, at such time as the aggregate special contingent surplus is greater than 0%, own stock in, control, or otherwise become affiliated with a life, health or accident insurance company organized pursuant to Title 17B of the New Jersey Statutes or under the laws of any other state, provided that the company is admitted in this State.

f. No health service corporation shall solicit subscribers or enter into any contract with any subscriber until it has received from the commissioner a certificate of authority to do so, but if a health service corporation is established by means of the merger of a medical service corporation into a hospital service corporation, which hospital service corporation possesses a valid certificate of authority issued prior to the effective date of this act, the health service corporation thus established need not reapply for a new certificate of authority, but

the corporation shall file in the Department of Insurance any documents relating to the merger which the commissioner may require.

g. Nothing in this act shall be deemed to prohibit a health service corporation from contracting with, or paying commissions to, any duly licensed affiliated or independent insurance producer, to the extent permitted by the laws applicable to those producers.

2. Section 16 of P.L. 1985, c. 236 (C. 17:48E-16) is amended to read as follows:

C. 17:48E-16 Joint ventures.

16. a. A health service corporation of this State may, (1) with the participation of any other corporation licensed pursuant to Title 17 of the Revised Statutes, Title 17B of the New Jersey Statutes, or P.L. 1973, c. 337 (C. 26:2J-1 et seq.), or licensed pursuant to similar statutes of other states, jointly issue individual or group contracts for health care and other benefits, including complete employee welfare and other employee benefit programs, or (2) with the participation of any other corporation, jointly enter into contracts to provide or receive services in connection with the providing of health care or conducting the business of insurance in accordance with the provisions of this act or as permitted by the commissioner. The commissioner may establish any policy nonforfeiture requirements or reserve requirements as he deems necessary. Agreements between a health service corporation and other corporations pursuant to this section may provide for experience rating, if the experience rating is done on an equitable basis between the health service corporation and the other corporations; or for a sharing of the premiums, claims, and expenses by the participating corporations; or subject to regulation by the commissioner, for acceptance or ceding of the whole or portions of risks on a reinsurance basis, except that a health service corporation may not accept risks on a reinsurance basis which it may not accept on a primary basis pursuant to its powers as a health service corporation and may not, under any circumstances, act as a reinsurer of life insurance. Agreements made pursuant to this section shall be filed with and approved by the commissioner before becoming effective.

b. In the case of any joint venture for the sale of insurance with other than an insurer or hospital, medical, or health service corporation licensed to do business in this or any other state, the other partner or partners in the venture shall be licensed to sell insurance as producers pursuant to P.L. 1987, c. 293 (C. 17:22A-1 et seq.).

3. Section 17 of P.L. 1985, c. 236 (C. 17:48E-17) is amended to read as follows:

C. 17:48E-17 Expense limits; investments.

17. a. No health service corporation shall during any one year disburse more than 10% of the aggregate amount of the payments received from subscribers during that year as expenditures for the soliciting of subscribers, except that during the first year after the issuance of a certificate of authority a health service corporation may so disburse not more than 20% of that amount and during the second year, not more than 15%.

b. No health service corporation shall, during any one year, disburse a sum greater than 20% of the payments received from subscribers during that year as administrative expenses. The term "administrative expenses," as used in this section, shall include all expenditures for nonprofessional services and in general all expenses not directly connected with the furnishing of services or benefits, but not including expenses of soliciting subscribers.

c. The funds of any health service corporation may be invested to the same extent now or hereafter permitted by law for the investment of funds of domestic life insurance companies, including investments as provided in subsection e. of section 3 of P.L. 1985, c. 236 (C. 17:48E-3) in life, health or accident insurance companies or other for-profit subsidiaries such as insurance agencies, suppliers of administrative services only, or any other subsidiaries permitted pursuant to N.J.S. 17B:20-4, and for the purpose of engaging in any aspect of its business directly or through one or more subsidiaries or affiliates, including life, health or accident insurance companies.

d. A health service corporation may not directly supply administrative services only, but may supply administrative services through a subsidiary or affiliate, except that no health service corporation may directly or indirectly, through a subsidiary or affiliate or otherwise, make available any provider differential under an agreement to supply administrative services only.

e. (Deleted by amendment, P.L. 1988, c. 71.)

f. (Deleted by amendment, P.L. 1988, c. 71.)

4. Section 26 of P.L. 1985, c. 236 (C. 17:48E-26) is amended to read as follows:

C. 17:48E-26 Experience rating.

26. a. A group contract, covering at least two employees or mem-

bers, may provide for the adjustment of the rate of premium of insurance based on past or projected experience, and may include those claim costs and utilization trend factors which the health service corporation deems necessary in its discretion. No health service corporation shall use any form of experience rating plan until it shall have filed with the commissioner the formulas to be used and the classes or groups to which they are to apply. The commissioner may disapprove the formulas or classes at any time if he finds that the rates produced thereby are excessive, inadequate or unfairly discriminatory or that the formulas or classes are such as to prejudice the interests of persons who are eligible for coverage under contracts with the health service corporation which are not subject to experience rating.

b. Except for those rating formulas applicable to groups the employees or members of which are located in more than one state and which are underwritten in participation with other corporations of other states, no rating formula shall be approved by the commissioner, unless it provides that the experience rated groups will be assessed a reasonable charge for all individual contracts. This assessment will continue to apply as long as any reduced payment rate calculated and approved for the purpose of this subsection applies to the corporation pursuant to the provisions of subparagraph (2) of subsection b. of section 18 of P.L. 1971, c. 136 (C. 26:2H-18). A rating formula may provide for the allowance of an equitable discount in the event that the policyholder agrees to perform certain administrative and record keeping functions in connection with the routine maintenance of the group account.

c. Nothing in this section shall preclude a health service corporation from incorporating in the rating formulas those claim cost and utilization trend factors which it deems necessary in its discretion, so long as the rates produced are self-supporting and the formulas for classes do not prejudice the interests of persons who are eligible for coverage under contracts with the health service corporation which are not subject to experience rating.

d. Notwithstanding the provisions of subsection c. of this section, a health service corporation may increase rates for hospitalization benefits under all individual or group contracts issued by the corporation which are not experience rated at any time following an increase in hospital payment rates by the Hospital Rate Setting Commission established pursuant to section 5 of P.L. 1978, c. 83 (C. 26:2H-4.1). The contract rate increases permitted pursuant to this subsection

shall reflect the increases in hospital payment rates which are not reflected or anticipated in the contract rates for the increases and which are not offset by savings in other benefit provisions under the contract. Beginning 180 days following the effective date of this act and at the end of every calendar quarter thereafter, a health service corporation shall file notice with the commissioner, in a form approved by the commissioner, of any proposed change in its rates for coverage under individual contracts issued by the corporation. Unless the rates are disapproved by the commissioner on or before the day the rates are to become effective, which shall be no later than 20 days following the filing, they shall be deemed to be approved. In his discretion, the commissioner may waive the 20 day period, or any portion thereof.

C. 17:48E-17.1 Two special contingent surplus accounts.

5. a. Every health service corporation shall accumulate and maintain during each calendar year two separate special contingent surplus accounts, one for its individual contracts and one for its other activities.

b. Every health service corporation shall accumulate and maintain a special contingent surplus for each account over and above its reserves and liabilities at the rate of 2% annually of its net premium income until that surplus is not less than \$1,250,000.00 in each account. The special contingent surplus in each account shall be accumulated to and maintained at an amount not less than 2½% of the net premium income received during that year, as determined by reference to the statement of financial condition filed pursuant to section 36 of P.L. 1985, c. 236 (C. 17:48E-36). The commissioner may increase the amount of special contingent surplus which shall be maintained pursuant to this subsection to an amount not exceeding 5% of the net premium income received during the preceding year. No method of accumulation as herein provided shall be deemed to supersede any provision of subsection c. of this section. In the case of any health service corporation which was created by the merger of a medical service corporation established pursuant to P.L. 1940, c. 74 (C. 17:48A-1 et seq.) and a hospital service corporation created pursuant to P.L. 1938, c. 366 (C. 17:48-1 et seq.), in calculating the proportional allocation of any deficit or surplus between group and individual contracts at the time the separate surplus accounts are created, the corporation shall allocate based on its determination of the proportional contributions of individual and group business to any surplus or deficit during the period between January 1 of the calendar year in which the health service corporation commenced

doing business as a health service corporation until the effective date of this amendatory and supplementary act. The assumptions upon which the allocations are based shall be certified as reasonable by an independent actuary.

c. Every health service corporation established as of the effective date of this amendatory and supplementary act shall file a plan with the commissioner for meeting the surplus amount requirements established by subsection b. of this section and which establishes a time period within which the corporation will meet those requirements. The time period established in the plan shall not exceed four years. The plan shall be subject to the approval of the commissioner, who shall approve it within 60 days after it has been filed if he believes it to be reasonable. If the commissioner does not approve a plan filed under this subsection within 60 days of its submission, he shall issue findings and conclusions with respect to the reasonableness of the plan.

d. Whenever the special contingent surplus for either group contracts or individual contracts is an amount which is less than $2\frac{1}{2}\%$ to 5% of the earned premium of the group or individual business, as the case may be, at the discretion of the commissioner, the health service corporation shall, without regard to any other rate increase provided for or required by law or any rate increase which may have previously been taken pursuant to this subsection, and with the approval of the commissioner, commence within 90 days the implementation of rate increases for the group or individual contracts, as the case may be, which increases shall be sufficient to cause the amount of the special contingent surplus to equal an amount which is not less than 5% of the earned premium of the group or individual business within one year of the increase.

e. Nothing in this section nor in P.L. 1985, c. 236 (C. 17:48E-1 et seq.) shall abrogate the responsibilities of corporate officers with regard to the reporting of financial condition pursuant to section 36 of P.L. 1985, c. 236 (C. 17:48E-36), nor shall any provision of this amendatory and supplementary act or P.L. 1985, c. 236 (C. 17:48E-1 et seq.) be construed to limit the authority of the commissioner to require compliance with statutory capital, surplus or reserve requirements for a subsidiary or affiliate of a health service corporation, or for any reinsurance activities to be undertaken by a health service corporation.

6. Section 27 of P.L. 1985, c. 236 (C. 17:48E-27) is amended to read as follows:

C. 17:48E-27 Rate schedule filing.

27. No health service corporation shall issue individual contracts until it has filed with the commissioner, pursuant to the provisions of this act, a full schedule of rates which are to apply to those contracts. The commissioner may disapprove the rates applicable to group or individual contracts at any time if he finds that the rates are excessive, inadequate or unfairly discriminatory, and it shall be unlawful for any corporation to effect any contract according to those rates thereafter.

C. 17:48E-27.1 Individual contract rate changes.

7. A health service corporation shall file notice of any change in its rates for coverage under individual contracts which are not experience rated, along with supporting information as the commissioner deems necessary, at least 45 days prior to the rates becoming effective. Unless the rates are disapproved by the commissioner on or before the day the rates are to become effective, they shall be deemed to be approved. In his discretion, the commissioner may waive the 45 day period, or any portion thereof.

8. a. There is created a Study Commission to Study Health Service Corporations. The commission shall be comprised of 13 members, five of whom shall be appointed by the Governor and one of whom shall be a representative of a health service corporation and shall be appointed by the board of that corporation. The Commissioner of Insurance, the Commissioner of Health, and the Public Advocate or their designees shall be members of the board ex officio, as shall the Chairman of the Senate Labor, Industry and Professions Committee and the Chairman of the Assembly Insurance Committee. One member shall be appointed by the President of the Senate, upon the recommendation of the Chairman of the Senate Labor, Industry and Professions Committee and one member shall be appointed by the Speaker of the General Assembly, upon the recommendation of the Chairman of the Assembly Insurance Committee. Of the members to be appointed by the Governor, two shall represent the commercial health insurance industry, and three shall represent the business community. The commission shall be formed and shall meet within 30 days of the effective date of this act. The Chairman of the Senate Labor, Industry and Professions Committee and the Chairman of the Assembly Insurance Committee shall be co-chairmen of the commission.

b. The study commission shall examine long-range issues affecting health service corporations, including the future need for com-

munity-rated contracts for individuals, the future corporate structure of health service corporations, including the question of maintaining their present nonprofit status, the reason for the continuing financial losses of health service corporations, the status of subsidiaries of health service corporations, including health maintenance organizations, and other issues as the commission may deem appropriate.

c. The study commission shall study the question of insuring high risk individuals and the feasibility of providing alternative means of coverage for them, and shall submit recommendations to the Legislature within six months of the effective date of this act. The commission shall consider, as options, (1) the creation of a fund made up from the proceeds of a surcharge on employers who are subject to the "unemployment compensation law," R.S. 43:21-1 et seq., for the purpose of subsidizing the insuring of high-risk individuals; and (2) the creation of a program to insure high-risk individuals through the payment by all insurers of a surcharge on the hospital payment rates established by the Hospital Rate Setting Commission pursuant to the provisions of P.L. 1978, c. 83 (C. 26:2H-4.1 et seq.), as a subsidy to supplement the premium income generated by that class of risk.

d. The study commission shall report its findings and recommendations to the Governor and to the Legislature with respect to matters other than those provided for in subsection c. of this section no later than one year following the effective date of this act.

9. The Commissioner of Insurance shall conduct a management and fiscal analysis of any health service corporation established pursuant to the provisions of P.L. 1985, c. 236 (C. 17:48E-1 et seq.) which is operating in this State on the effective date of this 1988 amendatory and supplementary act. The commissioner shall coordinate the management and fiscal analysis with outside interested parties to assure absolute objectivity. The commissioner shall report his findings along with any recommendations to the Senate Labor, Industry and Professions Committee and the Assembly Insurance Committee within 120 days of the effective date of this act.

10. This act shall take effect immediately.

Approved July 21, 1988.

CHAPTER 72

AN ACT concerning short-term juvenile incarceration and amending
P.L. 1982, c. 77.

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

1. Section 24 of P.L. 1982, c. 77 (C. 2A:4A-43) is amended to read
as follows:

C. 2A:4A-43 Disposition of delinquency cases.

24. Disposition of delinquency cases. a. In determining the appropriate disposition for a juvenile adjudicated delinquent the court shall weigh the following factors:

- (1) The nature and circumstances of the offense;
- (2) The degree of injury to persons or damage to property caused by the juvenile's offense;
- (3) The juvenile's age, previous record, prior social service received and out-of-home placement history;
- (4) Whether the disposition supports family strength, responsibility and unity and the well-being and physical safety of the juvenile;
- (5) Whether the disposition provides for reasonable participation by the child's parent, guardian, or custodian, provided, however, that the failure of a parent or parents to cooperate in the disposition shall not be weighed against the juvenile in arriving at an appropriate disposition;
- (6) Whether the disposition recognizes and treats the unique physical, psychological and social characteristics and needs of the child;
- (7) Whether the disposition contributes to the developmental needs of the child, including the academic and social needs of the child where he has mental retardation or learning disabilities; and
- (8) Any other circumstances related to the offense and the juvenile's social history as deemed appropriate by the court.

b. If a juvenile is adjudged delinquent the court may order incarceration pursuant to section 25 of this act or any one or more of the following dispositions:

(1) Adjourn formal entry of disposition of the case for a period not to exceed 12 months for the purpose of determining whether the juvenile makes a satisfactory adjustment, and if during the period of continuance the juvenile makes such an adjustment, dismiss the complaint; provided that if the court adjourns formal entry of disposition of delinquency for a violation of an offense defined in chapter 35 or 36 of Title 2C, of the New Jersey Statutes the court shall assess the mandatory penalty set forth in N.J.S. 2C:35-15 but may waive imposition of the penalty set forth in N.J.S. 2C:35-16 for juveniles adjudicated delinquent;

(2) Release the juvenile to the supervision of his or her parent or guardian;

(3) Place the juvenile on probation to the chief probation officer of the county or to any other suitable person who agrees to accept the duty of probation supervision for a period not to exceed three years upon such written conditions as the court deems will aid rehabilitation of the juvenile;

(4) Transfer custody of the juvenile to any relative or other person determined by the court to be qualified to care for the juvenile;

(5) Place the juvenile under the care of the Department of Human Services under the responsibility of the Division of Youth and Family Services pursuant to P.L. 1951, c. 138, s. 2(c) (C. 30:4C-2(c)) for the purpose of providing services in or out of the home. Within 14 days, unless for good cause shown, but not later than 30 days, the Department of Human Services shall submit to the court a service plan, which shall be presumed valid, detailing the specifics of any disposition order. The plan shall be developed within the limits of fiscal and other resources available to the department. If the court determines that the service plan is inappropriate, given existing resources, the department may request a hearing on that determination;

(6) Place the juvenile under the care and custody of the Commissioner of the Department of Human Services for the purpose of receiving the services of the Division of Mental Retardation of that department, provided that the juvenile has been determined to be eligible for those services under P.L. 1965, c. 59, s. 16 (C. 30:4-25.4);

(7) Commit the juvenile, pursuant to the laws governing civil commitment, to the Department of Human Services under the responsibility of the Division of Mental Health and Hospitals for the purpose of placement in a suitable public or private hospital or other

residential facility for the treatment of persons who are mentally ill, on the ground that the juvenile, if not committed, would be a probable danger to himself or others or property by reason of mental illness;

(8) Fine the juvenile an amount not to exceed the maximum provided by law for such a crime or offense if committed by an adult and which is consistent with the juvenile's income or ability to pay and financial responsibility to his family, provided that the fine is specially adapted to the rehabilitation of the juvenile or to the deterrence of the type of crime or offense. If the fine is not paid due to financial limitations, the fine may be satisfied by requiring the juvenile to submit to any other appropriate disposition provided for in this section;

(9) Order the juvenile to make restitution to a person or entity who has suffered loss resulting from personal injuries or damage to property as a result of the offense for which the juvenile has been adjudicated delinquent. The court may determine the reasonable amount, terms and conditions of restitution. If the juvenile participated in the offense with other persons, the participants shall be jointly and severally responsible for the payment of restitution. The court shall not require a juvenile to make full or partial restitution if the juvenile reasonably satisfies the court that he does not have the means to make restitution and could not reasonably acquire the means to pay restitution;

(10) Order that the juvenile perform community services under the supervision of a probation department or other agency or individual deemed appropriate by the court. Such services shall be compulsory and reasonable in terms of nature and duration. Such services may be performed without compensation, provided that any money earned by the juvenile from the performance of community services may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(11) Order that the juvenile participate in work programs which are designed to provide job skills and specific employment training to enhance the employability of job participants. Such programs may be without compensation, provided that any money earned by the juvenile from participation in a work program may be applied towards any payment of restitution or fine which the court has ordered the juvenile to pay;

(12) Order that the juvenile participate in programs emphasizing

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self-reliance, such as intensive outdoor programs teaching survival skills, including but not limited to camping, hiking and other appropriate activities;

(13) Order that the juvenile participate in a program of academic or vocational education or counseling, such as a youth service bureau, requiring attendance at sessions designed to afford access to opportunities for normal growth and development. This may require attendance after school, evenings and weekends;

(14) Place the juvenile in a suitable residential or nonresidential program for the treatment of alcohol or narcotic abuse, provided that the juvenile has been determined to be in need of such services; or

(15) Order the parent or guardian of the juvenile to participate in appropriate programs or services when the court has found either that such person's omission or conduct was a significant contributing factor towards the commission of the delinquent act, or, under its authority to enforce litigant's rights, that such person's omission or conduct has been a significant contributing factor towards the ineffective implementation of a court order previously entered in relation to the juvenile;

(16) (a) Place the juvenile in a nonresidential program operated by a public or private agency, providing intensive services to juveniles for specified hours, which may include education, counseling to the juvenile and the juvenile's family if appropriate, vocational training, employment counseling, work or other services; or

(b) Place the juvenile under the custody of the Department of Corrections for placement with any private group home or private residential facility with which the department has entered into a purchase of service contract;

(17) Instead of or in addition to any disposition made according to this section, the court may postpone, suspend, or revoke for a period not to exceed two years the driver's license, registration certificate, or both of any juvenile who used a motor vehicle in the course of committing an act for which he was adjudicated delinquent. In imposing this disposition and in deciding the duration of the postponement, suspension, or revocation, the court shall consider the severity of the delinquent act and the potential effect of the loss of driving privileges on the juvenile's ability to be rehabilitated. Any postponement, suspension, or revocation shall be imposed consecutively with any custodial commitment; or

(18) Order that the juvenile satisfy any other conditions reasonably related to the rehabilitation of the juvenile.

c. (1) If the county in which the juvenile has been adjudicated delinquent has a juvenile detention facility meeting the physical and program standards established pursuant to this subsection by the Department of Corrections, the court may, in addition to any of the dispositions not involving placement out of the home enumerated in this section, incarcerate the juvenile in the youth detention facility in that county for a term not to exceed 60 consecutive days. Counties which do not operate their own juvenile detention facilities may contract for the use of approved commitment programs with counties with which they have established agreements for the use of pre-disposition juvenile detention facilities. The Department of Corrections shall promulgate such rules and regulations from time to time as deemed necessary to establish minimum physical facility and program standards for the use of juvenile detention facilities pursuant to this subsection.

(2) No juvenile may be incarcerated in any county detention facility unless the county has entered into an agreement with the Department of Corrections concerning the use of the facility for sentenced juveniles. Upon agreement with the county, the Department of Corrections shall certify detention facilities which may receive juveniles sentenced pursuant to this subsection and shall specify the capacity of the facility that may be made available to receive such juveniles; provided, however, that in no event shall the number of juveniles incarcerated pursuant to this subsection exceed 50% of the maximum capacity of the facility.

(3) The court may fix a term of incarceration under this subsection where:

(a) The act for which the juvenile was adjudicated delinquent, if committed by an adult, would have constituted a crime or repetitive disorderly persons offense;

(b) Incarceration of the juvenile is consistent with the rehabilitative goals of this act and the court is clearly convinced that the aggravating factors substantially outweigh the mitigating factors as set forth in section 25 of this act; and

(c) The detention facility has been certified for admission of adjudicated juveniles pursuant to paragraph (2).

(4) If as a result of incarceration of adjudicated juveniles pursuant to this subsection, a county is required to transport a predisposition juvenile to a juvenile detention facility in another county, the costs of such transportation shall be borne by the Department of Corrections.

d. Whenever the court imposes a disposition upon an adjudicated delinquent which requires the juvenile to perform a community service, restitution, or to participate in any other program provided for in this section other than subsection c., the duration of the juvenile's mandatory participation in such alternative programs shall extend for a period consistent with the program goal for the juvenile and shall in no event exceed one year beyond the maximum duration permissible for the delinquent if he has been committed to a correctional institution.

2. Section 34 of P.L. 1982, c. 77 is amended to read as follows:

34. This act shall take effect on December 31, 1983.

3. This act shall take effect immediately.

Approved July 21, 1988.

CHAPTER 73

AN ACT concerning fees and charges payable to the Department of Banking and amending P.L. 1948, c. 67, P.L. 1963, c. 144 and P.L. 1970, c. 236.

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

1. Section 333 of P.L. 1948, c. 67 (C. 17:9A-333) is amended to read as follows:

C. 17:9A-333 Department of Banking fees.

333. A bank or savings bank shall pay to the commissioner for the use of the State a fee, to be prescribed by the commissioner by regulation, in an amount not less than or not more than, the following minimum and maximum amounts:

	<u>Minimum</u>	<u>Maximum</u>
(1) For filing an application for charter	\$10,000.00	\$20,000.00

	<u>Minimum</u>	<u>Maximum</u>
(2) For the issuance by the commissioner of a certificate of authority	500.00	1,000.00
(3) For filing a certificate of amendment of a certificate of incorporation, or an amended certificate of incorporation	200.00	500.00
(4) For filing any other certificate	50.00	250.00
(5) (a) For filing an application for approval of the establishment of a full branch office	1,000.00	3,000.00
(b) For filing an application for approval of the establishment of a mini-branch office	1,000.00	3,000.00
(c) For filing an application for approval of the establishment of a communication terminal branch office	500.00	2,000.00
(6) For filing an agreement of merger, per bank	1,500.00	4,000.00
(7) For filing a copy of a plan of reorganization	250.00	1,000.00
(8) For filing a report required by this act	100.00	250.00
(9) For filing an affidavit required by this act	50.00	100.00
(10) For filing proof of publication and mailing, or other proof required by this act	50.00	100.00
(11) For filing application for approval of a change in location of principal office or full branch office	500.00	2,000.00

	<u>Minimum</u>	<u>Maximum</u>
(12) For filing an application for approval of the cost of the establishment of an auxiliary office	500.00	2,000.00
(13) For the issuance of a certified copy of any certificate of incorporation or merger or plan of reorganization or any other certificate or affidavit filed in the department plus \$2.00 per page	25.00	100.00
(14) For filing an application for approval of an interchange between principal office and full branch office	250.00	1,000.00
(15) For the issuance of any other approval by the commissioner plus per diem charges where applicable	100.00	250.00
(16) For the issuance of any extension by the commissioner plus per diem charges where applicable	50.00	150.00
(17) For filing a pension plan	250.00	500.00
(18) For filing an amendment or alteration to a pension plan	100.00	250.00
(19) For filing plans of acquisition, per company, per bank or savings bank	1,500.00	4,000.00
(20) Conversion from mutual to stock savings bank	3,500.00	10,000.00
(21) Request to commissioner to require an institution to share access to its communication terminal branch office	100.00	250.00
(22) In addition to above fees, a per diem charge may be assessed when a special investigation of a filing is required.		

2. Section 334 of P.L. 1948, c. 67 (C. 17:9A-334) is amended to read as follows:

C. 17:9A-334 Fees payable by foreign banks.

334. Fees payable by foreign banks. A foreign bank shall pay to the commissioner for the use of the State a fee, to be prescribed by the commissioner by regulation, in an amount not less than or not more than, the following minimum and maximum amounts:

	<u>Minimum</u>	<u>Maximum</u>
(1) For filing a copy of its certificate of incorporation or amendment thereof or other change therein	\$50.00	\$250.00
(2) For filing a statement of its financial condition	50.00	250.00
(3) For filing a power of attorney	25.00	75.00
(4) For each substitution of securities pursuant to subsection B of section 320	25.00	100.00

The commissioner shall charge for the issuance of a certificate of authority or a certificate of renewal of a certificate of authority such fee as he shall prescribe by rule or regulation, not to exceed \$1,500.00. The certificate shall run from the date of issuance to the end of the biennial period. When the initial certificate is issued in the second year of the biennial certification period, the certificate fee shall be an amount equal to one-half of the fee for the biennial certification period.

3. Section 226 of P.L. 1963, c. 144 (C. 17:12B-226) is amended to read as follows:

C. 17:12B-226 Fees and charges.

226. Fees and charges. A. Every State association shall pay to the commissioner for the use of the State a fee, to be prescribed by the commissioner by regulation in an amount not less than or not more than, the following minimum and maximum amounts:

	<u>Minimum</u>	<u>Maximum</u>
(1) Annual report or certificates where required	\$50.00	\$100.00
(2) Dissolution proceedings	250.00	1,500.00

	<u>Minimum</u>	<u>Maximum</u>
(3) Any new corporation filing:		
(a) mutual association	5,000.00	10,000.00
(b) stock association	10,000.00	20,000.00
(4) Any proceeding under section 204 of P.L. 1963, c. 144 (C. 17:12B-204), pertaining to bulk sales	500.00	1,500.00
(5) Any proceeding under section 198 of P.L. 1963, c. 144 (C. 17:12B-198), pertaining to mergers, per association	1,500.00	4,000.00
(6) Any application for a branch office, except that no fee shall be paid under this paragraph with respect to a branch office acquired as a result of a merger or bulk purchase	1,000.00	3,000.00
(7) Application to interchange a principal and branch office when such interchange involves two separate municipalities	500.00	1,500.00
(8) Application for change of name	50.00	250.00
(9) Certifications by the commissioner, of papers or records on file with the department, plus \$2.00 per page for each certification	25.00	100.00
(10) Application to interchange a principal and a branch office within the same municipality	250.00	1,000.00
(11) Application to change location of principal office pursuant to subsection (2) of section 40 of P.L. 1963, c. 144 (C. 17:12B-40) ..	500.00	2,000.00

	<u>Minimum</u>	<u>Maximum</u>
(12) Application to change location of branch office beyond 1,500 feet and in same municipality pursuant to subsection (1) of section 4 of P.L. 1965, c. 127 (C. 17:12B-27.1)	250.00	1,000.00
(13) Application to change location of branch office pursuant to subsection (2) of section 4 of P.L. 1965, c. 127 (C. 17:12B-27.1)	500.00	2,000.00
(14) Conversions	3,500.00	10,000.00
(15) Sharing Facilities	100.00	500.00
(16) Application for approval of savings and loan holding company	2,000.00	5,000.00
(17) Filing of any other certificate	50.00	250.00
(18) For issuance of any other approval by the commissioner, plus a per diem	100.00	250.00
(19) For filing plans of acquisition, stock, savings and loan and existing holding companies	1,500.00	4,000.00
(20) In addition to the above fees, a per diem charge may be assessed when a special investigation of a filing is required.		

B. Every State association shall defray all expenses incurred in making an examination of its affairs as provided in this act, and the commissioner may maintain an action, in the name of the State, against the association, for the recovery of such expenses, in a court of competent jurisdiction.

4. Section 3 of P.L. 1970, c. 236 (C. 17:9-43) is amended to read as follows:

C. 17:9-43 Powers of commissioner.

3. The commissioner shall have power:

a. To require any public depository to furnish such information and furnish such reports dealing with public funds on deposit therein as the commissioner shall request. The public depository shall pay to the commissioner for the use of the State a fee, to be prescribed by the commissioner by regulation, of not less than \$25.00 and not more than \$50.00, for the furnishing of information or reports requested by the commissioner pursuant to this subsection. Any public depository which refuses or neglects to give any information so requested may be excluded by the commissioner from the right to receive public funds for deposit until such time as the commissioner shall acknowledge that such depository has furnished the information requested;

b. To take such action as the commissioner deems best for the protection, collection, compromise, or settlement of any claim arising in case of an event of default;

c. To fix the date on which an event of default shall be deemed to have occurred, taking into consideration the orders, rules and regulations of any supervisory authority as they affect the failure or inability of a public depository to repay public funds held on deposit;

d. Upon the happening of an event of default, to take possession of and liquidate the collateral of the defaulting depository maintained pursuant to section 4 of this act;

e. To do all acts required to carry out the purposes of this act and, to that end, to make, amend and repeal regulations consistent with this act.

5. This act shall take effect immediately.

Approved July 22, 1988.

CHAPTER 74

AN ACT revising the law concerning fraudulent transfers of real property and personal property, enacting Article 3 to Chapter 2 of Title 25 of the Revised Statutes, and amending N.J.S. 3B:9-9 and P.L. 1979, c. 492.

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

1.

TITLE 25

CHAPTER 2

ARTICLE 3. UNIFORM FRAUDULENT TRANSFER ACT

- 25:2-20. Short title.
- 25:2-21. Definitions: A to H.
- 25:2-22. Definitions: I to Z.
- 25:2-23. Insolvency.
- 25:2-24. Value.
- 25:2-25. Transfers fraudulent as to present and future creditors.
- 25:2-26. Factors in determining fraudulent intent.
- 25:2-27. Transfers fraudulent as to present creditors.
- 25:2-28. When transfer is made or obligation incurred.
- 25:2-29. Remedies of creditors.
- 25:2-30. Defenses, liability and protection of transferee.
- 25:2-31. Extinguishment of cause of action.
- 25:2-32. Supplementary provisions.
- 25:2-33. Uniformity of application and construction.
- 25:2-34. Laws repealed.

ARTICLE 3. UNIFORM FRAUDULENT TRANSFER ACT

25:2-20. Short title.

This article shall be known and may be cited as the "Uniform Fraudulent Transfer Act."

Source: New.

25:2-21. Definitions: A to H.

As used in this article:

"Affiliate" means:

a. A person who directly or indirectly owns, controls, or holds with power to vote, 20% or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

(1) As a fiduciary or agent without sole discretionary power to vote the securities; or

(2) Solely to secure a debt, if the person has not exercised the power to vote;

b. A corporation 20% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person who directly or indirectly owns, controls, or holds with power to vote, 20% or more of the outstanding voting securities of the debtor, other than a person who holds the securities,

(1) As a fiduciary or agent without sole power to vote the securities; or

(2) Solely to secure a debt, if the person has not in fact exercised the power to vote;

c. A person whose business is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the debtor; or

d. A person who operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

"Asset" means property of a debtor, but the term does not include:

a. Property to the extent it is encumbered by a valid lien;

b. Property to the extent it is generally exempt under non-bankruptcy law; or

c. An interest in property held in tenancy by the entireties to the extent it is not subject to process by a creditor holding a claim against only one tenant.

"Claim" means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

"Creditor" means a person who has a claim.

"Debt" means liability on a claim.

"Debtor" means a person who is liable on a claim.

Source: R.S. 25:2-7.

25:2-22. Definitions: I to Z.

As used in this article:

“Insider” includes:

- a. If the debtor is an individual,
 - (1) A relative of the debtor or of a general partner of the debtor;
 - (2) A partnership in which the debtor is a general partner;
 - (3) A general partner in a partnership described in paragraph (2) of subsection a. of this definition; or
 - (4) A corporation of which the debtor is a director, officer, or person in control;
- b. If the debtor is a corporation,
 - (1) A director of the debtor;
 - (2) An officer of the debtor;
 - (3) A person in control of the debtor;
 - (4) A partnership in which the debtor is a general partner;
 - (5) A general partner in a partnership described in paragraph (4) of subsection b. of this definition; or
 - (6) A relative of a general partner, director, officer, or person in control of the debtor;
- c. If the debtor is a partnership,
 - (1) A general partner in the debtor;
 - (2) A relative of a general partner in, or a general partner of, or a person in control of the debtor;
 - (3) Another partnership in which the debtor is a general partner;
 - (4) A general partner in a partnership described in paragraph (3) of subsection c. of this definition; or
 - (5) A person in control of the debtor;
- d. An affiliate, or an insider of an affiliate as if the affiliate were the debtor; and
- e. A managing agent of the debtor.

“Lien” means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by

legal or equitable process or proceedings, a common-law lien, or a statutory lien.

“Person” means an individual, partnership, corporation, association, organization, government or governmental subdivision or agency, business trust, estate, trust, or any other legal or commercial entity.

“Property” means anything that may be the subject of ownership.

“Relative” means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

“Transfer” means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

“Valid lien” means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

Source: New.

25:2-23. Insolvency.

a. A debtor is insolvent if the sum of the debtor's debts is greater than all of the debtor's assets, at a fair valuation.

b. A debtor who is generally not paying his debts as they become due is presumed to be insolvent.

c. A partnership is insolvent under subsection a. of this section if the sum of the partnership's debts is greater than the aggregate, at a fair valuation, of all of the partnership's assets and the sum of the excess of the value of each general partner's nonpartnership assets over the partner's nonpartnership debts.

d. Assets under this section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this article.

e. Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

Source: R.S. 25:2-8.

25:2-24. Value.

a. Value is given for a transfer or an obligation if, in exchange for the transfer or obligation, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise made otherwise than in the ordinary course of the promisor's business to furnish support to the debtor or another person.

b. For the purposes of subsection b. of R.S. 25:2-25 and R.S. 25:2-27, a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

c. A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

Source: R.S. 25:2-9.

25:2-25. Transfers fraudulent as to present and future creditors.

A transfer made or obligation incurred by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

a. With actual intent to hinder, delay, or defraud any creditor of the debtor; or

b. Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:

(1) Was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction; or

(2) Intended to incur, or believed or reasonably should have believed that the debtor would incur, debts beyond the debtor's ability to pay as they become due.

Source: R.S. 25:2-11; R.S. 25:2-12; R.S. 25:2-13.

25:2-26. Factors in determining fraudulent intent.

In determining actual intent under subsection a. of R.S. 25:2-25 consideration may be given, among other factors, to whether:

- a. The transfer or obligation was to an insider;
- b. The debtor retained possession or control of the property transferred after the transfer;
- c. The transfer or obligation was disclosed or concealed;
- d. Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;
- e. The transfer was of substantially all the debtor's assets;
- f. The debtor absconded;
- g. The debtor removed or concealed assets;
- h. The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;
- i. The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;
- j. The transfer occurred shortly before or shortly after a substantial debt was incurred; and
- k. The debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

Source: R.S. 25:2-13.

25:2-27. Transfers fraudulent as to present creditors.

a. A transfer made or obligation incurred by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

b. A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

Source: R.S. 25:2-10.

25:2-28. When transfer is made or obligation incurred.

For the purposes of this article:

a. A transfer is made:

(1) With respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(2) With respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this article that is superior to the interest of the transferee;

b. If applicable law permits the transfer to be perfected as provided in subsection a. of this section and the transfer is not so perfected before the commencement of an action for relief under this article, the transfer is deemed made immediately before the commencement of the action;

c. If applicable law does not permit the transfer to be perfected as provided in subsection a. of this section, the transfer is made when it becomes effective between the debtor and the transferee;

d. A transfer is not made until the debtor has acquired rights in the asset transferred;

e. An obligation is incurred:

(1) If oral, when it becomes effective between the parties; or

(2) If evidenced by a writing, when the writing executed by the obligor is delivered to or for the benefit of the obligee.

Source: New.

25:2-29. Remedies of creditors.

a. In an action for relief against a transfer or obligation under this article, a creditor, subject to the limitations in R.S. 25:2-30, may obtain:

(1) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(2) An attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed by Chapter 26 of Title 2A of the New Jersey Statutes and by Rule 4:60 et seq. of the Rules Governing the Courts of the State of New Jersey;

(3) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure,

(a) An injunction against further disposition by the debtor or transferee, or both, of the asset transferred or of other property;

(b) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

(c) Any other relief the circumstances may require.

b. If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

Source: R.S. 25:2-15 amended 1953, c. 25, s. 1; R.S. 25:2-16 amended 1953, c. 25, s. 2.

25:2-30. Defenses, liability and protection of transferee.

a. A transfer or obligation is not voidable under subsection a. of R.S. 25:2-25 against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee.

b. Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under paragraph (1) of subsection a. of R.S. 25:2-29, the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection c. of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

(1) The first transferee of the asset or the person for whose benefit the transfer was made; or

(2) Any subsequent transferee other than a good-faith transferee who took for value or from any subsequent transferee.

c. If the judgment under subsection b. of this section is based upon the value of the asset transferred, the judgment shall be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

d. Notwithstanding voidability of a transfer or an obligation under this article, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to

- (1) A lien on or a right to retain any interest in the asset transferred;
- (2) Enforcement of any obligation incurred; or
- (3) A reduction in the amount of the liability on the judgment.

e. A transfer is not voidable under subsection b. of R.S. 25:2-25 or R.S. 25:2-27 if the transfer results from:

- (1) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or
- (2) Enforcement of a security interest in compliance with Article 9 of the Uniform Commercial Code, N.J.S. 12A:9-101 et seq.

f. A transfer is not voidable under subsection b. of R.S. 25:2-27:

- (1) To the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless the new value was secured by a valid lien;
- (2) If made in the ordinary course of business or financial affairs of the debtor and the insider; or
- (3) If made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

Source: R.S. 25:2-15 amended 1953, c. 25, s. 1.

25:2-31. Extinguishment of cause of action.

A cause of action with respect to a fraudulent transfer or obligation under this article is extinguished unless action is brought:

a. Under subsection a. of R.S. 25:2-25, within four years after the transfer was made or the obligation was incurred or, if later, within one year after the transfer or obligation was or could reasonably have been discovered by the claimant;

b. Under subsection b. of R.S. 25:2-25 or subsection a. of R.S. 25:2-27, within four years after the transfer was made or the obligation was incurred; or

c. Under subsection b. of R.S. 25:2-27, within one year after the transfer was made or the obligation was incurred.

Source: New.

25:2-32. Supplementary provisions.

Unless displaced by the provisions of this article, the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement its provisions.

Source: R.S. 25:2-17.

25:2-33. Uniformity of application and construction.

This article shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this article among states enacting it.

Source: New.

25:2-34. Laws repealed.

The following are repealed:

R.S. 25:2-7 through R.S. 25:2-19 inclusive.

N.J.S. 14A:14-10 through N.J.S. 14A:14-12 inclusive.

Source: New.

2. N.J.S. 3B:9-9 is amended to read as follows:

When right to disclaim is barred.

3B:9-9. When right to disclaim is barred. The right of a person to disclaim property or any interest therein is barred, if before the expiration of the period of time in which he is permitted to disclaim:

- a. The property or interest is seized under judicial process issued against him; or
- b. He accepts or exercises control as beneficial owner over all or any part of the property or interest; or
- c. He voluntarily transfers or encumbers or contracts to transfer or encumber all or any part of the property or interest; or
- d. He disclaims or attempts to disclaim all or any part of the property or interest in fraud of his creditors as set forth in the "Uniform Fraudulent Transfer Act" (R.S. 25:2-20 et seq.); or

e. He executes a written waiver of his right to disclaim.

3. Section 9 of P.L. 1979, c. 492 (C. 46:2E-9) is amended to read as follows:

C. 46:2E-9 Real property.

9. The right of a person to disclaim property or any interest therein is barred if the property or interest is seized under judicial process issued against the person before the expiration of the period in which he is permitted to disclaim; or if before the expiration of the period in which he is permitted to disclaim, the person (1) accepts or exercises control as beneficial owner over all or any part of such property or interest; or (2) voluntarily transfers or encumbers or contracts to transfer or encumber all or any part of such property or interest; or (3) disclaims or attempts to disclaim all or any part of such property or interest in fraud of his creditors as set forth in the "Uniform Fraudulent Transfer Act" (R.S. 25:2-20 et seq.); or (4) executes a written waiver of the right to disclaim.

4. This act shall take effect January 1 next following enactment.

TITLE 25. FRAUDS AND FRAUDULENT CONVEYANCES

CHAPTER 2

ARTICLE 3. UNIFORM FRAUDULENT TRANSFER ACT

Schedule of Allocations of Source Material

Source Sections		Revised Sections
R.S. 25:2-7		25:2-21
R.S. 25:2-8		25:2-23
R.S. 25:2-9		25:2-24
R.S. 25:2-10		25:2-27
R.S. 25:2-11		25:2-25
R.S. 25:2-12		25:2-25
R.S. 25:2-13		25:2-25
		25:2-26
R.S. 25:2-14		Not enacted
R.S. 25:2-15	As am. L. 1953, c. 25, s. 1	25:2-29
		25:2-30
R.S. 25:2-16	As am. L. 1953, c. 25, s. 2	25:2-29
R.S. 25:2-17		25:2-32
R.S. 25:2-18		Not enacted
R.S. 25:2-19		Not enacted

TITLE 25. FRAUDS AND FRAUDULENT CONVEYANCES

CHAPTER 2

ARTICLE 3. UNIFORM FRAUDULENT TRANSFER ACT

Treatment of Source Material

Revised Section	Source	Treatment of Source
25:2-20	New	Derived from section 12 of UFTA (1984)
25:2-21	R.S. 25:2-7	Revised section derived from source and section 1 of UFTA (1984)
25:2-22	New	Derived from section 1 of UFTA (1984) and 11 U.S.C. §101
25:2-23	R.S. 25:2-8	Revised section derived from source and section 2 of UFTA (1984) and 11 U.S.C. §101
25:2-24	R.S. 25:2-9	Revised section derived from source and section 3 of UFTA (1984)
25:2-25	R.S. 25:2-11 R.S. 25:2-12 R.S. 25:2-13	Revised section derived from sources and section 4 of UFTA (1984)
25:2-26	R.S. 25:2-13	Revised section derived from source and section 4 of UFTA (1984)
25:2-27	R.S. 25:2-10	Revised section derived from source and section 5 of UFTA (1984) and 11 U.S.C. §547
25:2-28	New	Derived from section 6 of UFTA (1984) and 11 U.S.C. §548
25:2-29	R.S. 25:2-15 R.S. 25:2-16	Revised section derived from sources and section 7 of UFTA (1984)

Revised Section	Source	Treatment of Source
25:2-30	R.S. 25:2-15	Revised section derived from source and section 8 of UFTA (1984)
25:2-31	New	Derived from section 9 of UFTA (1984)
25:2-32	R.S. 25:2-17	Revised section derived from source and section 10 of UFTA (1984)
25:2-33	New	Derived from section 11 of UFTA (1984)
25:2-34	New	Laws repealed

Approved August 1, 1988.

CHAPTER 75

AN ACT concerning death by auto and amending N.J.S. 2C:11-5.

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

1. N.J.S. 2C:11-5 is amended to read as follows:

Death by auto.

2C:11-5. Death by auto. a. Criminal homicide constitutes death by auto when it is caused by driving a vehicle recklessly.

b. Death by auto is a crime of the third degree and, notwithstanding the provisions of 2C:43-2, the court may not suspend the imposition of sentence on any defendant convicted under this section, who was operating the vehicle under the influence of an intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, and any sentence imposed under this section shall include either a fixed minimum term of 270 days' imprisonment, during which the defendant shall be ineligible for parole, or a requirement that the defendant perform a community related service for a minimum of 270 days.

- c. For good cause shown, the court may, in accepting a plea of

guilty under this section, order that such plea not be evidential in any civil proceeding.

d. Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for manslaughter under the provisions of N.J.S. 2C:11-4. If an indictment for manslaughter is brought in a case involving the operation of a motor vehicle, death by auto shall be considered a lesser-included offense.

2. This act shall take effect immediately.

Approved August 1, 1988.

CHAPTER 76

AN ACT concerning the instruction or training in certain activities for use in, or furtherance of, an illegal activity and amending P.L. 1983, c. 229.

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

1. Section 1 of P.L. 1983, c. 229 (C. 2C:39-14) is amended to read as follows:

C. 2C:39-14 2nd degree crimes.

1. a. Any person who teaches or demonstrates to any other person the use, application, or making of any firearm, explosive or destructive device, or technique capable of causing injury or death to a person, knowing or having reason to know or intending that it will be employed for use in, or in furtherance of, an illegal activity is guilty of a crime of the second degree.

b. Any person who assembles with one or more persons for the purpose of training with, practicing with, or being instructed in the use of any firearm, explosive or destructive device, or technique capable of causing injury or death to a person, intending to unlawfully employ it for use in, or in furtherance of, an illegal activity is guilty of a crime of the second degree.

2. This act shall take effect immediately.

Approved August 1, 1988.

CHAPTER 77

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

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

1. All proceedings heretofore had or taken by any municipality or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality pursuant to the "Local Bond Law," N.J.S. 40A:2-1 et seq., and any ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality issued in pursuance of such proceedings or ordinance, are hereby ratified, validated and confirmed notwithstanding that a supplemental debt statement was not prepared and filed as required by the provisions of N.J.S. 40A:2-10; provided, however, that a supplemental debt statement heretofore has been prepared and filed in the places required by N.J.S. 40A:2-10 and provided further, that no action, suit or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved August 1, 1988.

CHAPTER 78

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 \$350,000,000.00 for the purpose of 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 and private institutions of higher education; the establishment and construction of advanced technology centers at public and private institutions of higher education, and for the expansion and construction of additional facilities at, and

acquisition of additional and upgraded equipment for existing advanced technology centers sponsored by the New Jersey Commission on Science and Technology; 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 “Jobs, Education and Competitiveness Bond Act of 1988.”

2. The Legislature finds that:

a. New Jersey, beginning in 1984, started on the road to economic revitalization by systematically joining advanced technology research at its public and private institutions of higher education with industrial sponsorship and improving various technological facilities and programs at New Jersey’s public and private institutions of higher education for purposes of economic development and the creation of new jobs.

b. These efforts are highlighted by the construction of advanced technology centers, where new science and technology work will take place, funded by the “Jobs, Science and Technology Bond Act of 1984,” P.L. 1984, c. 99, as approved overwhelmingly by the voters of New Jersey.

c. These new advanced technology centers and other academic facilities represented but the first wave of activity in New Jersey, which must be sustained through the decade of the 1990s and beyond if the State is to do its part to restore competitiveness and productivity to our nation. This requires the partnership of the public and private sectors, of the State and federal governments, and of industry and higher education to expand New Jersey’s investment in the future—in the technology-based jobs of the future—by providing needed new construction and growth.

d. If New Jersey is to maintain expansion of its development and continue to provide an adequately trained work force to retain and attract industry to the State, New Jersey’s public and private institutions of higher education must be strengthened and continue to provide services necessary to accomplish these goals.

e. In order to fulfill this mission, New Jersey's public and private institutions of higher education must have adequate and modern facilities to provide for necessary educational and job training programs.

f. The Board of Higher Education, which is statutorily responsible for the coordination and planning of higher education in New Jersey, has recognized a crucial need to expand and update academic facilities at New Jersey's public and private institutions of higher education and has recommended that funds be provided to complete such projects.

g. The New Jersey Commission on Science and Technology has served as the catalyst for a dynamic new partnership between private industry and the State's public and private institutions of higher education, and utilized this partnership to create a network of advanced technology centers in those technological fields in which New Jersey has shown exceptional industrial and academic strength and potential for growth.

h. The New Jersey Commission on Science and Technology, which is statutorily responsible for formulating long-range plans and programs for science and technology in New Jersey, has recommended that funds be provided for additional advanced technology centers at various public and private institutions of higher education. Moreover, the commission has also identified the funding needed to take its next major steps to develop and improve New Jersey's research centers, and, in turn, its economy.

3. As used in this act, unless the context indicates a different meaning or intent:

a. "Advanced technology centers" means outstanding programs or departments at New Jersey's public and private institutions of higher education, which are provided substantial and concentrated financial support to promote their development into national-level bases for innovative technology research.

b. "Board of Higher Education" means the board established pursuant to N.J.S. 18A:3-1.

c. "Bonds" means the bonds authorized to be issued, or issued, under this act.

d. "Construct" and "construction" mean, in addition to the usual meaning thereof, the planning, erecting, purchasing, improving, de-

veloping, constructing, reconstructing, extending, rehabilitating, renovating, upgrading, demolishing and equipping of facilities at public and private institutions of higher education.

e. "Cost" means the expenses incurred in connection with: the acquisition by purchase, lease, or otherwise, the development, and the construction of any project authorized by this act; the acquisition by purchase, lease, or otherwise, and the development of any real or personal property for use in connection with a project authorized by this act, including any rights or interests therein; the execution of any agreements and franchises deemed by the Board of Higher Education or the New Jersey Commission on Science and Technology to be necessary or useful and convenient in connection with any project; the procurement of engineering, inspection, planning, legal, financial, or other professional services, including the services of a bond registrar or an authenticating agent; the issuance of bonds, or any interest or discount thereon; the administrative, organizational, operating or other expenses incident to the financing, completing, and placing into service of any project authorized by this act; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses and for the payment or security of principal or interest on bonds, as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys which may have been transferred or advanced therefrom to any fund created by this act, or of any moneys which may have been expended therefrom for, or in connection with, any project authorized by this act.

f. "Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency to the extent 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 of those obligations, which may consist of the principal of, or the interest on, those obligations.

g. "Higher education buildings" means buildings, structures and facilities required for the operation of public and private institutions of higher education.

h. "New Jersey Commission on Capital Budgeting and Planning"

means the commission established by section 2 of P.L. 1975, c. 208 (C. 52:9S-2).

i. "New Jersey Commission on Science and Technology" means the commission established by section 3 of P.L. 1985, c. 102 (C. 52:9X-3).

j. "Private institutions of higher education" means independent colleges or universities incorporated and located in New Jersey, which by virtue of law or character or license, are nonprofit educational institutions authorized to grant academic degrees and which provide a level of education which is equivalent to the education provided by the State's public institutions of higher education as attested by the receipt of and continuation of regional accreditation by the Middle States Association of Colleges and Schools, and which are eligible to receive State aid under the provisions of the Constitution of the United States of America and the Constitution of the State of New Jersey, but does not include any educational institution dedicated primarily to the education or training of ministers, priests, rabbis or other professional persons in the field of religion.

k. "Project" means the establishment and construction of higher education buildings or advanced technology centers and the expansion and construction of additional facilities at, and the acquisition of additional and upgraded equipment for existing higher education buildings or advanced technology centers sponsored by the Board of Higher Education or the New Jersey Commission on Science and Technology.

l. "Public institutions of higher education" means Rutgers, The State University, the State colleges, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, the county colleges and any other public university or college now or hereafter established or authorized by law.

4. The Board of Higher Education shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the rules and regulations necessary and appropriate to carry out the provisions of this act as described in subsections a. through i. of section 5 of this act. The New Jersey Commission on Science and Technology shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the rules and regulations necessary to carry out the provisions of this act as described in subsection j. of section 5 of this act. The Board of Higher Education and the New Jersey Commission on Science and

Technology shall both review and consider the findings and recommendations of the New Jersey Commission on Capital Budgeting and Planning in the administration of the provisions of this act.

5. Bonds of the State of New Jersey are authorized to be issued in the aggregate principal amount of \$350,000,000.00 for the following purposes:

a. \$80,000,000.00 for the construction of higher education buildings at the State colleges.

b. \$60,000,000.00 for the construction of higher education buildings at Rutgers, The State University.

c. \$10,000,000.00 for the construction of higher education buildings at the Agricultural Experiment Station of Rutgers, The State University.

d. \$25,000,000.00 for the construction of higher education buildings at the University of Medicine and Dentistry of New Jersey.

e. \$20,000,000.00 for the construction of higher education buildings at the New Jersey Institute of Technology.

f. \$25,000,000.00 for the construction of higher education buildings at the county colleges.

g. \$20,000,000.00 for the construction of higher education buildings at the private institutions of higher education.

h. \$23,000,000.00 to be allocated by the Board of Higher Education for statewide and regional projects requiring the construction of higher education buildings at public institutions of higher education.

i. \$45,000,000.00 for a renovation and rehabilitation fund to be established by law for those construction projects that involve only 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.

j. \$42,000,000.00 toward the cost of the establishment and construction of an expanded network of advanced technology centers at the State's public and private institutions of higher education which may include but are not limited to centers in: agricultural biotechnology, based at the Cook College campus of Rutgers University in New Brunswick; surface sciences technology, with several of the State's public and private institutions of higher education

proposing to improve and link existing research programs on their campuses; and materials science/photonics, based at Princeton University.

k. (1) An amount up to 5% of each amount authorized in subsections a. through g. of this section may be apportioned to any other amount authorized in subsections a. through g. and;

(2) The amount authorized in subsection h. may be apportioned among any other amounts authorized in subsections a. through f.

l. The establishment and expansion of any new advanced technology center shall include a New Jersey Commission on Science and Technology-approved plan to finance a significant proportion of the center's construction, equipment, and operating costs from business, industry, and other non-state sources. The plan shall be submitted to the Legislature prior to the appropriation of any bond monies for the establishment and expansion.

m. Projects funded from the issuance and sale of bonds shall follow the principles of affirmative action and equal opportunity employment. In furtherance of these principles, projects for advanced technology centers, private institutions of higher education, and public institutions of higher education, including county colleges, shall, at a minimum, be subject to small business, minority business and female business set-aside contract goals and procedures in accordance with the provisions of the "Set-Aside Act for Small Businesses, Female Businesses, and Minority Businesses," P.L. 1983, c. 482 (C. 52:32-17 et seq.).

n. For any project approved by the Board of Higher Education which is financed by bond funds set forth in subsections a. through f. of this section, the public institution of higher education may provide funds in support of such project which amount shall be established by the act appropriating bond funds therefor.

o. For any projects approved by the Board of Higher Education which are financed by bond funds set forth in subsection g. of this section, each private institution of higher education shall provide funds in support of such project or projects in an amount equal to the aggregate amount of bond funds allocated to the project or projects.

p. Of the total of the amounts authorized in subsections a., b., d., f., h., and j., a minimum of 20% of the total of those amounts shall be for projects in the eight southernmost counties of the State.

6. The bonds authorized under this act shall be serial bonds, term bonds, or a combination thereof, and shall be known as "Jobs, Education and Competitiveness Bonds." They 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. The bonds may be subject to redemption prior to maturity and shall mature and be paid not later than 35 years from the respective dates of their issuance.

7. 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.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the interest 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.

9. The bonds shall be signed in the name of the State by means of the manual or facsimile signature of the Governor 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 official signing them or whose manual or facsimile signature appears on the bonds or coupons has ceased to hold office at the time of issuance, or at the time of the delivery of the bonds to the purchaser thereof.

10. a. The bonds shall recite that they are issued for the purposes set forth in section 5 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, 1988, and that this act was approved by a majority of the legally qualified voters of the State voting thereon at the election. This recital shall be conclusive evidence of the authority of the State to issue the bonds and their validity. Any bonds containing this recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of laws applicable hereto, and shall be incontestable for any cause.

b. The bonds shall be issued in those denominations and in the form or forms, whether coupon, fully-registered or book entry, and with or without provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such 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.

12. The bonds shall be issued and sold at the price or prices and under 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 this State, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in this State or in the city 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 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 the terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the federal government or any agency thereof, at a private sale, without advertisement.

13. Until permanent bonds are prepared, the issuing officials may

issue temporary bonds in the form and with those privileges as to their registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer to be held by the State Treasurer in a separate fund, which shall be known as the "Jobs, Education and Competitiveness Fund." The proceeds of this fund shall be deposited in those depositories as may be selected by the State Treasurer to the credit of the fund.

15. a. The moneys in the "Jobs, Education and Competitiveness Fund" are specifically dedicated and shall be applied to the cost of the purposes set forth in section 5 of this act. However, no moneys in the fund shall be expended for those purposes, except as otherwise authorized by this act, without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided, notwithstanding that the Legislature shall not have then adopted an act making a specific appropriation of any of the moneys. Any act appropriating moneys from the "Jobs, Education and Competitiveness Fund" shall identify the project to be funded by the moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is authorized to transfer from any available moneys in any fund of the treasury of the State to the credit of the "Jobs, Education and Competitiveness Fund" those sums as the State Treasurer may deem necessary. The sums so transferred shall be returned to the same fund of the treasury of the State 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 "Jobs, Education and Competitiveness 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 "Jobs, Education and Competitiveness Fund" shall be paid into the General Fund.

16. If any coupon bond, 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 evidence satisfactory to them of the loss, mutilation or destruction of the bond or coupon, the ownership thereof, and security, indemnity and reimbursement for expenses connected therewith, as the issuing officials may require.

17. 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.

18. 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 that series, and in 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.

19. 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 expenses 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 the 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 outstanding bonds so purchased or (b) 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 outstanding 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 such 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, subject to the approval of the issuing officials.

e. Notwithstanding the provisions of section 12 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 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.

20. Any bond or bonds issued hereunder shall no longer be deemed to be outstanding, shall no longer constitute a direct obligation of the State of New Jersey, and the faith and credit of the State shall no longer be pledged to the payment of the principal of, 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 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 the 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 refinanced 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.

21. Refunding bonds issued pursuant to section 19 of this act may be consolidated with bonds issued pursuant to section 6 of this act or with bonds issued pursuant to any other act for purposes of sale.

22. To provide funds to meet the interest and principal payment requirements for the bonds and refunding 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 are 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 and treated as part of the General Fund, available for general purposes.

23. Should the State Treasurer, by December 31 of any year, deem it necessary, because of the 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, the same 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 as ascertained for the current year.

24. 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, 1988. To inform the people of the contents of this act, it shall be the duty of the Secretary of State, after this section takes effect, and at least 15 days prior to the election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act; and the clerks respectively, in accordance with the instructions of the Secretary of State, shall 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.

	Yes.	JOBS, EDUCATION AND COMPETITIVENESS BOND ISSUE Shall the "Jobs, Education and Competitiveness Bond Act of 1988," which authorizes the State to issue bonds in the amount of \$350,000,000.00 for the purpose of the construction, reconstruction, development, extension, improvement, renovation, rehabilitation and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's public and private institutions of higher education and the establishment and construction of advanced technology centers at public and private institutions of higher education sponsored by the New Jersey Commission on Science and Technology; 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?
	No.	INTERPRETIVE STATEMENT Approval of this act would authorize the sale of \$350,000,000.00 in State general obligation bonds to be used to construct, reconstruct, develop, extend, improve, renovate, rehabilitate, and equip classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey public and private institutions of higher education and establish and construct advanced technology centers at public and private institutions of higher education sponsored by the New Jersey Commission on Science and Technology. The act also authorizes the issuance of bonds in a sufficient amount to refinance 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 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.

25. There is appropriated the sum of \$5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 24 of this act.

26. The Board of Higher Education and the New Jersey Commission on Science and Technology shall both submit to the State Treasurer and the New Jersey Commission on Capital Budgeting and Planning with their annual budget requests a plan for the expenditure of funds from the "Jobs, Education and Competitiveness Fund" for the upcoming fiscal year. These plans shall include the following information: a performance evaluation of the expenditures made from the fund to date; a description of programs planned during the upcoming fiscal year; a copy of the regulations in force governing the operation of programs that are financed, in part or in whole, by funds from the "Jobs, Education and Competitiveness Fund;" and an estimate of expenditures for the upcoming fiscal year.

27. Immediately following the submission to the Legislature of the Governor's annual budget message, the Board of Higher Education and the New Jersey Commission on Science and Technology shall both submit to the relevant committees of the Legislature as designated by the President of the Senate and the Speaker of the General Assembly, and to the Joint Budget Oversight Committee, or its successor, a copy of the plan called for under section 26 of this act, together with such changes therein as may have been required by the Governor's budget message.

28. Not less than 30 days prior to entering into any contract,

lease, obligation, or agreement to effectuate the purposes of this act, the Board of Higher Education and the New Jersey Commission on Science and Technology, shall both report to and consult with the Joint Budget Oversight Committee, or its successor.

29. All appropriations from the "Jobs, Education and Competitiveness Fund" shall be by specific allocation for each project, and any transfer of any funds so appropriated shall require the approval of the Joint Budget Oversight Committee, or its successor.

30. This section and sections 24 and 25 of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in section 24.

Approved August 1, 1988.

CHAPTER 79

AN ACT concerning the issuance of food stamps by certain financial institutions and other coupon issuers, and supplementing Title 44 of the Revised Statutes.

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

C. 44:8-153 Definitions.

1. As used in this act:

a. "Participating coupon issuer" means a financial institution, municipality or other governmental or nongovernmental entity which contracts with a county welfare agency with the approval of the Commissioner of the Department of Human Services to issue food stamps to the public under the food stamp program.

b. "Food stamp program" means the food stamp allocation program established pursuant to the Food Stamp Act of 1977, Pub. L. 95-113 (7 U.S.C. §2011 et seq.).

c. "Financial institution" means a banking institution, as defined in P.L. 1948, c. 67 (C. 17:9A-1 et seq.), and an insured State or federally chartered savings and loan association.

d. "Transaction" means receipt by the participating coupon issuer of the authorization to participate form and the issuance of food stamps to the public.

C. 44:8-154 Public purpose.

2. It is declared to be in the public interest that financial institutions, municipalities, and other governmental and nongovernmental entities be encouraged to participate in the issuance of food stamps as a service to the citizens of this State. It is the purpose and object of this act to assure that food stamps will be issued at a sufficient number of locations throughout the State to provide accessibility and convenience for the public.

C. 44:8-155 Outreach program.

3. The Commissioner of the Department of Human Services shall institute an outreach program to enlist the voluntary participation of financial institutions, municipalities and other governmental and nongovernmental entities as food stamp issuers at a sufficient number of locations throughout the State to provide accessibility and convenience for the public.

C. 44:8-156 Fee per transaction.

4. Each participating coupon issuer shall receive a fee for each transaction from the county welfare agency of the county in which said coupon issuer is located.

The amount of the fee shall be negotiated by the coupon issuer and the county welfare agency, in accordance with rules and regulations to be issued by the Department of Human Services and adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.).

C. 44:8-157 Public contracts law exemption.

5. Notwithstanding any provisions of law to the contrary, the provisions of this act are not subject to the requirements of the "Local Public Contracts Law," P.L. 1971, c. 198 (C. 40A:11-1 et seq.).

6. This act shall take effect immediately.

Approved August 2, 1988.

CHAPTER 80

AN ACT concerning oaths of office in certain circumstances and amending R.S. 41:2-10, P.L. 1948, c. 335, and P.L. 1951, c. 351.

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

1. R.S. 41:2-10 is amended to read as follows:

Oaths of office.

41:2-10. The Chief Justice of the Supreme Court, any associate justice thereof, any judge of the Superior Court or judge of the tax court may administer the oaths of office and of allegiance to any person appointed to the office of Clerk of the Supreme Court, Clerk of the Superior Court, Secretary of State or Attorney General or to any other elective or appointive office as to which no other provision is made by law.

2. Section 1 of P.L. 1948, c. 335 (C. 41:2A-1) is amended to read as follows:

C. 41:2A-1 Judicial officers.

1. The Chief Justice and each Associate Justice of the Supreme Court, each judge of the Superior Court and each judge of the tax court, before entering upon the duties of his office, shall take and subscribe the oath of allegiance prescribed by R.S. 41:1-1, and the oath of office required to be taken by judicial officers.

3. Section 3 of P.L. 1948, c. 335 (C. 41:2A-3) is amended to read as follows:

C. 41:2A-3 Administration by judges.

3. Any justice of the Supreme Court may administer the oath to a person appointed Chief Justice of the Supreme Court or Associate Justice of the Supreme Court, and any justice of the Supreme Court, judge of the Superior Court or judge of the tax court may administer the oath to a person appointed a judge of the Superior Court or judge of the tax court. Any judge of the Superior Court or judge of the tax court may administer the oath to a person appointed a judge of a municipal court and any surrogate, deputy surrogate or special deputy surrogate.

4. Section 4 of P.L. 1948, c. 335 (C. 41:2A-4) is amended to read as follows:

C. 41:2A-4 Subscription, filing.

4. The oaths shall also be subscribed by the judicial officer taking

the oaths and, if the judicial officer is a Supreme Court Justice, judge of the Superior Court or judge of the tax court, shall be filed in the office of the Secretary of State.

5. Section 1 of P.L. 1951, c. 351 (C. 41:2A-6) is amended to read as follows:

C. 41:2A-6 Form of oath.

1. The Chief Justice, the Associate Justices of the Supreme Court, the judges of the Superior Court, the judges of the tax court, the judges of the municipal courts and the surrogates, deputy surrogates and special deputy surrogates shall, before entering upon the execution of their respective offices, take and subscribe the following oath:

"I....., do solemnly swear that I will support the Constitution of this State and the Constitution of the United States, and will perform the duties of my office, faithfully, impartially and justly, to the best of my ability. So help me God."

6. This act shall take effect immediately.

Approved August 2, 1988.

CHAPTER 81

AN ACT concerning cable television rates for disabled citizens and amending P.L. 1985, c. 356.

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

1. Section 1 of P.L. 1985, c. 356 (C. 48:5A-11.1) is amended to read as follows:

C. 48:5A-11.1 Public purpose.

1. It is declared that many elderly and disabled persons reside in the State whose annual net income from all sources is less than the amount necessary to enable them to maintain decent living conditions and whose income is fixed in whole or in part so as to be not adjusted to increases in the cost of living; that the provision of the service of public utilities, and cable television, at rates reduced or discounted from inflationary levels is a necessity of life for these persons because cable television is a principal source of recreation and entertainment for the elderly and infirm; that a public exigency

exists which makes the provision of reduced or discounted rate services to qualified elderly and disabled persons by cable television companies a public necessity; and that the provision of reduced rates will promote their health and welfare, thereby prolonging their productivity in the interest of the State and nation, and therefore constitutes and is declared to be a public purpose necessary for the preservation of the public convenience.

2. Section 2 of P.L. 1985, c. 356 (C. 48:5A-11.2) is amended to read as follows:

C. 48:5A-11.2 Discounted CATV rates.

2. Notwithstanding the provisions of P.L. 1972, c. 186 (C. 48:5A-1 et seq.) or of any other State law to the contrary, any CATV company providing service may establish rates or schedules which provide for a reduction or discount in rates for cable television reception service for senior citizens and disabled citizens who meet the eligibility requirements of the "Pharmaceutical Assistance to the Aged and Disabled" program pursuant to P.L. 1975, c. 194 (C. 30:4D-20 et seq.).

The Board of Public Utilities through the Office of Cable Television shall adopt regulations for the prompt, fair and efficient establishment and maintenance of these reduced or discounted rates and schedules.

"Senior citizen" means any person 62 years of age or older who subscribes for CATV service and who does not share the subscription with more than one other person in the same dwelling unit who is less than 62 years of age.

3. This act shall take effect on the 60th day following enactment.

Approved August 2, 1988.

CHAPTER 82

AN ACT concerning youth representation on the boards of trustees of certain institutions of higher education and amending P.L. 1986, c. 136.

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

1. Section 1 of P.L. 1986, c. 136 (C. 18A:64-3.1) is amended to read as follows:

C. 18A:64-3.1 Student representatives.

1. The board of trustees of any State college established pursuant to chapter 64 of Title 18A of the New Jersey Statutes shall provide for the election of two student representatives as provided herein, who shall be full-time, regularly matriculated students in good academic standing, and who shall be 18 years of age or older and citizens of the United States, to be elected by the students in the manner provided herein to serve on the board of trustees of that college for terms of two years commencing at the next organization of the board.

a. In order to implement the provisions of this section, each board of trustees shall schedule a public hearing on the question of the student election. After the public hearing, the board, at its regularly scheduled meeting in March following the effective date of this act, shall determine whether the students are to be elected by the student body at large or by the members of the student government association. Except that, for Thomas A. Edison State College, the method of the selection and the designation of eligible academic status of the student representatives shall be determined by the board of that college in consultation with the State Board of Higher Education.

b. For the first election held pursuant to this section, one student shall be elected for a one year term as a full voting member, and one student shall be elected for two years, but shall serve as an alternate member during the first year and as a voting member during the second year.

At each subsequent election, one student shall be elected for two years, but shall serve during the first year as an alternate member, and as a voting member during the second year.

Any vacancies which occur shall be filled by the student governing body for the unexpired term only.

c. The standards for eligibility for student representatives on the board of trustees shall be the same as those required for other student government officers.

d. The student members shall be entitled to full participation in all activities of the board except that they shall not participate in:

(1) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective officer or employee or current officer or employee employed or appointed by the board, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

(2) Any matter involving the purchase, lease, acquisition or sale of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of these matters were disclosed.

(3) Any pending or anticipated litigation in which the board is, or may become a party, where it could adversely affect the public interest if discussion of these matters were disclosed, or any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

e. Upon assuming office, the students shall agree to adhere to such standards of responsibility and confidentiality as are established by the State Board of Higher Education.

2. This act shall take effect immediately.

Approved August 2, 1988.

CHAPTER 83

AN ACT exempting certain retail sales from the sales and use tax, amending and supplementing P.L. 1980, c. 105.

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

1. Section 34 of P.L. 1980, c. 105 (C. 54:32B-8.22) is amended to read as follows:

C. 54:32B-8.22 Sales tax exemption.

34. Receipts from sales made to contractors or repairmen of materials, supplies or services for exclusive use in erecting structures or building on, or otherwise improving, altering or repairing real property of:

a. Organizations described in subsections (a) and (b) of section 9 of the "Sales and Use Tax Act," P.L. 1966, c. 30 (C. 54:32B-9);

b. Qualified businesses within an enterprise zone as authorized in section 20 of the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c. 303 (C. 52:27H-79); and

c. Housing sponsors who have obtained financing for housing projects pursuant to the "New Jersey Housing and Mortgage Finance Agency Law of 1983," P.L. 1983, c. 530 (C. 55:14K-1 et seq.), which projects have received other federal, State, or local subsidies in order to achieve financial feasibility are exempt from the tax imposed under the "Sales and Use Tax Act," provided any person seeking to qualify for the exemption shall do so pursuant to such rules and regulations and upon such forms as shall be prescribed by the director.

2. Notwithstanding the two-year period provided for applications for refunds in subsection (a) of section 20 of P.L. 1966, c. 30 (C. 54:32B-20) and notwithstanding the provisions of subsection (b) of that section, applications for refunds of tax paid on or after January 17, 1984, and before the effective date of this act, on receipts from sales or uses exempt under the provisions of this amendatory and supplementary act, P.L. 1988, c. 83, shall be made not later than the 90th day after enactment.

3. This act shall take effect immediately and be retroactive to January 17, 1984.

Approved August 2, 1988.

CHAPTER 84

AN ACT concerning solid waste disposal facilities, and appropriating moneys from the "Resource Recovery and Solid Waste Disposal Facility Fund."

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

1. There is appropriated to the Department of Environmental Protection from the "Resource Recovery and Solid Waste Disposal Facility Fund" established pursuant to section 14 of the "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985" (P.L. 1985, c. 330), the sum of \$8,550,000.00 for the purpose of providing a zero-interest State loan to the following local government unit to finance the construction of a resource recovery facility and a back-up residual, environmentally sound sanitary landfill facility as follows:

Warren County Pollution Control Financing Authority resource recovery facility	\$4,750,000
Warren County Pollution Control Financing Authority residual sanitary landfill facility	3,800,000

2. Repayment of the loan made pursuant to this act shall be made to the "Resource Recovery and Solid Waste Disposal Facility Fund" in accordance with the terms of a written loan agreement. The form of the loan agreement shall be specified by the State Treasurer.

3. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P.L. 1985, c. 330.

4. This act shall take effect immediately.

Approved August 3, 1988.

CHAPTER 85

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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 Public Welfare

15-7550 Income Maintenance	\$529,339

Special Purpose:

Title IV-D Intracorporate Data	

Exchange Project	(\$529,339)

2. This act shall take effect immediately.

Approved August 3, 1988.

CHAPTER 86

AN ACT concerning solid waste disposal facilities, and appropriating moneys from the "Resource Recovery and Solid Waste Disposal Facility Fund."

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

1. There is appropriated to the Department of Environmental Protection from the "Resource Recovery and Solid Waste Disposal Facility Fund" established pursuant to section 14 of the "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985" (P.L. 1985, c. 330), the sum of \$13,300,000.00 for the purpose of providing

a zero-interest State loan to the following local government unit to finance the construction of a resource recovery facility as follows:

Passaic county	\$13,300,000

2. Repayment of the loan made pursuant to this act shall be made to the "Resource Recovery and Solid Waste Disposal Facility Fund" in accordance with the terms of a written loan agreement. The form of the loan agreement shall be specified by the State Treasurer.

3. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P.L. 1985, c. 330.

4. This act shall take effect immediately.

Approved August 3, 1988.

CHAPTER 87

AN ACT concerning immunity from civil liability in certain athletic activities, amending P.L. 1987, c. 87 and amending and supplementing P.L. 1986, c. 13.

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

1. Section 1 of P.L. 1986, c. 13 (C. 2A:62A-6) is amended to read as follows:

C. 2A:62A-6 Athletic officials' immunity.

1. a. Notwithstanding any provisions of law to the contrary, no person who provides services or assistance free of charge, except for reimbursement of expenses, as an athletic coach, manager, or official, other than a sports official accredited by a voluntary association as provided by P.L. 1979, c. 172 (C. 18A:11-3) and exempted from liability pursuant to P.L. 1987, c. 239 (C. 2A:62A-6.1), for a sports team which is organized or performing pursuant to a nonprofit or similar charter or which is a member team in a league organized by or affiliated with a county or municipal recreation department, shall be liable in any civil action for damages to a player, participant or spectator as a result of his acts of commission or omission arising out of and in the course of his rendering that service or assistance.

b. The provisions of subsection a. of this section shall apply not

only to organized sports competitions, but shall also apply to practice and instruction in that sport.

c. (1) Nothing in this section shall be deemed to grant immunity to any person causing damage by his willful, wanton, or grossly negligent act of commission or omission, nor to any coach, manager, or official who has not participated in a safety orientation and training skills program which program shall include but not be limited to injury prevention and first aid procedures and general coaching concepts.

(2) A coach, manager, or official shall be deemed to have satisfied the requirements of this subsection if the safety orientation and skills training program attended by the person has met the minimum standards established by the Governor's Council on Physical Fitness and Sports in consultation with the Bureau of Recreation within the Department of Community Affairs, in accordance with rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.).

d. Nothing in this section shall be deemed to grant immunity to any person causing damage as the result of his negligent operation of a motor vehicle.

e. Nothing in this section shall be deemed to grant immunity to any person for any damage caused by that person permitting a sports competition or practice to be conducted without supervision.

f. Nothing in this act shall apply to an athletic coach, manager, or official who provides services or assistance as part of a public or private educational institution's athletic program.

2. Section 1 of P.L. 1987, c. 87 (C. 2A:53A-7.1) is amended to read as follows:

C. 2A:53A-7.1 Voluntary associations.

1. a. Notwithstanding any other provision of law to the contrary, no person serving without compensation, other than reimbursement for actual expenses, as a trustee, director, officer or voluntary member of any board, council or governing body of any nonprofit corporation, society or association as provided in P.L. 1959, c. 90 (C. 2A:53A-7 to 2A:53A-11), or nonprofit federation council or affiliated group composed of these organizations or a voluntary association as provided by P.L. 1979, c. 172 (C. 18A:11-3) or to a conference under the jurisdiction of such a voluntary association, shall be liable for damages resulting from the exercise of judgment or discretion in

connection with the duties of his office unless the actions evidence a reckless disregard for the duties imposed by the position.

b. Notwithstanding any provisions of law to the contrary, no person who provides volunteer service or assistance for any nonprofit corporation, society or association as provided in P.L. 1959, c. 90 (C. 2A:53A-7 to 2A:53A-11), or nonprofit federation council or affiliated group composed of these organizations or a voluntary association as provided by P.L. 1979, c. 172 (C. 18A:11-3) or to a conference under the jurisdiction of such a voluntary association shall be liable in any action for damages as a result of his acts of commission or omission arising out of and in the course of his rendering the volunteer service or assistance.

Nothing in this subsection shall be deemed to grant immunity to any person causing damage by his willful, wanton or grossly negligent act of commission or omission.

Nothing in this subsection shall be deemed to grant immunity to any person causing damage as the result of his negligent operation of a motor vehicle.

c. Nothing in this section shall be deemed to supersede or modify any provision of P.L. 1986, c. 13 (C. 2A:62A-6) dealing with the civil liability of persons involved with nonprofit sports teams.

C. 2A:62A-6.2 Sponsors of sports teams.

3. Notwithstanding any provisions of law to the contrary, no person who provides goods, services, or other assistance as the sponsor of a sports team which is organized or performing pursuant to a nonprofit or similar charter, or which is a member team in a league organized by or affiliated with a county or municipal recreation department, shall be liable in any civil action for damages to a player or participant as a result of his acts of commission or omission arising out of and in the course of his rendering those goods or services or that assistance.

The provisions of this section shall apply not only to organized sports competitions, but shall also apply to practice and instruction in that sport.

Nothing in this section shall be deemed to grant immunity to any person causing damage by his willful, wanton, or grossly negligent act of commission or omission, nor to any person causing damage as the result of his negligent operation of a motor vehicle.

4. This act shall take effect immediately.

Approved August 3, 1988.

CHAPTER 88

AN ACT concerning solid waste disposal facilities, and appropriating moneys from the "Resource Recovery and Solid Waste Disposal Facility Fund."

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

1. There is appropriated to the Department of Environmental Protection from the "Resource Recovery and Solid Waste Disposal Facility Fund" established pursuant to section 14 of the "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985" (P.L. 1985, c. 330), the sum of \$13,300,000.00 for the purpose of providing a zero-interest State loan to the following local government unit to finance the construction of a resource recovery facility as follows:

Union County Utilities

Authority	\$13,300,000

2. Repayment of the loan made pursuant to this act shall be made to the "Resource Recovery and Solid Waste Disposal Facility Fund" in accordance with the terms of a written loan agreement. The form of the loan agreement shall be specified by the State Treasurer.

3. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P.L. 1985, c. 330.

4. This act shall take effect immediately.

Approved August 3, 1988.

CHAPTER 89

AN ACT concerning solid waste disposal facilities, and appropriating moneys from the "Resource Recovery and Solid Waste Disposal Facility Fund."

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

1. There is appropriated to the Department of Environmental Protection from the "Resource Recovery and Solid Waste Disposal Facility Fund" established pursuant to section 14 of the "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985" (P.L. 1985, c. 330), the sum of \$7,600,000.00 for the purpose of providing a zero-interest State loan to the following local government unit to finance the construction of a resource recovery facility and a back-up residual, environmentally sound sanitary landfill facility as follows:

Gloucester County Improvement Authority	\$7,600,000

2. Repayment of the loan made pursuant to this act shall be made to "Resource Recovery and Solid Waste Disposal Facility Fund" in accordance with the terms of a written loan agreement. The form of the loan agreement shall be specified by the State Treasurer.

3. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P.L. 1985, c. 330.

4. This act shall take effect immediately.

Approved August 3, 1988.

CHAPTER 90

AN ACT concerning stormwater sewers and combined sewer overflows, supplementing Title 58 of the Revised Statutes, and making an appropriation therefor.

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

C. 58:25-23 Short title.

1. This act shall be known and may be cited as the "Sewage Infrastructure Improvement Act."

C. 58:25-24 Findings, declarations.

2. The Legislature finds and declares that nonpoint sources of pollution represent a significant environmental problem by contributing greatly to the biological and chemical degradation of coastal

and other surface waters of the State; that nonpoint source discharges into stormwater sewers, particularly during and after storms, result in elevated levels of bacteria, which are a cause of 80% to 90% of all beach closings; that combined stormwater and sanitary sewer overflows are another major source of ocean and other surface water pollution; and that an average of 113 million gallons per day of diluted raw sewage flows into the Raritan-Hudson Estuary through approximately 150 authorized outfalls, ultimately degrading the coastal waters of the State.

The Legislature declares that such sources of nonpoint and point sources of pollution are a danger to the public and health and safety of the residents of the State; that stormwater sewers and combined stormwater and sewage conveyance facilities discharging wastewaters into the salt waters of the State are major sources of pollution of the State's salt waters; and that public entities responsible for stormwater sewers and combined stormwater and sewage treatment facilities require financial assistance in order to locate and plan for the control these sources of pollution.

C. 58:25-25 Standards, maps.

3. a. Within six months after enactment of this act, the Department of Environmental Protection shall develop standards for the inventory and mapping of stormwater sewers and sanitary sewage lines and, within that period, shall provide these standards to any municipality required to adopt a map pursuant to subsection b. of this section.

b. Within 18 months after enactment of this act, all municipalities with stormwater systems discharging into the salt waters of Monmouth, Ocean, Atlantic and Cape May counties shall adopt a stormwater sewer/sanitary sewage map in accordance with the provisions of this act. The map shall locate, list and number all stormwater sewer and sanitary sewage lines within the geographical boundaries of a municipality, which are part of any stormwater system that discharges into surface waters. The map shall also identify all cross-connections between stormwater and sanitary sewage systems, and indicate whether the cross-connections have received a permit from the Department of Environmental Protection.

The governing body of any municipality required to adopt a map pursuant to this section may contract for the county health department or other county health agency to prepare the map or to monitor the stormwater sewer outfalls in accordance with section 4 of this act.

As used in this act, "salt water" means surface saline waters as defined by the Department of Environmental Protection in regulations adopted pursuant to P.L. 1977, c. 74 (C. 58:10A-1 et seq.) and P.L. 1977, c. 75 (C. 58:11A-1 et seq.).

C. 58:25-26 Monitoring of water quality.

4. A municipality, upon completion of the map required pursuant to section 3 of this act, shall provide for the monitoring at least every three months of the water quality at the outfall lines for any stormwater sewers discharging into salt waters. The water tests shall monitor for the presence of fecal coliform or other contaminants that may result from a sewer line break or an improper or illegal connection to a stormwater sewer line. If fecal coliform or other contaminants are found to exceed the standards therefor established pursuant to P.L. 1977, c. 74 (C. 58:10A-1 et seq.), the municipality shall identify the person responsible for, and promptly abate or seek the abatement of, the contamination. Violations of State standards shall be reported to the Department of Environmental Protection in such manner as shall be required by the department.

C. 58:25-27 Unpermitted interconnections.

5. A municipality subject to the provisions of section 3 of this act shall eliminate or cause to be eliminated any unpermitted interconnections of stormwater sewer systems and sanitary sewage systems within the municipality. Any unpermitted interconnection in existence 30 months after enactment of this act shall be subject to the civil penalty provisions of P.L. 1977, c. 74 (C. 58:10A-1 et seq.). Municipalities that fail to take appropriate measures to eliminate, or cause to be eliminated, unpermitted cross-connections after receiving written or constructive notice thereof, shall also be subject to the civil penalty provisions of P.L. 1977, c. 74. An action to enforce the civil penalty provisions of P.L. 1977, c. 74 may be brought by the department, the municipality, or other public entity controlling or operating the stormwater sewer system with an unpermitted interconnection. The action shall be in the name of the public entity bringing the action. Municipalities within the counties of Monmouth, Ocean, Atlantic, and Cape May shall also take appropriate measures to abate nonpoint sources of pollution directly entering salt waters.

C. 58:25-28 Abatement measures.

6. Within 30 months after enactment of this act, any public entity operating a combined stormwater sewer and sanitary sewage system shall provide abatement measures approved by the department at any combined sewer overflow point for which a permit is required pursuant to P.L. 1977, c. 74 (C. 58:10A-1 et seq.). Any public entity

that fails to provide, in accordance with standards established therefor by the department, appropriate abatement measures approved by the department at a combined sewer overflow point after the expiration of the 30 month period shall be subject to the penalty provisions of P.L. 1977, c. 74 (C. 58:10A-1 et seq.), and to any other enforcement action that may be appropriate.

C. 58:25-29 Abatement assistance fund.

7. a. There is established in the Department of Environmental Protection a non-lapsing fund, to be known as the "Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund." There shall be deposited in the fund, moneys appropriated pursuant to this act, any other appropriations as may be made thereto by law, and any interest earned thereon. Upon disbursement of all monies in the fund, the fund shall terminate.

b. The department is authorized, pursuant to the provisions of this act, to provide grants from the fund to municipalities for the inventory and mapping of stormwater systems pursuant to subsection b. of section 3 of this act and for the planning and design necessary to eliminate unpermitted interconnections of stormwater sewer systems and sanitary sewage systems and to abate nonpoint sources of pollution directly entering salt waters pursuant to section 5 of this act. For the purposes of this subsection, planning may include the costs of monitoring water quality at outfall lines for stormwater sewers.

c. The department is authorized, pursuant to the provisions of this act, to provide grants from the fund to municipalities and other public entities controlling or operating combined stormwater sewer and sanitary sewage systems for the planning and design of abatement measures at any combined sewer overflow point.

d. Prior to the award of any grant, the department shall notify the presiding officers of both houses of the Legislature in writing of the applications received, the grant recipients, the amounts requested, amounts to be granted and the purposes for which the grants shall be used.

C. 58:25-30 90% State funding.

8. Any municipality or other public entity eligible for a grant pursuant to section 7 may apply to the department for up to 90% of the total inventory, mapping, planning, and design costs to be incurred thereby, as applicable. The municipality or other public entity shall include in its application, the purposes for which the

grant shall be used, the method of accomplishing those purposes, a statement that the municipality or public entity shall provide 10% of the total cost, any other information the department may require, and if applicable, a statement that the municipality will conform with the department standards for the stormwater system inventory and map. The department shall review and approve an application if the amount requested is reasonable for the work to be accomplished, the municipality or public entity is providing the required match and meets any other department requirements, and, if applicable, the municipality has agreed to conform with the department's inventory and mapping standards. Any application disapproved may be amended and resubmitted to the department.

C. 58:25-31 Priority systems.

9. a. The Commissioner of the Department of Environmental Protection shall develop a priority system for stormwater sewer system pollution elimination and abatement construction projects and shall establish the ranking criteria and future funding policies for the construction of projects. The commissioner shall, based upon the inventory, maps, plans and designs of grant recipients, develop a stormwater sewer system construction project priority list for future funding of stormwater sewer system projects.

b. The Commissioner of the Department of Environmental Protection shall develop a priority system for combined sewer system pollution elimination and abatement construction projects and shall establish the ranking criteria and future funding policies for the construction of projects. The commissioner shall, based upon the plans and designs of grant recipients, develop a combined sewer system construction project priority list for future funding of combined sewer system projects.

C. 58:25-32 Rules, regulations.

10. The Commissioner of the Department of Environmental Protection shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), such rules and regulations as may be necessary or appropriate for the implementation of this act.

C. 58:25-33 Stormwater collection systems.

11. Any stormwater collection system constructed by the Department of Transportation or any other state agency that may discharge stormwater into surface waters, shall be designed to abate, to the greatest extent practicable and feasible, any adverse environmental

impact on the quality of the surface water into which the stormwater may be discharged.

12. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$33,500,000 to be deposited in the "Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund" for the purposes of this act.

13. This act shall take effect immediately.

Approved August 3, 1988.

CHAPTER 91

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 353 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	24
Burlington	5
Camden	14
Cape May	3
Cumberland	5
Essex	28
Gloucester	8
Hudson	20
Hunterdon	3
Mercer	8
Middlesex	18

Monmouth	16
Morris	13
Ocean	14
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
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 January 1, 1989.

Approved August 4, 1988.

CHAPTER 92

AN ACT concerning community care for the elderly and disabled.

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

C. 30:4E-5 Short title.

1. This act shall be known and may be cited as the "Home Care Expansion Act."

C. 30:4E-6 Findings, declarations.

2. The Legislature finds and declares that:

a. The need to offer care services to the growing number of frail elderly and disabled persons in New Jersey and the benefits derived from the provision of these services are well documented;

b. While State government has responded to the home care needs of the State's elderly and disabled population through the Medicaid Community Care Program for the Elderly and Disabled (CCPED), there remains a substantial number of people whose home care needs have not been met;

c. Many of these frail elderly and disabled people in the "no-care"

zone are equipped to impoverish themselves to receive services under Medicaid;

d. The limitations on resources that a person may have to participate in the Medicaid program or the Community Care Program for the Elderly and Disabled are so restrictive as to make many of those in need of home care ineligible for needed services;

e. Many people who need care to remain in their homes do not have the funds to pay privately for the services; and

f. It is therefore necessary to establish a program to extend such services to a greater number of the State's elderly and disabled population.

C. 30:4E-7 Definitions.

3. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Human Services.

b. "Program" means the Home Care Expansion Program.

C. 30:4E-8 Home Care Expansion Program.

4. a. The commissioner shall establish and administer through the Division of Medical Assistance and Health Services in the Department of Human Services a program which shall be known as the Home Care Expansion Program, and which shall be funded with Casino Revenue Fund monies. This program shall incorporate, whenever possible, the features of CCPED, including eligibility criteria, with the exception of Medicaid resource and income limitations.

b. In order to ensure maximum efficiency in the use of State funds and prevent duplication of services, the Home Care Expansion Program shall utilize mechanisms currently in place in the CCPED program.

C. 30:4E-9 Services.

5. a. Individuals served by the Home Care Expansion Program shall receive a comprehensive assessment of the need for long-term home care services. A case manager shall develop a plan of care. In addition, the case manager shall provide ongoing monitoring of the individual's situation, services and cost of care.

b. The program shall consist of the following services: home health care, medical day care, non-emergency medical transportation, case management, social adult day care, homemaker care and

respite care. The commissioner may expand the scope of services by regulation.

c. The commissioner shall determine that the services to be provided are medically necessary and will assist in avoiding institutionalization.

d. The cost of care for each individual shall be limited to an annual amount that is based on a percentage of the cost of nursing home care. The payment for services received by an eligible person under this act shall not exceed a percentage, as established by the commissioner, of the payment for the comparable level of care that the person would receive in a skilled nursing home or intermediate care facility under the Medicaid program pursuant to P.L. 1968, c. 413 (C. 30:4D-1 et seq.).

e. Eligible persons shall share in the cost of services, depending on the amount of their monthly income, in accordance with standards and criteria prescribed by the commissioner.

C. 30:4E-10 Income eligibility.

6. Any person who is a resident of this State, with resources within limits set by the commissioner, and is 65 years of age or older and is eligible for Medicare benefits or has other medical insurance which includes physician coverage and hospitalization, and whose annual income is less than \$18,000.00 if single, or if married, whose annual income combined with that of his spouse is less than \$21,000.00, is eligible for assistance under the program.

Any person under the age of 65 who is determined to be disabled by the Social Security Administration (SSA) or by the Division of Public Welfare, Bureau of Medical Affairs in the Department of Human Services, using SSA criteria, and is eligible for Medicare benefits, or has other medical coverage which includes physician and hospital coverage and who meets the income eligibility requirements of this section, is eligible for assistance under the program.

C. 30:4E-11 Criteria for determining eligibility.

7. a. The commissioner shall establish criteria for determining medical and financial eligibility, including provisions for submission of proof of income, resources and health insurance, and a system of providing services to eligible persons.

b. The commissioner shall establish resource limits and co-payment schedules to ensure that the expenditures for the program are within the limits of the funds appropriated for the purposes of this act.

C. 30:4E-12 Medicaid recipients.

8. Notwithstanding any provisions of this act to the contrary, a person eligible for comparable home care services assistance available under Title XIX (Medicaid) of the federal Social Security Act (42 U.S.C. §1396 et seq.), but who does not receive the services due to the unavailability of the services in the person's county of residence, is eligible for the services provided pursuant to this act.

A person receiving comparable home care services assistance pursuant to Title XIX of the federal Social Security Act (42 U.S.C. §1396 et seq.) is not eligible for the services provided pursuant to this act.

C. 30:4E-13 Assistance of other agencies.

9. The commissioner is entitled to call upon the assistance, or contract for the services of any State, federal, or local agency as may be necessary to implement the provisions of this act.

10. The commissioner shall submit a report on the program to the Governor and the Legislature, including the Senate Standing Reference Committee on Institutions, Health and Welfare and the General Assembly Standing Reference Committee on Health and Human Resources within six months after the first year of operation of the program. The report shall include, but not be limited to, a detailed summary of the activities of the program, including the services provided, costs incurred, and the number of persons served, and a study of its overall impact and specific impacts in urban, suburban, and rural counties.

C. 30:4E-14 Rules, regulations.

11. The commissioner shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) necessary to carry out the purposes of this act.

12. This act shall take effect on the first day of the ninth month following enactment.

Approved August 4, 1988.

CHAPTER 93

AN ACT to amend and supplement the "New Jersey Urban Enterprise Zones Act," approved August 15, 1983 (P.L. 1983, c. 303) and to amend P.L. 1980, c. 105.

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

1. Section 3 of P.L. 1983, c. 303 (C. 52:27H-62) is amended to read as follows:

C. 52:27H-62 Definitions.

3. As used in this act:

a. "Enterprise zone" or "zone" means an urban enterprise zone designated by the authority pursuant to this act;

b. "Authority" means the New Jersey Urban Enterprise Zone Authority created by this act;

c. "Qualified business" means any entity authorized to do business in the State of New Jersey which, at the time of designation as an enterprise zone, is engaged in the active conduct of a trade or business in that zone; or an entity which, after that designation but during the designation period, becomes newly engaged in the active conduct of a trade or business in that zone and has at least 25% of its full-time employees employed at a business location in the zone, meeting one or more of the following criteria:

(1) Residents within the zone, within another zone or within the municipality within which the zone or any other zone is located; or

(2) Unemployed for at least a year prior to being hired and residing in New Jersey, and recipients of New Jersey public assistance programs for at least one year prior to being hired, or either of the aforesaid; or

(3) Determined to be economically disadvantaged pursuant to the Jobs Training Partnership Act, Pub. L. 97-300 (29 U.S.C. §1501 et seq.);

d. "Qualifying municipality" means any municipality in which there was, in the last full calendar year immediately preceding the year in which application for enterprise zone designation is submitted pursuant to section 14 of this act, an annual average of at least 2,000 unemployed persons, and in which the municipal average annual unemployment rate for that year exceeded the State average annual unemployment rate; except that any municipality which qualifies for State aid pursuant to P.L. 1978, c. 14 (C. 52:27D-178 et seq.) shall qualify if its municipal average annual unemployment rate for that year exceeded the State average annual unemployment rate. The annual average of unemployed persons and the average annual un-

employment rates shall be estimated for the relevant calendar year by the Office of Labor Statistics, Division of Planning and Research of the State Department of Labor;

e. "Public assistance" means income maintenance funds administered by the Department of Human Services or by a county welfare agency;

f. "Zone development corporation" means a nonprofit corporation or association created by the governing body of a qualifying municipality to formulate and propose a preliminary zone development plan pursuant to section 9 of this act;

g. "Zone development plan" means a plan adopted by the governing body of a qualifying municipality for the development of an enterprise zone therein, and for the direction and coordination of activities of the municipality, zone businesses and community organizations within the enterprise zone toward the economic betterment of the residents of the zone and the municipality;

h. "Zone neighborhood association" means a corporation or association of persons who either are residents of, or have their principal place of employment in, a municipality in which an enterprise zone has been designated pursuant to this act; which is organized under the provisions of Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes; and which has for its principal purpose the encouragement and support of community activities within, or on behalf of, the zone so as to (1) stimulate economic activity, (2) increase or preserve residential amenities, or (3) otherwise encourage community cooperation in achieving the goals of the zone development plan; and

i. "Enterprise zone assistance fund" or "assistance fund" means the fund created by section 29 of this act.

2. Section 4 of P.L. 1983, c. 303 (C. 52:27H-63) is amended to read as follows:

C. 52:27H-63 Urban Enterprise Zone Authority.

4. a. There is created the New Jersey Urban Enterprise Zone Authority, which shall consist of:

- (1) The Commissioner of the Department of Commerce, Energy and Economic Development, who shall be chairman of the authority;
- (2) The Commissioner of the Department of Community Affairs;
- (3) The Commissioner of the Department of Labor;

(4) The State Treasurer; and

(5) Five public members not holding any other office, position or employment in the State Government, nor any local elective office, who shall be appointed by the Governor with the advice and consent of the Senate, and who shall be qualified for their appointments by training and experience in the areas of local government finance, economic development and redevelopment, or volunteer civic service and community organization. No more than three public members shall be of the same political party.

b. The public members of the authority shall serve for terms of five years, except that of the members first appointed, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years. Vacancies in the public membership shall be filled in the manner of the original appointments but for the unexpired terms.

c. An ex officio member of the authority may, from time to time, designate in writing to the authority an official within his respective department to attend and represent the department at the meetings of the authority from which the ex officio member is absent, and that designated representative shall be entitled to vote and otherwise act for the ex officio member at those meetings.

3. Section 16 of P.L. 1983, c. 303 (C. 52:27H-75) is amended to read as follows:

C. 52:27H-75 Award schedule.

16. A qualified business shall be eligible for an award based upon the amount of unemployment insurance tax it has paid for those new employees who meet the criteria set forth in subsection c. of section 3 of this act. The award shall apply only to those new employees whose gross salaries are less than \$4,500.00 per quarter, and shall commence in the next succeeding quarter. The award shall be based on the following schedule:

a. First four years in zone	an amount equal to 50% of the employer's unemployment insurance payment;
b. Second four years in zone	an amount equal to 40% of the employer's unemployment insurance payment;

- c. Third four years in zone an amount equal to 30% of the employer's unemployment insurance payment;
- d. Fourth four years in zone an amount equal to 20% of the employer's unemployment insurance payment;
- e. Fifth four years in zone an amount equal to 10% of the employer's unemployment insurance payment.

Prior to July 1, 1986, a qualified business with an unemployment insurance rating of more than 4.1% shall qualify for this award so long as it shall maintain that rating. On and after July 1, 1986, no qualified business with a deficit reserve ratio as provided for in R.S. 43:21-7 shall qualify for this award as long as it shall maintain that ratio.

4. Section 19 of P.L. 1983, c. 303 (C. 52:27H-78) is amended to read as follows:

C. 52:27H-78 Tax credit.

19. Any qualified business subject to the provisions of the "Corporation Business Tax Act (1945)," P.L. 1945, c. 162 (C. 54:10A-1 et seq.), as actively engaged in the conduct of business from a location within an enterprise zone designated pursuant to this act, which business at that location consists primarily of manufacturing or other business which is not retail sales or warehousing oriented, shall receive an enterprise zone employee tax credit against the amount of tax imposed under the "Corporation Business Tax Act (1945)," P.L. 1945, c. 162 (C. 54:10A-1 et seq.), as hereinafter provided:

a. A one-time credit of \$1,500.00 for each new full-time, permanent employee employed at that location who is a resident of the qualifying municipality in which the designated enterprise zone is located, or any other qualifying municipality in which an urban enterprise zone is located, and who immediately prior to employment by the taxpayer was unemployed for at least 90 days, or was dependent upon public assistance as the primary source of income;

b. A one-time credit of \$500.00 for each new full-time, permanent employee employed at that location who is a resident of a qualifying municipality in which a designated enterprise zone is located, or any other qualifying municipality in which an urban enterprise zone is located, who does not meet the requirements of subsection a. of this

section, and who was not, immediately prior to employment by the taxpayer, employed at a location within the qualifying municipality;

c. A qualified business which is not entitled to an employee tax credit under this section, but meets the eligibility criteria pursuant to the provisions of subsection c. of section 27 of P.L. 1983, c. 303 (C. 52:27H-86), shall receive a one-time credit in an amount equal to 8% of each new investment made by the qualified business in the enterprise zone under an agreement approved by the authority.

This credit shall be applied against the taxpayer's corporation business tax liability subject to the limitations and carry forward provisions set forth in section 18 of P.L. 1983, c. 303 (C. 52:27H-77); provided, however, that a qualified business shall not claim an employee tax credit and an investment tax credit authorized pursuant to this subsection in the same year regardless of whether those credits were earned for the tax year or carried forward from a previous year.

d. The enterprise zone employee tax credit shall be allowed in the tax year immediately following the tax year in which the new full-time, permanent employee was first employed by the taxpayer, and shall be permitted in any tax year of a 20 year period from the date of designation of the enterprise zone, or of a period of 20 tax years from the date within that designation period upon which the taxpayer is first subject to the provisions of the "Corporation Business Tax Act (1945)," P.L. 1945, c. 162 (C. 54:10A-1 et seq.), whichever date is later and the termination of the designation of an enterprise zone at the end of a 20 year designation period shall not terminate the eligibility period provided under this section;

e. A tax credit shall be permitted under this section only for those new full-time, permanent employees who have been employed for at least six continuous months by the taxpayer during the tax year for which the tax credit is claimed.

f. A newly employed employee shall not be deemed a new full-time, permanent employee for the purposes of this section unless the total number of full-time, permanent employees, including the newly employed employee, employed by the employer in the zone during the calendar year exceeds the greatest number of full-time, permanent employees employed in the zone by the employer during any prior calendar year during the period commencing with the date of zone designation.

5. Section 34 of P.L. 1980, c. 105 (C. 54:32B-8.22) is amended to read as follows:

C. 54:32B-8.22 Sales tax exemption.

34. Receipts from sales made to contractors or repairmen of materials, supplies or services for exclusive use in erecting structures or building on, or otherwise improving, altering or repairing real property of:

a. Organizations described in subsections (a) and (b) of section 9 of the "Sales and Use Tax Act," P.L. 1966, c. 30 (C. 54:32B-9);

b. Qualified businesses within an enterprise zone as authorized in section 20 of the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c. 303 (C. 52:27H-79); and

c. Housing sponsors who have obtained financing for housing projects pursuant to the "New Jersey Housing and Mortgage Finance Agency Law of 1983," P.L. 1983, c. 530 (C. 55:14K-1 et seq.), which projects have received other federal, State or local subsidies in order to achieve financial feasibility are exempt from the tax imposed under the "Sales and Use Tax Act," provided any person seeking to qualify for the exemption shall do so pursuant to such rules and regulations and upon forms as shall be prescribed by the director.

For the purposes of this section, a qualified business within an enterprise zone shall include any urban renewal entity established pursuant to P.L. 1961, c. 40 (C. 40:55C-40 et seq.), provided, however, that the entity is the sole owner of an operating company which is a qualified business pursuant to subsection c. of section 3 of P.L. 1983, c. 303 (C. 52:27H-62), and that the entity and its operating company are situated within the same zone.

6. Section 21 of P.L. 1983, c. 303 (C. 52:27H-80) is amended to read as follows:

C. 52:27H-80 50% exemption.

21. Receipts of retail sales, except retail sales of motor vehicles 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.

7. Section 27 of P.L. 1983, c. 303 (C. 52:27H-86) is amended to read as follows:

C. 52:27H-86 Eligibility for incentives.

27. To be eligible for any of the incentives provided under this act a qualified business must demonstrate to the satisfaction of the authority that:

- a. The business will create new employment in the municipality; and
- b. The business will not create unemployment in other areas of the State, including the municipality in which the zone is located.
- c. For the purposes of eligibility for the incentives provided under sections 17, 19, 20, and 21 of P.L. 1983, c. 303 (C. 52:27H-76, 52:27H-78, 52:27H-79, and 52:27H-80, respectively), a qualified business shall not be required to meet the requirements of subsection a. of this section, if:

- (1) At the time of designation of the enterprise zone, the qualified business had been engaged in the active conduct of a trade or business in that zone for at least one year prior to that designation;

- (2) The qualified business employs fewer than 50 employees;

- (3) The qualified business has entered into an agreement, approved by the authority, with the governing body of the qualifying municipality in which the enterprise zone is located, under which the qualified business agrees to undertake an investment in the enterprise zone in lieu of the employment of new employees. An investment permitted under an agreement shall be in an amount and of a nature which the municipal governing body and the authority find shall contribute substantially to the economic attractiveness of the enterprise zone, and may include, but shall not be limited to:

- (a) The improvement of the exterior appearance or customer facilities of the property constituting the place of business of the qualified business within the zone; or

- (b) Monetary contributions to the qualifying municipality to undertake improvements to increase the safety or attractiveness of the zone to businesses which may wish to locate there or to consumer

visitors to the zone, including, but not limited to litter clean-up and control, landscaping, parking areas and facilities, recreational and rest areas and facilities, repair or improvements to public streets, curbing, sidewalks and pedestrian thoroughfares, street lighting, or increased police, fire or sanitation services in the enterprise zone.

In order to meet the requirements of paragraph (3) of this subsection, an investment shall be in an amount no less than \$5,000.00 if the qualified business employs 10 or fewer employees, or if the qualified business employs more than 10 employees, not less than the amount produced by multiplying the number of employees employed by the qualified business by \$500.00. In order to receive the incentives permitted by this section, the business shall provide written evidence of the investment to the authority.

8. Section 18 of P.L. 1983, c. 303 (C. 52:27H-77) is amended to read as follows:

C. 52:27H-77 Carry-forward permitted.

18. Enterprise zone employee tax credits or enterprise zone investment tax credits provided under section 19 of this act shall not reduce a taxpayer's tax liability under the "Corporation Business Tax Act (1945)," P.L. 1945, c. 162 (C. 54:10A-1 et seq.) in any tax year by more than 50% of the amount otherwise due, but either employee tax credits or investment tax credits remaining and unused in a tax year may be carried forward by the taxpayer to the next succeeding tax year and applied against 50% of the amount of tax otherwise due in that succeeding tax year.

C. 52:27H-80.2 2 or more contiguous municipalities.

9. In addition to those enterprise zones to which the provisions of section 21 of P.L. 1983, c. 303 (C. 52:27H-80) have been or may be extended by the authority, the provisions of that section shall be extended to any designated enterprise zone situated within two or more contiguous qualifying municipalities.

10. This act shall take effect immediately, except that the provisions of subsections a. and b. of section 19 of P.L. 1983, c. 303 (C. 52:27H-78) as amended in section 4 shall be applicable to taxable years beginning on or after July 1, 1988.

Approved August 4, 1988.

CHAPTER 94

AN ACT revising the law concerning corporations, amending and supplementing the “New Jersey Business Corporation Act” being Title 14A of the New Jersey Statutes, enacting additional sections to Title 14A of the New Jersey Statutes, and repealing various sections of law in connection therewith.

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

1. Section 14A:1-2.1 is added to the New Jersey Statutes as follows:

Definitions.

14A:1-2.1. Definitions.

As used in this act, unless the context otherwise requires, the term:

- (a) “Act” or “this act” means the “New Jersey Business Corporation Act” and includes all amendments and supplements thereto.
- (b) “Attorney General” means the Attorney General of New Jersey.
- (c) “Authorized shares” means the shares of all classes and series which the corporation is authorized to issue.
- (d) “Board” means board of directors. “Entire board” means the total number of directors which the corporation would have if there were no vacancies.
- (e) “Bonds” includes secured and unsecured bonds, debentures, notes and other written obligations for the payment of money.
- (f) “Certificate of incorporation” includes:
 - (i) the original certificate of incorporation or any other instrument filed or issued under any statute to form a domestic or foreign corporation, as amended, supplemented or restated by certificates of amendment, merger or consolidation or by other certificates or instruments filed or issued under any statute; and
 - (ii) a special act or charter creating a domestic or foreign corporation, as amended, supplemented or restated.
- (g) “Corporation” or “domestic corporation” means a corporation for profit organized under this act, or existing on its effective date and theretofore organized under any other law of this State for a

purpose or purposes for which a corporation may be organized under this act.

(h) "Director" means any member of the governing board of a corporation, whether designated as director, trustee, manager, governor, or by any other title.

(i) "Foreign corporation" means a corporation for profit organized under laws of a jurisdiction other than this State for a purpose or purposes for which a corporation may be organized under this act.

(j) "Resolution" means any action taken or authority granted by the shareholders, the board, or a committee of the board, regardless of whether evidenced by a formal resolution.

(k) "Secretary of State" means the Secretary of State of New Jersey.

(l) "Shareholder" means one who is a holder of record of shares in a corporation.

(m) "Shares" means the units into which the proprietary interests in a corporation are divided.

(n) "Subscriber" means one who subscribes for shares in a corporation, whether before or after incorporation.

(o) "Subsidiary" means a domestic or foreign corporation whose outstanding shares are owned directly or indirectly by another domestic or foreign corporation in such number as to entitle the holder at the time to elect a majority of its directors without regard to voting power which may thereafter exist upon a default, failure or other contingency.

(p) "Treasury shares" means shares of a corporation which have been issued, and have been subsequently acquired by the corporation under circumstances which do not result in cancellation. Treasury shares are issued shares, but not outstanding shares.

2. N.J.S. 14A:1-6 is amended to read as follows:

Execution, filing and recording of documents.

14A:1-6. Execution, filing and recording of documents.

(1) If a document relating to a domestic or foreign corporation is required or permitted to be filed in the office of the Secretary of State under this act:

(a) The document shall be in the English language, shall be typed or machine printed, except that the corporate name need not be in the English language if written in English letters or Arabic or Roman numerals, and except that this requirement shall not apply to a certificate of good standing under paragraph 14A:2-4(2)(b), section 14A:2-5, or subsection 14A:13-4 (2).

(b) The filing shall be accomplished by delivering the document to the office of the Secretary of State, together with the fees and any accompanying documents required by law. Thereupon, the Secretary of State shall endorse the document with the word "Filed" with his official title and shall file it in his office. Each document accepted for filing shall be deemed filed as of the latest date and time of receipt stamped upon it pursuant to subsection (1). If a document was erroneously rejected for filing by the Secretary of State or for any other reason the latest "received" date would not properly reflect the filing date, the Secretary of State shall, upon request, mark the document "Filed" as of the correct date.

(c) The transaction in connection with which the document has been filed shall be effective at the time of filing, unless a subsequent effective time is set forth in such document pursuant to any other provision of this act, in which case such transaction shall be effective at the time so specified, which shall in no event be later than 90 days after the date of filing.

(2) If a document relating to a domestic corporation or a foreign corporation is required or permitted to be filed under this act and is also required by this act to be executed on behalf of such corporation, the document shall be signed by the chairman of the board, or the president or a vice-president. The name of any person so signing such a document, and the capacity in which he signs, shall be stated beneath or opposite his signature. The document may, but need not, contain

(a) The corporate seal; or

(b) An attestation by the secretary or an assistant secretary of the corporation; or

(c) An acknowledgment or proof.

If the corporation is in the hands of a receiver, trustee, or other court appointed officer, the document shall be signed by such fiduciary or the majority of them, if there are more than one.

(3) (Deleted by amendment, P.L. 1988, c. 94.)

(4) The Secretary of State shall record all documents, excepting annual reports, which relate to or in any way affect corporations, and which are required or permitted by law to be filed in his office. The recording may be effected by typewritten copy, or by photographic, microphotographic or microfilming process, or in such other manner as may be provided by law. Such records shall be kept in a place separate and away from the place where the originals are filed.

(5) If any instrument filed with the Secretary of State under any provision of this act is an inaccurate record of the corporate action therein referred to, or was defectively or erroneously executed, such instrument may be corrected by filing with the Secretary of State a certificate of correction executed on behalf of the corporation. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth the correction. The instrument so corrected shall be deemed to have been effective in its corrected form as of its original filing date except as to persons who relied upon the inaccurate portion of the certificate and who are adversely affected by the correction; the correction shall be effective as to such persons as of the effective date of filing of the certificate of correction.

(6) Whenever this act requires that any certificate, report or statement made, published or recorded by any corporation, domestic or foreign, state the residence or post office address of any incorporator, shareholder, director or officer, there may be furnished in the document either the home address or the business address of the person.

(7) All documents submitted or resubmitted to the Secretary of State shall be stamped immediately with the word "Received" together with the date and time of receipt.

3. N.J.S. 14A:1-8 is amended to read as follows:

Notices.

14A:1-8. Notices.

In computing the period of time for the giving of any notice required or permitted by this act, or by a certificate of incorporation or by-laws or any resolution of directors or shareholders, the day on which the notice is given shall be excluded, and the day on which the matter noticed is to occur shall be included. If notice is given by mail, the notice shall be deemed to be given when deposited in the mail addressed to the person to whom it is directed at his last address as it appears on the records of the corporation, with postage prepaid thereon. Any notice required or permitted to be given under

this act by mail or by certified mail, return receipt requested, may be given by personal delivery to the person to whom it is directed.

4. N.J.S. 14A:1-9 is amended to read as follows:

Certificates and certified copies.

14A:1-9. Certificates and certified copies.

(1) Upon request of any person, the Secretary of State shall furnish certified copies of documents filed in his office in accordance with the provisions of this act.

(2) Upon request of any person, the Secretary of State shall certify to the existence or non-existence of any facts on record in his office relating to domestic or foreign corporations.

(3) In addition, the Secretary of State shall provide information and documents upon telephone request and over the counter in accordance with sections 3 and 4 of P.L. 1982, c. 150 (C. 52:16A-37 and C. 52:16A-38).

5. Section 14A:1-10 is added to the New Jersey Statutes as follows:

Filing documents by telecopy.

14A:1-10. Filing documents by telecopy.

(1) The Secretary of State may accept for filing by means of telecopy any document required or permitted to be filed in the office of the Secretary of State except those requiring an original signature.

(2) The Secretary of State shall charge a fee for the filing of a document by telecopy, which fee shall be in addition to the usual fee charged for filing the document.

(3) "Telecopy" means any method or means adopted by the Secretary of State for the transmission or receipt of facsimile documents.

6. Section 14A:1-11 is added to the New Jersey Statutes as follows:

Preclearance of documents to be filed.

14A:1-11. Preclearance of documents to be filed.

Any document required to be filed under this act may be submitted to the Secretary of State for review prior to the time the document is formally filed. The Secretary of State shall determine whether the document is acceptable for filing and, if it is not acceptable, shall state why it is not acceptable. The Secretary of State shall charge a fee for the preclearance of documents.

7. N.J.S. 14A:2-2 is amended to read as follows:

Corporate name of domestic or foreign corporations.

14A:2-2. Corporate name of domestic or foreign corporations.

(1) The corporate name of a domestic corporation or of a foreign corporation authorized to transact business in this State

(a) Shall not contain any word or phrase, or abbreviation or derivative thereof, which indicates or implies that it is organized for any purpose other than one or more of the purposes permitted by its certificate of incorporation;

(b) Shall be such as to distinguish it upon the records in the office of the Secretary of State from the names of other for profit and nonprofit domestic corporations and for profit and nonprofit foreign corporations qualified to do business in this State and from the names of domestic limited partnerships and foreign limited partnerships and from names subject to a current name reservation or a current name registration, unless there is filed a certified copy of a final judgment of a court of competent jurisdiction establishing the prior right of the corporation to the use of such name in this State;

(c) Shall not contain any word or phrase, or any abbreviation or derivative thereof, the use of which is prohibited or restricted by any other statute of this State, unless any such restrictions have been complied with; and

(d) Shall contain the word "corporation," "company," "incorporated," or shall contain an abbreviation of one of those words, or shall include the abbreviation Ltd. or shall contain words or abbreviations of like import in other languages, except that a foreign corporation which does not have those words or an abbreviation thereof in its name shall add at the end of its name one of those words or an abbreviation thereof for use in this State.

(2) This section

(a) Shall not require any domestic corporation or any foreign corporation authorized to transact business in this State to change its corporate name; and

(b) Shall not prevent a domestic corporation with which another corporation, domestic or foreign, is merged, or which is formed by the reorganization or consolidation of one or more other domestic or foreign corporations or upon a sale, lease or other disposition to, or exchange with, a domestic corporation of all or substantially all the

assets of another corporation, domestic or foreign, including its name, from having the same corporate name as any of such corporations if at the time such other corporation was organized under the laws of, or is authorized to transact business in, this State.

(3) If the name of a foreign corporation is not available for use in this State because of the prohibitions of subsection 14A:2-2 (1), such corporation may be authorized to transact business in this State under an assumed name which is available for corporate use under this section. Such corporation shall file in the office of the Secretary of State with its application for an original or amended certificate of authority a resolution of its board adopting such assumed name for use in transacting business in this State.

(4) The corporate name of a domestic corporation or nonprofit corporation which has been dissolved shall not be available for corporate use for one year after the effective time of dissolution, unless, within such one-year period, the written consent of such dissolved corporation to the adoption of its name is filed in the office of the Secretary of State with the certificate of incorporation of another domestic corporation or with the application of a foreign corporation for an original or amended certificate of authority to transact business in this State.

(5) The filing in the office of the Secretary of State of the certificate of incorporation of a domestic corporation or the issuance by the Secretary of State of a certificate to a foreign corporation authorizing it to transact business in this State shall not preclude an action by this State to enjoin a violation of this section or an action by any person adversely affected to enjoin such violation or the use of a corporate name in violation of the rights of such person, whether on principles of unfair competition or otherwise. The court in any such action may grant any other appropriate relief.

8. N.J.S. 14A:2-2.1 is amended to read as follows:

Corporate alternate names.

14A:2-2.1. Corporate alternate names.

(1) No domestic corporation, or foreign corporation which transacts business in this State within the meaning of section 14A:13-3, shall transact any business in this State using a name other than its actual name unless

(a) It also uses its actual name in the transaction of any such business in such a manner as not to be deceptive as to its actual identity; or

(b) It has been authorized to transact business in this State, using an assumed name as provided in subsection 14A:2-2(3); or

(c) It has first registered the alternate name as provided in this section.

(2) Any corporation may adopt and use any alternate name, including any which would be unavailable as the name of a domestic or foreign corporation because of the prohibitions of paragraph 14A:2-2(1)(b), but not including a name prohibited as a corporate name by paragraph 14A:2-2(1)(c), by filing a certificate of registration of a corporate alternate name with the Secretary of State executed on behalf of the corporation. The certificate shall set forth

(a) The name, jurisdiction and date of incorporation of the corporation;

(b) The alternate name;

(c) A brief statement of the character or nature of the particular business or businesses to be conducted using the alternate name;

(d) That the corporation intends to use such name in this State;

(e) That the corporation has not previously used the alternate name in this State in violation of this section or, if it has, the month and year in which it commenced such use.

(3) Such a registration shall be effective for five years from the date of filing, unless sooner terminated as provided below, and may be renewed successively for additional five-year periods by filing a certificate of renewal executed on behalf of the corporation at any time within three months prior to, but not later than, the date of expiration of the registration. Not more than four months and not less than one month prior to the date of expiration of the registration, the Secretary of State shall notify the corporation of the date of expiration and the requirements for renewal of the registration. The certificate of renewal shall be effective as of the date of expiration of the earlier registration. The certificate of renewal shall set forth the information required in paragraph 14A:2-2.1(2)(a) through paragraph 14A:2-2.1(2)(d), the date of filing of the certificate of registration then in effect, and that the corporation is continuing to use the alternate name. If a corporation ceases to use an alternate name in this State prior to the expiration date of the five-year registration period, it may file a termination certificate. A termination certificate shall state the name of the corporation, the alternate name for which the corporation has filed a certificate of registration and that the

corporation has ceased to use the registered alternate name. The termination certificate may recite the date upon which the corporation ceased to use the alternate name, but no recital shall be required.

(4) Nothing in this section shall be construed

(a) To grant to the registrant of an alternate name any right in the name as against any prior or subsequent user of the name, regardless of whether used as a trademark, trade name, business name, or corporate name; or

(b) To interfere with the power of any court to enjoin the use of any such name on the basis of the law of unfair competition or on any other basis except the mere fact of identity or similarity of the alternate name to any other corporate name.

(5) A corporation which has used an alternate name in this State contrary to the provisions of this section shall, upon filing a certificate of registration of alternate name or an untimely certificate of renewal, pay to the Secretary of State the filing fee prescribed for such a certificate plus an additional filing fee equal to the full amount of the regular filing fee multiplied by the number of years it has been using such alternate name in violation of this section after August 1, 1974. For purposes of this subsection, any part of a year shall be considered a full year.

(6) The failure of a corporation to file a certificate of registration or renewal of alternate name shall not impair the validity of any contract or act of such corporation and shall not prevent such corporation from defending any action or proceeding in any court of this State, but no such corporation shall maintain any action or proceeding in any court of this State arising out of a contract or act in which it used such alternate name until it has filed such a certificate.

(7) (a) A corporation which files a certificate of registration of alternate name which contains a false statement or omission regarding the date it first used a fictitious name in this State shall, if such false statement or omission reduces the amount of the additional fee it paid or should have paid as provided in subsection 14A:2-2.1(5), forfeit to the State a penalty of not less than \$200.00 nor more than \$500.00.

(b) A corporation which ought to have filed a certificate of registration or renewal of alternate name and fails to do so within 60 days after being notified of its obligation to do so by certified or

registered mail by the Secretary of State, by any other governmental officer, or by any person aggrieved by its failure to do so, shall forfeit to the State a penalty of not less than \$200.00 nor more than \$500.00.

(c) Such penalty shall be recovered with costs in an action prosecuted by the Attorney General. The court may proceed in such an action in a summary manner or otherwise.

(8) (Deleted by amendment, P.L. 1988, c. 94.)

9. N.J.S. 14A:2-3 is amended to read as follows:

Reserved name.

14A:2-3. Reserved name.

(1) The exclusive right to the use of a corporate name may be reserved upon compliance with the provisions of this section.

(2) The reservation shall be made by filing in the office of the Secretary of State an application to reserve a specified corporate name, or the first name available for corporate use among not more than three specified names, executed by or on behalf of the applicant and setting forth the name and address of the applicant. If the Secretary of State finds that the name complies with the provisions of section 14A:2-2, he shall reserve it for the exclusive use of the applicant for a period of 120 days from the date of filing of the application and shall issue a certificate of reservation.

(3) The right to the exclusive use of a specified corporate name so reserved may be transferred by filing in the office of the Secretary of State a notice of such transfer, executed by or on behalf of the applicant for whom the name was reserved, and specifying the name and address of the transferee.

(4) The holder of a reserved name may renew the reservation for additional periods of 120 days by filing an application for renewal within the last 30 days of the current reservation period. There shall be no limit upon the number of renewals.

10. N.J.S. 14A:2-7 is amended to read as follows:

Certificate of incorporation.

14A:2-7. Certificate of incorporation.

(1) The certificate of incorporation shall set forth:

(a) The name of the corporation;

(b) The purpose or purposes for which the corporation is organized. It shall be a sufficient compliance with this paragraph to

state, alone or with specifically enumerated purposes, that the corporation may engage in any activity within the purposes for which corporations may be organized under this act, and all such activities shall by such statement be deemed within the purposes of the corporation, subject to express limitations, if any;

(c) The aggregate number of shares which the corporation shall have authority to issue;

(d) If the shares are, or are to be, divided into classes, or into classes and series, the designation of each class and series, the number of shares in each class and series, and a statement of the relative rights, preferences and limitations of the shares of each class and series, to the extent that such designations, numbers, relative rights, preferences and limitations have been determined;

(e) If the shares are, or are to be, divided into classes, or into classes and series, a statement of any authority vested in the board to divide the shares into classes or series or both, and to determine or change for any class or series its designation, number of shares, relative rights, preferences and limitations;

(f) Any provision not inconsistent with this act or any other statute of this State, which the incorporators elect to set forth for the management of the business and the conduct of the affairs of the corporation, or creating, defining, limiting or regulating the powers of the corporation, its directors and shareholders or any class of shareholders, including any provision which under this act is required or permitted to be set forth in the by-laws;

(g) The address of the corporation's initial registered office, and the name of the corporation's initial registered agent at such address;

(h) The number of directors constituting the first board and the names and addresses of the persons who are to serve as such directors;

(i) The names and addresses of the incorporators;

(j) The duration of the corporation if other than perpetual; and

(k) If, pursuant to subsection 14A:2-7(2), the certificate of incorporation is to be effective on a date subsequent to the date of filing, the effective date of the certificate.

(2) The certificate of incorporation shall be filed in the office of the Secretary of State. The corporate existence shall begin upon the effective date of the certificate, which shall be the date of the filing or such later time, not to exceed 90 days from the date of filing, as

may be set forth in the certificate. Such filing shall be conclusive evidence that all conditions precedent required to be performed by the incorporators have been complied with and, after the corporate existence has begun, that the corporation has been incorporated under this act, except as against this State in a proceeding to cancel or revoke the certificate of incorporation or for involuntary dissolution of the corporation.

(3) The certificate of incorporation may provide that a director shall not be personally liable, or shall be liable only to the extent therein provided, to the corporation or its shareholders for damages for breach of any duty owed to the corporation or its shareholders, except that such provision shall not relieve a director from liability for any breach of duty based upon an act or omission (a) in breach of such person's duty of loyalty to the corporation or its shareholders, (b) not in good faith or involving a knowing violation of law or (c) resulting in receipt by such person of an improper personal benefit.

11. N.J.S. 14A:3-3 is amended to read as follows:

Guaranty not in furtherance of business interest.

14A:3-3. Guaranty not in furtherance of business interest.

(1) A corporation may give a guaranty not in furtherance of its direct or indirect business interests only when authorized at a meeting of shareholders by the affirmative vote of all of the votes cast by the holders of each class and series of shares entitled to vote thereon. If authorized by such a vote, the guaranty may be secured by a mortgage of or a security interest in all or any part of the corporate property, or any interest therein, wherever situated.

(2) Nothing in subsection 14A:3-3(1) shall be deemed to diminish the rights, if any, of the corporation's creditors.

12. N.J.S. 14A:3-4 is amended to read as follows:

Contributions by corporations.

14A:3-4. Contributions by corporations.

(1) Any corporation organized for any purpose under any general or special law of this State, unless otherwise provided in its certificate of incorporation or by-laws, shall have power, irrespective of corporate benefit, to aid, singly or in cooperation with other corporations and with natural persons, in the creation or maintenance of institutions or organizations engaged in community fund, hospital, charitable, philanthropic, educational, scientific or benevolent activities or patriotic or civic activities conducive to the betterment of social

and economic conditions, and the board may authorize the making of contributions for those purposes in money, securities, including shares of the corporation, or other property, in such reasonable amounts as the board may determine; provided, that a contribution shall not be authorized hereunder if at the time of the contribution or immediately thereafter the donee institution shall own more than 10% of the voting stock of the donor corporation or one of its subsidiaries.

(2) The provisions of this section shall not be construed as directly or indirectly minimizing or interpreting the rights and powers of corporations, as heretofore existing, with reference to appropriations, expenditures or contributions of the nature above specified.

13. N.J.S. 14A:3-5 is amended to read as follows:

Indemnification of directors, officers and employees.

14A:3-5. Indemnification of directors, officers and employees.

(1) As used in this section,

(a) "Corporate agent" means any person who is or was a director, officer, employee or agent of the indemnifying corporation or of any constituent corporation absorbed by the indemnifying corporation in a consolidation or merger and any person who is or was a director, officer, trustee, employee or agent of any other enterprise, serving as such at the request of the indemnifying corporation, or of any such constituent corporation, or the legal representative of any such director, officer, trustee, employee or agent;

(b) "Other enterprise" means any domestic or foreign corporation, other than the indemnifying corporation, and any partnership, joint venture, sole proprietorship, trust or other enterprise, whether or not for profit, served by a corporate agent;

(c) "Expenses" means reasonable costs, disbursements and counsel fees;

(d) "Liabilities" means amounts paid or incurred in satisfaction of settlements, judgments, fines and penalties;

(e) "Proceeding" means any pending, threatened or completed civil, criminal, administrative or arbitral action, suit or proceeding, and any appeal therein and any inquiry or investigation which could lead to such action, suit or proceeding; and

(f) References to "other enterprises" include employee benefit plans; references to "fines" include any excise taxes assessed on a

person with respect to an employee benefit plan; and references to "serving at the request of the indemnifying corporation" include any service as a corporate agent which imposes duties on, or involves services by, the corporate agent with respect to an employee benefit plan, its participants, or beneficiaries; and a person who acted in good faith and in a manner the person reasonably believed to be in the interest of the participants and beneficiaries of an employee benefit plan shall be deemed to have acted in a manner "not opposed to the best interests of the corporation" as referred to in this section.

(2) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses and liabilities in connection with any proceeding involving the corporate agent by reason of his being or having been such a corporate agent, other than a proceeding by or in the right of the corporation, if

(a) Such corporate agent acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation; and

(b) With respect to any criminal proceeding, such corporate agent had no reasonable cause to believe his conduct was unlawful. The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not of itself create a presumption that such corporate agent did not meet the applicable standards of conduct set forth in paragraphs 14A:3-5(2)(a) and 14A:3-5(2)(b).

(3) Any corporation organized for any purpose under any general or special law of this State shall have the power to indemnify a corporate agent against his expenses in connection with any proceeding by or in the right of the corporation to procure a judgment in its favor which involves the corporate agent by reason of his being or having been such corporate agent, if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation. However, in such proceeding no indemnification shall be provided in respect of any claim, issue or matter as to which such corporate agent shall have been adjudged to be liable to the corporation, unless and only to the extent that the Superior Court or the court in which such proceeding was brought shall determine upon application that despite the adjudication of liability, but in view of all circumstances of the case, such corporate agent is fairly and reasonably entitled to indemnity for such expenses as the Superior Court or such other court shall deem proper.

(4) Any corporation organized for any purpose under any general or special law of this State shall indemnify a corporate agent against expenses to the extent that such corporate agent has been successful on the merits or otherwise in any proceeding referred to in subsections 14A:3-5(2) and 14A:3-5(3) or in defense of any claim, issue or matter therein.

(5) Any indemnification under subsection 14A:3-5(2) and, unless ordered by a court, under subsection 14A:3-5(3) may be made by the corporation only as authorized in a specific case upon a determination that indemnification is proper in the circumstances because the corporate agent met the applicable standard of conduct set forth in subsection 14A:3-5(2) or subsection 14A:3-5(3). Unless otherwise provided in the certificate of incorporation or by-laws, such determination shall be made

(a) By the board of directors or a committee thereof, acting by a majority vote of a quorum consisting of directors who were not parties to or otherwise involved in the proceeding; or

(b) If such a quorum is not obtainable, or, even if obtainable and such quorum of the board of directors or committee by a majority vote of the disinterested directors so directs, by independent legal counsel, in a written opinion, such counsel to be designated by the board of directors; or

(c) By the shareholders if the certificate of incorporation or by-laws or a resolution of the board of directors or of the shareholders so directs.

(6) Expenses incurred by a corporate agent in connection with a proceeding may be paid by the corporation in advance of the final disposition of the proceeding as authorized by the board of directors upon receipt of an undertaking by or on behalf of the corporate agent to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified as provided in this section.

(7) (a) If a corporation upon application of a corporate agent has failed or refused to provide indemnification as required under subsection 14A:3-5(4) or permitted under subsections 14A:3-5(2), 14A:3-5(3) and 14A:3-5(6), a corporate agent may apply to a court for an award of indemnification by the corporation, and such court

(i) may award indemnification to the extent authorized under subsections 14A:3-5(2) and 14A:3-5(3) and shall award indemnification to the extent required under subsection 14A:3-5(4), notwith-

standing any contrary determination which may have been made under subsection 14A:3-5(5); and

(ii) may allow reasonable expenses to the extent authorized by, and subject to the provisions of, subsection 14A:3-5(6), if the court shall find that the corporate agent has by his pleadings or during the course of the proceeding raised genuine issues of fact or law.

(b) Application for such indemnification may be made

(i) in the civil action in which the expenses were or are to be incurred or other amounts were or are to be paid; or

(ii) to the Superior Court in a separate proceeding. If the application is for indemnification arising out of a civil action, it shall set forth reasonable cause for the failure to make application for such relief in the action or proceeding in which the expenses were or are to be incurred or other amounts were or are to be paid.

The application shall set forth the disposition of any previous application for indemnification and shall be made in such a manner and form as may be required by the applicable rules of court or, in the absence thereof, by direction of the court to which it is made. Such application shall be upon notice to the corporation. The court may also direct that notice shall be given at the expense of the corporation to the shareholders and such other persons as it may designate in such manner as it may require.

(8) The indemnification and advancement of expenses provided by or granted pursuant to the other subsections of this section shall not exclude any other rights to which a corporate agent may be entitled under a certificate of incorporation, by-law, agreement, vote of shareholders, or otherwise; provided that no indemnification shall be made to or on behalf of a corporate agent if a judgment or other final adjudication adverse to the corporate agent establishes that his acts or omissions (a) were in breach of his duty of loyalty to the corporation or its shareholders, (b) were not in good faith or involved a knowing violation of law or (c) resulted in receipt by the corporate agent of an improper personal benefit.

(9) Any corporation organized for any purpose under any general or special law of this State shall have the power to purchase and maintain insurance on behalf of any corporate agent against any expenses incurred in any proceeding and any liabilities asserted against him by reason of his being or having been a corporate agent, whether or not the corporation would have the power to indemnify

him against such expenses and liabilities under the provisions of this section. The corporation may purchase such insurance from, or such insurance may be reinsured in whole or in part by, an insurer owned by or otherwise affiliated with the corporation, whether or not such insurer does business with other insureds.

(10) The powers granted by this section may be exercised by the corporation, notwithstanding the absence of any provision in its certificate of incorporation or by-laws authorizing the exercise of such powers.

(11) Except as required by subsection 14A:3-5(4), no indemnification shall be made or expenses advanced by a corporation under this section, and none shall be ordered by a court, if such action would be inconsistent with a provision of the certificate of incorporation, a by-law, a resolution of the board of directors or of the shareholders, an agreement or other proper corporate action, in effect at the time of the accrual of the alleged cause of action asserted in the proceeding, which prohibits, limits or otherwise conditions the exercise of indemnification powers by the corporation or the rights of indemnification to which a corporate agent may be entitled.

(12) This section does not limit a corporation's power to pay or reimburse expenses incurred by a corporate agent in connection with the corporate agent's appearance as a witness in a proceeding at a time when the corporate agent has not been made a party to the proceeding.

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

Function of registered agent and office; service of process, notice or demand.

14A:4-2. Function of registered agent and office; service of process, notice or demand.

(1) Every registered agent shall be an agent of the corporation which has appointed him, upon whom process against the corporation may be served.

(2) Whenever any law of this State requires or permits any notice or demand to be given to or made upon a domestic corporation or a foreign corporation authorized to transact business in this State, its officers or directors, such notice or demand may be sent by mail or otherwise, as the law may require or permit, to the registered office of the corporation in this State, and such notice so given or demand so made shall be sufficient notice or demand.

(3) The provisions of this section shall not exclude any other

method provided by law for service of process upon a corporation, domestic or foreign, or for service of a notice or demand upon such corporation, its officers or directors.

(4) (Deleted by amendment, P.L. 1988, c. 94.)

15. N.J.S. 14A:4-4 is amended to read as follows:

Resignation of registered agent.

14A:4-4. Resignation of registered agent.

(1) The registered agent of a domestic corporation or a foreign corporation authorized to transact business in this State may resign by complying with the provisions of this section.

(2) The registered agent shall serve a notice of resignation by certified mail, return receipt requested, upon the president, or any vice president, or the secretary or treasurer of the corporation at the address last known to the agent, and shall make an affidavit of such service. The notice shall also advise the recipient of the requirements of subsection 14A:4-3(1) and the penalties for failure to comply imposed by subsection 14A:4-3(4). If such service cannot be made, the affidavit shall so state, and shall state briefly why such service cannot be made. The affidavit, together with a copy of the notice of resignation, shall be filed in the office of the Secretary of State.

(3) Such resignation shall become effective upon the expiration of 30 days after the filing in the office of the Secretary of State of the affidavit under this section or upon the designation by the corporation of a new registered agent pursuant to this act, whichever is earlier. If the corporation fails to designate a new registered agent within said 30-day period, the corporation shall thereafter be deemed to have no registered agent or registered office in this State.

(4) Service of a notice of resignation shall be in lieu of and shall be deemed to be the written demand of the Secretary of State required by subsection 14A:4-3(4).

16. N.J.S. 14A:4-5 is amended to read as follows:

Annual report to Secretary of State.

14A:4-5. Annual report to Secretary of State.

(1) Every domestic corporation and every foreign corporation authorized to transact business in this State shall file in the office of the Secretary of State, within the time prescribed by this section, an annual report, executed on behalf of the corporation, or executed by the registered agent, setting forth

(a) The name of the corporation and, in the case of a foreign corporation, the jurisdiction of its incorporation;

(b) The address of the registered office of the corporation in this State, and the name of its registered agent in this State at such address;

(c) The names and addresses of the directors and officers of the corporation;

(d) (Deleted by amendment, P.L. 1988, c. 94.)

(e) The address of its main business or headquarters office; and

(f) The address of its principal business office in New Jersey, if any.

(2) The Secretary of State shall designate a date for filing annual reports for each corporation required to submit a report pursuant to this section and shall annually notify the corporation of the date so designated not less than 60 days prior to such date. The corporation shall file the report within 30 days before or 30 days after the date so designated. If the date so designated is not more than six months after the date on which an annual report pursuant to the provisions of prior law was filed or on which the certificate of incorporation became effective, the corporation shall not be required to file an annual report until one year after the first occurrence of the date so designated.

(3) If the report is not so filed, the corporation shall, after written demand therefor by the Secretary of State by certified mail addressed to the corporation at the last address appearing of record in his office, forfeit to the State a penalty of \$200.00 for each report required to have been filed not more than five years prior thereto and remaining unfiled, to be recovered with costs in a civil action prosecuted by the Attorney General. No corporation shall be subject to penalty if it shall, within 30 days after such written demand, file the reports required by law and pay to the Secretary of State the fee provided by law for the filing of each such report. In lieu of such civil action, the Secretary of State, after expiration of such 30-day period, may issue a certificate to the Clerk of the Superior Court that the corporation is indebted for the payment of such penalty, and thereupon the clerk shall immediately enter upon his record of docketed judgments the name of such corporation as the judgment debtor, and of the State as the judgment creditor, a statement that the penalty is imposed under this section, the amount of the penalty, and the date

of such certificate. Such entry shall have the same force as a judgment docketed in the Superior Court. The Secretary of State within five days after such entry shall give notice thereof to the corporation by certified mail addressed to the corporation at the last address appearing of record in his office.

(4) The Secretary of State shall furnish annual report forms, shall keep in his office all such reports and shall prepare an alphabetical index thereof, which reports and index shall be open to public inspection at proper hours.

(5) In the event a domestic corporation fails to file an annual report for two consecutive years with the Secretary of State, then, after written notice by certified mail to the corporation at its last known main business or headquarters office and at the address of its registered agent, the Secretary of State may issue a proclamation declaring that the certificate of incorporation of the corporation has been revoked and that all powers conferred by law upon it shall thereafter be inoperative and void. The proclamation of the Secretary of State shall be filed in the office of the Secretary of State. No corporation's certificate of incorporation shall be revoked pursuant to this subsection if, within 30 days after the giving of notice, it files the reports required by law and pays to the Secretary of State all of the fees due for the filing of the reports and all penalties which have been imposed pursuant to subsection (3).

(6) In the event a foreign corporation fails to file an annual report for two consecutive years with the Secretary of State, then, after written notice by certified mail to the corporation at its last known main business or headquarters office and at the address of its registered agent, the Secretary of State may issue a proclamation declaring that the certificate of authority to do business of the corporation and the powers conferred by law upon it shall be revoked. The proclamation of the Secretary of State shall be filed in the office of the Secretary of State. No corporation's certificate of authority shall be revoked pursuant to this paragraph if, within 30 days after the giving of notice, it files the reports required by law and pays to the Secretary of State all of the fees due for the filing of the reports and all penalties which have been imposed pursuant to subsection (3).

(7) If the certificate of incorporation of a domestic corporation or a certificate of authority of a foreign corporation has been revoked by proclamation, the certificate shall be reinstated by proclamation of the Secretary of State upon: (a) payment by the corporation of all fees and fines due to the Secretary of State and (b) certification

of the Director of the Division of Taxation that no cause exists for revocation of the corporation's certificate of incorporation or certificate of authority pursuant to R.S. 54:11-2. The reinstatement relates back to the date of issuance of the proclamation revoking the certificate of incorporation or the certificate of authority and shall validate all actions taken in the interim. In the event that in the interim the corporate name has become unavailable, the Secretary of State shall issue the certificate upon, in the case of a domestic corporation, the filing of an amendment to its certificate of incorporation to change the corporate name to an available name, and, in the case of a foreign corporation, the filing of an amended certificate of authority adopting an assumed name.

17. N.J.S. 14A:5-8 is amended to read as follows:

Voting list.

14A:5-8. Voting list.

(1) The officer or agent having charge of the stock transfer books for shares of a corporation shall make a complete list of the shareholders entitled to vote at a shareholders' meeting or any adjournment thereof. A list required by this subsection may consist of cards arranged alphabetically or any equipment which permits the visual display of the information required by this section. Such list shall

(a) Be arranged alphabetically within each class, series, or group of shareholders maintained by the corporation for convenience of reference, with the address of, and the number of shares held by, each shareholder;

(b) Be produced (or available by means of a visual display) at the time and place of the meeting;

(c) Be subject to the inspection of any shareholder for reasonable periods during the meeting; and

(d) Be prima facie evidence as to who are the shareholders entitled to examine such list or to vote at any meeting.

(2) If the requirements of this section have not been complied with, the meeting shall, on the demand of any shareholder in person or by proxy, be adjourned until the requirements are complied with. Failure to comply with the requirements of this section shall not affect the validity of any action taken at such meeting prior to the making of any such demand.

18. N.J.S. 14A:5-12 is amended to read as follows:

Greater voting requirements.

14A:5-12. Greater voting requirements.

(1) The provisions of the certificate of incorporation shall control whenever, with respect to any action to be authorized by the shareholders of a corporation, including the election of directors, the certificate of incorporation requires the affirmative vote of a greater proportion of the votes cast, including a unanimous vote, by the holders of shares entitled to vote thereon, or by the holders of shares of any class or series thereof, than is required by this act with respect to such action.

(2) An amendment of the certificate of incorporation which changes or deletes such a provision shall be authorized by the same vote as would be required to take action under the provision.

19. N.J.S. 14A:5-13 is amended to read as follows:

Shares owned or controlled by the corporation not voted or counted.

14A:5-13. Shares owned or controlled by the corporation not voted or counted.

A corporation holding its own shares shall not vote those shares at any meeting and those shares shall not be counted in determining the total number of outstanding shares at any given time. If the corporation holds a majority of the shares entitled to vote for the election of directors of another domestic corporation or a foreign corporation, shares of the corporation held by such other domestic corporation or foreign corporation shall not be voted at any meeting or counted in determining the total number of outstanding shares at any given time.

20. N.J.S. 14A:5-19 is amended to read as follows:

Proxy voting.

14A:5-19. Proxy voting.

(1) Every shareholder entitled to vote at a meeting of shareholders or to express consent without a meeting may authorize another person or persons to act for him by proxy. Every proxy shall be executed in writing by the shareholder or his agent, except that a proxy may be given by a shareholder or his agent by telegram or cable or by any means of electronic communication which results in a writing. No proxy shall be valid for more than 11 months, unless a longer time is expressly provided therein. Unless it is irrevocable as provided in subsection 14A:5-19(3), a proxy shall be revocable at will. The grant of a later proxy revokes any earlier proxy unless the

earlier proxy is irrevocable. A proxy shall not be revoked by the death or incapacity of the shareholder, but the proxy shall continue to be in force until revoked by the personal representative or guardian of the shareholder. The presence at any meeting of any shareholder who has given a proxy does not revoke the proxy unless the shareholder files written notice of the revocation with the secretary of the meeting prior to the voting of the proxy or votes the shares subject to the proxy by written ballot.

(2) A person named in a proxy as the attorney or agent of a shareholder may, if the proxy so provides, substitute another person to act in his place, including any other person named as an attorney or agent in the same proxy. The substitution shall not be effective until an instrument effecting it is filed with the secretary of the corporation.

(3) A proxy which states that it is irrevocable is irrevocable if coupled with an interest either in the stock itself or in the corporation and, in particular and without limitation, if it is held by any of the following or a nominee of any of the following:

- (a) A pledgee;
- (b) A person who has purchased or agreed to purchase the shares;
- (c) A creditor of the corporation who has extended credit or has agreed to continue to extend credit to the corporation if the proxy is given in consideration of the extension or continuation;
- (d) A person who has agreed to perform services as an employee of the corporation if the proxy is given in consideration of the agreement; or
- (e) A person designated pursuant to the terms of an agreement as to voting between two or more shareholders.

An irrevocable proxy becomes revocable when the interest which supports the proxy has terminated.

(4) Unless noted conspicuously on the share certificate, an otherwise irrevocable proxy may be revoked by a person who becomes the holder of the shares without actual knowledge of the restriction.

21. N.J.S. 14A:5-21 is amended to read as follows:

Agreements as to voting; provision in certificate of incorporation as to control of directors.

14A:5-21. Agreements as to voting; provision in certificate of incorporation as to control of directors.

(1) An agreement between two or more shareholders, if in writing and signed by the parties thereto, may provide that in exercising any voting rights, the shares held by them shall be voted as therein provided, or as they may agree, or as determined in accordance with a procedure agreed upon by them. Those agreements shall be specifically enforceable.

(2) A provision in the certificate of incorporation otherwise prohibited by law because it improperly restricts the board in its management of the business of the corporation, or improperly transfers or provides for the transfer to one or more persons named in the certificate of incorporation or to be selected from time to time by shareholders, all or any part of such management otherwise within the authority of the board, shall nevertheless be valid if all the incorporators have authorized such provision in the certificate of incorporation or the holders of record of all outstanding shares, whether or not having voting power, have authorized such provision in an amendment to the certificate of incorporation. If all management powers otherwise within the authority of the board are so transferred, the certificate of incorporation may provide that the corporation shall not have a board in which case the certificate of incorporation and any other certificate or document requiring a statement of the number, names, and addresses of directors shall set out in lieu thereof the name, address, and title, if any, of the person or persons in whom such management authority is then vested.

(3) A provision authorized by subsection 14A:5-21(2) shall become invalid if, to the knowledge of the board, or of the person or persons having the management authority otherwise in the board,

(a) Subsequent to the adoption of such provision, shares are transferred or issued to any person who takes delivery of the share certificate without notice thereof, unless such person consents in writing to such provisions; or

(b) Any shares of the corporation are listed on a national securities exchange or regularly quoted in an over-the-counter market by one or more members of a national or affiliated securities association.

(4) If a provision authorized by subsection 14A:5-21(2) shall have become invalid as provided in subsection 14A:5-21(3), the board, or the person or persons having the management authority otherwise in the board, shall amend the certificate of incorporation to delete such provision by filing a certificate of amendment in the office of the Secretary of State. The certificate shall be executed on behalf of the corporation and shall set forth

- (a) The name of the corporation;
- (b) The date of the adoption of the amendment;
- (c) The deleted provision; and
- (d) The event set forth in subsection 14A:5-21(3) by reason of which the provision has become invalid.

(5) The effect of any provision authorized by subsection 14A:5-21(2) shall be to relieve the directors, if any, and grant to and impose upon, the person or persons vested with management authority otherwise in the board the rights, powers, privileges, and liabilities, including liability for managerial acts or omissions, that are granted to and imposed upon directors by law to the extent that, and so long as, the discretion and powers which otherwise would be in the directors in their management of corporate affairs are vested in such person or persons by any such provision. Such person or persons shall be deemed to be directors for purposes of applying the provisions of this act and shall be deemed to be corporate agents for the purposes of section 14A:3-5.

(6) If the certificate of incorporation contains a provision authorized by subsection 14A:5-21(2), the existence of such provision shall be noted conspicuously on the face of every certificate for shares issued by such corporation, and each holder of such certificate shall conclusively be deemed to have taken delivery with notice of such provision.

(7) As used in this section, "person" shall include a natural person, a domestic or foreign corporation, a partnership, limited partnership, trust, firm, society, association, joint stock company, or any other entity legally competent to contract in its own name.

22. N.J.S. 14A:5-28 is amended to read as follows:

Books and records; right of inspection.

14A:5-28. Books and records; right of inspection.

(1) Each corporation shall keep books and records of account and minutes of the proceedings of its shareholders, board and executive committee, if any. Unless otherwise provided in the bylaws, such books, records and minutes may be kept outside this State. The corporation shall keep at its principal office, its registered office, or at the office of its transfer agent, a record or records containing the names and addresses of all shareholders, the number, class and series of shares held by each and the dates when they respectively became

the owners of record thereof. Any of the foregoing books, minutes or records may be in written form or in any other form capable of being converted into readable form within a reasonable time. A corporation shall convert into readable form without charge any such records not in such form, upon the written request of any person entitled to inspect them.

(2) Upon the written request of any shareholder, the corporation shall mail to such shareholder its balance sheet as at the end of the preceding fiscal year, and its profit and loss and surplus statement for such fiscal year.

(3) Any person who shall have been a shareholder of record of a corporation for at least six months immediately preceding his demand, or any person holding, or so authorized in writing by the holders of, at least 5% of the outstanding shares of any class or series, upon at least five days' written demand shall have the right for any proper purpose to examine in person or by agent or attorney, during usual business hours, its minutes of the proceedings of its shareholders and record of shareholders and to make extracts therefrom, at the places where the same are kept pursuant to subsection 14A:5-28(1).

(4) Nothing herein contained shall impair the power of any court, upon proof by a shareholder of proper purpose, irrespective of the period of time during which the shareholder shall have been a shareholder of record, and irrespective of the number of shares held by him, to compel the production for examination by such shareholder of the books and records of account, minutes, and record of shareholders of a corporation. The court may, in its discretion prescribe any limitations or conditions with reference to the inspection, or award any other or further relief as the court may deem just and proper. The court may order books, documents and records, pertinent extracts therefrom, or duly authenticated copies thereof, to be brought within this State and kept in this State upon whatever terms and conditions as the order may prescribe. In any action for inspection the court may proceed summarily.

(5) Holders of voting trust certificates representing shares of the corporation shall be regarded as shareholders for the purpose of this section.

23. N.J.S. 14A:5-29 is amended to read as follows:

Preemptive rights.

14A:5-29. Preemptive rights.

(1) The shareholders of corporations organized after January 1, 1969 shall not have preemptive rights unless the certificate of incorporation provides otherwise. The shareholders of corporations organized prior to January 1, 1969 shall have preemptive rights unless the certificate of incorporation provides otherwise. Any corporation may alter or abolish preemptive rights by amendment to its certificate of incorporation.

(2) Any corporation may elect to grant its shareholders preemptive rights. An election may be made by including in the certificate of incorporation a statement to the effect that the shareholders shall have preemptive rights.

(3) Unless otherwise provided in the certificate of incorporation, the effect of shareholders having preemptive rights shall be as follows:

(a) Upon the issuance for cash of shares, or options to purchase shares, of the same class as those held by a shareholder, the shareholder shall have a right to acquire a pro rata portion of such shares or options so issued according to the number of shares of such class held by him. Such preemptive right shall extend to shares, obligations or other securities, however described, which are convertible into shares of the same class as those held by the shareholder.

(b) Shares, obligations or other securities of the corporation which are subject to preemptive rights as herein provided shall not be deemed to be issued for cash within the meaning of this section if cash constitutes only a part of the consideration received by the corporation.

(c) A shareholder may waive his preemptive right; a waiver of a preemptive right, when evidenced by a writing, shall be binding upon the shareholder notwithstanding it is given without consideration.

(d) No shareholder shall have a preemptive right to acquire shares, obligations or other securities as herein provided, which

- (i) are issued pursuant to a plan of merger or consolidation;
 - (ii) are issued pursuant to subsection 14A:7-7(2) or Chapter 8 of this act;
 - (iii) are issued to satisfy conversion or option rights, however evidenced, granted by the corporation;
 - (iv) are issued pursuant to a plan of reorganization approved by a court pursuant to a statute of this State or of the United States;
- or

(v) are part of the shares, obligations or other securities authorized in the original certificate of incorporation and are issued within six months from the effective date of such certificate.

(e) Upon the proposed issuance of shares, obligations or other securities subject to preemptive rights, the board shall cause notice to be given to each shareholder of record entitled to preemptive rights. The notice shall set forth

(i) the amount of shares, obligations or other securities with respect to which the shareholder has a preemptive right and the method used to determine that amount;

(ii) the price and other terms and conditions upon which the shareholder may purchase such shares, obligations or other securities; and

(iii) the time within which and the method by which the shareholder must exercise the right.

The notice shall be given at least 30 days prior to the time within which the shareholder must exercise the right.

(f) Shares, obligations or other securities subject to preemptive rights, which are not acquired by shareholders in the exercise of their preemptive rights may, for a period not exceeding one year after the date limited by the directors for the exercise of such preemptive rights, be issued, sold, or optioned to such person or persons as the board may determine, at a price not less than that at which they were offered to such shareholders. Any such shares, obligations or other securities not so issued, sold or optioned during such one-year period, shall at the expiration of such period again be subject to preemptive rights of shareholders.

24. N.J.S. 14A:6-1 is amended to read as follows:

Board of directors.

14A:6-1. Board of directors.

The business and affairs of a corporation shall be managed by or under the direction of its board, except as in this act or in its certificate of incorporation otherwise provided. Directors shall be at least 18 years of age and need not be United States citizens or residents of this State or shareholders of the corporation unless the certificate of incorporation or by-laws so require. The certificate of incorporation or by-laws may prescribe other qualifications for directors.

25. N.J.S. 14A:6-3 is amended to read as follows:

Term of directors; resignation.

14A:6-3. Term of directors; resignation.

(1) The directors named in the certificate of incorporation shall hold office until the first annual meeting of shareholders, and until their successors shall have been elected and qualified. At the first annual meeting of shareholders and at each annual meeting thereafter the shareholders shall elect directors to hold office until the next succeeding annual meeting, except in case of the classification of directors pursuant to subsection 14A:6-4(1) and in the case of directors whose terms expire as provided for in subsection 14A:6-4(2). Each director shall hold office for the term for which he is elected and until his successor shall have been elected and qualified.

(2) A director may resign by written notice to the corporation. The resignation shall be effective upon receipt thereof by the corporation or at such subsequent time as shall be specified in the notice of resignation.

26. N.J.S. 14A:6-4 is amended to read as follows:

Classification of directors; restriction of right to choose directors.

14A:6-4. Classification of directors; restriction of right to choose directors.

(1) A corporation may provide in its certificate of incorporation for the classification of its directors in respect to the time for which they shall severally hold office, but no class of directors shall hold office for a term shorter than one year or longer than five years, and the term of office of at least one class shall expire in each year. No classification of directors shall be effective prior to the first annual meeting of shareholders.

(2) Any corporation having more than one class or series of shares may provide in its certificate of incorporation for the election of one or more directors by the shareholders of any class or series, to the exclusion of other shareholders. The certificate of incorporation may grant shareholders of a class or series of shares the right to elect one or more directors upon the occurrence of stated events for a specific term or a term ending upon the occurrence of stated events.

27. N.J.S. 14A:6-5 is amended to read as follows:

Vacancies and newly created directorships.

14A:6-5. Vacancies and newly created directorships.

(1) Unless otherwise provided in the certificate of incorporation or the by-laws, any directorship not filled at the annual meeting, any vacancy, however caused, occurring in the board, and newly created directorships resulting from an increase in the authorized number of directors may be filled by the affirmative vote of a majority of the remaining directors even though less than a quorum of the board, or by a sole remaining director. A director so elected by the board shall hold office until the next succeeding annual meeting of shareholders and until his successor shall have been elected and qualified.

(2) Unless otherwise provided in the certificate of incorporation or by-laws, when one or more directors shall resign from the board effective at a future date, a majority of the directors, then in office, including those who have so resigned, shall have power to fill such vacancy or vacancies, the vote thereon to take effect when such resignation or resignations shall become effective, and each director so chosen shall hold office as herein provided in the filling of other vacancies.

(3) Any directorship not filled by the board may be filled by the shareholders at an annual meeting or at a special meeting of shareholders called for that purpose.

(4) If by reason of death, resignation or other cause a corporation has no directors in office, any shareholder or the executor or administrator of a deceased shareholder may call a special meeting of shareholders for the election of directors and, over his own signature, shall give notice of said meeting in accordance with section 14A:5-4 except to the extent that such notice is waived pursuant to section 14A:5-5.

28. N.J.S. 14A:6-6 is amended to read as follows:

Removal of directors.

14A:6-6. Removal of directors.

(1) One or more or all the directors of a corporation may be removed for cause or, unless otherwise provided in the certificate of incorporation, without cause by the shareholders by the affirmative vote of the majority of the votes cast by the holders of shares entitled to vote for the election of directors.

(2) Unless otherwise provided in the certificate of incorporation, the removal of directors, with or without cause, by vote of the shareholders as provided in subsection 14A:6-6(1), is subject to the following qualifications

(a) In any case where cumulative voting is authorized, if less than

the total number of directors then serving on the board is to be removed by the shareholders, no one of the directors may be so removed if the votes cast against his removal would be sufficient to elect him if then voted cumulatively at an election of the entire board; or, if there are classes of directors, at an election of the class of directors of which he is a part;

(b) A director elected by a class vote, as authorized by subsection 14A:6-4(2), may be removed only by a class vote of the holders of shares entitled to vote for his election;

(c) If the certificate of incorporation requires a greater vote than a plurality of the votes cast for the election of directors, no director may be removed except by the greater vote required to elect him; and

(d) Shareholders of a corporation whose board of directors is classified as provided in subsection 14A:6-4(1) shall not be entitled to remove directors without cause.

(3) The certificate of incorporation or a by-law adopted by the shareholders may provide that the board shall have the power to remove directors for cause and to suspend directors pending a final determination that cause exists for removal.

(4) The Superior Court, in an action in which the court may proceed in a summary manner or otherwise, may review the removal or suspension of a director for cause.

(5) No act of the board done during the period when a director has been suspended or removed for cause shall be impugned or invalidated solely on account of the suspension or removal if the suspension or removal is thereafter rescinded by the shareholders or by the board or by the final judgment of the court.

29. Section 14A:6-7.1 is added to the New Jersey Statutes as follows:

Directors' voting; quorum of board of directors and committees; action of board and committees; action of directors without a meeting.

14A:6-7.1. Directors' voting; quorum of board of directors and committees; action of board and committees; action of directors without a meeting.

(1) Each director shall have one vote at meetings of the board or at meetings of board committees unless the certificate of incorporation provides the director is entitled to more than one vote pursuant

to a provision in the certificate of incorporation consistent with subsection 14A:6-7.1(2).

(2) The certificate of incorporation may provide either that one or more directors elected by the holders of shares of a class or series shall have more than one vote or that the shareholders at an annual or special meeting shall have the right to designate one or more directors who shall have more than one vote. The certificate of incorporation shall also specify either the number of votes which those directors shall have or that the shareholders electing those directors shall have the right to specify the number of votes which the directors shall have. Any person appointed by the board to fill a vacancy of a directorship with more than one vote shall have only one vote unless otherwise provided by the certificate of incorporation. If a director has more than one vote as provided in this subsection, any reference in this act to the vote or act of a majority of the board, of the directors, or of the entire board, or similar language, means the vote or act of directors who are entitled to cast a majority of the votes.

(3) The participation of directors with a majority of the votes of the entire board, or of any committee thereof, shall constitute a quorum for the transaction of business, unless the certificate of incorporation or the by-laws provide that a greater or lesser proportion shall constitute a quorum, which in no case shall be less than one-third of the votes of the entire board or committee.

(4) Any action approved by a majority of the votes of directors present at a meeting at which a quorum is present shall be the act of the board or of the committee, unless this act, or the certificate of incorporation, or the by-laws require a greater proportion, including a unanimous vote.

(5) Unless otherwise provided by the certificate of incorporation or by-laws, any action required or permitted to be taken pursuant to authorization voted at a meeting of the board or any committee thereof, may be taken without a meeting if, prior or subsequent to the action, all members of the board or of such committee, as the case may be, consent thereto in writing and the written consents are filed with the minutes of the proceedings of the board or committee. Such consent shall have the same effect as a unanimous vote of the board or committee for all purposes, and may be stated as a unanimous vote in any certificate or other document filed with the Secretary of State.

30. N.J.S. 14A:6-8 is amended to read as follows:

Director conflicts of interest.**14A:6-8. Director conflicts of interest.**

(1) No contract or other transaction between a corporation and one or more of its directors, or between a corporation and any domestic or foreign corporation, firm or association of any type or kind in which one or more of its directors are directors or are otherwise interested, shall be void or voidable solely by reason of such common directorship or interest, or solely because such director or directors are present at the meeting of the board or a committee thereof which authorizes or approves the contract or transaction, or solely because his or their votes are counted for such purpose, if any one of the following is true:

(a) The contract or other transaction is fair and reasonable as to the corporation at the time it is authorized, approved or ratified; or

(b) The fact of the common directorship or interest is disclosed or known to the board or committee and the board or committee authorizes, approves, or ratifies the contract or transaction by unanimous written consent, provided at least one director so consenting is disinterested, or by affirmative vote of a majority of the disinterested directors, even though the disinterested directors be less than a quorum; or

(c) The fact of the common directorship or interest is disclosed or known to the shareholders, and they authorize, approve or ratify the contract or transaction.

(2) Common or interested directors may be counted in determining the presence of a quorum at a board or committee meeting at which a contract or transaction described in subsection 14A:6-8(1) is authorized, approved or ratified.

(3) The board, by the affirmative vote of a majority of directors in office and irrespective of any personal interest of any of them, shall have authority to establish reasonable compensation of directors for services to the corporation as directors, officers, or otherwise.

31. N.J.S. 14A:6-10 is amended to read as follows:

Place and notice of directors' meetings.**14A:6-10. Place and notice of directors' meetings.**

(1) Meetings of the board may be held either within or without this State, unless otherwise provided by the certificate of incorporation or the by-laws.

(2) Regular meetings of the board may be held with or without notice as prescribed in the by-laws. Special meetings of the board shall be held upon such notice as is prescribed in the by-laws. Notice of any meeting need not be given to any director who signs a waiver of notice, whether before or after the meeting. The attendance of any director at a meeting without protesting prior to the conclusion of the meeting the lack of notice of such meeting shall constitute a waiver of notice by him. Neither the business to be transacted at, nor the purpose of, any meeting of the board need be specified in the notice or waiver of notice of such meeting unless required by the by-laws. Notice of an adjourned meeting need not be given if the time and place are fixed at the meeting adjourning and if the period of adjournment does not exceed ten days in any one adjournment.

(3) Where appropriate communication facilities are reasonably available, any or all directors shall have the right to participate in all or any part of a meeting of the board or a committee of the board by means of conference telephone or any means of communication by which all persons participating in the meeting are able to hear each other, unless otherwise provided in the certificate of incorporation or the by-laws.

32. N.J.S. 14A:6-11 is amended to read as follows:

Loans to directors, officers or employees.

14A:6-11. Loans to directors, officers or employees.

A corporation may lend money to, or guarantee any obligation of, or otherwise assist, any director, officer or employee of the corporation or of any subsidiary, whenever, in the judgment of the directors, such loan, guarantee or assistance may reasonably be expected to benefit the corporation. The loan, guarantee or other assistance may be made with or without interest, and may be unsecured, or secured in such manner as the board shall approve, including, without limitation, a pledge of shares of the corporation, and may be made upon such other terms and conditions as the board may determine.

33. N.J.S. 14A:6-14 is amended to read as follows:

Liability of directors; reliance on records and reports.

14A:6-14. Liability of directors; reliance on records and reports.

(1) Directors and members of any committee designated by the board shall discharge their duties in good faith and with that degree of diligence, care and skill which ordinarily prudent people would exercise under similar circumstances in like positions.

(2) In discharging their duties, directors and members of any committee designated by the board shall not be liable if, acting in good faith, they rely

(a) Upon the opinion of counsel for the corporation;

(b) Upon written reports setting forth financial data concerning the corporation and prepared by an independent public accountant or certified public accountant or firm of such accountants;

(c) Upon financial statements, books of account or reports of the corporation represented to them to be correct by the president, the officer of the corporation having charge of its books of account, or the person presiding at a meeting of the board; or

(d) Upon written reports of committees of the board.

(3) A director shall not be personally liable to the corporation or its shareholders for damages for breach of duty as a director if and to the extent that such liability has been eliminated or limited by a provision in the certificate of incorporation authorized by subsection (3) of N.J.S. 14A:2-7.

34. N.J.S. 14A:6-16 is amended to read as follows:

Removal and resignation of officers; filling of vacancies.

14A:6-16. Removal and resignation of officers; filling of vacancies.

(1) Any officer elected by the board may be removed by the board with or without cause. An officer elected by the shareholders may be removed, with or without cause, only by vote of the shareholders but his authority to act as an officer may be suspended by the board for cause. The removal of an officer shall be without prejudice to his contract rights, if any. Election of an officer shall not of itself create contract rights.

(2) An officer may resign by written notice to the corporation. The resignation shall be effective upon receipt thereof by the corporation or at such subsequent time as shall be specified in the notice of resignation.

(3) Any vacancy occurring among the officers, however caused, shall be filled in the manner provided in the by-laws. In the absence of such provision, any vacancy shall be filled by the board.

35. N.J.S. 14A:7-3 is amended to read as follows:

Subscriptions for shares.

14A:7-3. Subscriptions for shares.

(1) Unless otherwise provided by the subscription agreement or unless all of the subscribers consent to the revocation of such subscription, a subscription for shares of a corporation to be formed shall be irrevocable for a period of six months if no certificate of incorporation shall be filed within such period. If the certificate of incorporation is filed within such period, or if it is filed at any later time before revocation, such subscription shall also be irrevocable until 60 days after the filing of the certificate of incorporation. Subscriptions for shares, whether made before or after the organization of a corporation, shall be accepted or rejected by the board, unless the certificate of incorporation or the by-laws require action by the shareholders.

(2) A subscription agreement, whether made before or after the formation of a corporation, shall not be enforceable unless it satisfies the requirements provided in N.J.S. 12A:8-319 with respect to a contract for the sale of securities.

(3) A subscriber shall not become a holder of any shares for which the full consideration has not been paid. Unless otherwise provided by the subscription agreement

(a) Any payment made by the subscriber, in accordance with the subscription agreement or as called for by the board, shall be applied to pay the full consideration for as many whole shares as possible and any remaining balance of such payment shall be applied as part payment of a share;

(b) A share certificate shall be registered in the name of the subscriber for the number of shares so paid for in full; and

(c) The corporation shall be entitled to retain such share certificate as security for the performance by the subscriber of his obligations under the subscription agreement and subject to the power of sale or rescission upon default provided in paragraphs 14A:7-3(5)(b) and 14A:7-3(5)(c).

(4) Unless otherwise provided by the subscription agreement

(a) Subscriptions for shares, whether made before or after the organization of a corporation, shall be paid in full at such time, or in such installments and at such times, as shall be determined by the board;

(b) Any call made by the board for payment on subscriptions shall be uniform as to all shares of the same class or as to all shares of the same series, as the case may be;

(c) All such calls for payments on subscriptions shall be upon 30 days' notice thereof and of the time and place of payment, which notice shall be given personally or by registered or certified mail.

(5) In the event of default in the payment of any installment or call or other amount due under the terms of the subscription agreement, including any amount which may become due as a result of a default in the performance of any provision thereof, the corporation shall have the following rights and duties:

(a) It may proceed to collect the amount due in the same manner as any other debt owing to it. At any time before full satisfaction of the claim or any judgment therefor, it may proceed as provided in paragraph 14A:7-3(5)(b).

(b) It may sell the shares in any reasonable manner. Notice of the time and place of any public sale or of the time after which any private sale may be had, together with a statement of the amount due upon each share, shall be given in writing to the subscriber personally or by registered or certified mail at least 20 days before any such time stated in the notice. Unless otherwise provided in the subscription agreement, the corporation may not be the purchaser at any sale. Any excess of net proceeds realized over the amount due plus interest shall be paid over to the subscriber. If the sale is made in good faith, in a reasonable manner and upon the notice required by this paragraph, the corporation may recover the difference between the amount due plus interest and the net proceeds of the sale. A good faith purchaser for value shall acquire title to the sold shares free of any rights of the subscriber even though the corporation fails to comply with one or more of the requirements of this subsection.

(c) It may rescind the subscription, with the effect provided in subsection 14A:7-3(6), and may recover damages for breach of contract. Unless special circumstances show proximate damages of a different amount, the measure of damages shall be the difference between the market price at the time and place for tender of the shares and the unpaid contract price. Liquidated damages may be provided for in the subscription agreement in an amount which is reasonable under the circumstances, including the difficulties of proof of loss. The subscriber shall be entitled to restitution of any amount by which the sum of his payments exceeds the corporation's damages for breach of contract, whether fixed by agreement or judgment.

The rights and duties set forth in subsection 14A:7-3(5) shall be

interpreted as cumulative so far as is consistent with the purpose of entitling the corporation to a full and single recovery of the amount due or its damages. The subscription agreement may limit the rights and remedies of the corporation set forth in subsection 14A:7-3(5), and may add to them so far as is consistent with the preceding sentence.

(6) The rescission by the corporation of a subscription under which a portion of the shares subscribed for have been issued and in which the corporation retains a security interest, as provided in subsection 14A:7-3(3), shall effect the cancellation of such shares.

(7) A contract made with a corporation to purchase its shares is a subscription agreement and not an executory contract to purchase shares, unless otherwise provided in the agreement.

36. N.J.S. 14A:7-4 is amended to read as follows:

Consideration for shares.

14A:7-4. Consideration for shares.

(1) Subject to any restriction contained in the certificate of incorporation, shares may be issued for such consideration as shall be fixed from time to time by the board or as shall be determined in accordance with a general formula or at not less than such minimum consideration as the board shall authorize.

(2) The shareholders may reserve in the certificate of incorporation the right to fix the consideration to be received for shares. If such right is reserved as to any shares, the shareholders shall either fix the consideration to be received for such shares or authorize the board to fix such consideration.

(3) (Deleted by amendment, P.L. 1988, c. 94.)

(4) (Deleted by amendment, P.L. 1988, c. 94.)

(5) (Deleted by amendment, P.L. 1988, c. 94.)

(6) A good faith judgment of the board of directors or the shareholders, as the case may be, as to the value of the consideration is conclusive.

37. N.J.S. 14A:7-5 is amended to read as follows:

Payment for shares; nonassessability.

14A:7-5. Payment for shares; nonassessability.

(1) Subject to any restrictions contained in the certificate of incorporation, the consideration for the issuance of shares may be paid,

in whole or in part, in: (a) money, (b) real property, (c) tangible or intangible personal property, including stock of another corporation, and obligations of the subscriber or of another person, whether secured or unsecured, (d) labor or services actually performed for the corporation or in its formation, or (e) labor or services to be performed in the future for the corporation. A new employee's termination of employment with a prior employer or the employee's acceptance of employment with the corporation is adequate consideration for the issuance of shares.

(2) When payment of the full consideration for which shares are to be issued is made, the subscriber shall thereupon become entitled to all the rights and privileges of a holder of such shares, including the registration in his name of a certificate representing them, and such shares shall be fully paid and nonassessable.

38. N.J.S. 14A:7-6 is amended to read as follows:

Redeemable shares.

14A:7-6. Redeemable shares.

(1) A corporation may provide in its certificate of incorporation for one or more classes or series of shares which are redeemable, in whole or in part, at the option of the corporation in cash, its bonds or other property, at such price or prices, within such period or periods, and under such conditions as are stated in the certificate of incorporation. A sinking fund may be created for the redemption of any class or series of redeemable shares.

(2) A corporation which is an open-end investment company, as defined in an Act of Congress entitled "Investment Company Act of 1940," as amended or supplemented, or any act adopted in substitution therefor, may, if its certificate of incorporation so provides and upon compliance with that act, issue shares which are redeemable at the option of the holder at a price approximately equal to the shares' proportionate interest in the net assets of the corporation, and a shareholder may compel redemption of such shares in accordance with their terms.

(3) A corporation may provide, in its certificate of incorporation for one or more classes or series of shares which are redeemable, in whole or in part, at the option of the shareholder. Subject to the restrictions imposed by section 14A:7-16, such shares may be redeemable in cash, bonds of the corporation or other property, at such price or prices, as are fixed, or established by formula, within such period or periods and under such conditions as are stated in the

certificate of incorporation, and such shares may also be redeemable at the option of the corporation, as provided in subsection 14A:7-6(1). If any shares redeemable at the option of the shareholder are outstanding, the certificate of incorporation may be amended to delete or limit the provisions concerning redeemability with respect to those outstanding shares only with the unanimous approval of the holders of those shares. The provisions of this subsection shall not be applicable to an open-end investment company.

(4) (Deleted by amendment, P.L. 1988, c. 94.)

39. N.J.S. 14A:7-7 is amended to read as follows:

Share rights and options.

14A:7-7. Share rights and options.

(1) Subject to any provisions in respect thereof set forth in its certificate of incorporation, a corporation may create and issue, whether or not in connection with the issuance and sale of any of its shares or bonds, rights or options entitling the holders thereof to purchase from the corporation shares of any class or series for such consideration and upon such terms and conditions as may be fixed by the board. Such rights or options shall be evidenced in such manner as the board shall approve and, without limiting the generality of the foregoing, may be evidenced by warrants attached to or forming part of bond instruments or share certificates or existing independently thereof. The instruments evidencing such rights or options shall set forth or incorporate by reference the terms and conditions of their exercise, including the time or times, which may be limited or unlimited in duration, within which, and the price or prices at which such shares may be purchased from the corporation, and any limitations on the transferability of any such right or option. The consideration for shares to be purchased upon the exercise of any such right or option shall comply with the requirements of sections 14A:7-4 and 14A:7-5. A good faith judgment of the board as to the adequacy of the consideration received for such rights or options is conclusive.

(2) (Deleted by amendment, P.L. 1988, c. 94.)

40. Section 14A:7-8.1 is added to the New Jersey Statutes as follows:

Par value of shares and stated capital.

14A:7-8.1. Par value of shares and stated capital.

(1) Unless otherwise provided in the certificate of incorporation,

all shares shall have no par value and no stated capital shall be required to be maintained.

(2) A corporation in its certificate of incorporation may specify a par value for any class or series of its shares, may require that a specified stated capital be maintained, or may impose any other capitalization requirements. A corporation which specifies in its certificate of incorporation the par value for its shares or a specified stated capital shall not be subject to any limitations on distributions other than those set forth in section 14A:7-14.1, unless other restrictions are set forth in the certificate of incorporation.

(3) If for any reason the laws of this State or those of any other jurisdiction require that the par value of shares or stated capital of a corporation be ascertained, then solely for that purpose a domestic corporation which has not otherwise made express provision therefor in its certificate of incorporation shall be deemed to have declared and be entitled to declare that its capital stock has a par value of one mill per share and a stated capital of one mill times the number of shares then outstanding.

41. N.J.S. 14A:7-9 is amended to read as follows:

Convertible shares and bonds.

14A:7-9. Convertible shares and bonds.

(1) When so provided in its certificate of incorporation, a corporation may issue shares of any class or series convertible, at the option of the holder or of the corporation or both, into shares of any other class or classes or of any series of the same or any other class or classes.

(2) Unless otherwise provided in its certificate of incorporation, a corporation may issue bonds convertible, at the option of the holder or of the corporation or both, into shares of any class or classes or of any series of any class or classes, upon such terms and conditions as may be fixed by the board. The bond instrument shall set forth or incorporate by reference the terms and conditions of the conversion privilege.

(3) No issue of shares or bonds convertible into shares of the corporation shall be made unless a sufficient number of shares of the appropriate class or classes or series, either authorized but unissued or treasury shares, are reserved by the board to be issued or disposed of only in satisfaction of the conversion privileges of the convertible shares or bonds being issued.

(4) If there is shareholder approval of the issue of shares or bonds convertible into shares of the corporation, such approval may provide that the board is authorized upon such issue to increase the authorized shares of any class or series to such number as will be not more than sufficient, when added to the previously authorized but unissued shares of such class or series, to satisfy the conversion privileges of the convertible shares or bonds being issued. The board, when so authorized, may increase the authorized shares of the corporation by filing a certificate of amendment to the certificate of incorporation. The certificate shall be executed on behalf of the corporation and shall set forth

(a) The name of the corporation;

(b) The date of adoption of the amendment;

(c) The amendment so adopted;

(d) That the amendment is made pursuant to authority granted by the shareholders in connection with shareholder approval of the issue of shares or bonds of the corporation convertible into the shares being authorized by the amendment; and

(e) The designation of the convertible shares or bonds and the date of such shareholder approval.

(5) (Deleted by amendment, P.L. 1988, c. 94.)

(6) (Deleted by amendment, P.L. 1988, c. 94.)

(7) When bonds have been converted, they shall be cancelled and not reissued. The disposition of converted shares is provided for in section 14A:7-18.

42. N.J.S. 14A:7-11 is amended to read as follows:

Certificates representing shares.

14A:7-11. Certificates representing shares.

(1) The shares of a corporation shall be represented by certificates or, in accordance with subsection 14A:7-11(6), shall be uncertificated shares. Certificates shall be signed by, or in the name of the corporation by, the chairman or vice-chairman of the board, or the president or a vice-president, and may be countersigned by the treasurer or an assistant treasurer, or the secretary or an assistant secretary of the corporation and may be sealed with the seal of the corporation or a facsimile thereof. Any or all signatures upon a certificate may be a facsimile. In case any officer, transfer agent or registrar who has

signed or whose facsimile signature has been placed upon such certificate, shall have ceased to be such officer, transfer agent, or registrar before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer, transfer agent or registrar at the date of its issue.

(2) Every share certificate delivered after the effective date of this act by a corporation which is authorized to issue shares of more than one class shall set forth upon the face or back of the certificate, a full statement

(a) Of the designations, relative rights, preferences and limitations of the shares of each class and series authorized to be issued, so far as the same have been determined, and

(b) Of the authority of the board to divide the shares into classes or series and to determine and change the relative rights, preferences and limitations of any class or series, or

shall set forth that the corporation will furnish to any shareholder, upon request and without charge, such a full statement.

(3) Each certificate representing shares shall state upon the face thereof

(a) That the corporation is organized under the laws of this State;

(b) The name of the person to whom issued; and

(c) The number and class of shares, and the designation of the series, if any, which such certificate represents.

(4) No certificate shall be issued for any share until such share is fully paid.

(5) A card which is punched, magnetically coded or otherwise treated so as to facilitate machine or automatic processing, may be used as a share certificate if it otherwise complies with the provisions of this section.

(6) The board may provide that some or all of the shares of any class or series shall be represented by uncertificated shares. Within a reasonable time after the issuance or transfer of uncertificated shares, the corporation shall send to the registered owner thereof a written notice containing the information required to be set forth or stated on certificates by subsections 14A:7-11(2) and 14A:7-11(3), and if required, 14A:7-12(2). Except as otherwise expressly provided by law, the rights and obligations of the holders of uncertificated

shares and the rights and obligations of the holders of certificates representing shares of the same class and series shall be identical.

43. N.J.S. 14A:7-12 is amended to read as follows:

Transfer of shares and restrictions on transfer.

14A:7-12. Transfer of shares and restrictions on transfer.

(1) The shares of a corporation shall be personal property and shall be transferable in accordance with the provisions of Chapter 8 of the Uniform Commercial Code (N.J.S. 12A:8-101 et seq.), as amended from time to time, except as otherwise provided in this act.

(2) Any reasonable restriction on the transfer or registration of transfer of shares, or other securities having conversion or option rights, may be enforced against the holder of the restricted securities and any successor or transferee of the holder, including any fiduciary entrusted with responsibility for the person or property of the holder. Such restriction shall be valid only if imposed by the certificate of incorporation or by-laws or by the provisions of an employee benefit plan permitted by Chapter 8 of this act, or by a written agreement among any number of shareholders or among such holders and the corporation. No restriction shall be valid with respect to any securities issued prior to the imposition of the restriction unless their holders shall have voted in favor of the imposition of the restriction or are parties to the agreement imposing it. Unless noted conspicuously on the security or contained in the information statement required by subsection 14A:7-11(6), a restriction shall not be valid against a person who becomes the holder of the security without actual knowledge of the restriction.

(3) In particular and without limitation of the generality of the power granted by subsection 14A:7-12(2) to impose restrictions, a restriction on the transfer or registration of transfer of shares, or other securities having conversion or option rights, may be enforced as provided in subsection 14A:7-12(2), if it:

(a) Obligates the holder of the restricted securities to offer to the corporation or to any other holders of securities of the corporation or to any other person or to any combination of the foregoing, a prior opportunity, to be exercised within a reasonable time, to acquire the restricted securities;

(b) Obligates the corporation or any holder of securities of the corporation or any other person or any combination of the foregoing, to purchase the securities which are the subject of an agreement respecting the purchase and sale of the restricted securities;

(c) Requires the corporation or the holders of any class or series of securities of the corporation to consent to any proposed transfer of the restricted securities or to approve the proposed transferee of the restricted securities;

(d) Prohibits the transfer of the restricted securities to designated persons or classes of persons, and such designation is not manifestly unreasonable; or

(e) Exists for the purpose of maintaining the status of the corporation as an electing small business corporation under subchapter S of the United States Internal Revenue Code.

(4) If a restriction on transfer of shares or other securities having conversion or option rights is held not to be authorized by the law of this State, the corporation shall nevertheless have an option for a period of 30 days after the judgment setting aside the restriction becomes final, to acquire the restricted securities at a price to be agreed upon by the parties, or if no agreement is reached as to price, then at their fair value as determined by any court having jurisdiction. In order to determine fair value, the court may appoint an appraiser to receive evidence and report to the court his findings and recommendations as to fair value. The appraiser shall have such powers and shall proceed so far as applicable, in the same manner as an appraiser appointed under section 14A:11-8.

44. Section 14A:7-14.1 is added to the New Jersey Statutes as follows:

Limitations on distributions to shareholders.

14A:7-14.1. Limitations on distributions to shareholders.

(1) "Distribution" means a direct or indirect transfer of money or other property (except its own shares) or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of a dividend, a purchase, redemption or other acquisition of its shares, or otherwise.

(2) A corporation may not make a distribution if, after giving effect thereto, either:

(a) The corporation would be unable to pay its debts as they become due in the usual course of its business; or

(b) The corporation's total assets would be less than its total liabilities.

(3) Determinations under paragraph 14A:7-14.1(2)(b) may be based upon (i) financial statements prepared on the basis of generally accepted accounting principles, (ii) financial statements prepared on the basis of other accounting practices and principles that are reasonable in the circumstances, or (iii) a fair valuation or other method that is reasonable in the circumstances.

(4) In the case of a purchase, redemption or other acquisition by a corporation of its own shares, the effect of a distribution shall be measured as of the earlier of (i) the date money or other property is transferred or debt is incurred by the corporation, or (ii) the date the shareholder ceases to be a shareholder with respect to the acquired shares. In all other cases, the effect of a distribution shall be measured (i) as of the date of its authorization if payment occurs 120 days or less following the date of authorization, or (ii) as of the date of payment if payment occurs more than 120 days following the date of authorization.

(5) A corporation's indebtedness to a shareholder incurred by reason of a distribution made in accordance with this section shall not be subordinated to the corporation's indebtedness to its general, unsecured creditors except to the extent subordinated by agreement.

45. N.J.S. 14A:7-15 is amended to read as follows:

Authority to pay dividends.

14A:7-15. Authority to pay dividends.

(1) Subject to any restrictions contained in the certificate of incorporation and to the provisions of section 14A:7-14.1, a corporation may, from time to time, by resolution of its board, pay dividends on its shares in cash, in its own shares, in its bonds or in other property, including the shares or bonds of other corporations.

(2) (Deleted by amendment, P.L. 1988, c. 94.)

(3) (Deleted by amendment, P.L. 1988, c. 94.)

(4) (Deleted by amendment, P.L. 1988, c. 94.)

(5) Unless the certificate of incorporation otherwise provides, a dividend may be paid in shares having a preference in the assets of the corporation upon liquidation, whether or not the net assets at the time of the share dividend are less than the aggregate amount of such prior and newly created preferences.

(6) (Deleted by amendment, P.L. 1988, c. 94.)

46. N.J.S. 14A:7-15.1 is amended to read as follows:

Share dividends, share divisions and combinations.

14A:7-15.1. Share dividends, share divisions and combinations.

(1) A corporation may effect a share dividend or a division or combination of its shares in the manner hereinafter set forth. As used in this section, the terms "division" and "combination" mean dividing or combining shares of any class or series, whether issued or unissued, into a greater or lesser number of shares of the same class or series.

(2) Except as otherwise provided in the certificate of incorporation, a share dividend, a division or combination may be effected by action of the board alone. The board in effecting a share dividend, combination or division shall have authority to amend the certificate of incorporation to increase or decrease the par value of shares, increase or decrease the number of authorized shares and to make any other change necessary or appropriate to assure that the rights or preferences of the holders of outstanding shares of any class or series will not be adversely affected by such combination or division. Notwithstanding the foregoing sentence, the board shall not have the authority to amend the certificate of incorporation, and shareholder approval for the amendment shall be required in accordance with subsection 14A:9-2(4) and section 14A:9-3, if as a result of the amendment:

(a) The rights or preferences of the holders of outstanding shares of any class or series will be adversely affected; or

(b) The percentage of authorized shares that remains unissued after the share dividend, division or combination will exceed the percentage of authorized shares that was unissued before the share dividend, division or combination.

(3) If a share dividend, division or combination is effected by board action without shareholder approval and includes an amendment of the certificate of incorporation, there shall be executed on behalf of the corporation and filed in the office of the Secretary of State a certificate of amendment setting forth

(a) The name of the corporation;

(b) The date of adoption by the board of the resolution approving the dividend, division or combination;

(c) That the amendment to the certificate of incorporation will not adversely affect the rights or preferences of the holders of

outstanding shares of any class or series and will not result in the percentage of authorized shares that remains unissued after the share dividend, division or combination exceeding the percentage of authorized shares that was unissued before the share dividend, division or combination;

(d) The class or series and number of shares thereof subject to the dividend, division or combination and the number of shares to be issued on the dividend or into which they are to be divided or combined;

(e) The amendment of the certificate of incorporation made in connection with the dividend, division or combination; and

(f) If the dividend, division or combination is to become effective at a time subsequent to the time of filing, the date, which may not exceed 90 days from the date of filing, when the same is to become effective.

(4) If a share dividend, division or combination is effected by action of the board and the shareholders, there shall be executed on behalf of the corporation and filed in the office of the Secretary of State a certificate of amendment as provided in subsection 14A:9-4(3), which certificate shall set forth, in addition to all information required by said subsection, the information required by paragraph 14A:7-15.1(3)(d).

(5) Upon a combination becoming effective, the authorized shares of the class or series subject thereto shall be reduced by the same percentage by which the issued shares of such class or series were reduced as a result of the combination unless the certificate of incorporation otherwise provides or the combination was approved by the shareholders in accordance with subsection 14A:9-2(4) and section 14A:9-3.

(6) (Deleted by amendment, P.L. 1988, c. 94.)

47. N.J.S. 14A:7-16 is amended to read as follows:

Acquisitions of a corporation's own shares.

14A:7-16. Acquisitions of a corporation's own shares.

(1) Subject to the provisions of section 14A:7-14, a corporation may acquire its own shares.

(2) (Deleted by amendment, P.L. 1988, c. 94.)

(3) (Deleted by amendment, P.L. 1988, c. 94.)

(4) (Deleted by amendment, P.L. 1988, c. 94.)

(5) No acquisition of its own shares shall be made by a corporation

(a) Contrary to any restrictions contained in the certificate of incorporation;

(b) (Deleted by amendment, P.L. 1988, c. 94.)

(c) Unless after such acquisition there remain outstanding one or more classes or series of shares possessing, among them collectively, voting rights and unlimited residual rights as to dividends and distribution of assets on liquidation; or

(d) In the case of redeemable shares and within the period of their redeemability, at a price greater than the applicable redemption price plus, in the case of shares entitled to cumulative dividends, the dividends which would have accrued to the next dividend date following the date of acquisition.

(6) (Deleted by amendment, P.L. 1988, c. 94.)

(7) Unless the certificate of incorporation otherwise provides, a corporation may acquire its shares whether or not the net assets remaining after the transaction are less than the aggregate amount of the preferences of outstanding shares in the assets of the corporation upon liquidation.

(8) In connection with an agreement to acquire its shares, a corporation may grant a security interest in the acquired shares to secure an obligation to pay for the acquisition. The shares shall not be deemed to be reacquired by the corporation and cancelled on its books until the obligation of the corporation is fully paid or discharged.

(9) A corporation may acquire or agree to acquire its shares, notwithstanding that the acquisition would constitute a distribution prohibited under section 14A:7-14.1, if all or part of the purchase price is deferred until such time as the payment would not constitute a prohibited distribution.

48. N.J.S. 14A:7-18 is amended to read as follows:

Cancellation of reacquired shares.

14A:7-18. Cancellation of reacquired shares.

(1) When shares of a corporation are reacquired by purchase, by redemption or by their conversion into other shares of the corpo-

ration, the reacquisition shall effect their cancellation, unless the board determines that the shares shall be treasury shares or the by-laws so provide. In addition, any shares which were treasury shares on or before January 1, 1987, shall continue to be treasury shares unless cancelled by the board. The board may cancel treasury shares at any time. Upon their cancellation, shares shall be restored to the status of authorized but unissued shares, unless the certificate of incorporation, or the plan of merger or consolidation in the case of shares acquired by the corporation pursuant to Chapter 11 of this act, provides that such shares shall not be reissued, in which case a certificate of amendment to the certificate of incorporation shall be filed, pursuant to a resolution of the board, reducing the authorized number of shares by the number of shares so cancelled.

(2) The certificate of amendment reducing the authorized shares shall be executed on behalf of the corporation and filed in the office of the Secretary of State not later than 30 days after the cancellation of the reacquired shares not to be reissued. The statement shall set forth:

- (a) The name of the corporation;
- (b) The number of shares cancelled, itemized by classes and series, and the date of adoption of the resolution of the board cancelling such shares;
- (c) The aggregate number of authorized shares, itemized by classes and series, after giving effect to such cancellation;
- (d) A statement that the certificate of incorporation or plan of merger provides that the shares cancelled shall not be reissued; and
- (e) That the certificate of incorporation is amended by decreasing the aggregate number of shares which the corporation is authorized to issue by the number of shares cancelled.
- (f) (Deleted by amendment, P.L. 1988, c. 94.)
- (3) (Deleted by amendment, P.L. 1988, c. 94.)
- (4) A certificate of amendment reducing the authorized shares because of the conversion of convertible shares shall be filed only if the certificate of incorporation provides that such shares shall not be reissued. The certificate of amendment shall set forth the information required by subsection 14A:7-18(2) and in the case of cancellation of converted shares, the certificate of amendment shall be filed not later than 90 days after the close of the fiscal year in which the shares were reacquired.

(5) Nothing contained in this section shall be construed to forbid a cancellation of shares or a reduction of authorized shares in any other manner permitted by this act.

49. N.J.S. 14A:8-1 is amended to read as follows:

Employee benefit plans.

14A:8-1. Employee benefit plans.

(1) A corporation may establish and carry out wholly or partly at its expense, any one or more of the following plans for the benefit of some or all employees, as hereinafter defined, and their families, dependents or beneficiaries:

(a) Plans providing for the sale or distribution of its shares of any class or series, held by it or issued or purchased by it for the purpose, including stock option, stock purchase, stock bonus, profit-sharing, savings, pension, retirement, deferred compensation and other plans of similar nature, whether or not such plans also provide for the distribution of cash or property other than its shares;

(b) Plans providing for payments solely in cash or property other than shares of the corporation, including profit-sharing, bonus, savings, pension, retirement, deferred compensation and other plans of similar nature; and

(c) Plans for the furnishing of medical services; life, sickness, accident, disability or unemployment insurance or benefits; education; housing; social and recreational services; and other similar aids and services.

(2) The term "employees" as used in this Chapter means employees, officers, directors, and agents of the corporation or any subsidiary thereof, or other persons who are or have been actively engaged in the conduct of the business of the corporation or any subsidiary thereof, including any who have retired, become disabled or died prior to the establishment of any plan heretofore or hereafter adopted.

(3) Employee benefits plans may be adopted, amended or terminated by a corporation by the act of its board, a committee of the board, or officers to whom the responsibility has been delegated. Notwithstanding the foregoing, any plan providing for the issuance of shares shall be initially adopted by the board or any committee thereof.

50. Section 14A:8-2.1 is added to the New Jersey Statutes as follows:

Trust funds for employees; creation; maintenance and administration.

14A:8-2.1. Trust funds for employees; creation; maintenance and administration.

Any domestic or foreign corporation which has adopted, or hereafter adopts, a plan described in section 14A:8-1 may establish one or more trust funds of the property contributed or held by any corporation or any subsidiary thereof for the purposes of a plan. Any trust fund may be held and administered by the corporation adopting a plan or by any trustee or trustees, within or without this State, appointed by the corporation for that purpose.

51. Section 14A:8-3.1 is added to the New Jersey Statutes as follows:

Continuation of trust; law against perpetuities inapplicable.

14A:8-3.1. Continuation of trust; law against perpetuities inapplicable.

The period for which any trust may be created and maintained may be as long as may be desirable for the complete administration of any plan as originally adopted or thereafter amended, and no trust or trust fund shall be subject to or held to be in violation of any principle of law, against perpetuities or restraints on alienation or perpetual accumulations of trusts.

52. N.J.S. 14A:9-1 is amended to read as follows:

Amendment of certificate of incorporation.

14A:9-1. Amendment of certificate of incorporation.

(1) A corporation may amend its certificate of incorporation, from time to time, in any and as many respects as may be desired so long as the amendment contains only such provisions as might lawfully be contained in an original certificate of incorporation filed at the time of making such amendment.

(2) In particular, and without limitation upon the general power of amendment granted by subsection 14A:9-1(1), a corporation may amend its certificate of incorporation

(a) To change its corporate name;

(b) To enlarge, limit, or otherwise change its corporate purposes or powers;

(c) To change the duration of the corporation, even if such duration has expired, to a limited or perpetual duration;

(d) To increase or decrease the aggregate number of shares or shares of any class or series of any class, which the corporation has authority to issue;

(e) To increase or decrease the par value of the authorized shares of any class having a par value, whether issued or unissued;

(f) To exchange, classify, reclassify or cancel all or any part of its shares, whether issued or unissued;

(g) To change the designation of all or any part of its shares, whether issued or unissued, and to change the preferences, limitations and the relative rights in respect of all or any part of its shares, whether issued or unissued;

(h) To change shares having a par value, whether issued or unissued, into the same or a different number of shares without par value, and to change shares without par value, whether issued or unissued, into the same or a different number of shares having a par value;

(i) To change the shares of any class or series, whether issued or unissued, and whether with or without par value, into a different number of shares of the same class or series or into the same or a different number of shares, either with or without par value, of other classes or series;

(j) To create new classes or series of shares having rights and preferences superior or inferior to, or equal with, the shares of any class or series then authorized, whether issued or unissued;

(k) To cancel or otherwise affect the right of the holders of the shares of any class or series to receive dividends which have accrued but have not been declared;

(l) To divide any class of shares, whether issued or unissued, into series and fix the designations of such series and the preferences, limitations and relative rights of the shares of such series;

(m) To authorize the board to divide authorized but unissued shares of any class into series and fix the designations and number of shares of such series and the preferences, limitations and relative rights of the shares of such series;

(n) To authorize the board to fix or change the designation or number of shares of, or preferences, limitations or relative rights of the shares of any theretofore established series the shares of which have not been issued;

(o) To revoke, diminish or enlarge the authority of the board to take any of the actions set forth in paragraphs 14A:9-1(2)(m) and 14A:9-1(2)(n);

(p) To limit, deny or grant to shareholders of any class the preemptive right to acquire additional or treasury shares of the corporation, whether then or thereafter authorized;

(q) To strike out, change or add any provision, not inconsistent with law, for the management of the business and the conduct of the affairs of the corporation, or creating, defining, limiting and regulating the powers of the corporation, its directors and shareholders or any class of shareholders, including any provision which under this act is required or permitted to be set forth in the by-laws.

(3) (Deleted by amendment, P.L. 1988, c. 94.)

53. N.J.S. 14A:9-2 is amended to read as follows:

Procedure to amend certificate of incorporation.

14A:9-2. Procedure to amend certificate of incorporation.

(1) Before the organization meeting of the board, the incorporators may amend the certificate of incorporation by complying with subsection 14A:9-4(1).

(2) Amendment of the certificate of incorporation by action of the board is provided for in subsection 14A:4-3(1), subsection 14A:5-21(4), subsection 14A:7-2(4), subsection 14A:7-6(4), subsection 14A:7-9(4), subsection 14A:7-15.1(3), and subsections 14A:7-18(1) and 14A:7-18(4). Amendment of the certificate of incorporation by action of the registered agent to change the registered office is provided for in subsection 14A:4-3(3).

(3) An amendment of the certificate of incorporation pursuant to a plan of merger may be made in the manner provided in Chapter 10 of this act.

(4) All other amendments of the certificate of incorporation shall be made in the following manner:

(a) The board shall approve the proposed amendment and direct that it be submitted to a vote at a meeting of the shareholders.

(b) Written notice setting forth the proposed amendment or a summary of the changes to be effected thereby shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of meetings of shareholders.

(c) At such meeting a vote of shareholders entitled to vote thereon shall be taken on the proposed amendment. The proposed amendment shall be adopted upon receiving the affirmative vote of a majority of the votes cast by the holders of shares entitled to vote thereon and, in addition, if any class or series of shares is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to January 1, 1969, the proposed amendment shall be adopted upon receiving the affirmative vote of two-thirds of the votes so cast. The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific amendments, or as may be provided in the certificate of incorporation.

(d) Subject to the provisions of section 14A:5-12, a corporation organized prior to January 1, 1969 may adopt the majority voting requirements prescribed in paragraph 14A:9-2(4)(c) by amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(e) Any number of amendments may be acted upon at one meeting.

(f) Upon adoption, a certificate of amendment shall be filed in the office of the Secretary of State as provided in section 14A:9-4.

54. N.J.S. 14A:9-4 is amended to read as follows:

Certificate of amendment.

14A:9-4. Certificate of amendment.

(1) If the amendment is made as provided by subsection 14A:9-2(1), a certificate of amendment shall, subject to subsection 14A:2-6(3), be signed by all the incorporators, shall set forth the name of the corporation and the amendment so adopted, and shall recite that the amendment is made by unanimous consent of the incorporators before the organization meeting of the directors.

(2) If the amendment is made by the board as referred to in subsection 14A:9-2(2), a certificate of amendment shall be executed on behalf of the corporation. The certificate shall set forth the infor-

mation required by the section of this act which empowers the board to make the amendment.

(3) If the amendment is made as provided by subsection 14A:9-2(4), a certificate of amendment shall be executed on behalf of the corporation and shall set forth

- (a) The name of the corporation;
- (b) The amendment so adopted;
- (c) The date of the adoption of the amendment by the shareholders;
- (d) The number of shares entitled to vote thereon, and if the shares of any class or series are entitled to vote thereon as a class, the designation and number of shares entitled to vote thereon of each such class or series;
- (e) The number of shares voted for and against such amendment, respectively, and if the shares of any class or series are entitled to vote thereon as a class, the number of shares of each such class and series voted for and against such amendment, respectively;
- (f) If such amendment is intended to provide for an exchange, reclassification or cancellation of issued shares, a statement of the manner in which the same shall be effected; and
- (g) If, pursuant to subsection 14A:9-4(5), the amendment is to become effective at a time subsequent to the time of filing, the date when the amendment is to become effective.

(4) (Deleted by amendment, P.L. 1988, c. 94.)

(5) Each certificate of amendment of the certificate of incorporation shall be filed in the office of the Secretary of State and the amendment shall become effective upon the date of filing or at such later time, not to exceed 90 days from the date of filing, as may be set forth in the certificate.

55. N.J.S. 14A:9-5 is amended to read as follows:

Restated certificate of incorporation.

14A:9-5. Restated certificate of incorporation.

(1) A corporation may restate and integrate in a single certificate the provisions of its certificate of incorporation as theretofore amended, including any provision effected by a merger or consolidation and any further amendments as may be adopted concurrently with the restated certificate.

(2) If the proposed restated certificate merely restates and integrates, but does not substantively amend the certificate of incorporation as theretofore amended, it may be adopted by the board.

(3) If the proposed restated certificate restates and integrates and also substantively amends the certificate of incorporation as theretofore amended, such restated certificate shall be adopted in the following manner:

(a) The board shall approve the proposed restated certificate and direct that it be submitted to a vote at a meeting of the shareholders;

(b) Written notice setting forth the proposed restated certificate shall be given to each shareholder of record entitled to vote thereon within the time and in the manner provided in this act for the giving of notice of such meeting;

(c) At such meeting a vote of shareholders entitled to vote thereon shall be taken on the proposed restated certificate. The proposed restated certificate shall be adopted upon receiving a number of votes sufficient to adopt an amendment to the corporation's certificate of incorporation. The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific amendments or as may be provided in the certificate of incorporation.

(4) The restated certificate shall recite that it is a restated certificate and shall contain all such provisions as are required in an original certificate of incorporation filed at the time the restated certificate is filed, except that

(a) It shall state the address of the corporation's then current registered office, and the name of its then current registered agent, and it shall also state the number, names and addresses of the directors constituting its then current board;

(b) It need not include statements as to the incorporator or incorporators or as to the first directors or the first registered office and registered agent;

(c) If, pursuant to subsection 14A:9-5(6), the restated certificate is to become effective subsequent to the time of filing, it shall state the date when it is to become effective.

(5) The restated certificate shall be executed on behalf of the corporation, and shall be filed in the office of the Secretary of State. There shall be attached to it and filed therewith a certificate executed on behalf of the corporation and setting forth

- (a) The name of the corporation;
- (b) The date such restated certificate was adopted; and
- (c) If the restated certificate was adopted by the shareholders, it shall also set forth
 - (i) the number of shares entitled to vote thereon, and, if the shares of any class or series are entitled to vote thereon as a class, the designation and number of shares entitled to vote thereon of each such class and series;
 - (ii) the number of shares voted for and against such adoption, and, if the shares of any class or series are entitled to vote thereon as a class, the number of shares of each such class and series voted for and against such adoption; and
 - (iii) if any amendment of the certificate of incorporation made by such restated certificate is intended to provide for an exchange, reclassification, or cancellation of issued shares, a statement of the manner in which the same shall be effected.

(6) The restated certificate shall become effective upon the date of filing with the Secretary of State or at such later time, not to exceed 90 days from the date of filing, as may be set forth therein. A restated certificate adopted in the manner prescribed herein, whether by action of the board alone pursuant to subsection 14A:9-5(2) or by action of the board and the shareholders pursuant to subsection 14A:9-5(3), shall supersede for all purposes the original certificate of incorporation and all amendments thereto made prior to the adoption of such restated certificate, and such restated certificate may be separately certified as the certificate of incorporation.

56. N.J.S. 14A:10-1 is amended to read as follows:

Procedure for merger.

14A:10-1. Procedure for merger.

- (1) Any two or more domestic corporations may merge into one of such corporations pursuant to a plan of merger approved in the manner provided in this act.
- (2) The board of each corporation shall approve a plan of merger setting forth
 - (a) The names of the corporations proposing to merge, and the name of the corporation into which they propose to merge, which is hereinafter designated as the surviving corporation;

(b) The terms and conditions of the proposed merger, including a statement of any amendments in the certificate of incorporation of the surviving corporation to be effected by such merger which amendments may be set forth in and effected by a restated certificate of incorporation which may be filed as an additional document together with the certificate of merger;

(c) The manner and basis of converting the shares of each corporation into shares, obligations, or other securities of the surviving corporation or of any other corporation or, in whole or in part, into cash or other property; and

(d) Such other provisions with respect to the proposed merger as are deemed necessary or desirable.

57. N.J.S. 14A:10-3 is amended to read as follows:

Approval by shareholders.

14A:10-3. Approval by shareholders.

(1) The board of each corporation, upon approving such plan of merger or plan of consolidation, shall direct that the plan be submitted to a vote at a meeting of shareholders. Written notice shall be given not less than 20 nor more than 60 days before such meeting to each shareholder of record, whether or not entitled to vote at such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders. Such notice shall include, or shall be accompanied by

(a) A copy or a summary of the plan of merger or consolidation; and

(b) A statement informing shareholders who, under Chapter 11 of this act, are entitled to dissent, that they have the right to dissent and to be paid the fair value of their shares and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in Chapter 11 of this act with which they must comply in order to assert and enforce such right.

(2) At each such meeting, a vote of the shareholders shall be taken on the proposed plan of merger or consolidation. Such plan shall be approved upon receiving the affirmative vote of a majority of the votes cast by the holders of shares of each such corporation entitled to vote thereon, and, in addition, if any class or series is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to January 1, 1969, the plan of merger

or consolidation shall be approved upon receiving the affirmative vote of two-thirds of the votes so cast. Any class or series of shares of any such corporation shall be entitled to vote as a class if the plan of merger or consolidation, as the case may be, contains any provision which, if contained in a proposed amendment to the certificate of incorporation, would entitle such class or series of shares to vote as a class unless such provision is one which could be adopted by the board without shareholder approval as referred to in subsection 14A:9-2(2). The voting requirements of this section shall be subject to such greater requirements as are provided in this act for specific amendments or as may be provided in the certificate of incorporation.

(3) Subject to the provisions of section 14A:5-12, a corporation organized prior to January 1, 1969, may adopt the majority voting requirements prescribed in subsection 14A:10-3(2) by an amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(4) Notwithstanding the provisions set forth in subsections 14A:10-3(1) and 14A:10-3(2), the approval of the shareholders of a surviving corporation shall not be required to authorize a merger (unless its certificate of incorporation otherwise provides) if

(a) The plan of merger does not make an amendment of the certificate of incorporation of the surviving corporation which is required by the provisions of this act to be approved by the shareholders;

(b) Each shareholder of the surviving corporation whose shares were outstanding immediately before the effective date of the merger will hold the same number of shares, with identical designations, preferences, limitations, and rights, immediately after;

(c) The number of voting shares outstanding immediately after the merger, plus the number of voting shares issuable on conversion of other securities or on exercise of rights and warrants issued pursuant to the merger, will not exceed by more than 40% the total number of voting shares of the surviving corporation outstanding immediately before the merger; and

(d) The number of participating shares outstanding immediately after the merger, plus the number of participating shares issuable on conversion of other securities or on exercise of rights and warrants issued pursuant to the merger, will not exceed by more than 40%

the total number of participating shares of the surviving corporation outstanding immediately before the merger.

(5) As used in subsection 14A:10-3(4):

(a) "Participating shares" means shares that entitle their holders to participate without limitation in distributions.

(b) "Voting shares" means shares that entitle their holders to vote unconditionally in elections of directors.

58. N.J.S. 14A:10-4.1 is added to the New Jersey Statutes as follows:

Certificate of merger or consolidation.

14A:10-4.1. Certificate of merger or consolidation.

(1) After approval of the plan of merger or consolidation, a certificate of merger or a certificate of consolidation shall be executed on behalf of each corporation. The certificate shall set forth

(a) The name of the surviving or new corporation and the names of the merging or consolidating corporations;

(b) The plan of merger or the plan of consolidation;

(c) The date or dates of approval by the shareholders of each corporation of the plan of merger or the plan of consolidation;

(d) As to each corporation whose shareholders are entitled to vote, the number of shares entitled to vote thereon, and, if the shares of any class or series are entitled to vote thereon as a class, the designation and number of shares entitled to vote thereon of each class or series;

(e) As to each corporation whose shareholders are entitled to vote, the number of shares voted for and against the plan, respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each class or series voted for and against the plan, respectively; and

(f) In the case of a merger governed by subsection 14A:10-3(4), that the plan of merger was approved by the board of directors of the surviving corporation and that no vote of the shareholders of the surviving corporation was required because of the applicability of that subsection; and

(g) If, pursuant to subsection 14A:10-4.1(2), the merger is to become effective at a time subsequent to the date of filing with the Secretary of State, the date when the merger is to become effective.

(2) The executed original and a copy of the certificate shall be filed in the office of the Secretary of State and the merger or consolidation shall become effective upon the date of the filing or at a later time, not to exceed 90 days after the date of filing, as may be set forth in the certificate. The Secretary of State shall, upon filing, forward the copy of the certificate to the Director of the Division of Taxation.

59. N.J.S. 14A:10-5.1 is added to the New Jersey Statutes as follows:

Merger of subsidiary corporation.

14A:10-5.1. Merger of subsidiary corporation.

(1) A domestic corporation owning at least 90% of the outstanding shares of each class and series of another domestic corporation or corporations, may merge the other corporation or corporations into itself, or may merge itself, or itself and any subsidiary corporation or corporations, into any subsidiary corporation, without approval of the shareholders of any of the corporations, except as provided in subsections 14A:10-5.1(5) and 14A:10-5.1(6). The board of the parent corporation shall approve a plan of merger setting forth those matters required to be set forth in plans of merger under section 14A:10-1. Approval by the board of any subsidiary corporation shall not be required.

(2) If the parent corporation owns less than 100% of the outstanding shares of each subsidiary corporation, it shall mail to each minority shareholder of record of each subsidiary corporation, unless waived in writing, a copy or a summary of the plan of merger. The parent corporation shall also mail to each shareholder who, under Chapter 11 of this act, is entitled to dissent, a statement informing the shareholder that he has the right to dissent and to be paid the fair value of his shares, and outlining briefly, with particular reference to the time periods within which actions shall be taken, the procedures set forth in Chapter 11 of this act with which he shall comply in order to assert and enforce that right.

(3) A certificate of merger shall be executed on behalf of the parent corporation. The certificate shall set forth

(a) The name of the surviving corporation and the names of the merged corporations;

(b) The plan of merger;

(c) The date of approval by the board of the parent corporation of the plan of merger;

(d) The number of outstanding shares of each class and series of each subsidiary corporation which is a party to the merger and the number of shares of each class and series owned by the parent corporation;

(e) If the parent corporation owns less than 100% of the outstanding shares of each subsidiary corporation, the date of the mailing of a copy or a summary of the plan of merger to minority shareholders of each subsidiary corporation; or if all the shareholders have waived the mailing in writing, a statement that the waiver has been obtained;

(f) If approval of the shareholders of the parent corporation is required by subsection 14A:10-5.1(6), the information as to the corporation required by paragraphs 14A:10-4.1(1)(b) and 14A:10-4.1(1)(c); and

(g) If, pursuant to subsection 14A:10-5.1(4), the merger is to become effective at a time subsequent to the date of filing with the Secretary of State, the date when the merger is to become effective.

(4) The executed original and a copy of the certificate shall be filed in the office of the Secretary of State and the merger shall become effective upon the date of the filing or at a later time, not to exceed 90 days from the date of filing, as may be set forth in the certificate. The Secretary of State shall, upon filing, forward the copy of the certificate to the Director of the Division of Taxation.

(5) Approval of the shareholders of any subsidiary corporation shall be obtained pursuant to its certificate of incorporation, if the certificate requires approval of a merger by the affirmative vote of the holders of more than the percentage of the shares of any class or series of the corporation then owned by the parent corporation.

(6) Approval of the shareholders of the parent corporation shall be obtained:

(a) Whenever its certificate of incorporation requires shareholder approval of a merger; or

(b) Pursuant to section 14A:10-3 where

(i) the plan of merger contains a provision which would change any part of the certificate of incorporation of the parent corporation into which a subsidiary corporation is being merged, unless the change is one that can be made by the board without shareholder approval as referred to in subsection 14A:9-2(2); or

(ii) a subsidiary corporation is to be the surviving corporation.

(7) The grant of the power to merge under this section shall not preclude the effectuation of any merger as elsewhere provided in this Chapter.

60. N.J.S. 14A:10-7 is amended to read as follows:

Merger or consolidation of domestic and foreign corporations.

14A:10-7. Merger or consolidation of domestic and foreign corporations.

(1) One or more foreign corporations and one or more domestic corporations may be merged or consolidated in the following manner:

(a) Each domestic corporation shall comply with the provisions of this act with respect to the merger or consolidation of domestic corporations and each foreign corporation shall comply with the applicable provisions of the laws of the jurisdiction under which it is organized.

(b) The certificate of merger or consolidation required by section 14A:10-4.1 shall be executed on behalf of each domestic corporation and each foreign corporation and, in addition to the information required by subsection 14A:10-4.1(1), shall set forth that the applicable provisions of the laws of the jurisdiction under which each foreign corporation was organized have been, or upon compliance with filing and recording requirements will have been, complied with.

(c) If the surviving or new corporation is to be a foreign corporation and is to transact business in this State, it shall comply with the provisions of this act with respect to foreign corporations, and, whether or not it is to transact business in this State, the certificate of merger or consolidation required by section 14A:10-4.1 shall, in addition to other required information, set forth

(i) an agreement by such foreign corporation that it may be served with process in this State in any proceeding for the enforcement of any obligation of any domestic corporation or any foreign corporation, previously amenable to suit in this State, which is a party to such merger or consolidation, and in any proceeding for the enforcement of the rights of a dissenting shareholder of any such domestic corporation against the surviving or new corporation; and

(ii) an irrevocable appointment by such foreign corporation of the Secretary of State of this State as its agent to accept service of process in any such proceeding, and the post office address, within or without

this State, to which the Secretary of State shall mail a copy of the process in such proceeding;

(iii) an agreement by such foreign corporation that it will promptly pay to the dissenting shareholders of any such domestic corporation the amount, if any, to which they shall be entitled under the provisions of this act with respect to the rights of dissenting shareholders.

(2) The provisions of subsection 14A:10-3(4) shall apply to a merger in which the surviving corporation is a domestic corporation.

(3) If the surviving or new corporation is a domestic corporation, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations. If the surviving or new corporation is a foreign corporation, the effect of such merger or consolidation shall be the same as in the case of the merger or consolidation of domestic corporations except insofar as the laws of the jurisdiction of incorporation of such foreign corporation shall provide otherwise.

(4) One or more foreign corporations and one or more domestic corporations may be merged in the manner provided in section 14A:10-5.1, provided that, if the parent corporation is a foreign corporation, it shall, notwithstanding the provisions of the laws of its jurisdiction of incorporation, comply with the provisions of subsection 14A:10-5.1(2) with respect to notice to shareholders of any domestic subsidiary corporation which is a party to the merger.

61. N.J.S. 14A:10-11 is amended to read as follows:

Sale or other disposition of assets other than in regular course of business.

14A:10-11. Sale or other disposition of assets other than in regular course of business.

(1) A sale, lease, exchange, or other disposition of all, or substantially all, the assets of a corporation, if not in the usual and regular course of its business as conducted by such corporation, may be made upon such terms and conditions and for such consideration, which may consist in whole or in part of money or property, real or personal, including shares, bonds, or other securities of any other corporation, domestic or foreign, as may be authorized in the following manner:

(a) The board shall recommend such sale, lease, exchange, or other disposition and direct that it be submitted to a vote at a meeting of shareholders.

(b) Written notice shall be given not less than 20 nor more than 60 days before such meeting to each shareholder of record, whether or not entitled to vote at such meeting, in the manner provided in this act for the giving of notice of meetings of shareholders. Such notice shall include, or shall be accompanied by

(i) a statement summarizing the principal terms of the proposed transaction; and

(ii) a statement informing shareholders who, under Chapter 11 of this act, are entitled to dissent, that they have the right to dissent and to be paid the fair value of their shares and outlining briefly, with particular reference to the time periods within which actions must be taken, the procedures set forth in Chapter 11 of this act with which they must comply in order to assert and enforce such right.

(c) At such meeting the shareholders may approve such sale, lease, exchange, or other disposition and may fix, or may authorize the board to fix, any or all of the terms and conditions thereof and the consideration to be received by the corporation therefor. Such sale, lease, exchange or other disposition shall be approved upon receiving the affirmative vote of a majority of the votes cast by the holders of shares entitled to vote thereon, and, in addition, if any class or series of shares is entitled to vote thereon as a class, the affirmative vote of a majority of the votes cast in each class vote; except that, in the case of a corporation organized prior to January 1, 1969, the sale, lease, exchange, or other disposition shall be approved upon receiving the affirmative vote of two-thirds of the votes so cast.

(d) Subject to the provisions of section 14A:5-12, a corporation organized prior to January 1, 1969, may adopt the majority voting requirements prescribed in paragraph 14A:10-11(1)(c) by an amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(2) Notwithstanding such approval or authorization by the shareholders, the board may abandon such sale, lease, exchange, or other disposition of assets, subject to the rights of third parties under any contracts relating thereto, without further action by the shareholders.

(3) The sale, lease, exchange, or other disposition of all, or substantially all, the assets of one or more subsidiaries of a corporation, if not in the usual and regular course of business as conducted

by such subsidiary or subsidiaries, shall be treated as a disposition within the meaning of subsection 14A:10-11(1) if the subsidiary or subsidiaries constitute all, or substantially all, the assets of the corporation.

62. N.J.S. 14A:10-12 is amended to read as follows:

Shareholders' rights on other corporate acquisitions.

14A:10-12. Shareholders' rights on other corporate acquisitions.

(1) Shareholders of a corporation which proposes to acquire, directly or through a subsidiary, in exchange for its shares, obligations or other securities, some or all of the outstanding shares of another corporation, or some or all of the assets of a corporation, a business trust, a business proprietorship or a business partnership, shall have the same rights, if any, as they would if they were shareholders of a surviving corporation in a merger

- (a) To notice of the proposed acquisition;
- (b) To vote on the proposed acquisition; and
- (c) To dissent from the proposed acquisition and be paid the fair value of their shares, if:
 - (i) the number of voting shares outstanding immediately after the transaction, plus the number of voting shares issuable on conversion of other securities or on exercise of rights and warrants issued pursuant to the transaction, will exceed by more than 40% the total number of voting shares of the corporation outstanding immediately before the transaction; or
 - (ii) the number of participating shares outstanding immediately after the transaction, plus the number of participating shares issuable on conversion of other securities or on exercise of rights and warrants issued pursuant to the transaction will exceed by more than 40% the total number of participating shares of the corporation outstanding immediately before the transaction.

(2) As used in subsection 14A:10-12(1):

- (a) "Participating shares" means shares that entitle their holders to participate without limitation in distributions.
- (b) "Voting shares" means shares that entitle their holders to vote unconditionally in elections of directors.

63. Section 14A:10-13 is added to the New Jersey Statutes as follows:

Share exchange.

14A:10-13. Share exchange.

(1) A domestic or foreign corporation may acquire all of the outstanding shares, or all of the outstanding shares of one or more classes or series, of a domestic corporation if the board of each corporation adopts and the shareholders of the acquired corporation approve a plan of exchange.

(2) The plan of exchange shall set forth:

(a) The name of the acquired corporation, and the name of the acquiring corporation;

(b) All classes and series of shares of the acquired corporation which are proposed to be acquired by exchange;

(c) The terms and conditions of the proposed exchange;

(d) The manner and basis of exchanging the shares of the acquired corporation for shares, obligations or other securities of the acquiring corporation or any other corporation or for cash or other property or for any combination of securities, cash or property; and

(e) Other provisions considered necessary or desirable with respect to the exchange.

(3) The board of the acquired corporation upon approving the plan of exchange shall submit it to a vote at a meeting of its shareholders. If the plan of exchange provides for the acquisition of all of the outstanding shares of the acquired corporation, the shareholders of the acquired corporation shall be entitled to all the voting rights they would have if the exchange were a merger. If less than all of the classes or series of shares of the acquired corporation are to be acquired, only the holders of shares of those classes or series of shares of the acquired corporation which are proposed to be acquired shall be entitled to vote at the meeting. Written notice shall be given not less than 20 and not more than 60 days before the meeting to each shareholder of record, whether or not entitled to vote at the meeting, in the manner provided in this act for the giving of notices of meetings of shareholders. The notice shall include or be accompanied by:

(a) A copy or summary of the plan of exchange; and

(b) A statement informing shareholders who, under Chapter 11 of this act, are entitled to dissent, that they have the right to dissent and to be paid the fair value of their shares and outlining briefly,

with particular reference to the time periods within which actions shall be taken, the procedures set forth in Chapter 11 of this act with which they shall comply in order to assert and enforce that right.

(4) The plan of exchange shall be approved upon receiving the affirmative vote of a majority of the votes cast by the holders of shares which are entitled to vote on the plan of exchange. In the case of a corporation organized prior to January 1, 1969, the plan of exchange shall be approved upon receiving the affirmative vote of two-thirds of the votes so cast unless the corporation has adopted the majority voting requirements prescribed in this subsection or in subsection 14A:10-3(3) by an amendment of its certificate of incorporation adopted by the affirmative vote of two-thirds of the votes cast by the holders of shares entitled to vote thereon.

(5) After approval of the plan of exchange, a certificate of exchange shall be executed on behalf of each corporation which shall set forth:

(a) The name of the acquired corporation and the name of the acquiring corporation;

(b) The plan of exchange;

(c) The dates of the approval of the plan of exchange by the boards of directors of each corporation;

(d) The date of the approval of shareholders of the acquired corporation and, if necessary, the acquiring corporation;

(e) As to the acquired corporation whose shareholders are entitled to vote: the number of shares entitled to vote thereon, and if the shares of any class or series are entitled to vote thereon as a class, the designation and number of shares entitled to vote thereon of each said class or series; the number of shares voted for and against the plan respectively, and, if the shares of any class are entitled to vote as a class, the number of shares of each class or series voted for and against the plan, respectively;

(f) That the plan of exchange was approved by the boards of directors of each corporation; and

(g) If the exchange is to be effective at a time subsequent to the date of filing with the Secretary of State, the date when the exchange is to be effective, which date may be no more than 90 days after the filing of the certificate.

(6) The certificate of exchange shall be filed in the office of the

Secretary of State and the exchange shall become effective upon the date of the filing or at a later time, not to exceed 90 days after the date of filing, as may be set forth in the certificate.

(7) Upon the effective date of the exchange, the terms of the plan of exchange shall automatically become effective. Without limiting the foregoing, upon the effective date all of the outstanding shares of the acquired corporation, which the plan of exchange provides shall be acquired, automatically shall become the property of the acquiring corporation; share certificates which formerly evidenced the acquired shares shall only evidence the right of the holder thereof to receive the consideration provided for in the plan. The acquiring corporation may condition the payment of the consideration provided for in the plan upon the surrender of the share certificate evidencing the acquired shares.

(8) Any shareholder of an acquired corporation whose shares are acquired pursuant to the plan of exchange shall have all of the rights of a dissenting shareholder under Chapter 11 of this act to the extent the shareholder would have those rights if the plan of exchange were treated as a merger under paragraph 14A:11-1(1)(a).

64. N.J.S. 14A:11-1 is amended to read as follows:

Right of shareholders to dissent.

14A:11-1. Right of shareholders to dissent.

(1) Any shareholder of a domestic corporation shall have the right to dissent from any of the following corporate actions

(a) Any plan of merger or consolidation to which the corporation is a party, provided that, unless the certificate of incorporation otherwise provides

(i) a shareholder shall not have the right to dissent from any plan of merger or consolidation with respect to shares

(A) of a class or series which is listed on a national securities exchange or is held of record by not less than 1,000 holders on the record date fixed to determine the shareholders entitled to vote upon the plan of merger or consolidation; or

(B) for which, pursuant to the plan of merger or consolidation, he will receive (x) cash, (y) shares, obligations or other securities which, upon consummation of the merger or consolidation, will either be listed on a national securities exchange or held of record by not less than 1,000 holders, or (z) cash and such securities;

(ii) a shareholder of a surviving corporation shall not have the right to dissent from a plan of merger, if the merger did not require for its approval the vote of such shareholders as provided in section 14A:10-5.1 or in subsections 14A:10-3(4), 14A:10-7(2) or 14A:10-7(4); or

(b) Any sale, lease, exchange or other disposition of all or substantially all of the assets of a corporation not in the usual or regular course of business as conducted by such corporation, provided that, unless the certificate of incorporation otherwise provides, the shareholder shall not have the right to dissent

(i) with respect to shares of a class or series which, at the record date fixed to determine the shareholders entitled to vote upon such transaction, is listed on a national securities exchange or is held of record by not less than 1,000 holders; or

(ii) from a transaction pursuant to a plan of dissolution of the corporation which provides for distribution of substantially all of its net assets to shareholders in accordance with their respective interests within one year after the date of such transaction, where such transaction is wholly for

(A) cash; or

(B) shares, obligations or other securities which, upon consummation of the plan of dissolution will either be listed on a national securities exchange or held of record by not less than 1,000 holders; or

(C) cash and such securities; or

(iii) from a sale pursuant to an order of a court having jurisdiction.

(2) Any shareholder of a domestic corporation shall have the right to dissent with respect to any shares owned by him which are to be acquired pursuant to section 14A:10-9.

(3) A shareholder may not dissent as to less than all of the shares owned beneficially by him and with respect to which a right of dissent exists. A nominee or fiduciary may not dissent on behalf of any beneficial owner as to less than all of the shares of such owner with respect to which the right of dissent exists.

(4) A corporation may provide in its certificate of incorporation that holders of all its shares, or of a particular class or series thereof, shall have the right to dissent from specified corporate actions in

addition to those enumerated in subsection 14A:11-1(1), in which case the exercise of such right of dissent shall be governed by the provisions of this Chapter.

65. N.J.S. 14A:11-2 is amended to read as follows:

Notice of dissent; demand for payment; endorsement of certificates.

14A:11-2. Notice of dissent; demand for payment; endorsement of certificates.

(1) Whenever a vote is to be taken, either at a meeting of shareholders or upon written consents in lieu of a meeting pursuant to section 14A:5-6, upon a proposed corporate action from which a shareholder may dissent under section 14A:11-1, any shareholder electing to dissent from such action shall file with the corporation before the taking of the vote of the shareholders on such corporate action, or within the time specified in paragraph 14A:5-6(2)(b) or 14A:5-6(2)(c), as the case may be, if no meeting of shareholders is to be held, a written notice of such dissent stating that he intends to demand payment for his shares if the action is taken.

(2) Within 10 days after the date on which such corporate action takes effect, the corporation, or, in the case of a merger or consolidation, the surviving or new corporation, shall give written notice of the effective date of such corporate action, by certified mail to each shareholder who filed written notice of dissent pursuant to subsection 14A:11-2(1), except any who voted for or consented in writing to the proposed action.

(3) Within 20 days after the mailing of such notice, any shareholder to whom the corporation was required to give such notice and who has filed a written notice of dissent pursuant to this section may make written demand on the corporation, or, in the case of a merger or consolidation, on the surviving or new corporation, for the payment of the fair value of his shares.

(4) Whenever a corporation is to be merged pursuant to section 14A:10-5.1 or subsection 14A:10-7(4) and shareholder approval is not required under subsections 14A:10-5.1(5) and 14A:10-5.1(6), a shareholder who has the right to dissent pursuant to section 14A:11-1 may, not later than 20 days after a copy or summary of the plan of such merger and the statement required by subsection 14A:10-5.1(2) is mailed to such shareholder, make written demand on the corporation or on the surviving corporation, for the payment of the fair value of his shares.

(5) Whenever all the shares, or all the shares of a class or series, are to be acquired by another corporation pursuant to section 14A:10-9, a shareholder of the corporation whose shares are to be acquired may, not later than 20 days after the mailing of notice by the acquiring corporation pursuant to paragraph 14A:10-9(3)(b), make written demand on the acquiring corporation for the payment of the fair value of his shares.

(6) Not later than 20 days after demanding payment for his shares pursuant to this section, the shareholder shall submit the certificate or certificates representing his shares to the corporation upon which such demand has been made for notation thereon that such demand has been made, whereupon such certificate or certificates shall be returned to him. If shares represented by a certificate on which notation has been made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares, and a transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making a demand for payment of the fair value thereof.

(7) Every notice or other communication required to be given or made by a corporation to any shareholder pursuant to this Chapter shall inform such shareholder of all dates prior to which action must be taken by such shareholder in order to perfect his rights as a dissenting shareholder under this Chapter.

66. N.J.S. 14A:11-3 is amended to read as follows:

"Dissenting shareholder" defined; date for determination of fair value.

14A:11-3. "Dissenting shareholder" defined; date for determination of fair value.

(1) A shareholder who has made demand for the payment of his shares in the manner prescribed by subsection 14A:11-2(3), 14A:11-2(4) or 14A:11-2(5) is hereafter in this Chapter referred to as a "dissenting shareholder."

(2) Upon making such demand, the dissenting shareholder shall cease to have any of the rights of a shareholder except the right to be paid the fair value of his shares and any other rights of a dissenting shareholder under this Chapter.

(3) "Fair value" as used in this Chapter shall be determined

(a) As of the day prior to the day of the meeting of shareholders

at which the proposed action was approved or as of the day prior to the day specified by the corporation for the tabulation of consents to such action if no meeting of shareholders was held; or

(b) In the case of a merger pursuant to section 14A:10-5.1 or subsection 14A:10-7(4) in which shareholder approval is not required, as of the day prior to the day on which the board of directors approved the plan of merger; or

(c) In the case of an acquisition of all the shares or all the shares of a class or series by another corporation pursuant to section 14A:10-9, as of the day prior to the day on which the board of directors of the acquiring corporation authorized the acquisition, or, if a shareholder vote was taken pursuant to section 14A:10-12, as of the day provided in paragraph 14A:11-3(3)(a).

In all cases, "fair value" shall exclude any appreciation or depreciation resulting from the proposed action.

67. N.J.S. 14A:12-1 is amended to read as follows:

Methods of dissolution.

14A:12-1. Methods of dissolution.

(1) A corporation may be dissolved in any one of the following ways

(a) By the filing of a certificate of dissolution pursuant to section 14A:12-5.1 upon expiration of any period of duration stated in the corporation's certificate of incorporation;

(b) By action of the incorporators or directors pursuant to section 14A:12-2;

(c) By action of the shareholders pursuant to section 14A:12-3;

(d) By action of the board and the shareholders pursuant to section 14A:12-4;

(e) By action of a shareholder or shareholders pursuant to section 14A:12-5;

(f) By a judgment of the Superior Court in an action brought pursuant to section 14A:12-6 or 14A:12-7, or otherwise;

(g) Automatically by a proclamation of the Secretary of State repealing or revoking a certificate of incorporation for nonpayment of taxes or for failure to file annual reports;

(h) By action of a corporation without assets pursuant to section 14A:12-4.1.

(2) A corporation which has been dissolved in a proceeding pursuant to section 14A:12-6 or 14A:12-7, or which has been dissolved, or whose charter has been forfeited or revoked, for a cause or by a method not mentioned in this section, shall be subject to all the provisions of this Chapter and of Chapter 14, to the extent that such provisions are compatible with a court directed dissolution, or with the statute or common-law proceeding pursuant to which such dissolution, forfeiture or revocation is effected.

68. Section 14A:12-4.1 is added to the New Jersey Statutes as follows:

Dissolution of corporations without assets.

14A:12-4.1. Dissolution of corporations without assets.

(1) A corporation which has ceased doing business and does not intend to recommence doing business may be dissolved by action of its board and shareholders or, as set forth in this section, by a corporate officer, if the corporation

(a) Has no assets;

(b) Has ceased doing business and does not intend to recommence doing business; and

(c) Has not made any distributions of cash or property to its shareholders within the last 24 months and does not intend to make any distribution following its dissolution.

(2) The dissolution of a corporation may be authorized by the shareholders without a meeting as provided in section 14A:12-3, by action of the board and the shareholders as provided in section 14A:12-4 or by action of a corporate officer as provided below. The dissolution may be authorized by a corporate officer if the officer has given 30 days' prior written notice of his intention to dissolve the corporation by mail or personal service to all known directors and shareholders at their last known address and no director or shareholder has objected to the proposed dissolution. The dissolution shall be effected by filing with the Secretary of State a certificate of dissolution executed on behalf of the corporation by all of the shareholders or any officer of the corporation setting forth the following:

(a) The name of the corporation;

(b) The name and address of the shareholders executing the

certificate, or the name, address and title of the officer executing the certificate;

(c) That the corporation has no assets, has ceased doing business and does not intend to recommence doing business, and has not made any distributions of cash or property to its shareholders within the last 24 months and does not intend to make any distribution following its dissolution;

(d) That (i) the shareholders have authorized the dissolution by signing the certificate of dissolution in person or by proxy, or (ii) the board and the shareholders have authorized the dissolution as provided in section 14A:12-4, or (iii) 30 days' prior written notice of the dissolution has been mailed to or personally served upon all known directors and shareholders at their last known addresses and no one of them has objected to the dissolution; and

(e) That the shareholders executing the certificate believe, or the officer executing the certificate believes, that all of the statements in the certificate are true under penalty of perjury.

(3) Notwithstanding the provisions of sections 14A:2-2 and 14A:15-2, and section 3 of P.L. 1973, c. 367 (C. 54:50-14) or any other provisions of law,

(a) The Secretary of State shall accept for filing a certificate of dissolution pursuant to the provisions of this section

(i) without payment of any filing fee; and

(ii) without the filing with the Secretary of State of the certificate of the Director of the Division of Taxation evidencing the payment, or provision for the payment, by the corporation of taxes, fees, penalties, and interest; and

(b) The name of the corporation shall be available immediately for corporate use upon the filing of a certificate of dissolution pursuant to the provisions of this section.

69. N.J.S. 14A:12-7 is amended to read as follows:

Involuntary dissolution; other remedies.

14A:12-7. Involuntary dissolution; other remedies.

(1) The Superior Court, in an action brought under this section, may appoint a custodian, appoint a provisional director, order a sale of the corporation's stock as provided below, or enter a judgment dissolving the corporation, upon proof that

(a) The shareholders of the corporation are so divided in voting power that, for a period which includes the time when two consecutive annual meetings were or should have been held, they have failed to elect successors to directors whose terms have expired or would have expired upon the election and qualification of their successors; or

(b) The directors of the corporation, or the person or persons having the management authority otherwise in the board, if a provision in the corporation's certificate of incorporation contemplated by subsection 14A:5-21(2) is in effect, are unable to effect action on one or more substantial matters respecting the management of the corporation's affairs; or

(c) In the case of a corporation having 25 or less shareholders, the directors or those in control have acted fraudulently or illegally, mismanaged the corporation, or abused their authority as officers or directors or have acted oppressively or unfairly toward one or more minority shareholders in their capacities as shareholders, directors, officers, or employees.

(2) An action may be brought under this section by one or more directors or by one or more shareholders. In such action, in the case of appointment of a custodian or a provisional director, the court may proceed in a summary manner or otherwise.

(3) One or more provisional directors may be appointed if it appears to the court that such an appointment may be in the best interests of the corporation and its shareholders, notwithstanding any provisions in the corporation's by-laws, certificate of incorporation, or any resolutions adopted by the board or shareholders. A provisional director shall have all the rights and powers of a duly elected director of the corporation, including the right to notice of and to vote at meetings of directors, until such time as he shall be removed by order of the court or, unless otherwise ordered by the court, by a vote or written consent of a majority of the votes entitled to be cast by the holders of shares entitled to vote to elect directors.

(4) A custodian may be appointed if it appears to the court that such an appointment may be in the best interests of the corporation and its shareholders, notwithstanding any provisions in the corporation's by-laws, certificate of incorporation, or any resolutions adopted by the shareholders or the board. Subject to any limitations which the court imposes, a custodian shall be entitled to exercise all of the powers of the corporation's board and officers to the extent

necessary to manage the affairs of the corporation in the best interests of its shareholders and creditors, until such time as he shall be removed by order of the court or, unless otherwise ordered by the court, by the vote or written consent of a majority of the votes entitled to be cast by the holders of shares entitled to vote to elect directors. Such powers may be exercised directly or through, or in conjunction with, the corporation's board or officers, in the discretion of the custodian or as the court may order. If so provided in the order appointing him, a custodian shall have the fact-determining powers of a receiver as provided in subsections 14A:14-5(e) and (f).

(5) Any custodian or provisional director shall be an impartial person who is neither a shareholder nor a creditor of the corporation or of any subsidiary or affiliate of the corporation.

(6) Any custodian or provisional director shall report from time to time to the court concerning the matter complained of, or the status of the deadlock, if any, and of the status of the corporation's business, as the court shall direct. In addition, he shall submit to the court, if so directed, his recommendations as to the appropriate disposition of the action. If, after the appointment of a custodian or provisional director, the court determines that a judgment of dissolution is in the best interests of the shareholders of the corporation, such a judgment shall be entered. The court may continue any custodian or provisional director in such office subsequent to the entry of a judgment of dissolution and until such time as the affairs of the corporation are wound up, or it may appoint such person or another as receiver, as provided in section 14A:12-15.

(7) In any proceeding under this section, the court shall allow reasonable compensation to the custodian or provisional director for his services and reimbursement or direct payment of his reasonable costs and expenses which amounts shall be paid by the corporation.

(8) Upon motion of the corporation or any shareholder who is a party to the proceeding, the court may order the sale of all shares of the corporation's stock held by any other shareholder who is a party to the proceeding to either the corporation or the moving shareholder or shareholders, whichever is specified in the motion, if the court determines in its discretion that such an order would be fair and equitable to all parties under all of the circumstances of the case.

(a) The purchase price of any shares so sold shall be their fair value as of the date of the commencement of the action or such earlier or later date deemed equitable by the court, plus or minus any

adjustments deemed equitable by the court if the action was brought in whole or in part under paragraph 14A:12-7(1)(c).

(b) Within five days after the entry of any such order, the corporation shall provide each selling shareholder with the information it is required to provide a dissenting shareholder under section 14A:11-6, and within 10 days after entry of the order the purchasing party shall make a written offer to purchase at a price deemed by the purchasing party to be the fair value of the shares.

(c) If the parties are unable to agree on fair value within 40 days of entry of the order, the court shall make the determination of the fair value, and the provisions of sections 14A:11-8 through 14A:11-11 shall be followed insofar as they are applicable.

(d) Interest may be allowed at the rate and from the date determined by the court to be equitable, and if the court finds that the refusal of the shareholder to accept any offer of payment was arbitrary, vexatious, or otherwise not in good faith, no interest shall be allowed. If the court finds that the action was maintainable under paragraph 14A:12-7(1)(c), the court in its discretion may award to the selling shareholder or shareholders reasonable fees and expenses of counsel and of any experts, including accountants, employed by them.

(e) The purchase price shall be paid by the delivery of cash, notes, or other property, or any combination thereof within 30 days after the court has determined the fair value of the shares. The court shall, in its discretion, determine the method of payment of the purchase price. Whenever practicable, the purchase price shall be paid entirely in cash. If the court determines that an all cash payment is not practicable, it shall determine the amount of the cash payment, the kind and amount of any property, whether any note shall be secured, and other appropriate terms, including the interest rate of any note.

(f) Upon entry of an order for the sale of shares under this subsection, and provided the corporation or the moving shareholders post a bond in adequate amount with sufficient sureties or otherwise satisfy the court that the full purchase price of the shares, plus whatever additional costs, expenses, and fees as may be awarded, will be paid when due and payable, the selling shareholders shall no longer have any rights or status as shareholders, officers, or directors, except the right to receive the fair value of their shares plus whatever other amounts as may be awarded. In such event, the court may remove any custodian or provisional director who may have been appointed.

(9) In determining whether to enter a judgment of dissolution in an action brought under this section, the court shall take into consideration whether the corporation is operating profitably and in the best interests of its shareholders, but shall not deny entry of such a judgment solely on that ground.

(10) If the court determines that any party to an action brought under this section has acted arbitrarily, vexatiously, or otherwise not in good faith, it may in its discretion award reasonable expenses, including counsel fees incurred in connection with the action, to the injured party or parties.

70. N.J.S. 14A:15-3 is amended to read as follows:

Additional corporate filing fees.

14A:15-3. Additional corporate filing fees. The Secretary of State shall also charge and collect for:

(1) filing an application to reserve a specified corporate name and issuing a certificate of reservation	\$50.00
if application is for the first name available for corporate use among not more than three specified names	\$50.00
(2) filing a notice of transfer of a reserved corporate name	\$25.00
(3) filing an application by a foreign corporation to register its corporate name	\$50.00
(4) filing an application by a foreign corporation to renew the registration of its corporate name	\$50.00
(5) filing a statement of cancellation of shares	\$50.00
(6) filing a statement of reduction of stated capital	\$50.00
(7) filing a certificate as to the acquisition of the shares or a class of shares of a domestic corporation	\$50.00
(8) issuing a certificate of standing, including registered agent and registered office	\$25.00

(9) issuing a certificate of standing, same as above, but including incorporators, officers and directors, and authorized shares	\$25.00
(10) issuing a certificate of standing, listing charter documents	\$25.00
(11) issuing a certificate of availability of corporate name (one to three names)	\$25.00
(12) filing a certificate of registration of alternate name	\$50.00
(13) filing a certificate of renewal of registration of alternate name	\$25.00
(14) filing a certificate of correction, in addition to any applicable license fee	\$10.00
(15) filing and issuing a reinstatement of charter	\$50.00
(16) corporate status reports—per name	\$5.00
(17) accepting service of process against corporation pursuant to N.J.S. 2A:15-26 et seq.	\$25.00
(18) filing a termination of alternate name ...	\$50.00

Repealer.

71. The following are repealed:

N.J.S. 14A:1-2

N.J.S. 14A:6-7

N.J.S. 14A:7-8

N.J.S. 14A:7-14

N.J.S. 14A:7-17

N.J.S. 14A:7-19 and N.J.S. 14A:7-20

N.J.S. 14A:8-2 through N.J.S. 14A:8-6 inclusive

N.J.S. 14A:10-4

N.J.S. 14A:10-5

P.L. 1977, c. 59 (C. 14A:2-2a and C. 14A:2-2b)

P.L. 1969, c. 102, s. 12 (C. 14A:8-1.1).

72. This act shall take effect on the first day of the calendar month following the 90th day after enactment.

Approved August 4, 1988.

CHAPTER 95

AN ACT concerning certain services provided by the Office of the Secretary of State in relation to various corporations and amending P.L. 1982, c. 150.

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

1. Section 3 of P.L. 1982, c. 150 (C. 52:16A-37) is amended to read as follows:

C. 52:16A-37 Telephone service.

3. In addition to continuing to perform all the functions, duties and responsibilities performed by the Division of Commercial Recording, the Division of Commercial Recording shall provide information by telephone to any person who makes a telephone request for the following information:

- a. The availability of a corporate name under N.J.S. 14A:2-2;
- b. Whether or not a corporation's certificate of incorporation or authority has been voided or revoked;
- c. The name and address of the registered agent of a corporation;
- d. The date of incorporation of a domestic corporation or the date of qualification of a foreign corporation;
- e. The name and address of a corporation which has filed an alternate name certificate pursuant to N.J.S. 14A:2-2.1; and
- f. Any other information contained in documents filed with the Secretary of State, which, in the discretion of the Secretary, is readily available.

The Secretary of State shall confirm in writing any of the information provided by telephone if the person so requests.

2. Section 4 of P.L. 1982, c. 150 (C. 52:16A-38) is amended to read as follows:

C. 52:16A-38 Expedited over the counter corporate service.

4. a. The Division of Commercial Recording shall provide for and establish an expedited over the counter corporate service. The processing of requests and information and documents shall be a priority same day service effected in a fast and efficient manner.

b. The Division of Commercial Recording shall provide expedited over the counter corporate service for the following requests:

New Jersey State Library

- (1) Any information contained in the annual report of a corporation;
- (2) A certificate of standing;
- (3) A certified or uncertified copy of any document filed with the Division of Commercial Recording;
- (4) A certificate as to the existence or nonexistence of any facts on record with the Division of Commercial Recording;
- (5) The availability of a corporate name under N.J.S. 14A:2-2;
- (6) Filing a certificate of incorporation;
- (7) Whether or not a corporation's certificate of incorporation or authority has been voided or revoked;
- (8) The name and address of the registered agent of a corporation;
- (9) The date of incorporation of a domestic corporation or the date of qualification of a foreign corporation;
- (10) The name and address of a corporation which has filed an alternate name certificate pursuant to N.J.S. 14A:2-2.1;
- (11) A financing statement filing (UCC-1) pursuant to N.J.S. 12A:9-401 et seq.;
- (12) A change of record filing (UCC-3) pursuant to N.J.S. 12A:9-401 et seq.;
- (13) A request for information or copies of filed financing statements (UCC-11) pursuant to N.J.S. 12A:9-401 et seq.;
- (14) Any other information contained in the documents filed with the Division of Commercial Recording, which in the discretion of the Secretary of State is readily available;
- (15) Filing a certificate of merger;
- (16) Filing a certificate of amendment; and
- (17) Any other filing which the Secretary of State agrees to accept.

3. This act shall take effect on the first day of the calendar month following the 90th day after enactment.

Approved August 4, 1988.

CHAPTER 96

AN ACT concerning the salaries of members of county boards of taxation and county tax administrators, and providing for qualifications for appointment of county tax administrators, amending R.S. 54:3-6, 54:3-7, and 54:3-8, supplementing Title 54 of the Revised Statutes and making an appropriation therefor.

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

1. R.S. 54:3-6 is amended to read as follows:

Board members' salaries.

54:3-6. The salaries of the members of the several boards shall be paid biweekly in a biweekly amount by the State Treasurer upon warrants drawn by the Director of the Division of Budget and Accounting in the Department of the Treasury. Each biweekly payment shall be made at a time fixed by the State Treasurer and the Director of the Division of Budget and Accounting, but not later than the tenth working day following the biweekly period for which the salary is due. Salaries shall not be less than the amounts that follow: In counties having a population of more than 500,000, an annual salary of \$15,125.00; in counties having at least 275,000 and not more than 500,000 inhabitants, an annual salary of \$13,250.00; in counties having at least 200,000 and less than 275,000 inhabitants, an annual salary of \$12,625.00; in counties having at least 150,000 and less than 200,000 inhabitants, an annual salary of \$12,000.00; except as hereinafter provided, in counties having between 75,000 and 150,000 inhabitants an annual salary of \$11,375.00; except as hereinafter provided, in counties having not more than 75,000 inhabitants, an annual salary of \$10,750.00; in counties bordering upon the Atlantic ocean, and having not less than 50,000 nor more than 150,000 inhabitants, an annual salary of \$12,000.00.

The president of each county board shall, in addition to the above, receive the further sum of \$2,000.00 per annum. For the purposes of this section, "population" means the most recent official population count of each county of this State as reported by the New Jersey Department of Labor, Office of Demographic and Economic Analysis.

2. R.S. 54:3-7 is amended to read as follows:

County tax administrator.

54:3-7. a. Each county board shall appoint a county tax administrator, who shall hold office for a term of three years, and who shall,

subject to the personnel policies adopted by the governing body of the county, appoint such clerical assistants as may be necessary.

b. After the effective date of this 1979 amendatory and supplementary act, P.L. 1979, c. 499, any person holding the office of county tax administrator shall devote full time to his duties; provided, however, that any person currently holding office as a county board secretary may, at the option of the appointing authority, continue to serve on a part-time basis; provided he holds or obtains prior to July 1, 1981 a tax assessor certificate.

c. After the effective date of this 1979 amendatory and supplementary act, P.L. 1979, c. 499, no person shall be newly appointed as county tax administrator unless he shall hold a tax assessor certificate issued by the Director of Taxation pursuant to P.L. 1967, c. 44 (C. 54:1-35.25 et seq.). No person shall be appointed to a first term as county tax administrator after the effective date of this 1988 amendatory and supplementary act, P.L. 1988, c. 96 unless the person has had four years of experience in property tax administration at the State, county or municipal level, and has successfully completed a training program developed for tax administrators and offered by the Director of the Bureau of Government Research at Rutgers, The State University, except that, during the six month period provided for the development and approval of the tax administrator's program pursuant to this 1988 amendatory and supplementary act, a person with the requisite qualification and experience in property tax administration may be temporarily appointed county tax administrator for a period not to exceed one year.

d. If any county board secretary required to hold or obtain a tax assessor's certificate pursuant to subsection b. of this section does not submit proof thereof prior to the required date, the county tax board shall immediately declare the position vacant and notify the county governing body and the Director of Taxation of the existence of such vacancy. The county tax board shall then appoint a county tax administrator subject to the provisions of subsection c. of this section.

3. R.S. 54:3-8 is amended to read as follows:

Salaries of administrator, assistants.

54:3-8. The governing body of the county shall fix the annual salary to be paid to the county tax administrator and the annual compensation of any clerical assistants. The salary of the county tax administrator devoting full time to the duties of his office pursuant to R.S. 54:3-7 shall not be less than \$55,000.00 per annum in counties

having a population of more than 500,000, not less than \$45,000.00 per annum in counties having a population of at least 275,000 and not more than 500,000, and not less than \$35,000.00 per annum in counties having a population of less than 275,000. In the case of a county tax administrator, who, pursuant to the provisions of subsection b. of R.S. 54:3-7, is serving on a part-time basis, the governing body of the county shall fix an annual salary commensurate with the time that individual devotes to his duties as administrator. Notwithstanding the minimum salary requirement provisions of this section to the contrary, if the county tax administrator of a county is receiving an annual salary prior to the effective date of this 1988 amendatory and supplementary act, P.L. 1988, c. 96, which is less than the applicable minimum salary set forth herein, the governing body of that county may, by ordinance or resolution, as may be appropriate, provide for the phasing in of the administrator's salary increase required by this 1988 amendatory and supplementary act according to the following schedules. If the annual salary increase required is greater than \$10,000.00 but less than \$15,000.00, the annual increase may be phased in by two equal installments, the first during the current year and the second in the following year. If the annual salary increase is \$15,000.00 or more, the annual increase may be phased in by four equal installments, the first during the current year and the subsequent three in each of the three years following. Such salaries and compensation shall be paid by the county treasurer pursuant to the fiscal procedures established by the governing body of the county.

Notwithstanding any provisions of this section to the contrary, no county tax administrator devoting full time to the duties of his office on the effective date of this 1988 amendatory and supplementary act shall, as a result of the provisions of this 1988 amendatory and supplementary act, suffer any reduction in salary.

For the purposes of this section "population" means the most recent official population count of each county of this State as reported by the New Jersey Department of Labor, Office of Demographic and Economic Analysis.

C. 54:3-7.2 Training program.

4. The Director of the Bureau of Government Research at Rutgers, The State University, shall develop and offer a training program in tax board administration, which program shall emphasize, but need not be limited to, material on the laws and regulations governing the operation of county boards of taxation, and problems and procedures concerning the conduct of tax appeals. The

content and format of the program shall be subject to the approval of the Director of the Division of Taxation, in the Department of the Treasury. The program shall be developed, approved and ready for initial offering no later than six months following the effective date of this 1988 amendatory and supplementary act.

5. There is appropriated to the Department of the Treasury from the General Fund the sum of \$297,000 to effectuate the purposes of this act.

6. This act shall take effect immediately.

Approved August 5, 1988.

CHAPTER 97

AN ACT establishing a Nursing Home Preadmission Screening Program and supplementing P.L. 1968, c. 413 (C. 30:4D-1 et seq.).

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

C. 30:4D-17.10 Findings, declarations.

1. The Legislature finds and declares that: a. A substantial proportion of nursing home residents do not need the level of medical care provided in skilled nursing or intermediate care facilities, and to the extent these inappropriate placements occur, there are adverse financial and social consequences;

b. After entering a nursing home, many residents become dependent on that facility, experiencing depletion of their financial resources and erosion of their social contacts in the community;

c. Inappropriate placements of residents in skilled nursing or intermediate care facilities result in reduced access to available beds for those Medicaid recipients who are actually in need of nursing home care;

d. It is, therefore, in the best interests of the citizens of New Jersey that a nursing home preadmission screening program, as currently operates in 30 other states, be established Statewide to determine the needs of Medicaid-eligible and other individuals seeking admission to a skilled nursing or intermediate care facility, prior to placement in that facility.

C. 30:4D-17.11 Definitions.

2. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Human Services.

b. "Division" means the Division of Medical Assistance and Health Services in the Department of Human Services.

c. "Preadmission screening" means: (1) an initial evaluation to determine eligibility for the preadmission screening program; (2) preparation of an assessment of the individual's need for care in a skilled nursing or intermediate care facility and of the individual's formal and informal support systems; and (3) preparation of an initial care plan and arrangement of, or referral to, needed services.

C. 30:4D-17.12 Nursing Home Preadmission Screening Program.

3. The commissioner shall establish a Nursing Home Preadmission Screening Program in the division, which shall be operational to serve each county in the State no later than one year after the effective date of this act.

The commissioner, in consultation with the Commissioners of the Departments of Health and Community Affairs, and with other agencies of State government, as appropriate, shall develop standards for preadmission screening.

C. 30:4D-17.13 Responsibility for screening.

4. A skilled nursing or intermediate care facility is responsible for ensuring that preadmission screening has been performed with respect to every individual who, at the time of application for admission to that facility, is eligible for medical assistance under P.L. 1968, c. 413 (C. 30:4D-1 et seq.) or will become eligible within six months following admission, as a condition of reimbursement by the Medicaid program established pursuant to P.L. 1968, c. 413 (C. 30:4D-1 et seq.) for care provided to the individual in that facility.

C. 30:4D-17.14 Procedures; monitoring.

5. a. The commissioner shall contract with appropriate agencies for the performance of preadmission screening or perform the screening directly through the division. Preadmission screening shall be made available, upon request and for a reasonable fee to be established by the commissioner, to a private pay individual, whether or not the individual expects to become eligible for the Medicaid program.

b. The commissioner shall develop procedures for monitoring the

preadmission screening program, for which purpose the commissioner may establish an independent review process, to ensure that screening standards are being met by the division or by those agencies which are under contract to perform preadmission screening pursuant to subsection a. of this section.

C. 30:4D-17.15 Rules, regulations.

6. The commissioner, in accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), shall adopt such rules and regulations as are necessary to effectuate the purposes of this act.

7. This act shall take effect on the 180th day after enactment.

Approved August 5, 1988.

CHAPTER 98

AN ACT concerning scholarships for Veterans of the Vietnam conflict and amending P.L. 1985, c. 114.

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

1. Section 1 of P.L. 1985, c. 114 (C. 18A:71-76.1) is amended to read as follows:

C. 18A:71-76.1 "Vietnam veteran."

1. As used in this act:

"Vietnam veteran" means a resident of this State who:

a. Served in the Armed Forces of the United States in Southeast Asia in the Vietnam conflict and received a Vietnam Service Ribbon or an Armed Forces Expeditionary Medal;

b. Was honorably discharged or generally discharged under honorable conditions; and

c. Has been domiciled in New Jersey at the time of the effective date of this act for a period of not less than two consecutive years, exclusive of any time spent on active duty.

2. This act shall take effect immediately.

Approved August 5, 1988.

CHAPTER 99

AN ACT concerning premarital agreements and enacting Article 5 of Chapter 2 of Title 37 of the Revised Statutes.

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

1.

TITLE 37

CHAPTER 2

ARTICLE 5. PREMARITAL AGREEMENTS

- 37:2-31. Short title.
- 37:2-32. Definitions.
- 37:2-33. Formalities; consideration.
- 37:2-34. Contents of premarital agreement.
- 37:2-35. Premarital agreement not to adversely affect right of child support.
- 37:2-36. When premarital agreement becomes effective.
- 37:2-37. Amendment or revocation of premarital agreement.
- 37:2-38. Enforcement of premarital agreement; generally.
- 37:2-39. Enforcement of premarital agreement; marriage determined void.
- 37:2-40. Construction of article.
- 37:2-41. Application of article.

Article 5. Premarital Agreements

- 37:2-31. Short title.

This article shall be known and may be cited as the “Uniform Premarital Agreement Act.”

Source: New.

- 37:2-32. Definitions.

As used in this article:

- a. “Premarital agreement” means an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage;
- b. “Property” means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings;

c. “Unconscionable premarital agreement” means an agreement, either due to a lack of property or unemployability:

(1) Which would render a spouse without a means of reasonable support;

(2) Which would make a spouse a public charge; or

(3) Which would provide a standard of living far below that which was enjoyed before the marriage.

Source: New.

37:2-33. Formalities; consideration.

A premarital agreement shall be in writing, with a statement of assets annexed thereto, signed by both parties, and it is enforceable without consideration.

Source: New.

37:2-34. Contents of premarital agreement.

Parties to a premarital agreement may contract with respect to:

a. The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;

b. The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of, or otherwise manage and control property;

c. The disposition of property upon separation, marital dissolution, death, or the occurrence or nonoccurrence of any other event;

d. The modification or elimination of spousal support;

e. The making of a will, trust, or other arrangement to carry out the provisions of the agreement;

f. The ownership rights in and disposition of the death benefit from a life insurance policy;

g. The choice of law governing the construction of the agreement; and

h. Any other matter, including their personal rights and obligations, not in violation of public policy.

Source: New.

37:2-35. Premarital agreement not to adversely affect right of child support.

A premarital agreement shall not adversely affect the right of a child to support.

Source: New.

37:2-36. When premarital agreement becomes effective.

A premarital agreement becomes effective upon marriage of the parties.

Source: New.

37:2-37. Amendment or revocation of premarital agreement.

After marriage of the parties, a premarital agreement may be amended or revoked only by a written agreement signed by the parties, and the amended agreement or revocation is enforceable without consideration.

Source: New.

37:2-38. Enforcement of premarital agreement; generally.

The burden of proof to set aside a premarital agreement shall be upon the party alleging the agreement to be unenforceable. A premarital agreement shall not be enforceable if the party seeking to set aside the agreement proves, by clear and convincing evidence, that:

- a. The party executed the agreement involuntarily; or
 - b. The agreement was unconscionable at the time enforcement was sought; or
 - c. That party, before execution of the agreement:
 - (1) Was not provided full and fair disclosure of the earnings, property and financial obligations of the other party;
 - (2) Did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided;
 - (3) Did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party;
- or

(4) Did not consult with independent legal counsel and did not voluntarily and expressly waive, in writing, the opportunity to consult with independent legal counsel.

d. The issue of unconscionability of a premarital agreement shall be determined by the court as a matter of law.

Source: New.

37:2-39. Enforcement of premarital agreement; marriage determined void.

If a marriage is determined to be void, an agreement that would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

Source: New.

37:2-40. Construction of article.

This article shall be construed to effectuate its general purpose to make uniform the law with respect to the subject of the article among states enacting the "Uniform Premarital Agreement Act."

Source: New.

37:2-41. Application of article.

This article shall apply to premarital agreements executed on and after its effective date.

Source: New.

2. This act shall take effect on the 90th day following enactment.

Approved August 5, 1988.

CHAPTER 100

AN ACT concerning public utility rates, and supplementing chapter 2 of Title 48 of the Revised Statutes.

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

C. 48:2-21.14 Fines, penalties not operating expense.

1. In determining just and reasonable rates for any electric utility pursuant to R.S. 48:2-21, R.S. 48:2-21.1, or section 31 of P.L. 1962,

c. 198 (C. 48:2-21.2), the board shall not allow as an operating expense, any fines or penalties imposed pursuant to law and paid by the utility.

2. This act shall take effect immediately.

Approved August 5, 1988.

CHAPTER 101

AN ACT to amend the "New Jersey Educational Opportunity Act of 1968," approved July 12, 1968 (P.L. 1968, c. 142).

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

1. Section 5 of P.L. 1968, c. 142 (C. 18A:71-32) is amended to read as follows:

C. 18A:71-32 Membership.

5. (a) The board of directors of the fund shall consist of the chancellor or the chancellor's designee and eight citizens of this State appointed by the State Board of Higher Education with the approval of the Governor. Citizen members of the board shall be selected without regard to political affiliation and, as far as may be practicable, on the basis of their knowledge of, or interest in, the problems of needy students and higher education. The board shall organize annually as established by rule of the board to elect a chairman, vice chairman and other officers as the board shall determine from among its members. The officers shall serve for a one-year term and until their successors are elected and qualified. Vacancies in the offices shall be filled in the same manner for the unexpired term only.

(b) Each citizen member of the board shall serve for a term of four years and until his successor shall have been appointed and qualified; provided, that in the case of the first appointments to the board, two members shall be appointed for terms expiring June 30, 1969; two members shall be appointed for terms expiring June 30, 1970; two members shall be appointed for terms expiring June 30, 1971; and two members shall be appointed for terms expiring June 30, 1972. Any vacancy in the membership of the board shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(c) The board shall develop and maintain a Statewide system for the identification of potential college students from needy families; devise methods for recruiting such students; advise the chancellor on the organization, coordination and support, in cooperation with public and private institutions of higher education of the State, of programs of remedial education for such students; and provide financial assistance as required by such students.

(d) Members of the board shall serve without compensation but shall be entitled to be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties.

2. This act shall take effect immediately.

Approved August 5, 1988.

CHAPTER 102

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1988 and regulating the disbursement thereof," approved June 30, 1987, (P.L. 1987, c. 154).

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

1. In addition to the sums appropriated under P.L. 1987, c. 154, the following amount is appropriated from the General Fund for the purpose specified:

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS
50 Economic Planning, Development and Security
55 Related Social Services Programs-State Aid

05-8050 Community Resources \$95,000

State Aid:

Grant to United Jewish Centers
of MetroWest for renovations
for handicapped accessibility
and utilization (\$95,000)

2. The amount hereinabove appropriated for a grant to United

Jewish Centers of MetroWest shall be paid upon application therefor from the United Jewish Centers setting forth the intended use of the funds in such detail as may be determined appropriate by the Commissioner of the Department of Community Affairs and setting forth the full cost of and other sources of funds for renovations for handicapped accessibility and utilization.

3. This act shall take effect immediately.

Approved August 10, 1988.

CHAPTER 103

AN ACT concerning transfer inheritance taxes and amending R.S. 54:35-19.

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

1. R.S. 54:35-19 is amended to read as follows:

Transfer of decedent's assets.

54:35-19. Unless the Director of the Division of Taxation consents in writing thereto, no State or federally chartered bank, savings bank, savings and loan association or credit union, or safe deposit company, trust company or other institution, corporation or person shall deliver or transfer any securities, deposits or other assets within its or his control or possession, including capital stock of or other interests in the State or federally chartered bank, savings bank, savings and loan association or credit union or safe deposit company, trust company, institution, or corporation, which belong to or stand in the name of a resident decedent or in the joint names of a resident decedent and one or more persons, to an executor, administrator or legal representative of a resident decedent, or upon his or their order or request, or, to the survivor or survivors when held in the joint names of a resident decedent and one or more persons, or upon his or their order or request, without:

a. Notice of the time and place of such intended delivery or transfer being served upon the Director of the Division of Taxation at least 10 days prior thereto, and

b. The retention by the State or federally chartered bank, savings bank, savings and loan association or credit union, or safe deposit

company, trust company, institution, corporation or persons of sufficient of the assets mentioned herein to pay any tax and interest which may be assessed on such delivery or transfer under authority of chapters 33 to 36 of Title 54 of the Revised Statutes.

The Director of the Division of Taxation may, either personally or by representative, examine such securities, deposits or assets of a resident decedent.

Notwithstanding the foregoing provisions of this section, a State or federally chartered bank, savings bank, savings and loan association or credit union, or safe deposit company, trust company, institution, corporation or person may transfer not in excess of the amounts hereinafter provided of funds of a resident decedent, on deposit or otherwise in its or his control or possession, without the written consent of the Director of the Division of Taxation, to a surviving spouse or \$5,000.00, to any one other than the surviving spouse, \$200.00; provided, such transferor shall first obtain from the transferee an affidavit, in such form as shall be prescribed by the director, establishing that the value of the gross estate, real and personal, of the decedent does not exceed \$200.00 where the transferee is one other than the surviving spouse or \$5,000.00 where the transferee is the surviving spouse, which affidavit, within 30 days after the transfer, shall be filed by the transferor with the director.

With respect to deaths occurring on or after July 1, 1988, the provisions of this section shall not apply to any securities, deposits or other assets which belong to or stand in the name of a resident decedent and are payable on death to his or her surviving spouse, parent, grandparent, child or children, child or children adopted by the decedent in conformity with the laws of the State, or of the United States or of a foreign country, or the issue of any child or legally adopted child of a decedent, either by virtue of joint ownership or pursuant to the decedent's will. It shall be lawful, notwithstanding the other provisions of this section, for any State or federally chartered bank, savings bank, savings and loan association or credit union, or safe deposit company, trust company, or other institution, corporation or person to deliver or transfer any securities, deposits, or other assets within its or his control or possession to a surviving spouse, parent, grandparent, child or children, child or children adopted by the decedent in conformity with the laws of this State, or of the United States, or of a foreign country, or the issue of any child or legally adopted child, without prior notice to the Director of the Division of Taxation and without the retention of any assets

to pay any tax and interest which may be assessed on that delivery or transfer under the authority of chapters 33 to 36 of Title 54 of the Revised Statutes. The Director of the Division of Taxation may require affidavits or reports and records of the delivery or transfer of securities, deposits or other assets as he may deem necessary, but shall in no manner restrict the exercise of any right of a transferee to a transfer of securities, deposits or other assets subject to the provisions of this paragraph.

2. This act shall take effect immediately.

Approved August 10, 1988.

CHAPTER 104

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

26 DEPARTMENT OF CORRECTIONS

19 Central Planning, Direction and Management

7000 Management and General Support

02-7000 Program Operations

Support	\$496,357

Special Purpose:

Reimbursement for Marielito inmates	(\$496,357)

2. This act shall take effect immediately.

Approved August 10, 1988.

CHAPTER 105

AN ACT concerning the education of persons of school age who reside on certain federal property and supplementing chapter 38 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:38-7.10 Findings, declarations.

1. The Legislature finds and declares that all persons of school age who reside on federal property located within this State are entitled under the New Jersey Constitution and the laws of this State to a free public education.

C. 18A:38-7.11 Multi-district federal enclave.

2. As used in this act, "multi-district federal enclave" means a contiguous piece of federal property which is located entirely or partially within the geographic boundaries of a county of the second class with a population of not less than 315,000 and not more than 400,000 according to the 1980 federal decennial census and which federal property is located within more than one school district.

C. 18A:38-7.12 Designation of single district.

3. Persons of school age who reside in a multi-district federal enclave shall be deemed to be domiciled in a single district to be designated by the county superintendent of schools. Where all persons of school age who reside in a multi-district federal enclave already attend a single district, the county superintendent shall designate that district as the district to be attended by all current and future pupils residing in the multi-district federal enclave. Any person attending on the effective date of this act a school in a district other than a district designated by the county superintendent pursuant to this act shall be permitted to continue in such school until graduation.

C. 18A:38-7.13 Certification of designated district.

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.

C. 18A:38-7.14 Boundaries, eligibility unaltered.

5. Nothing contained in this act shall be construed to alter any existing school district boundary or to alter any district's eligibility for federal funds pursuant to Pub. L. 81-874, 20 U.S.C. §237 et seq. or similar subsequent legislation.

6. This act shall take effect immediately.

Approved August 10, 1988.

CHAPTER 106

AN ACT concerning the remediation of contaminated water supplies, establishing the "Water Supply Replacement Trust Fund," and amending and supplementing P.L. 1986, c. 144 (C. 54:10A-5.1 et al).

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

C. 58:12A-22 Water Supply Replacement Trust Fund.

1. a. There is established in the Department of Environmental Protection a non-lapsing revolving fund to be known as the "Water Supply Replacement Trust Fund," hereinafter referred to as the fund. The department shall administer the fund, and monies in the fund shall be used to (1) provide loans to municipalities or municipally-owned public water systems as defined in section 3 of P.L. 1977, c. 224 (C. 58:12A-3) for the purpose of providing a permanent alternate water supply to persons whose principal source of potable water is contaminated or is threatened with contamination by hazardous substances as identified by the department, (2) study the extent to which water supplies are contaminated or are threatened by contamination with hazardous substances, (3) develop recommendations for remediating contaminated or threatened water supplies, and (4) defray administrative costs incurred by the department in implementing the provisions of this act. Payments of principal and interest on loans issued under the authority of this act shall be deposited in the fund, and shall remain available for further disbursements as new loans to be awarded pursuant to this act. Any monies deposited in the "Water Supply Replacement Trust Fund" are hereby appropriated to the Department of Environmental Protection to carry out the purposes of this act.

b. Loans made to local government units pursuant to this act shall bear interest at a rate fixed by the Treasurer, which rate shall not exceed 2% per year for a term of not more than 20 years.

C. 58:12A-23 Allocations for study loans.

2. a. Of the monies made available for the cleanup of hazardous discharge sites pursuant to P.L. 1986, c. 144 (C. 54:10A-5.1 et seq.) and transferred to the "Water Supply Replacement Trust Fund" pursuant to section 3 of this act, the sum of \$1,000,000 is allocated for the purpose of funding a study to be conducted by the department to determine the extent to which water supplies are contaminated or are threatened by contamination with hazardous substances and to develop recommendations for dealing with such contaminated or threatened water supplies.

b. Of the monies made available for the cleanup of hazardous discharge sites pursuant to P.L. 1986, c. 144 (C. 54:10A-5.1 et seq.) and transferred to the "Water Supply Replacement Trust Fund" pursuant to section 3 of this act, the sum of \$59,000,000 is allocated for the purpose of providing loans to municipalities or municipally-owned public water systems as defined in section 3 of P.L. 1977, c. 224 (C. 58:12A-3) for the purpose of providing a permanent alternate water supply to persons whose principal source of potable water is contaminated or is threatened with contamination by hazardous substances as identified by the department.

C. 58:12A-24 5% maximum for administrative costs.

3. a. Of the \$40,000,000.00 appropriated pursuant to P.L. 1987, c. 154 to the Department of Environmental Protection for hazardous site mitigation Statewide, the sum of \$30,000,000.00 is transferred to the "Water Supply Replacement Trust Fund" to carry out the purposes of this act. Of this amount, the Department is authorized to utilize not more than 5% of the total appropriated per year to cover costs incurred in the administration of sections 2a. and 2b. of this act.

b. Of the \$45,000,000.00 appropriated pursuant to P.L. 1988, c. 47 to the Department of Environmental Protection for hazardous site mitigation Statewide, \$30,000,000.00 is transferred to the "Water Supply Replacement Trust Fund" to carry out the purposes of this act. Of this amount, the Department is authorized to utilize not more than 5% of the total appropriated per year to cover costs incurred in the administration of sections 2a. and 2b. of this act.

C. 58:12A-25 Loans for public water supply system extension.

4. The Department shall utilize \$8,000,000.00 of the monies de-

posited in the "Water Supply Replacement Trust Fund" to provide loans to a qualifying municipality for the extension of a public water supply system to a residential area. A qualifying municipality is one with a residential area of more than 1,500 residential units that has been found by the local department of health, or board of health, and the county board of health, or department of health, to have at least 25% of the wells supplying potable water to the area with contaminants at the Class II, Class III or Class IV interim action levels for hazardous contaminants in drinking water of the Department of Environmental Protection, or in excess of the maximum contaminant levels adopted by the department pursuant to P.L. 1983, c. 443 (C. 58:12A-12 et seq.), as may be applicable, and:

a. (1) The potable water supply for the residential area is deemed by the county board of health or department of health to be unfit for human consumption, and (2) the governing body of the municipality has adopted a resolution banning new construction in the area pending connection of the area to a public water supply system; or

b. The Department of Environmental Protection determines all or a portion of the ground water serving the residential area to be a well-restriction area.

A municipality applying for a loan under this section shall certify to the department the estimated costs for extending a public water supply system to an eligible residential area that satisfies the criteria of this section. Monies from a loan made hereunder are to be expended solely for the purpose of expanding the public water supply system to residences with contaminated wells.

5. Section 2 of P.L. 1986, c. 144 (C. 54:10A-5.2) is amended to read as follows:

C. 54:10A-5.2 Determination of surtax rate.

2. The Director of the Division of Taxation, in the Department of the Treasury shall, on or before May 30, 1988 and on or before May 30 annually thereafter, review the most recent annual revenue collections in order to estimate the revenue collections from the franchise tax paid pursuant to subsection (c) of section 5 of P.L. 1945, c. 162 (C. 54:10A-5), attributable solely to changes in federal income tax laws effectuated by the "Tax Reform Act of 1986," Pub. L. 99-514 (100 Stat. 2085, 26 U.S.C. §1 et seq.), which estimate shall be made in multiples of \$1,000,000.00. The director on or before May 30, 1988 and on or before May 30 annually thereafter, shall provide a certification of the estimate of these revenues to the Legislature. The surtax

rate in section 1 of this 1986 supplementary act shall be determined pursuant to the following formula: $R = .5\% \times ((CA-FA)/60,000,000)$ where: R is the surtax percentage rate, which shall not be less than zero; FA is the corporate business tax revenue amount, estimated by the director, attributable solely to changes in federal income tax laws effectuated by the "Tax Reform Act of 1986," Pub.L. 99-514; and, CA is equal to 40,000,000 for the first certification year, 45,000,000 for the second certification year, 50,000,000 for the third certification year, 45,000,000 for the fourth certification year, 45,000,000 for the fifth certification year, and 45,000,000 for the sixth certification year.

The rate of surtax determined shall only be for the report covering the accounting or privilege period ending on or after July 31 of the calendar year in which the certification is made but no later than June 30 of the calendar year next succeeding the calendar year in which the certification was made.

6. Section 4 of P.L. 1986, c. 144 is amended to read as follows:

4. Except as otherwise provided in this section, commencing July 1, 1987 and annually thereafter until June 30, 1993, an amount of \$40,000,000.00 for fiscal year 1988, \$45,000,000.00 for fiscal year 1989, \$50,000,000.00 for fiscal year 1990, \$45,000,000.00 for fiscal year 1991, \$45,000,000.00 for fiscal year 1992 and \$45,000,000.00 for fiscal year 1993 from the General Fund shall be credited annually to the "Hazardous Discharge Site Cleanup Fund" established pursuant to section 1 of P.L. 1985, c. 247 (C. 58:10-23.34). The amount of \$40,000,000.00 for fiscal year 1988, \$45,000,000.00 for fiscal year 1989, \$50,000,000.00 for fiscal year 1990, \$45,000,000.00 for fiscal year 1991, \$45,000,000.00 for fiscal year 1992 and \$45,000,000.00 for fiscal year 1993 shall be annually reduced by the amount of surtax collected pursuant to sections 1 and 2 of this 1986 supplementary act. It is the intent of the Legislature that this act assures the annual appropriation of at least \$40,000,000.00 for fiscal year 1988, \$45,000,000.00 for fiscal year 1989, \$50,000,000.00 for fiscal year 1990, \$45,000,000.00 for fiscal year 1991, \$45,000,000.00 for fiscal year 1992 and \$45,000,000.00 for fiscal year 1993 to the "Hazardous Discharge Site Cleanup Fund" for the purpose of providing a stable funding source for hazardous discharge cleanup.

7. Section 5 of P.L. 1986, c. 144 is amended to read as follows:

5. This act shall take effect immediately but shall remain inoperative until the enactment of P.L. 1986, c. 113 and P.L. 1986, c.

143 (C. 58:10-23.11h1 et al.). This act shall expire commencing with accounting or privilege periods or parts thereof ending after June 30, 1994.

8. This act shall take effect immediately.

Approved August 11, 1988.

CHAPTER 107

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 354 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	24
Burlington	5
Camden	14
Cape May	4
Cumberland	5
Essex	28
Gloucester	8
Hudson	20
Hunterdon	3
Mercer	8
Middlesex	18
Monmouth	16
Morris	13
Ocean	14
Passaic	14
Salem	2

Somerset	6
Sussex	3
Union	16
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 August 12, 1988.

CHAPTER 108

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

1. In addition to the sums appropriated under P.L. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS
50 Economic Planning, Development and Security
55 Related Social Services Programs-State Aid

05-8050 Community Resources \$90,000

State Aid:

Grant to Ironbound Cultural
Center (\$90,000)

2. This act shall take effect immediately.

Approved August 12, 1988.

CHAPTER 109

AN ACT concerning fees and costs in probate proceedings and amending N.J.S. 22A:2-30, N.J.S. 22A:2-35 and N.J.S. 22A:2-36 and supplementing Title 22A 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:2-30 is amended to read as follows:

Fees of surrogate and deputy clerk of the Superior Court.

22A:2-30. Fees of surrogate and deputy clerk of the Superior Court.

Fees for services of the surrogate and deputy clerk of the Superior Court enumerated below shall be as follows and shall be for the use of the county in which the fees are collected:

PROBATE OF WILLS AND COPIES

Probate of a will of not more than two pages, \$50.00.

The above fee is for all services in preparation and execution of complaint, filing proof of death, deposition of one witness, qualification of executor, filing power of attorney, surrogate's certificate, judgment for probate, letters testamentary, plain copy of will, binding, recording, microfilming or photostating, comparing, docketing, report to the Division of Taxation in the Department of the Treasury, report and transmission to the Clerk of the Superior Court.

Probate of will without letters, \$35.00. This fee is for the same services as are enumerated in the preceding paragraph, except letters, surrogate's certificate and qualification of executor.

Probate of each codicil, not exceeding one page, \$15.00.

Where codicil requires an additional witness, \$3.00.

To reopen probate proceedings for qualification of executor or taking proof of extra witness, \$15.00.

One witness in the above probate proceedings, no charge.

Each additional witness, \$3.00.

Recording and comparing, microfilming or photostating, each additional page of will or codicil, \$3.00.

Filing, entering, issuing and recording, microfilming or photostating, proceedings in commission for deposition of foreign witness to a will or codicil, \$20.00. Plain extra copy of will, \$3.00 for each page.

Certified extra copy of will, \$3.00 for each page, plus \$3.00 for certificate.

Certified copy of will with proofs for New Jersey county, not exceeding two pages including will and codicil, \$20.00. For pages in excess of two, \$3.00 for each page.

Wills filed but not probated (as, where there are no assets), for each page, \$4.00.

Exemplifying will for another state, not exceeding two pages including will and codicil, plus cost of certificate of Secretary of State when requisite, \$25.00. For pages in excess of two, \$3.00 for each page.

Recording, microfilming or photostating, docketing, indexing, filing and reporting to the Division of Taxation in the Department of the Treasury an exemplified copy of will and probate proceedings from another state, \$3.00 for each page.

Recording, microfilming or photostating, docketing, indexing and filing a certified copy of will with proofs from New Jersey, \$3.00 for each page.

Recording, microfilming or photostating certified transcripts of wills admitted to probate and probate proceedings or letters of administration and administration proceedings granted by the Superior Court, \$3.00 for each page.

LETTERS OF TRUSTEESHIP

Acceptance of trustee and letters of trusteeship, including one certificate, \$25.00.

LETTERS OF ADMINISTRATION

General administration, including preparation and execution of complaint, bond, surety affidavits, necessary recording, microfilming or photostating, indexing, filing, report to the Division of Taxation, including power of attorney and death certificate, in the Department of the Treasury and the Clerk of the Superior Court and original letters, \$40.00.

Administration ad prosequendum, \$25.00.

Exemplifying administration, \$20.00.

Certified copy of administration, \$15.00.

Affidavits of surviving spouse or next of kin where the value of the real and personal assets of the estate does not exceed \$10,000.00 or \$5,000.00, respectively, when less than \$100.00, \$2.00 and \$2.00 for each \$100.00 or part thereof, in excess of \$100.00. Total cost shall not exceed \$25.00.

Affidavit of heir where the value of the real and personal assets of the estate does not exceed \$5,000.00, \$10.00.

LETTERS OF GUARDIANSHIP

Granting letters of guardianship, acceptance of guardianship and filing of power of attorney, \$20.00.

Affidavits of estates of minors where value of real and personal estate does not exceed \$5,000.00, \$3.00 per page.

Miscellaneous petitions and orders, \$3.00 per page.

INVENTORIES

For all services in appointment of appraisers, \$10.00.

Filing, entering and recording, microfilming or photostating, inventory and appraisal, not exceeding one page, and affidavits of appraisers and executor, \$15.00.

For each additional page, \$3.00.

ACCOUNTING

For filing complaint and one page of accounting, auditing, stating, reporting and recording, microfilming or photostating, accounts of executors, administrators, guardians, trustees and assignees, including drawing judgment, but exclusive of advertising costs:

In estates up to and including \$2,000.00, \$50.00.

In estates from \$2,001.00 to and including \$10,000.00, \$70.00.

In estates from \$10,001.00 to and including \$30,000.00, \$85.00.

In estates from \$30,001.00 to and including \$65,000.00, \$100.00.

In estates from \$65,001.00 to and including \$200,000.00, 1/5 of 1%.

In estates exceeding \$200,000.00—1/10 of 1%, but not less than \$400.00.

For each page of accounting in excess of one, \$3.00.

In computing the amount of an estate for the purpose of fixing the fees of a surrogate for auditing and reporting the account, the balance from the prior account shall be excluded.

For preparing notice of settlement of accounts and copies of the same, forwarding notice to newspaper, with directions as to publication, obtaining proofs of publication, keeping a record of notices and newspapers to which they are sent and of the moneys received to defray the cost of advertising and transmitting advertising charges to newspaper, \$25.00.

No fees herein allowed shall be charged against the recipient of any pension, bounty or allowance, for services of the surrogate and the Probate Part of the Law Division of the Superior Court in respect thereof, pursuant to N.J.S. 3B:13-9 to 3B:13-14.

MISCELLANEOUS PROCEEDINGS

Proceedings relative to presumption of death, filing, entering and recording, microfilming or photostating (exclusive of letters), with additional fee for advertising, \$75.00.

Sale of land to pay debts (exclusive of advertising), \$50.00.

Sale of land in fulfillment of contract made by decedent, \$50.00.

Sale of lands within one year, \$50.00.

Sale of minor's land, \$50.00.

Distribution, filing and entering complaint, recording, microfilming or photostating, and filing judgment, \$50.00.

Adoption of adults, filing and entering proceedings (all papers) including one judgment, \$75.00.

Adoption of minors with one hearing, filing and entering proceedings (all papers) including one judgment, \$75.00.

Adoption of minors with two or more hearings, filing and entering proceedings (all papers) including one judgment, \$75.00.

Application and order to limit time to creditors, \$25.00, but exclusive of advertising costs.

Preparing notices to creditors to present their claims and copies of the same, sending notice to newspapers with directions as to publication, obtaining proofs of publication, keeping a record of no-

tices and newspapers to which they are sent for publication, and of the moneys received to defray the cost of advertising and transmitting advertising charges to newspapers, \$10.00.

Advertising order of court or notice, when done by the surrogate, \$5.00, in addition to advertising fees.

Proceedings for the appointment of a conservator, without jury trial, \$75.00, with trial by jury, \$75.00.

Proceeding for the determination of mental incompetency and for the appointment of a guardian for an alleged mental incompetent, without jury trial, \$75.00, with trial by jury, \$75.00.

Proceedings in connection with payment into court of proceeds of a judgment in favor of a minor, in lieu of bond, pursuant to N.J.S. 3B:15-16 and N.J.S. 3B:15-17 (in addition to fees payable under Letters of Guardianship), the following fees are payable upon withdrawal of funds on deposit:

For each withdrawal including petitions and orders provided and prepared by the surrogate for withdrawal of funds for court approval:

Up to and including \$500.00, \$10.00.

From \$501.00 to and including \$1,000.00, \$15.00.

From \$1,001.00 to and including \$5,000.00, \$20.00.

From \$5,001.00 to and including \$10,000.00, \$25.00.

From \$10,001.00 to and including \$50,000.00, \$30.00.

In excess of \$50,000.00, \$50.00.

MISCELLANEOUS CHARGES

Short certificates, \$3.00.

Validating short certificate within one year of issue of date, \$1.00.

Subpenas, each, \$5.00.

Marking true copies, subpenas, each, \$2.00.

Marking true copies, orders to show cause, each, \$2.00.

Marking true copies of other papers, each, \$2.00.

Authorization of process, \$3.00.

Swearing each witness, \$1.00.

Adjournment or continuance, \$3.00.

Miscellaneous orders of court, first page, \$3.00.

For each additional page, \$3.00.

Recording, microfilming or photostating all papers not herein provided for, \$3.00 for each page.

For making copies not otherwise provided for, \$3.00 for each page.

Filing transcript of death certificate, \$3.00.

Power of attorney, \$3.00.

Proceedings relative to appointment of a guardian ad litem, \$15.00.

Renunciation by one person, filing, entering and recording, or photostating, \$3.00. Each additional person, \$1.00.

Caveat, filing or withdrawing, \$10.00.

Combined refunding bond and release of not more than two pages, filing, entering, microfilming and recording, or photostating, \$6.00. For more than two pages, \$3.00 for each page. Additional charge for county clerk's certificate, \$2.00.

Release of not more than two pages, \$6.00. For more than two pages, \$3.00 for each additional page. Additional charge for county clerk's certificate, \$2.00.

Assignments of legacy or interest, \$3.00 per page, plus \$2.00 where county clerk's certificate is necessary.

Filing all papers not herein provided for, \$3.00, if microfilming process is used, \$3.00 per page.

Plain copy of two-page will, \$6.00.

Each additional page, \$3.00.

2. N.J.S. 22A:2-35 is amended to read as follows:

Fees on assignments for the benefit of creditors.

22A:2-35. Fees on assignments for the benefit of creditors. The surrogate, as surrogate and deputy clerk of the Superior Court, shall receive for services with respect to an assignment for the benefit of creditors, for the use of the county in which the fees are collected, up to but not including any accounting, a fee of \$75.00.

3. N.J.S. 22A:2-36 is amended to read as follows:

Fees in other cases and costs in all cases.

22A:2-36. Fees in other cases and costs in all cases. All other fees payable to the surrogate as a deputy clerk of the Superior Court, other than for adoption, and all costs to a party in any action, motion or proceeding in that part shall be the same as allowed for similar services in the Chancery Division of the Superior Court. All such fees shall be for the use of the county in which the fees are collected.

C. 22A:4-17.2 Funds for service modernization.

4. a. The county treasurer shall return to the county surrogate \$2.00 of each fee received for the probate of a will; for the grant of general administration; for the grant of letters of guardianship for a minor and for the grant of letters of trusteeship. Such sums shall be returned within 10 days of receipt by the county treasurer.

b. Monies received by the county surrogates pursuant to the

provisions of subsection a. of this section shall be used to upgrade and modernize the services provided by their offices.

5. This act shall take effect on the first day of the calendar month occurring not less than 30 days after enactment.

Approved August 12, 1988.

CHAPTER 110

AN ACT concerning the professionalization of various administrative offices of municipalities, amending P.L. 1971, c. 413 and P.L. 1977, c. 39, and supplementing chapter 9 of Title 40A of the New Jersey Statutes.

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

1. Section 1 of P.L. 1971, c. 413 (C. 40A:9-140.1) is amended to read as follows:

C. 40A:9-140.1 Definitions.

1. As used in this act:

a. "Director" means the Director of the Division of Local Government Services.

b. "Municipal finance officer" means a municipal director of finance, assistant director of finance, fiscal officer, municipal comptroller, assistant comptroller, supervisor accounts payable, municipal treasurer, assistant municipal treasurer or deputy treasurer who is not a member of the governing body of a municipality.

c. "Local unit" means a municipality or a utility owned by a single municipality or owned jointly by one or more municipalities, which together do not comprise a county.

d. "Chief financial officer" means the person who is a certified municipal finance officer appointed by a municipality under section 8 of P.L. 1988, c. 110 (C. 40A:9-140.13) to carry out the responsibilities set forth under P.L. 1947, c. 151 (C. 52:27BB-26 et seq.).

2. Section 2 of P.L. 1971, c. 413 (C. 40A:9-140.2) is amended to read as follows:

C. 40A:9-140.2 Applications for examination.

2. The director shall hold examinations semi-annually, and at such times as he may determine appropriate for certification of municipal finance officers. An applicant for examination shall present to the director written application on forms provided by the Division of Local Government Services, showing that the applicant is not less than 21 years of age, is a citizen of the United States, is of good moral character, has obtained a certificate or diploma issued after at least four years of study in an approved secondary school or has received an academic education considered and accepted by the Commissioner of Education of this State as fully equivalent, and has graduated from a four-year course at a college of recognized standing. An applicant who does not meet the college education requirement may substitute full-time experience in a position as a municipal director of finance, assistant director of finance, fiscal officer, municipal comptroller, assistant comptroller, supervisor accounts payable, municipal treasurer, assistant municipal treasurer or deputy treasurer in any local unit on a year-for-year basis. Every applicant shall also furnish proof that he has received certificates indicating satisfactory completion of, or has been the instructor of, complete training courses in municipal finance administration, municipal current fund accounting I and II, municipal capital and trust fund accounting, municipal utility fund accounting, municipal budget preparation and control, and principles of financial management, or such other training courses as are certified as their equivalent by Rutgers, The State University, and approved by the Division of Local Government Services. Each completed application form shall be accompanied by a fee in the amount of \$25.00, payable to the State Treasurer and shall be filed with the director at least 30 days prior to the date of examination. Examinations shall be written, or both written and oral, and shall be of such character as fairly to test and determine the ability of the person tested to perform the duties of municipal finance officer.

3. Section 3 of P.L. 1971, c. 413 (C. 40A:9-140.3) is amended to read as follows:

C. 40A:9-140.3 Municipal finance officer certificate.

3. Upon finding by the director that the applicant has successfully completed the examination, a municipal finance officer certificate shall be issued to the applicant, upon the payment of a fee of \$25.00 to the order of the Treasurer of the State of New Jersey.

4. Section 4 of P.L. 1971, c. 413 (C. 40A:9-140.4) is amended to read as follows:

C. 40A:9-140.4 Certification of registered municipal accountants.

4. Notwithstanding the qualifications established in section 2 of this act, a municipal finance officer certificate shall be issued to any person who is licensed as a registered municipal accountant in the State of New Jersey who shall make application as required in section 2 of this act, and who shall furnish proof that he has received a certificate indicating satisfactory completion or instruction of a training course in principles of financial management, or such other training course as is certified as its equivalent by Rutgers, The State University, and approved by the Division of Local Government Services of the State, upon payment of a fee of \$25.00 to the order of the Treasurer of the State of New Jersey.

C. 40A:9-140.10 Chief financial officer.

5. The governing body of each municipality shall, by ordinance, create the position of chief financial officer and establish the compensation therefor.

C. 40A:9-140.11 Local Government Services employees.

6. Notwithstanding the qualifications established in section 2 of P.L. 1971, c. 413 (C. 40A:9-140.2), a municipal finance officer certificate may be issued without fee by the director to any employee of the Division of Local Government Services, for the sole purpose of enabling that employee to serve as a municipal finance officer on an interim basis in any local unit when so instructed by the director.

C. 40A:9-140.12 Revocation, suspension.

7. Any municipal finance officer certificate may be revoked or suspended by the director for dishonest practices or willful or intentional failure, neglect or refusal to comply with the Constitution of the State of New Jersey or laws relating to municipal finances or other good cause. The governing body together with the appropriate chief executive officer of any municipality may request a review by the director of the behavior or practices of a municipal finance officer. The director may also initiate a review of the behavior or practices of a municipal finance officer if he finds it advisable to do so through the normal exercise of his statutory duties and responsibilities. No certificate shall be revoked or suspended except under a proper hearing before the director or his designee after due notice. If the municipal finance officer certificate of a person serving as a municipal finance officer shall be revoked, such person shall be removed from his office or position by the director, the office or position shall be declared vacant, and the person shall not be eligible to hold that office or position or to make application for recertification for a period of five years from the date of revocation.

C. 40A:9-140.13 Appointments beginning in 1991.

8. Commencing January 1, 1991, no person shall be appointed or reappointed as a municipal finance officer unless he holds a municipal finance officer certificate issued pursuant to the provisions of P.L. 1971, c. 413 (C. 40A:9-140.1 et seq.) or this act; or unless on or before the effective date of this act he has been granted tenure pursuant to the provisions of section 2 of P.L. 1977, c. 39 (C. 40A:9-140.8) or this act, or pursuant to the provisions of N.J.S. 40A:9-152; provided, however, that a municipal finance officer who has held office continuously for five consecutive years in the same municipality may continue to serve in his current position and shall not be removed from office or denied reappointment for failure to qualify as a certified municipal finance officer pursuant to the provisions of P.L. 1971, c. 413 (C. 40A:9-140.1 et seq.) or this act; and further provided, however, that when a vacancy occurs in the position of chief financial officer, the governing body or chief executive officer, as appropriate, may appoint, for a period not to exceed one year and commencing on the date of the vacancy, a person who does not hold a municipal finance certificate to serve as a temporary chief financial officer. Any person so appointed may be reappointed as chief financial officer following the termination of the temporary appointment for one additional year; provided, however, that no person shall serve as temporary chief financial officer for more than two years in any local unit.

C. 40A:9-140.14 Examinations.

9. The first examinations for certification of municipal finance officers shall take place not less than 180 days from the effective date of this act. No municipal finance officer certificates applied for under the terms of P.L. 1971, c. 413 (C. 40A:9-140.1 et seq.) shall be issued on or after 180 days after the effective date of this act.

Any person who holds a municipal finance officer certificate prior to the effective date of this act shall continue to hold the certificate without any further qualifications, except as provided in section 10 of this act.

Notwithstanding the provisions of this act, on and after the effective date of this act, but not later than one year after the enactment of this act, the director shall issue upon payment of a fee of \$25.00 to the order of the Treasurer of the State of New Jersey a municipal finance officer certificate to any applicant who has successfully completed the training courses provided in section 2 of P.L. 1971, c. 413 (C. 40A:9-140.2) and who is serving as a municipal finance officer

on, and has served as a municipal finance officer for five consecutive years immediately prior to the date of application for certification, but who has not successfully completed the examination required pursuant to this act.

C. 40A:9-140.15 Renewal.

10. a. Commencing January 1, 1991, all municipal finance officer certificates, except those issued pursuant to section 4 of P.L. 1971, c. 413 (C. 40A:9-140.4) or pursuant to section 6 of this act, shall be renewed upon application, payment of the required fee, and verification that the applicant has met continuing education requirements, all as set forth in this section. Each renewal shall be for a period of two years. The renewal date shall be 30 days prior to the expiration date.

b. All municipal finance officer certificates subject to renewal pursuant to this section issued prior to January 1, 1991 shall have an expiration date of December 31, 1993. All municipal finance officer certificates issued on or after January 1, 1991 shall have an expiration date of either June 30 or December 31, whichever is sooner, of the second year following the year in which the certificates were originally issued, provided that no certificate shall expire sooner than two years from the date of original issue.

c. Each applicant for renewal of a municipal finance officer certificate shall, on a form prescribed by the director, furnish proof of having earned at least 2.0 continuing education units. For the purposes of this section, 1.0 continuing education unit equals 10 contract hours. Upon verification of this requirement, and upon payment of a fee of \$10.00 to the order of the Treasurer of the State of New Jersey, the director shall renew the municipal finance officer certificate.

d. Where the holder of a municipal finance officer certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within six months of the expiration of the certificate, then application may be made in the same manner as a renewal but the application shall be accompanied by the fee for a new application.

C. 40A:9-140.16 Regulations.

11. The director is authorized to adopt, in accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), such regulations, forms and procedures as may be necessary to carry out the terms of this act.

12. Section 1 of P.L. 1977, c. 39 (C. 40A:9-140.7) is amended to read as follows:

C. 40A:9-140.7 "Municipal finance officer" defined.

1. As used in this act "municipal finance officer" means a person holding a position specifically titled "municipal finance officer," municipal director of finance, fiscal officer, municipal comptroller, assistant comptroller, supervisor accounts payable, municipal treasurer, assistant municipal treasurer or deputy municipal treasurer who is not a member of the governing body of a municipality.

13. Section 2 of P.L. 1977, c. 39 (C. 40A:9-140.8) is amended to read as follows:

C. 40A:9-140.8 Tenure after 5 years.

2. Notwithstanding the provisions of any other law to the contrary, every person who is serving as the chief financial officer of any municipality in this State and has served in that position for a period of not less than five consecutive years and who is a holder of a municipal finance officer certificate issued in accordance with P.L. 1971, c. 413 (C. 40A:9-140.1 et seq.), shall be granted tenure of office upon filing with the clerk of the municipality and with the Division of Local Government Services in the Department of Community Affairs a notification evidencing his compliance with this section. Thereafter, the person shall continue to hold office during good behavior and efficiency, and shall not be removed therefrom except for just cause and then only after a public hearing upon a written complaint setting forth the charge or charges against him pursuant to section 3 of P.L. 1977, c. 39 (C. 40A:9-140.9) or upon expiration or revocation of certification by the Director of the Division of Local Government Services pursuant to section 5 of P.L. 1971, c. 413 (C. 40A:9-140.5).

14. Section 3 of P.L. 1977, c. 39 (C. 40A:9-140.9) is amended to read as follows:

C. 40A:9-140.9 Complaint; hearing.

3. The complaint shall be filed with the municipal clerk and the Director of the Division of Local Government Services and a certified copy thereof shall be served upon the person so charged, with notice of a designated hearing date before the director or his designee, which shall be not less than 30 days nor later than 60 days from the date of service of the complaint. The hearing date may be extended by the Superior Court for good cause shown upon the application of either party.

The person so charged and the complainant shall have the right to be represented by counsel and the power to subpoena witnesses and documentary evidence, together with discovery proceedings.

The Superior Court shall have jurisdiction to review the determination of the director which court shall hear the cause de novo on the record below and affirm, modify or set aside such determination.

Either party may supplement the record with additional testimony subject to the rules of evidence.

15. This act shall take effect immediately.

Approved August 22, 1988.

CHAPTER 111

AN ACT concerning child support enforcement and supplementing P.L. 1985, c. 278 (C. 2A:17-56.26 et al.).

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

C. 2A:17-56.23a Modification of child support order.

1. Any payment or installment of an order for child support, or those portions of an order which are allocated for child support, whether ordered in this State or in another state, shall be fully enforceable and entitled to full faith and credit and shall be a judgment by operation of law on and after the date it is due. No payment or installment of an order for child support, or those portions of an order which are allocated for child support, shall be retroactively modified by the court except for the period during which the party seeking relief has pending an application for modification, but only from the date of mailing the notice of motion to the court or from the date of mailing written notice to the other party either directly or through the appropriate agent. The written notice will state that a change of circumstances has occurred and a motion for modification of the order will be filed within 45 days. In the event a motion is not filed within the 45 day period, modification shall be permitted only from the date the motion is filed with the court.

2. This act shall take effect on the 90th day following enactment.

Approved August 22, 1988.

CHAPTER 112

AN ACT permitting the employment of certain minors and amending P.L. 1940, c. 153.

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

1. Section 3 of P.L. 1940, c. 153 (C. 34:2-21.3) is amended to read as follows:

C. 34:2-21.3 Limitations on minors' working hours.

3. Except as provided in section 15 of P.L. 1940, c. 153 (C. 34:2-21.15) and except for domestic service or messengers employed by communications companies subject to the supervision and control of the Federal Communications Commission, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than six consecutive days in any one week, or more than 40 hours in any one week, or more than eight hours in any one day, nor shall any minor under 16 years of age be so employed, permitted, or suffered to work before 7 a.m. or after 7 p.m. of any day, except a minor between the ages of 14 and 16 may work in a supermarket or other retail establishment during the period beginning on the last day of a minor's school year and ending on Labor Day of each year until 9 p.m. of any day with written permission from a parent or legal guardian; nor shall any minor between 16 and 18 years of age be so employed, permitted, or suffered to work before 6 a.m. or after 11 p.m. of any day; provided that minors between 16 and 18 years of age may be employed after 11 p.m. during any regular vacation season, and on days which do not precede a regularly scheduled school day, with a special written permit from their parents or legal guardian stating the hours they are permitted to work; provided that minors between 16 and 18 years of age may be employed in a seasonal amusement or restaurant occupation after 11 p.m. and following 12:01 a.m. of the next day, if that employment is a continuation of a workday which began before 11 p.m., either during any regular school vacation season, or on workdays which do not begin on a day which precedes a regularly scheduled school day, with a special written permit from their parents or legal guardian stating the hours they are permitted to work, except that in no case shall minors between 16 and 18 years of age be employed after 3 a.m. or before 6 a.m. on a day which precedes a regularly scheduled school day; provided, further, that minors may be employed in a concert or a theatrical performance up to 11:30 p.m.; and provided, further, that

minors not less than 16 years of age and who are attending school may be employed as pinsetters only in public bowling alleys up to 11:30 p.m., but may not be so employed during the school term without a special written permit from the superintendent of schools or the supervising principal, as the case may be, which permit must state that the minor has undergone a complete physical examination by the medical inspector, and, in the opinion of the superintendent or supervising principal, may be so employed, without injury to health or interference with progress in school, such special permits to be good for a period of three months only and are revocable in the discretion of the superintendent or supervising principal. Such permit may not be renewed until satisfactory evidence has been submitted to the superintendent or supervising principal showing that the minor has had a physical examination and the minor's health is not being injured by said work; and provided, further, that minors between 16 and 18 years of age may not be employed after 10 p.m. during the regular school vacation seasons in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law. The hours of work of minors under 16 employed outside school hours shall not exceed three hours in any one day when school is in session.

This section is not applicable to the employment of a minor between 16 and 18 years of age during the months of June, July, August or September by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association, unless the employment is primarily general maintenance work or food service activities.

2. Section 17 of P.L. 1940, c. 153 (C. 34:2-21.17) is amended to read as follows:

C. 34:2-21.17 Prohibited employment.

17. No minor under 16 years of age shall be employed, permitted or suffered to work in, about, or in connection with power-driven machinery.

No minor under 18 years of age shall be employed, permitted or suffered to work in, about, or in connection with the following:

The manufacture or packing of paints, colors, white lead, or red lead;

The handling of dangerous or poisonous acids or dyes; injurious quantities of toxic or noxious dust, gases, vapors or fumes;

Work involving exposure to benzol or any benzol compound which is volatile or which can penetrate the skin;

The manufacture, transportation or use of explosives or highly inflammable substances;

Oiling, wiping, or cleaning machinery in motion or assisting therein;

Operation or helping in the operation of power-driven woodworking machinery; provided, that apprentices operating under conditions of bona fide apprenticeship may operate such machines under competent instruction and supervision;

Grinding, abrasive, polishing or buffing machines; provided, that apprentices operating under conditions of bona fide apprenticeship may grind their own tools;

Punch presses or stamping machines if the clearance between the ram and the dye or the stripper exceeds one-quarter inch;

Cutting machines having a guillotine action;

Corrugating, crimping or embossing machines;

Paper lace machines;

Dough brakes or mixing machines in bakeries or cracker machinery;

Calender rolls or mixing rolls in rubber manufacturing;

Centrifugal extractors, or mangles in laundries or dry cleaning establishments;

Ore reduction works, smelters, hot rolling mills, furnaces, foundries, forging shops, or any other place in which the heating, melting, or heat treatment of metals is carried on;

Mines or quarries;

Steam boilers carrying a pressure in excess of 15 pounds;

Construction work of any kind;

Fabrication or assembly of ships;

Operation or repair of elevators or other hoisting apparatus;

The transportation of payrolls other than within the premises of the employer.

No minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, or are sold for consumption on the premises, or in a pool or billiard room; provided, however, this paragraph shall not apply to minors 16 years of age or over, employed as pinsetters only in public bowling alleys as provided in section 3 hereof or to minors employed in theatrical productions where alcoholic beverages are sold on the premises.

Minors 14 years of age or over may be employed as golf course caddies and pool attendants.

No minor under 18 years of age shall be employed, permitted, or suffered to work in any place of employment, or at any occupation hazardous or injurious to the life, health, safety, or welfare of such minor, as such occupation shall, from time to time, be determined and declared by the Commissioner of Labor to be hazardous or injurious to the life, health, safety, or welfare of such minors, after a public hearing thereon and after such notice as the commissioner may by regulation prescribe.

None of the provisions of this section regarding employment in connection with alcoholic liquors shall be construed to prevent the employment of minors 16 years of age or more in a restaurant as defined in section 1 and as provided for in section 3 of this act (C. 34:2-21.3), or in the executive offices, maintenance departments, or pool or beach areas of a hotel, motel or guesthouse; provided, however, that no minor shall engage in the preparation, sale or serving of alcoholic beverages, nor in the preparation of photographs, nor in any dancing or theatrical exhibition or performance which is not part of a theatrical production where alcoholic beverages are sold on the premises, while so employed.

Nothing in this section shall be deemed to apply to the work done by pupils in public or private schools of New Jersey, under the supervision and instruction of officers or teachers of such organizations or schools, or to a minor who is 17 years of age employed in the type of work in which such minor majored under the conditions of the special vocational school graduate permit provided in section 15 of this act (C. 34:2-21.15).

Nothing in this section shall be construed to prevent minors 16 years of age or older who are members of a Junior Firemen's Auxiliary, created pursuant to N.J.S. 40A:14-95, from engaging in any activities authorized by N.J.S. 40A:14-98.

Notwithstanding any provision of this section to the contrary, a minor who is 15 years of age or older may work as a cashier or bagger on or near a supermarket or retail establishment cash register conveyor belt.

3. This act shall take effect immediately.

Approved August 22, 1988.

CHAPTER 113

AN ACT concerning boarding home licensure applications, amending P.L. 1979, c. 496 and supplementing P.L. 1971, c. 136 (C. 26:2H-1 et seq.).

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

1. Section 7 of P.L. 1979, c. 496 (C. 55:13B-7) is amended to read as follows:

C. 55:13B-7 Rooming, boarding house licensure.

7. a. No person shall own or operate a rooming or boarding house, hold out a building as available for rooming or boarding house occupancy, or apply for any necessary construction or planning approvals related to the establishment of a rooming or boarding house without a valid license to own or operate such a facility, issued by the commissioner.

Any person found to be in violation of this subsection shall be liable for a civil penalty of not more than \$5,000.00 for each building so owned or operated.

b. The commissioner shall establish separate categories of licensure for owning and for operating a rooming or boarding house, provided, however, that an owner who himself operates such a facility need not also possess an operator's license.

If an owner seeking to be licensed is other than an individual, the application shall state the name of an individual who is a member, officer or stockholder in the corporation or association seeking to be licensed, and the same shall be designated the primary owner of the rooming or boarding house.

Each application for licensure shall contain such information as the commissioner may prescribe and shall be accompanied by a fee established by the commissioner which shall not be less than \$75.00 nor more than \$150.00. If, upon receipt of the fee and a review of the application, the commissioner determines that the applicant will operate, or provide for the operation of, a rooming or boarding house in accordance with the provisions of this act, he shall issue a license to him.

Each license shall be valid for one year from the date of issuance, but may be renewed upon application by the owner or operator and upon payment of the same fee required for initial licensure.

c. Only one license shall be required to own a rooming or boarding house, but an endorsement thereto shall be required for each separate building owned and operated or intended to be operated as a rooming or boarding house. Each application for licensure or renewal shall indicate every such building for which an endorsement is required. If, during the term of a license, an additional endorsement is required or an existing one is no longer required, an amended application for licensure shall be submitted.

d. A person making application for, or who has been issued, a license to own or operate a rooming or boarding house who conceals the fact that the person has been denied a license to own or operate a residential facility, or that the person's license to own or operate a residential facility has been revoked by a department or agency of state government in this or any other state is liable for a civil penalty of not more than \$5,000.00, and any license to own or operate a rooming or boarding house which has been issued to that person shall be immediately revoked.

C. 26:2H-13.1 Penalty for concealment.

2. A person making application for, or who has been issued, a license to operate a residential health care facility who conceals the fact that the person has been denied a license to own or operate a residential facility, or that the person's license to own or operate a residential facility has been revoked by a department or agency of state government in this or any other state is liable for a civil penalty of not more than \$5,000.00, and any license to operate a residential health care facility which has been issued to that person shall be immediately revoked.

3. This act shall take effect immediately.

Approved August 22, 1988.

CHAPTER 114

AN ACT establishing an adult day care center program for victims of Alzheimer's disease and related disorders.

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

C. 26:2M-9 Findings, declarations.

1. The legislature finds and declares:

a. There is a critical need to establish specialized programs for clients suffering from Alzheimer's disease and related disorders. Alzheimer's disease is an organic, progressive brain disorder which may result in its final stages in the complete mental and physical disability of a client.

b. There are few services specifically designed to meet the unique needs of Alzheimer's clients and their families, and it is imperative that these services be developed as soon as possible.

c. There is a further need to develop training programs for professionals and other persons providing care for Alzheimer's clients. Specialized programs for an Alzheimer's client population will provide an optimum setting for developing and implementing these training programs.

C. 26:2M-10 Definitions.

2. As used in this act:

a. "Adult day care" means a community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care structured to provide a variety of health, social and related support services in a protective setting during any part of a day but less than 24 hours.

b. "Alzheimer's Disease and related disorders" means forms of dementia characterized by a general loss of intellectual abilities of sufficient severity to interfere with social or occupational functioning.

c. "Care needs or behaviorial problems" means the manifestations of dementia which may include, but need not be limited to, progressive memory loss, confusion, inability to communicate, extreme personality change, and eventual inability to perform the most basic tasks.

d. "Commissioner" means the Commissioner of the State Department of Health.

e. "Department" means the State Department of Health.

f. "Grantee" means a public agency or private nonprofit agency selected by the department to establish an adult day care program for participants pursuant to this act.

g. "Participant" means an individual with Alzheimer's disease or a related disorder, particularly those in the moderate to severe stages. To be eligible for services, a participant shall have documentation from a physician that the participant has Alzheimer's disease or a related disorder.

C. 26:2M-11 Grants.

3. The commissioner shall establish a program for participants in specialized adult day care centers, for which purpose the department shall award grants to qualified applicants in an amount to be determined by the commissioner. A grantee shall be required to match not less than 25% of the amount granted, either in cash or in kind contributions, or both, and the in kind contributions may include the value of staffing or volunteer services, or both. The use of the grantee's matching funds shall be limited to meeting the expenses of administration, staffing, operating expenses, and the costs of necessary safety renovations.

C. 26:2M-12 Qualifications.

4. a. In order to be eligible to receive a grant from the department pursuant to section 3 of this act, an applicant shall apply in a manner which the commissioner shall prescribe and shall possess all of the following qualifications:

(1) The applicant shall be able to identify the special care needs or behavioral problems of participants, and the applicant's program shall be designed to meet those needs.

(2) The applicant shall demonstrate to the satisfaction of the department that the applicant's program has adequate and appropriate staffing to meet the nursing, psychosocial and recreational needs of participants.

(3) The applicant shall provide an outline of the design of the applicant's physical facilities, and of the safeguards which shall be used to protect the participants' safety.

(4) The applicant shall submit a plan for assisting individuals who cannot afford the entire cost of the program. This may include, but need not be limited to, utilizing additional funding sources to

provide supplemental aid and allowing family members to serve as volunteers at the applicant's facility.

(5) The applicant shall identify potential sources of funding for the applicant's facility and shall outline plans to seek additional funding to remain solvent. This may include private donations and foundation grants, Medicare reimbursement for specific services, and the use of adult education and public health services.

b. Each grantee shall also satisfy all of the following requirements:

- (1) Establish family support groups;
- (2) Encourage family members to provide transportation for participants to and from the applicant's facility;
- (3) Concentrate on participants in moderate to severe ranges of disability;
- (4) Provide appropriate nutrition to participants, which the grantee may arrange to have provided by an organization organized for the purpose of providing meals to the elderly or to those who are needy;
- (5) Establish contact with local educational programs, including nursing and other disciplines offering gerontology programs, to provide on-site training to students; and
- (6) Provide services to assist family members, including counseling and referral to other resources.

C. 26:2M-13 Training program.

5. The department shall develop a training program which includes information on the symptoms and progress of the disease and appropriate techniques for dealing with the psychosocial, health and physical needs of the participants. The training program shall be developed and provided as on-going, on-site training for adult day care centers funded under this act and shall be available to other community based providers who serve this client population.

C. 26:2M-14 Report.

6. The commissioner shall report to the Governor and the Legislature one year after the effective date of this act on the grant programs established pursuant to this act. The report shall include, but not be limited to:

- a. A description of the progress made in implementing the programs;

- b. The number of grantees who have established adult day care programs pursuant to this act;
- c. The number and characteristics of participants served by the programs;
- d. An evaluation of the usefulness of the programs in delaying the placement of the participants in institutions;
- e. An evaluation of the programs; and
- f. An evaluation of the potential for reimbursement for care in these adult day care centers by funding sources such as Medicaid or Medicare.

C. 26:2M-15 Rules, regulations.

7. The commissioner shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations necessary to implement the provisions of this act.

8. This act shall take effect immediately.

Approved August 22, 1988.

CHAPTER 115

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

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

DIRECT STATE SERVICES	
42 DEPARTMENT OF ENVIRONMENTAL PROTECTION	
40 Community Development and Environmental Management	
42 Natural Resource Management	
14-4885 Shellfish and Marine	
Fisheries Management	\$20,000

Special Purpose:

Hard Clam Spawner Sanctuary

Research (\$20,000)

2. This act shall take effect immediately and be retroactive to July 1, 1987.

Approved August 22, 1988.

 CHAPTER 116

AN ACT concerning the ownership and control of the Trenton War Memorial, supplementing Title 52 of the Revised Statutes, repealing parts of the statutory law and making an appropriation.

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

C. 52:18A-212 Findings, declarations.

1. The Legislature finds and declares that the Trenton War Memorial building is a cultural, historic and artistic asset to the citizens of New Jersey and is used for activities, performances and official convocations by organizations, groups and public agencies from throughout the State. The promotion, operation, restoration and maintenance of the War Memorial building is, therefore, in the public interest of the State and the best means to achieve this end is by the transfer of the ownership and operation of the building and lands to the State. It is also in the public interest of the State that existing use privileges of veterans' organizations to space within the facility be continued.

C. 52:18A-213 Title transfer to State.

2. Title or interest in any lands, buildings, facilities, furnishings or equipment heretofore acquired by, conveyed or transferred to, the Trenton and Mercer County Memorial Building Commission established pursuant to R.S. 40:10-3 et seq. shall be transferred to the State of New Jersey and, notwithstanding any other provision of law to the contrary, the State shall accept title or interest therein, and shall upon execution of the transfer be the owner thereof. The Trenton and Mercer County Memorial Building Commission shall take any and all actions necessary to effectuate the provisions of this section.

C. 52:18A-214 Under Treasury jurisdiction.

3. Upon transfer of title to the State the facility shall fall within the jurisdiction of the Department of the Treasury, which shall be responsible for the promotion, operation, equipment, restoration and maintenance of the facility, including the lands and improvements incident thereto, for the cultural, artistic and ceremonial activities of the citizens of the State. In the execution of these responsibilities, the State Treasurer shall be empowered to contract with qualified entities, which may include, but not be limited to, the Secretary of State or any other department, agency or authority of the State, a nonprofit corporation formed for that purpose, a professional management firm, or individuals possessing expertise of the type necessary to assure the well-being of the facility.

C. 52:18A-215 Fund-raising; fees; appropriations.

4. Any entity may, with the written authorization of the Secretary of State and written notice to the State Treasurer, solicit and raise funds and accept funds from any public or private source for the purposes of the maintenance, operation or improvement of the facility. Any entity authorized under this act to contract for the management of the facility may, with the written approval of the State Treasurer, levy fees or charges for the use of the facility. The State or any political subdivision of the State may appropriate moneys to the State Treasurer or any other department, agency or authority for such purposes which may include otherwise eligible general obligation bond funds. All moneys received from fund-raising activities, donations, appropriations, or fees and charges shall be immediately deposited into the War Memorial Fund established by section 5 of this act, unless the State Treasurer provides for alternative treatment of those funds. All moneys currently designated, held or appropriated for the Trenton War Memorial shall be deposited into the War Memorial Fund immediately upon execution of the transfer directed by section 2 of this act.

C. 52:18A-216 War Memorial Fund.

5. There is created a War Memorial Fund in the custody and control of the State Treasurer which shall be the repository for all moneys required to be deposited therein. Moneys held in the fund shall be disbursed by the State Treasurer for the purposes provided by this act in the manner required by law. The State Treasurer may invest or reinvest any moneys in the fund, or any portion thereof, according to law, but any income from, interest on, or increment to moneys so invested shall remain in the fund. Investment of such funds shall be consistent with policies of the Division of Investment.

C. 52:18A-217 Report; capital improvement plan.

6. The Department of the Treasury shall conduct a study and prepare a report concerning the optimal utilization of the facility, together with a plan for capital improvements based on the projected uses. This report shall be prepared after consultation with current and potential users of the facility, interested parties including legislative leadership, municipal and county officials, and private citizens, and shall analyze the benefits, costs and implications of incorporation of the facility into proposed civic development projects, its relationship to the Capital City Redevelopment Corporation, and other matters which may be relevant to the facility's utilization as an historic community structure. As part of the study the department shall evaluate the feasibility of allocating space in the War Memorial building to the display of documentary and other material of historic value. The department shall also consider ways in which the expertise of the Mercer County governing body and the Mercer County Improvement Authority may be used in regard to renovation of the building. The report shall indicate the State's intention with respect to the management of the facility. The department shall submit its report to the Governor and the Legislature within six months of execution of the transfer directed under section 2.

7. There is appropriated from the General Fund to the War Memorial Fund \$3,000,000 to effectuate the purposes of this act.

Repealer.

8. The following are repealed:

R.S. 40:10-2 through 40:10-8, inclusive;
Section 3 of P.L. 1977, c. 432 (C. 40:10-9); and
Section 1 of P.L. 1983, c. 325 (C. 40:10-10).

9. This act shall take effect immediately, except that section 8 shall take effect upon the execution of the transfer directed by section 2.

Approved August 31, 1988.

CHAPTER 117

AN ACT concerning watercraft sewage disposal and supplementing
P.L. 1977, c. 74 (C. 58:10A-1 et seq.).

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

C. 58:10A-56 "No discharge" area.

1. No person may discharge sewage from a watercraft into any coastal water area designated as a "no discharge" area by the Administrator of the federal Environmental Protection Agency pursuant to an application filed by the Department of Environmental Protection in accordance with 33 U.S.C. §1322.

C. 58:10A-57 Sewage pumpout devices, portable emptying receptacles.

2. a. Within 90 days of the effective date of this act, the Department of Environmental Protection shall conduct a study of the availability and location of, and demand or need for, sewage pumpout devices for Type III marine sanitation devices, and portable toilet emptying receptacles at public or private marinas and boatyards, or at other locations in coastal estuaries and their tributaries within the State's jurisdiction. This study shall include an identification of the wastewater treatment facilities at which waste from Type III marine sanitation devices and portable toilet emptying receptacles shall be disposed of and treated.

b. Within nine months of the completion of the study conducted pursuant to subsection a. of this section, the Department shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.) rules and regulations identifying the public or private marinas at which sewage pumpout devices for Type III marine sanitation devices and portable toilet emptying receptacles shall be located, and requiring the owners or operators of those public or private marinas to install or provide the required sewage pumpout devices or portable emptying receptacles, as the case may be.

C. 58:10A-58 Study, recommendations to legislative committees.

3. Not later than May 1, 1989, the department shall submit to the Assembly Environmental Quality Committee and the Senate Energy and Environment Committee the assessment study required pursuant to section 2 of this act, along with its recommendations for any legislative and administrative action that may be necessary to assure watercraft, using the coastal and intracoastal waters of the State, reasonable access to sewage pumpout facilities and portable

toilet emptying receptacles. The recommendations shall include proposals for an information program to acquaint boaters with proper sewage disposal and the location of marine sewage disposal facilities.

C. 58:10A-59 Penalties for violation.

4. A person who violates the provisions of section 1 of this act, or who violates the provisions of any rule and regulation adopted by the department pursuant to section 2 of this act, shall be subject to the penalty provisions of section 10 of P.L. 1977, c. 74 (C. 58:10A-10).

C. 58:10A-60 U.S. EPA approval.

5. The department shall apply, within six months of the effective date of this act, to the United States Environmental Protection Agency for such approval as is necessary to implement the provisions of section 1 of this act.

6. This act shall take effect immediately, but those provisions requiring federal approval shall remain inoperative until that approval has been obtained in accordance with section 1 of this act.

Approved September 1, 1988.

CHAPTER 118

AN ACT concerning financial disclosure and excess profits by automobile insurers, supplementing P.L. 1944, c. 27 (C. 17:29A-1 et seq.) and repealing P.L. 1983, c. 357.

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

C. 17:29A-5.6 Definitions.

1. As used in this act:

a. "Actual investment income" means that portion of income generated by investment of policyholder-supplied funds.

b. "Actuarial gain" means the remainder obtained by subtracting the allowance for profit and contingencies from underwriting income, which remainder may be positive or negative.

c. "AIRE charges" and "AIRE compensation" mean, respectively, amounts paid to or received from the New Jersey Automobile Insurance Risk Exchange pursuant to section 16 of P.L. 1983, c. 362 (C. 39:6A-22).

d. "Anticipated investment income" means the amount obtained by multiplying earned premium by the percentage of premium representing investment income and used in the insurer's approved rate filings or filings made pursuant to section 29 of P.L. 1988, c. 119 (C. 17:29A-42), during the period of the three calendar-accident years being calculated, to calculate the allowance for profit and contingencies.

e. "Calendar-accident year" means the period from January 1 to December 31, during which, in the appropriate context:

- (1) premium or investment income was earned;
- (2) expenses were incurred; or
- (3) accidents occurred which resulted in losses, loss adjustment expenses or AIRE compensation.

f. "Car year" means the unit of exposure equivalent to the insuring of one automobile for 12 months, two automobiles for six months each, three automobiles for four months each, and so forth.

g. "Commissioner" means the Commissioner of Insurance.

h. "Development adjustment," for a given calendar-accident year, means the difference obtained by subtracting:

- (1) The sum of

- (a) Losses and loss adjustment expenses for that calendar-accident year, developed to an ultimate basis and evaluated as of March 31 of the year preceding the year in which the profits report required by section 2 of this act is due; plus

- (b) AIRE compensation for that calendar-accident year, developed to an ultimate basis and evaluated as of March 31 of the year in which the profits report is due; from

- (2) The sum of

- (a) Losses and loss adjustment expenses for that calendar-accident year, developed to an ultimate basis and evaluated as of March 31 of the year in which the profits report is due; plus

- (b) AIRE compensation for that calendar-accident year, developed to an ultimate basis and evaluated as of March 31 of the year preceding the year in which the profits report is due.

i. "Excess investment income" means the remainder obtained by subtracting the anticipated investment income from the actual in-

vestment income earned by the insurer, which remainder may be positive or negative.

j. "Insurer" means an entity authorized or admitted to transact private passenger automobile insurance business in New Jersey, but does not include the New Jersey Automobile Full Insurance Underwriting Association created pursuant to P.L. 1983, c. 65 (C. 17:30E-1 et seq.).

k. "Private passenger automobile insurance business" means direct insurance on private passenger automobiles as defined in subsection a. of section 2 of P.L. 1972, c. 70 (C. 39:6A-2), excluding personal excess liability insurance and insurance on commercial vehicles.

l. "Total actuarial gain" means the sum of the actuarial gains for the three calendar-accident years immediately preceding the due date of the profits report required by section 2 of this act, less the development adjustments for the calendar-accident years beginning with the seventh calendar-accident year immediately preceding the due date of the profits report and ending with the fourth calendar-accident year immediately preceding the due date of the profits report.

m. "Underwriting income" means the remainder obtained by subtracting the sum of losses developed to an ultimate basis, loss adjustment expenses developed to an ultimate basis, and other expenses exclusive of UCJF assessments, from the sum of premiums earned and AIRE compensation developed to an ultimate basis, which remainder may be positive or negative.

n. "UCJF assessments" means amounts paid by insurers to the Unsatisfied Claim and Judgment Fund pursuant to section 3 of P.L. 1952, c. 174 (C. 39:6-63).

o. "UCJF reimbursements" means amounts received by an insurer from the Unsatisfied Claim and Judgment Fund as a result of excess medical expense benefit payments by the insurer pursuant to section 2 of P.L. 1977, c. 310 (C. 39:6-73.1).

C. 17:29A-5.7 Annual profits report.

2. a. Each insurer, except those exempt from filing pursuant to section 6 of this act, shall annually file with the commissioner, on or before July 1 of each year, a profits report containing the information and calculations required by this section. The information shall be provided with respect to the insurer's New Jersey private

passenger automobile insurance business separately for each of the following coverages and for all these coverages combined:

- (1) Personal injury protection, including all options;
- (2) Bodily injury liability, reported at total limits;
- (3) Other liability, consisting of property damage liability and uninsured and underinsured motorist coverages, all reported at total limits;
- (4) Physical damage, consisting of comprehensive and collision coverages, including all deductibles.

A separate profits report shall be filed for each insurer and each insurer in an insurance holding company system. Each insurance holding company system shall file a separate combined profits report for all insurers in its system. The excess profits computation for an insurance holding company system shall be performed on its combined profits report, except that the commissioner may order an adjustment in the combined profits report if in his judgment, upon examining each insurer's profits report in the insurance holding company system, one or more of the insurers in that system are excessively subsidizing other insurers in that system.

b. The profits report shall contain the following information for each of the seven most recent calendar-accident years, with an evaluation date as of March 31 of the year in which the profits report is due:

- (1) Losses paid;
- (2) Losses developed to an ultimate basis;
- (3) Loss adjustment expenses paid;
- (4) Loss adjustment expenses developed to an ultimate basis;
- (5) AIRE compensation received; and
- (6) AIRE compensation developed to an ultimate basis.

c. The profits report shall contain the following information for the calendar-accident year ending December 31 immediately preceding the date the profits report is due:

- (1) Premiums written;
- (2) Premiums earned;
- (3) Other expenses, itemized separately as follows:

- (a) Commissions and brokerage fees;
 - (b) Taxes, licenses and fees;
 - (c) AIRE charges;
 - (d) UCJF assessment;
 - (e) Other acquisition costs and general expenses;
 - (f) Policyholder dividends, including any excess profits refunded or credited to policyholders;
- (4) Allowance for profit and contingencies, calculated by multiplying the premiums earned by the profit and contingency factors authorized for use with the insurer's approved rate filings;
- (5) Anticipated investment income;
- (6) Actual investment income; and
- (7) UCJF reimbursements received.
- d. The profits report shall include a clear and explicit calculation of each of the following items:
- (1) Underwriting income for each of the three calendar-accident years immediately preceding the date of the profits report;
 - (2) Actuarial gain for each of the three calendar-accident years immediately preceding the date of the profits report;
 - (3) Excess investment income for each of the three calendar-accident years immediately preceding the date of the profits report;
 - (4) Development adjustment for each of the four calendar-accident years specified in subsection 1. of section 1 of this act;
 - (5) Total actuarial gain; and
 - (6) Excess profits.

C. 17:29A-5.8 Excess profits.

3. Excess profits shall exist if for the three calendar-accident years immediately preceding the date the profits report is due, the sum of an insurer's total actuarial gain and excess investment income for all private passenger automobile coverages combined exceeds 2.5 percent of earned premiums, except that the effect of a negative excess investment income shall be limited in the computation of excess profits, at the discretion of the commissioner, which discretion shall be exercised pursuant to a standard on the investment of pol-

icyholder-supplied funds pursuant to regulations promulgated by the commissioner not later than April 1 of the year in which excess profits reports are filed.

C. 17:29A-5.9 First profits report.

4. The due date for the first profits report required by subsection a. of section 2 of this act is July 1, 1989. For the first report required by this act:

a. The seven most recent calendar-accident years referred to in subsection b. of section 2 of this act are 1982 through 1988, inclusive.

b. The three calendar-accident years immediately preceding the due date referred to in subsection l. of section 1, subsection d. of section 2, section 3 and section 6 of this act are 1986, 1987, and 1988.

c. The seventh calendar-accident year immediately preceding the due date referred to in subsection l. of section 1 of this act is 1982.

d. The fourth calendar-accident year immediately preceding the date the profits report is due referred to in subsection l. of section 1 of this act is 1985.

e. The calendar-accident year immediately preceding the date the profits report is due referred to in subsection c. of section 2 of this act is 1988.

f. All remaining references to specific calendar years, calendar-accident years, and evaluation dates shall be consistent with the provisions of this section.

C. 17:29A-5.10 Excess profit carry forward.

5. In the event an excess profit is returned by an insurer in accordance with section 7 of this act and subsequent development demonstrates that an excess profit did not exist or was overstated, an "excess profit carry forward" in the amount of the excess profit refunded or the amount overstated, whichever is less, shall be established. This "excess profit carry forward" shall be applied by such insurer as a credit against future determinations of excess profits until such credit is exhausted or the expiration of a 15-year period from the date such carry forward was established, whichever occurs first.

C. 17:29A-5.11 Certification.

6. An insurer having fewer than 150 car years of exposure in New Jersey during the three calendar-accident years immediately preceding the date the profits report is due shall file a certification to that effect, in lieu of all other requirements of this act.

C. 17:29A-5.12 Plan for refund, credit.

7. If the commissioner finds that an insurer has excess profits, the insurer shall establish, subject to the approval of the commissioner, a fair, practicable, and nondiscriminatory plan for the refund or credit to policyholders of the excess profits.

C. 17:29A-5.13 Filing of report.

8. An insurer shall file the profits report, including all incidental calculations, in the formats and media to be prescribed by the commissioner.

C. 17:29A-5.14 Irregular data.

9. If, after examination thereof, the commissioner finds that any information or calculation contained in a profits report filed by an insurer contains, results in or is based upon aberrant, unusual or irregular data, utilization of data, judgments or assumptions, the commissioner shall issue an order to the insurer, directing that the information or calculation be altered in a manner necessary to eliminate the effect of the aberrant, unusual or irregular data, utilization of data, judgments, or assumptions.

C. 17:29A-5.15 Submission of additional data.

10. Notwithstanding any other provision of this act, the commissioner may require the submission of any other data and information he deems relevant or appropriate for evaluating the profits of an insurer.

C. 17:29A-5.16 Rules, regulations.

11. The commissioner shall promulgate rules and regulations in accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), that he deems necessary to implement the provisions of this act.

Repealer.

12. P.L. 1983, c. 357 (C. 17:29A-5.2 through 17:29A-5.5) is repealed.

13. This act shall take effect immediately.

Approved September 8, 1988.

CHAPTER 119

AN ACT concerning private passenger automobile insurance and revising parts of statutory law.

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

1. Section 18 of P.L. 1985, c. 520 (C. 17:28-1.4) is amended to read as follows:

C. 17:28-1.4 Mandatory coverage.

18. Any insurer authorized to transact or transacting automobile or motor vehicle insurance business in this State, or controlling or controlled by, or under common control by, or with, an insurer authorized to transact or transacting insurance business in this State, which sells a policy providing automobile or motor vehicle liability insurance coverage, or any similar coverage, in any other state or in any province of Canada, shall include in each policy coverage to satisfy at least the liability insurance requirements of section 1 of P.L. 1972, c. 197 (C. 39:6B-1) or section 3 of P.L. 1972, c. 70 (C. 39:6A-3), the uninsured motorist insurance requirements of subsection a. of section 2 of P.L. 1968, c. 385 (C. 17:28-1.1), and personal injury protection benefits coverage pursuant to section 4 of P.L. 1972, c. 70 (C. 39:6A-4) or of section 19 of P.L. 1983, c. 362 (C. 17:28-1.3), whenever the automobile or motor vehicle insured under the policy is used or operated in this State.

Any liability insurance policy subject to this section shall be construed as providing the coverage required herein, and any named insured, and any immediate family member as defined in section 14.1 of P.L. 1983, c. 362 (C. 39:6A-8.1), under that policy, shall be subject to the tort option specified in subsection a. of section 8 of P.L. 1972, c. 70 (C. 39:6A-8).

Each insurer authorized to transact or transacting automobile or motor vehicle insurance business in this State and subject to the provisions of this section shall, within 30 days of the effective date of P.L. 1985, c. 520, file and maintain with the Department of Insurance written certification of compliance with the provisions of this section.

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

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

C. 39:6-63 Assessment of insurers.

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 apportioned among such insurers in the proportion that the net direct written premiums of each bear to the aggregate net direct written premiums of all insurers, including the New Jersey Automobile Full Insurance Underwriting Association, created pursuant to P.L. 1983, c. 65 (C. 17:30E-1 et seq.), during the preceding calendar year as shown by the records of the commissioner. Each insurer shall pay the sum so assessed to the treasurer on or before March 31, next following.

(e) Whenever any of the provisions of this act concerning the method and sources of assessments 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.), 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.), 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.

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

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

4. Personal injury protection coverage, regardless of fault.

Every automobile liability insurance policy insuring an automobile as defined in this act against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of ownership, operation, maintenance or use of an automobile shall provide personal injury protection coverage, as defined hereinbelow, under provisions approved by the Commissioner of Insurance, for the payment of benefits without regard to negligence, liability or fault of any kind, to the named insured and members of his family residing in his household who sustained bodily injury as a result of an 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 all reasonable medical expenses incurred as a result of personal injury sustained in an automobile accident. In the event of death, payments shall be made to the estate of the decedent. In the event benefits paid by an insurer

pursuant to this subsection are in excess of \$75,000.00 on account of personal injury to any one person in any one accident, such excess shall be paid by the insurer in consultation with the Unsatisfied Claim and Judgment Fund Board and shall be reimbursable to the insurer from the Unsatisfied Claim and Judgment Fund pursuant to section 2 of P.L. 1977, c. 310 (C. 39:6-73.1).

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

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

d. Death benefits. In the event of the death of an income producer as a result of injuries sustained in an accident entitling such person to benefits under 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.

Benefits payable under this section shall:

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

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

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.

4. Section 14 of P.L. 1985, c. 520 (C. 39:6A-4.5) is amended to read as follows:

C. 39:6A-4.5 Lack of medical coverage.

14. Any person who, at the time of an automobile accident resulting in injuries to that person, is required but fails to maintain medical expense benefits coverage mandated by section 4 of P.L. 1972, c. 70 (C. 39:6A-4) shall:

a. For the purpose of filing an action for recovery of noneconomic loss, as defined in section 2 of P.L. 1972, c. 70 (C. 39:6A-2), be subject to the tort option specified in subsection a. of section 8 of P.L. 1972, c. 70 (C. 39:6A-8).

b. (Deleted by amendment, P.L. 1988, c. 119.)

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

C. 39:6-86.1 Unsatisfied Claim and Judgment Fund 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 expense benefits. Payment of all reasonable medical expenses incurred as a result of personal injury sustained in a motor vehicle 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.

6. 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, 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 a. 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.

7. Section 14.1 of P.L. 1983, c. 362 (C. 39:6A-8.1) is amended to read as follows:

C. 39:6A-8.1 Election of tort option.

14.1. Election of tort option. a. Election of a tort option pursuant to section 8 of P.L. 1972, c. 70 (C. 39:6A-8) shall be in writing and signed by the named insured on the coverage selection form required by section 17 of P.L. 1983, c. 362 (C. 39:6A-23). The form shall state the percentage difference in the premium rates or the dollar savings between the two tort options. The tort option elected shall apply to the named insured and any immediate family member residing in the named insured's household. "Immediate family member" means the spouse of the named insured and any child of the named insured

or spouse residing in the named insured's household, who is not a named insured under another automobile insurance policy.

b. If the named insured fails to elect, in writing, any of the tort options offered pursuant to section 8 of P.L. 1972, c. 70 (C. 39:6A-8), the named insured shall be deemed to elect the tort option of subsection a. of that section 8.

c. The tort option elected by a named insured for an automobile policy issued or renewed on or after January 1, 1989 shall continue in force as to subsequent renewal or replacement policies until the insurer or its authorized representative receives a properly executed form electing the other tort option.

d. The tort option elected by the named insured shall apply to all automobiles owned by the named insured and to any immediate family member who is not a named insured under another automobile insurance policy, except that in the case where more than one policy is applicable to the named insured or immediate family member, and the policies have different tort options, the tort option elected by the injured named insured shall apply or, in the case of an immediate family member who is not a named insured and is injured in an accident involving an automobile to which a policy issued to a named insured in the household of the injured immediate family member applies, the tort option elected by that named insured shall apply.

e. Notwithstanding any other provision of law to the contrary, no person, including, but not limited to, an insurer, an insurance producer as defined in section 2 of P.L. 1987, c. 293 (C. 17:22A-2), a servicing carrier or non-insurer servicing carrier acting in that capacity pursuant to P.L. 1983, c. 65 (C. 17:30E-1 et seq.), and the New Jersey Automobile Full Insurance Underwriting Association created pursuant to P.L. 1983, c. 65 (C. 17:30E-1 et seq.), shall be liable in an action for damages on account of the election of a tort option by a named insured or on account of the tort option imposed pursuant to subsection b. of this section or otherwise imposed by law. Nothing in this subsection shall be deemed to grant immunity to any person causing damage as the result of his willful, wanton or grossly negligent act of commission or omission.

In the case of automobile insurance policies in force on January 1, 1989, notice of the tort options available pursuant to the aforesaid section 8 shall be given in accordance with section 17 of P.L. 1983, c. 362 (C. 39:6A-23).

C. 17:29A-36.2 Regulations.

8. a. Within 180 days of the effective date of this section, the commissioner shall promulgate regulations providing the following with regard to private passenger automobile insurance:

(1) Rate filing data and information specifications in a standard format;

(2) (a) A standard ratemaking methodology, and

(b) Uniform standards on ratemaking methodologies, data compilation, data evaluation and data submission;

(3) Standards of efficiency and other standards of measure based upon industrywide aggregate averages and other relevant data and factors to be utilized in the review and evaluation of the loss, expense and financial data contained in a rate filing; and

(4) The format, data specifications and other requirements for any informational filings made pursuant to subsection b. of this section.

b. Notwithstanding any provision of law to the contrary, on July 1, 1989 and annually thereafter, every insurer writing private passenger automobile insurance in this State shall make an informational filing on their private passenger automobile insurance with the commissioner regardless of whether they file for an adjustment in their automobile insurance rates.

9. 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 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.

C. 39:6A-4.6 Medical fee schedules.

10. The Commissioner of Insurance shall, within 180 days after the effective date of this 1988 amendatory and supplementary act, 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 required to be made under the personal injury protection coverage provided for in section 4 of P.L. 1972, c. 70 (C. 39:6A-4). These fee schedules shall be promulgated on the basis of the type of injury sustained or service provided, and shall be reviewed biannually by the commissioner.

11. Section 2 of P.L. 1968, c. 385 (C. 17:28-1.1) is amended to read as follows:

C. 17:28-1.1 Uninsured, underinsured motorist coverage.

2. a. No motor vehicle liability policy or renewal of such policy of insurance, including a liability policy for an automobile as defined in section 2 of P.L. 1972, c. 70 (C. 39:6A-2), insuring against loss resulting from liability imposed by law for bodily injury or death, sustained by any person arising out of the ownership, maintenance or use of a motor vehicle, shall be issued in this State with respect to any motor vehicle registered or principally garaged in this State unless it includes coverage in limits for bodily injury or death as follows:

(1) an amount or limit of \$15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident, and

(2) an amount or limit, subject to such limit for any one person so injured or killed, of \$30,000.00, exclusive of interest and costs, on account of injury to or death of more than one person, in any one accident,

under provisions approved by the Commissioner of Insurance, for payment of all or part of the sums which the insured or his legal

representative shall be legally entitled to recover as damages from the operator or owner of an uninsured motor vehicle, or hit and run motor vehicle, as defined in section 18 of P.L. 1952, c. 174 (C. 39:6-78), because of bodily injury, sickness or disease, including death resulting therefrom, sustained by the insured, caused by accident and arising out of the ownership, maintenance or use of such uninsured or hit and run motor vehicle anywhere within the United States or Canada; except that uninsured motorist coverage shall provide that in order to recover for non-economic loss, as defined in section 2 of P.L. 1972, c. 70 (C. 39:6A-2), for accidents to which the benefits of section 4 (C. 39:6A-4) of that act apply, the tort option elected pursuant to section 8 (C. 39:6A-8) of that act shall apply to that injured person.

All motor vehicle liability policies shall also include coverage for the payment of all or part of the sums which persons insured thereunder shall be legally entitled to recover as damages from owners or operators of uninsured motor vehicles, other than hit and run motor vehicles, because of injury to or destruction to the personal property of such insured, with a limit in the aggregate for all insureds involved in any one accident of \$5,000.00, and subject, for each insured, to an exclusion of the first \$500.00 of such damages.

b. Uninsured and underinsured motorist coverage shall be provided as an option by an insurer to the named insured up to at least the following limits: \$250,000.00 each person and \$500,000.00 each accident for bodily injury; \$100,000.00 each accident for property damage or \$500,000.00 single limit, subject to an exclusion of the first \$500.00 of such damage to property for each accident, except that the limits for uninsured and underinsured motorist coverage shall not exceed the insured's motor vehicle liability policy limits for bodily injury and property damage, respectively.

Rates for uninsured and underinsured motorist coverage for the same limits shall, for each filer, be uniform on a Statewide basis without regard to classification or territory.

c. Uninsured and underinsured motorist coverage provided for in this section shall not be increased by stacking the limits of coverage of multiple motor vehicles covered under the same policy of insurance nor shall these coverages be increased by stacking the limits of coverage of multiple policies available to the insured. If the insured had uninsured motorist coverage available under more than one policy, any recovery shall not exceed the higher of the applicable limits of the respective coverages and the recovery shall be prorated between

the applicable coverages as the limits of each coverage bear to the total of the limits.

d. Uninsured motorist coverage shall be subject to the policy terms, conditions and exclusions approved by the Commissioner of Insurance, including, but not limited to, unauthorized settlements, nonduplication of coverage, subrogation and arbitration.

e. For the purpose of this section, (1) "underinsured motorist coverage" means insurance for damages because of bodily injury and property damage resulting from an accident arising out of the ownership, maintenance or use of an underinsured motor vehicle. Underinsured motorist coverage shall not apply to an uninsured motor vehicle. A motor vehicle 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 for underinsured motorist coverage afforded under the motor vehicle insurance policy held by the person seeking that recovery. A motor vehicle shall not be considered an underinsured motor vehicle under this section unless the limits of all bodily injury liability insurance or bonds applicable at the time of the accident have been exhausted by payment of settlements or judgments. The limits of underinsured motorist coverage available to an injured person shall be reduced by the amount he has recovered under all bodily injury liability insurance or bonds;

(2) "uninsured motor vehicle" means:

(a) a motor vehicle with respect to the ownership, operation, maintenance, or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident;

(b) a motor vehicle with respect to the ownership, operation, maintenance, or use of which there is bodily injury liability insurance in existence but the liability insurer denies coverage or is unable to make payment with respect to the legal liability of its insured because the insurer has become insolvent or bankrupt, or the Commissioner of Insurance has undertaken control of the insurer for the purpose of liquidation; or

(c) a hit and run motor vehicle as described in section 18 of P.L. 1952, c. 174 (C. 39:6-78).

"Uninsured motor vehicle" shall not include an underinsured

motor vehicle; a motor vehicle owned by or furnished for the regular use of the named insured or any resident of the same household; a self-insurer within the meaning of any financial responsibility or similar law of the state in which the motor vehicle is registered or principally garaged; a motor vehicle which is owned by the United States or Canada, or a state, political subdivision or agency of those governments or any of the foregoing; a land motor vehicle or trailer operated on rails or crawler treads; a motor vehicle used as a residence or stationary structure and not as a vehicle; or equipment or vehicles designed for use principally off public roads, except while actually upon public roads.

12. Section 3 of P.L. 1952, c. 173 (C. 39:6-25) is amended to read as follows:

C. 39:6-25 Security deposit.

3. (a) If 20 days after the receipt of a report of a motor vehicle accident within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$500.00, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, and in the event of an accident involving an automobile, required to have coverage for personal injury protection benefits pursuant to P.L. 1972, c. 70 (C. 39:6A-1 et seq.), has also reimbursed or has executed a duly acknowledged written agreement to pay an agreed amount in installments to reimburse the Unsatisfied Claim and Judgment Fund for the payment of all personal injury protection benefits the fund has made or shall make pursuant to section 7 or section 10 of P.L. 1972, c. 198 (C. 39:6-86.1 and C. 39:6-86.4) by reason of the failure of such person to have the requisite insurance coverage in effect, the director shall determine the amount of security which may be necessary in his judgment to satisfy any reimbursement, judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner in view of the total insurance protection available to the injured party. The Director of the Division of Motor Vehicles shall promulgate such rules as may be necessary to set forth those instances where deposit of security is necessary.

(b) The director may, within 90 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this State, and if such owner is a nonresident the privilege of the use within this State of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided, notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in paragraph (1), (2) or (3) of subsection (c) of this section, he may take appropriate action as hereinbefore provided, within 90 days after receipt by him of correct information with respect to said matters.

(c) This section shall not apply under the conditions stated in section 4 of this act nor:

(1) To such operator or owner, if such owner had in effect, at the time of such accident, a motor vehicle liability policy with respect to the motor vehicle involved in such accident;

(2) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident a motor vehicle liability policy or bond with respect to his operation of motor vehicles not owned by him;

(3) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; nor

(4) To any person qualifying as a self-insurer under section 30 of this act, or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety

company if not authorized to do business in this State shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$15,000.00 because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than \$30,000.00 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000.00 because of injury to or destruction of property of others in any one accident and if policy or bond is applicable to an automobile required to have coverage for personal injury protection benefits pursuant to P.L. 1972, c. 70 (C. 39:6A-1 et seq.), it shall include an amount to cover personal injury protection benefits as required by that act.

13. Section 13 of P.L. 1952, c. 173 (C. 39:6-35) is amended to read as follows:

C. 39:6-35 Failure to satisfy judgment.

13. If a person fails to pay and satisfy every judgment rendered against him for damages because of personal injury or death, or damage to property in excess of \$500.00, resulting from the ownership, maintenance, use or operation of a motor vehicle and every judgment based on an agreement or contract made in settlement of damages arising out of a motor vehicle accident, within 60 days after its entry, or if an appeal is taken therefrom within that time, within 60 days after the judgment as entered or modified becomes final, the operator's license and all registration certificates of any such person, other than a chauffeur or operator employed by the owner of a motor vehicle and so acting at the time of the damage, injuries or death resulting in the judgment, shall, upon receiving a certified copy of a transcript of the final judgment from the court in which it was rendered showing it to have been still unsatisfied more than 60 days after it became final, be forthwith suspended by the director.

If the director is satisfied that a judgment debtor or his insurance carrier was, within the said 60-day period, ready, willing and able to pay the said judgment but was prevented from so doing by reason of the refusal or legal inability of the judgment creditor to accept payment, or that the failure to pay said judgment within the said 60-day period was due to the act or neglect of the judgment debtor's

insurance carrier and not to any fault of the judgment debtor then the director may, in his discretion, extend the 60-day limitation herein prescribed for any reasonable time necessary to complete the formality of payment of the judgment and shall not suspend the judgment debtor's driver's license, operating privilege or certificate of registration.

The judgment herein mentioned shall be a judgment of a court of competent jurisdiction of this State or any other state or of a District Court of the United States.

The license and registration certificates shall remain so suspended and shall not be renewed, nor shall a motor vehicle be thereafter registered in the name of that person while the judgment remains unstayed, unsatisfied, subsisting and until every such judgment is satisfied or discharged, except that in the event that the judgment debtor shall be relieved of liability for payment of said judgment by an adjudication of the court in which the same was entered, or if the right to enforce said judgment by docketing and revival, or by revival, or by bringing an action thereon, shall have expired without such revival or the bringing of any such action thereon, the judgment debtor's license shall be restored to him, and one or more motor vehicles may be registered in his name, upon application to the Division of Motor Vehicles.

A discharge in bankruptcy shall relieve the judgment debtor from any of the requirements of this act, provided that the underlying judgment was not based on a willful or malicious tort.

The clerk of the court in which the judgment is rendered, or the court where it has no clerk, shall forward to the director, at the request of the judgment creditor or his attorney, after the expiration of the 60 days a certified copy of the judgment or a transcript thereof, as aforesaid.

Upon the filing with the court of proof of satisfaction or discharge of a judgment, the nonpayment of which has been previously certified to the director, the clerk of the court, or the court where it has no clerk shall immediately forward notice of such satisfaction or discharge to the director.

If the defendant is a nonresident the director shall transmit to the officer in charge of the issuance of driver licenses and registration certificates of the state of which the defendant is a resident a certified copy of the judgment.

If after proof is given, another such judgment is recovered against that person for an accident occurring before the proof was given, the license and certificate shall again be and remain suspended, and no other license or certificate shall be issued to him while the judgment so remains unsatisfied and subsisting.

14. Section 15 of P.L. 1952, c. 173 (C. 39:6-37) is amended to read as follows:

C. 39:6-37 Insolvent, bankrupt insurer.

15. Whenever it appears to the satisfaction of the director that: at the time of a motor vehicle accident resulting in the death of or injury to any person, or damage to property to the extent of \$500.00, the judgment debtor, against whom a judgment has been obtained as a result of such accident, was insured in an insurance company, authorized to do business in this State, against public liability for injuries or death to one person to the extent of \$15,000.00 and for injuries or death to more than one person to the extent of \$30,000.00 and for damage to property to the extent of \$5,000.00 arising out of a single motor vehicle accident and with respect to an automobile, as defined in section 2 of P.L. 1972, c. 70 (C. 39:6A-2), registered or principally garaged in New Jersey; personal injury protection coverage as provided in the "New Jersey Automobile Reparation Reform Act," P.L. 1972, c. 70 (C. 39:6A-1 et seq.), and that the judgment has not been paid or the personal injury protection benefits have not been paid because, subsequent to the date of such accident, such insurance company has become insolvent or bankrupt, or the Commissioner of Insurance has undertaken control thereof for the purpose of liquidation, he shall not suspend the operator's license and the registration certificates of such judgment debtor.

15. Section 9 of P.L. 1952, c. 174 (C. 39:6-69) is amended to read as follows:

C. 39:6-69 Unpaid judgments.

9. When any qualified person recovers a valid judgment in any court of competent jurisdiction in this State against any other person, who was the operator or owner of a motor vehicle, for injury to, death of, any person or persons, or a similar valid judgment in such court against such a defendant for an amount in excess of \$500.00, exclusive of interest and costs, for damage to property, except property of others in charge of such operator or owner or such operator's or owner's employees, arising out of the ownership, maintenance or use of the motor vehicle in this State on or after April 1, 1955, and any amount remains unpaid thereon in the case of a judgment for bodily

injury or death, or any amount in excess of \$500.00 remains unpaid thereon in case of a judgment for damage to property, such judgment creditor may, upon the termination of all proceedings, including reviews and appeals in connection with such judgment, file a verified claim in the court in which the judgment was entered, and upon 10 days' written notice to the board may apply to the court for an order directing payment out of the fund, of the amount unpaid upon such judgment for bodily injury or death, which does not exceed, or upon such judgment for damage to property, which exceeds the sum of \$500.00 and does not exceed—

(a) The maximum 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) The maximum 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) The maximum amount or limit of \$5,000.00, exclusive of interest and costs, for damage to property in any one accident.

16. Section 13 of P.L. 1952, c. 174 (C. 39:6-73) is amended to read as follows:

C. 39:6-73 \$500 exclusion.

13. Except with respect to medical expense benefits paid pursuant to section 2 of P.L. 1977, c. 310 (C. 39:6-73.1), no order shall be made for the payment and the treasurer shall make no payment, out of the fund, of

(a) Any claim for damage to property for less than \$500.00,

(b) The first \$500.00 of any judgment for damage to property or of the unsatisfied portion thereof, or

(c) The unsatisfied portion of any judgment which, after deducting \$500.00 therefrom if the judgment is for damage to property, exceeds

(1) the maximum or limit of \$15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person in any one accident, and

(2) the maximum 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

(3) the maximum amount or limit of \$5,000.00, exclusive of interest and costs, for damage to property in any one accident; provided, that such maximum amounts shall be reduced by any amount received or recovered as specified in subsection (m) of section 10.

(d) Any claim for damage to property which includes any sum greater than the difference between said maximum amounts and the sum of \$500.00, and any amount paid out of the fund in excess of the amount so authorized may be recovered by the treasurer in an action brought to him against the person receiving the same.

17. Section 17 of P.L. 1983, c. 65 (C. 17:30E-5) is amended to read as follows:

C. 17:30E-5 Reconstituted board of directors; advisory boards.

17. a. Within 45 days after the effective date of this 1988 amendatory and supplementary act, there shall be appointed a reconstituted board of directors, and within 30 days after the appointment of the reconstituted board, the commissioner shall call the first, or organizational, meeting of the reconstituted board of directors. The board shall consist of nine persons, five of whom shall be appointed by the Governor with the advice and consent of the Senate, however, no more than three of the Governor's appointees shall be of the same political party, one of whom shall be appointed by the Speaker of the General Assembly, and one by the President of the Senate; the Director of the Division of Motor Vehicles in the Department of Law and Public Safety, or his designee, and the Commissioner of Insurance, or his designee, shall be ex officio members of the board. The board members appointed by the Governor, the President and the Speaker shall be persons with a background in insurance law or practices, specifically with regard to automobile insurance in New Jersey, who shall not, during their tenure on the board be affiliated with or employed by any producer, insurer servicing carrier or non-insurer servicing carrier, or any trade association or other entity representing the interests of any producer, insurer servicing carrier or non-insurer servicing carrier in this State. Members of the board may, during their tenure on the board, be affiliated with or employed by a non-servicing carrier member company. The Governor shall name two surrogates for each director appointed to the board from a list submitted to him by each appointee. Members of the board shall be compensated from the moneys of the association for their

services, pursuant to standards and procedures set forth in the plan of operation. The initial appointment of the board members appointed by the President and Speaker shall be for a term of one year. The initial term of two of the board members appointed by the Governor shall be for a term of two years. The initial term of the remaining three board members appointed by the Governor shall be for a term of three years. After the initial appointments, all directors shall be appointed for terms of three years or until such time as a successor is appointed and duly qualified. Any vacancy in the membership of the board shall be filled in the same manner as the initial appointment for the unexpired term of the director to be replaced.

Within 20 days of the appointment of the reconstituted board of directors, the Governor, upon consultation with the Commissioner of Insurance, shall appoint two advisory boards to serve the board of directors. The first advisory board, to be known as the member company and servicing carrier advisory board, shall be comprised of eight representatives of member companies, servicing carriers and non-insurer servicing carriers. The second advisory board, to be known as the producer advisory board, shall be comprised of six producer representatives. In appointing the representatives of the member company and servicing carrier advisory board, the Governor shall select two persons from a list of not fewer than three persons nominated by the American Insurance Association, or its successor organization, from the officers or employees of insurers which are licensed to transact automobile insurance in this State and which are members or subscribers of that organization; two persons from a list of not fewer than three persons nominated by the Alliance of American Insurers, or its successor organization, from the officers or employees of insurers which are licensed to transact automobile insurance in this State and which are members or subscribers of that organization; two persons from a list of not less than three persons nominated by the National Association of Independent Insurers, or its successor organization, from the officers or employees of insurers which are licensed to transact automobile insurance in this State and which are members or subscribers of that organization; and two persons from the officers or employees of any insurers which are licensed in this State and are not members or subscribers of any of the above-mentioned organizations or from the officers or employees of any noninsurer servicing carriers, as provided for in section 24 of P.L. 1983, c. 65 (C. 17:30E-12). All nominations made by the associations shall include at least one representative of an insurer which is not and does not intend to be a servicing carrier. In appointing the

representatives of the producer advisory board, the Governor shall select two persons from a list of not fewer than three nominated by the Professional Insurance Agents Association or its successor organization; two persons from a list of not fewer than three nominated by the Independent Insurance Agents Association or its successor organization; and two persons from a list of not fewer than three nominated by the Insurance Brokers Association or its successor organization. The Governor shall name two surrogates for each advisory board member from a list submitted to him by each appointee.

Each trade association and producer association shall have 15 days from the effective date of this 1988 amendatory and supplementary act to submit its prescribed list of advisory board candidates to the Governor. If any of the associations named in this section fails to submit the list from which the Governor is to select advisory board members within the time provided in this subsection, the Governor shall appoint temporary advisory board members to represent each association that has failed to submit its list. In selecting temporary advisory board members, the Governor shall be guided by the selection criteria set forth herein. Upon subsequent receipt of the list from the association, the Governor shall select permanent advisory board members to replace temporary board members within 30 days. Such replacement shall become effective immediately. Advisory board members shall each serve for a three year term or until such time as their successor is appointed and qualified. Any vacancy in the membership of the member and servicing carrier or producer advisory board shall be filled in the same manner as the initial appointment for the unexpired term of the advisory board member to be replaced. Advisory board members shall not be compensated for their services, but shall be reimbursed by the association for any necessary and reasonable expenses incurred in performance of their duties as members of the advisory board.

b. After the board has been appointed, it shall elect from its membership a chairman and shall then meet thereafter at least annually, and as often as the chairman or the plan of operation shall require, or at the request of any three members of the board or the commissioner. All meetings of the board and of the advisory boards shall be held in New Jersey. Written notice setting forth the meeting agenda shall be provided for each board meeting. Written notice shall be provided, at least five days prior to the date of the meeting, to all directors, each member of the member and servicing carrier advisory board and producer advisory board, the commissioner, and the chairmen of the Assembly Insurance Committee and the Senate

Labor, Industry and Professions Committee, or the successors to those committees. Minutes shall be kept of all meetings. A copy of the minutes shall be sent within five business days following the meeting to the commissioner and to the chairmen of the two legislative committees. Each member of the board shall be entitled to one vote. The commissioner, or his designated representative, shall have no right to vote. Four voting members of the board shall constitute a quorum. No votes shall be cast on any matter except at an authorized board meeting. All votes shall be recorded in the minutes of the meeting. No votes shall be cast on any matter not listed as an agenda item in the written notice for that meeting. No member or his surrogate shall be entitled to vote on any matter if not physically present at the meeting at which the vote is taken. A majority of the voting members shall determine any action of the board. No member may serve as chairman for more than two consecutive years.

c. The board shall have and exercise all powers of the association not reserved to the members by the plan of operation or as otherwise provided in this act.

18. Section 14 of P.L. 1983, c. 65 (C. 17:30E-2) is amended to read as follows:

C. 17:30E-2 Purpose.

14. The purpose of this act is to assure to the New Jersey insurance consumer full access to automobile insurance through normal market outlets, to encourage the use of available market facilities, to provide automobile insurance for qualified applicants who cannot otherwise obtain such insurance, through a full automobile insurance underwriting association, and to require that companies be made whole for losses in excess of regulated rates on all risks not voluntarily written by providing procedures for the spreading and recoupment of losses based on actual experience.

19. Section 10 of P.L. 1952, c. 174 (C. 39:6-70) is amended to read as follows:

C. 39:6-70 Hearing on application for payment of judgment.

10. Hearing on application for payment of judgment. The court shall proceed upon such application, in a summary manner, and, upon the hearing thereof, the applicant shall be required to show:

(a) He is not a person covered with respect to such injury or death by any workers' compensation law, or the personal representative of such a person,

(b) He is not a spouse, parent or child of the judgment debtor, or the personal representative of such spouse, parent or child,

(c) He was not at the time of the accident a person (1) operating or riding in a motor vehicle which he had stolen or participated in stealing or (2) operating or riding in a motor vehicle without the permission of the owner, and is not the personal representative of such a person,

(d) He was not at the time of the accident, the owner or registrant of an uninsured motor vehicle, or was not operating a motor vehicle in violation of an order of suspension or revocation,

(e) He has complied with all of the requirements of section 5,

(f) The judgment debtor at the time of the accident was not insured under a policy of automobile liability insurance under the terms of which the insurer is liable to pay in whole or in part the amount of the judgment,

(g) He has obtained a judgment as set out in section 9 of this act, stating the amount thereof and the amount owing thereon at the date of the application,

(h) He has caused to be issued a writ of execution upon said judgment and the sheriff or officer executing the same has made a return showing that no personal or real property of the judgment debtor, liable to be levied upon in satisfaction of the judgment, could be found or that the amount realized on the sale of them or of such of them as were found, under said execution, was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized,

(i) He has caused the judgment debtor to make discovery under oath, pursuant to law, concerning his personal property and as to whether such judgment debtor was at the time of the accident insured under any policy or policies of insurance described in subsection (f) of this section,

(j) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of personal or real property or other assets, liable to be sold or applied in satisfaction of the judgment,

(k) By such search he has discovered no personal or real property or other assets, liable to be sold or applied or that he has discovered

certain of them, describing them, owned by the judgment debtor and liable to be so sold and applied and that he has taken all necessary action and proceedings for the realization thereof and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized,

(l) The application is not made by or on behalf of any insurer by reason of the existence of a policy of insurance, whereby the insurer is liable to pay, in whole or in part, the amount of the judgment and that no part of the amount to be paid out of the fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of such a policy of insurance and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of such a policy of insurance,

(m) Whether or not he has recovered a judgment in an action against any other person against whom he has a cause of action in respect of his damages for bodily injury or death or damage to property arising out of the accident and what amounts, if any, he has received by way of payments upon the judgment, or by way of settlement of such cause of action, in whole or in part, from or on behalf of such other person,

(n) In order to recover for noneconomic loss, as defined in section 2 of P.L. 1972, c. 70 (C. 39:6A-2) for accidents to which the benefits of sections 7 and 10 of P.L. 1972, c. 198 (C. 39:6-86.1 and C. 39:6-86.4) apply, the injured person shall have sustained an injury described in subsection a. of section 8 of P.L. 1972, c. 70 (C. 39:6A-8).

Whenever the applicant satisfies the court that it is not possible to comply with one or more of the requirements enumerated in subsections (h) and (i) of this section and that the applicant has taken all reasonable steps to collect the amount of the judgment or the unsatisfied part thereof and has been unable to collect the same, the court may dispense with the necessity for complying with such requirements.

The board or any insurer to which the action has been assigned may appear and be heard on application and show cause why the order should not be made.

20. Section 24 of P.L. 1983, c. 65 (C. 17:30E-12) is amended to read as follows:

C. 17:30E-12 Servicing carrier.

24. a. Pursuant to the procedures and standards established in the plan of operation, the board shall solicit, by advertisement in at least two newspapers of general circulation in the State, proposals from members and eligible noninsurers to act as a servicing carrier for the association. Standards may include the submission of a deposit.

All proposals shall be publicly opened by the board, which, after consultation with, and the approval of, the commissioner, shall award a contract to the proposer or proposers, as the case may be, whose proposal, conforming to the solicitation for proposals, is most advantageous to the association and its policyholders in its judgment, upon consideration of price and other factors. The commissioner may reject any and all bids if he determines that the bid proposals do not serve the best interests of the association. If the bid process does not result in adequate servicing capacity for the association, capacity shall be achieved pursuant to the provisions of subsection e. of this section.

Any person who makes, or causes to be made, a false, deceptive, or fraudulent statement in any proposal to be a servicing carrier, or in the course of any proceeding in connection therewith, shall be subject to a fine of not less than \$20,000.00, shall forfeit any fee which may be required to be submitted in conjunction with the proposal, and shall be permanently disqualified from submitting any further proposal under this section.

b. Insurers under common management or ownership may elect to submit an application to act as a servicing carrier in the name of any company in the group which is licensed and authorized to transact automobile insurance in this State. The commissioner may disapprove the action by the board, if he finds that the action is not in the best interests of the association, the insurer, or the purposes of this act, within 20 days of final approval by the board. The disapproval shall be made in writing and shall set forth the reasons for disapproval.

c. Any person other than a member may act as a servicing carrier if: (1) the person meets the standards of eligibility for non-insurer servicing carriers established by the commissioner in the plan of operation, after consultation with the board; and (2) the person is approved by the commissioner as being eligible. The plan of operation shall contain any standards of eligibility which the commissioner may deem appropriate for establishing the qualifications of persons desiring to become noninsurer servicing carriers, which

standards may include, but not be limited to, financial soundness, the capacity to perform the services required, experience, and record of past performance.

The commissioner shall have the authority to exercise all the powers granted to him by Title 17 of the Revised Statutes, including the powers of examination, with respect to noninsurer servicing carriers deemed to be eligible pursuant to this subsection.

d. The standards of eligibility shall require that every non-insurer servicing carrier: (1) shall have minimum assets of \$10,000,000.00; (2) shall have been in business for at least five years; (3) shall have had at least three years' experience in insurance related fields or activities; and (4) shall be able to demonstrate to the commissioner and the board that it has the capacity to issue and service a minimum of 100,000 private passenger automobile insurance policies.

e. After notice and hearing, the commissioner may require one or more members of the association or member of a group as provided in subsection b. of this section to act as servicing carriers, if he determines that the action is necessary to effectuate the purposes of this act, except that no company having less than 1% of the voluntary private passenger automobile insurance market in this State based on its net written car years of exposure shall be subject to the provisions of this subsection.

f. Pursuant to procedures established by the commissioner, any member of the association or eligible noninsurer which is acting as a servicing carrier may apply to the commissioner for permission to discontinue acting as a servicing carrier or to reduce its participation. After notice and a hearing, the commissioner may permit such insurer or eligible non-insurer to discontinue acting as a servicing carrier or to reduce its participation, on terms to be imposed by the commissioner, if the commissioner finds that such action is in the best interests of the insurer or eligible noninsurer, the association and the purposes of this act.

g. After notice and hearing, the association may recommend to the commissioner that the authority of a servicing carrier be terminated or the commissioner may terminate the authority of a servicing carrier to act as a servicing carrier, if the association or the commissioner determines that it is in the best interest of the association.

h. Any order of the commissioner pursuant to this section shall be subject to review by the Appellate Division of the Superior Court.

21. Section 25 of P.L. 1983, c. 65 (C. 17:30E-13) is amended to read as follows:

C. 17:30E-13 Territorial base rates.

25. Notwithstanding the provisions of section 7 of P.L. 1983, c. 65 (C. 17:29A-36), the rates used by the association shall be as follows:

a. On January 1, 1989, the territorial base rates used by the association for policies issued or renewed following that date shall be adjusted by the commissioner so that they exceed the territorial base rates used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State by 10%.

b. On January 1, 1990, the territorial base rates used by the association for policies issued or renewed following that date shall be adjusted by the commissioner based on the needs of the association pursuant to a filing made with the commissioner by the association no later than October 1, 1989. The commissioner may adjust the association rates so that they exceed the territorial base rates used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State by no more than 20%.

c. On January 1, 1991, the territorial base rates used by the association for policies issued or renewed following that date shall be adjusted by the commissioner based on the needs of the association pursuant to a filing made with the commissioner by the association no later than October 1, 1990. The commissioner may adjust the association rates so that they exceed the territorial base rates used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State by no more than 30%.

d. On January 1, 1992, the territorial base rates used by the association for policies issued or renewed following that date shall be adjusted by the commissioner based on the needs of the association pursuant to a filing made with the commissioner by the association no later than October 1, 1991. The commissioner may adjust the association rates so that they exceed the territorial base rates used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State by no more than 40%.

e. On January 1, 1993, the commissioner shall direct the board

to prepare, adopt and file with the commissioner rates which are based upon past and prospective loss experience of the risks underwritten by the association and the expenses attendant thereto, and which maintain the association on a self-sustaining basis. The commissioner shall approve or disapprove the rates filed by the board pursuant to the provisions of P.L. 1944, c. 27 (C. 17:29A-1 et seq.).

Nothing contained in this subsection shall be deemed to affect the commissioner's ability to continue to maintain any flat charges (also known as flat capitation fees or policy constants) pursuant to section 1 of P.L. 1984, c. 1 (C. 17:29A-37.1) or any residual market equalization charge pursuant to section 20 of P.L. 1983, c. 65 (C. 17:30E-8) approved on or before 48 months following the effective date of this 1988 amendatory and supplementary act.

f. Nothing contained in subsections a. through e. of this section shall operate to cause the rates charged by the association to result in revenues to the association which exceed the needs of the association in meeting its obligations and expenses.

g. The commissioner may order the adjustment of association rates in any territory in which the relationship between the rates used by the association and the rates used by insurers in the standard voluntary market is such that the voluntary market is adversely affected.

h. The commissioner may order the establishment of association rates which are higher than the rates which are otherwise provided for by this section, which rates would be applicable to certain drivers, based on their accident or violation records. The rates applicable to these drivers shall be established additively to the rates otherwise authorized for the use of the association, shall be spread equably across all classes and territories and may, at the discretion of the commissioner, vary as to the extent of the at-fault accident or violation records of the drivers.

C. 17:30E-13.1 Collision, comprehensive coverage rates.

22. Notwithstanding any other provision of law to the contrary, within 60 days of the effective date of this section, the board of directors of the association shall establish rates for collision and comprehensive coverages based on the experience of the association, which shall be filed for approval by the commissioner pursuant to P.L. 1944, c. 27 (C. 17:29A-1 et seq.). Any and all proceedings relating to a filing made pursuant to this section shall be completed on an expedited basis no later than 30 days after the date of the filing, and upon terms and conditions established by the commissioner.

C. 17:30E-6.1 Association data bank.

23. a. The plan of operation shall provide for the establishment of an association data bank to facilitate the dissemination of information regarding association risks to all insurers transacting the business of private passenger automobile insurance in the voluntary market.

b. The plan of operation shall establish the type of information which may be made available to insurers, which may include, but not be limited to, the name, address, and classification of the insured, a description of the vehicle, the loss history of the insured, the limits of coverage on the policy, and the producer of record.

c. The board shall make this data available to all insurers writing private passenger automobile insurance in the voluntary market in a nondiscriminatory manner to facilitate the insurers' depopulation of the association.

d. The data bank, as established in the plan, shall be fully operational within six months of the effective date of this section.

24. Section 18 of P.L. 1983, c. 362 (C. 17:29A-15.1) is amended to read as follows:

C. 17:29A-15.1 Premium credits.

18. Premium credits shall be provided for each deductible and exclusion on personal injury protection coverage offered in accordance with section 13 of P.L. 1983, c. 362 (C. 39:6A-4.3), and for the tort limitation options on bodily injury liability coverage offered in accordance with section 8 of P.L. 1972, c. 70 (C. 39:6A-8). All premium credits to which this section applies shall be calculated and represented to the insured as a percentage of the applicable premium for each coverage option, and the percentage for each coverage option shall be uniform by filer on a Statewide basis.

The premium charged for each coverage shall be clearly set forth in any policy or endorsement provided the insured.

The percentage rate of commission or rate of other compensation payable by an automobile insurer to a producer shall not vary by reason of the selection or nonselection of any option provided in section 13 of P.L. 1983, c. 362 (C. 39:6A-4.3) and section 8 of P.L. 1972, c. 70 (C. 39:6A-8).

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

C. 17:30E-14 Procedures; voluntary market quota.

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) At the end of the first 12 month period following the effective date of this 1988 amendatory and supplementary act, the commissioner shall prescribe a second quota, which shall take effect no later than 60 days following the end of that period and which shall not be less than 70% of the aggregate number of private passenger automobile non-fleet exposures written in the total private passenger automobile insurance market in this State at the end of the first 12 month period following 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 described in this paragraph.

(3) At the end of the second 12 month period following the effective date of this 1988 amendatory and supplementary act, the commissioner shall prescribe a third quota, which shall take effect no later than 60 days following the end of that period and which shall not be less than 75% of the aggregate number of private passenger automobile non-fleet exposures written in the total private passenger

automobile insurance market in this State at the end of the second 12 month period following 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 described in this paragraph.

(4) No later than 60 days following the end of the third 12 month period following the effective date of this 1988 amendatory and supplementary act, the commissioner shall prescribe such a quota that will result, at the end of the fourth 12 month period following the effective date of this 1988 amendatory and supplementary act, in the volume of exposures written in the voluntary market equaling no less than 80% of the aggregate number of private passenger automobile non-fleet exposures being written in the total private passenger automobile insurance market in this State, or such volume of exposures in excess of 80% that the commissioner determines should be considered eligible for coverage in the voluntary market. The quota shall prescribe the number of voluntary market exposures which shall be written by member companies during the 12 month period described in this paragraph. After the period established in this paragraph, the association shall not write any risk for a period longer than three years, unless, at the end of that time, the insured has presented evidence that he has been rejected by at least two insurers in the voluntary market.

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 12 month 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 exceeds its apportionment share for any 12 month period shall receive credit for the excess against the following year's obligation.

d. If, at any time after the period established in paragraph (4) of subsection b. of this section, the volume of exposures written in the voluntary market equals less than 80% of the aggregate number of private passenger automobile non-fleet exposures being written in the total private passenger automobile insurance market in this State or such volume of exposures in excess of 80% that the commissioner determines should be eligible for coverage in the voluntary market, the commissioner shall direct the association to assign eligible appli-

cants and association insureds to member companies on an equitable basis.

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 this 1988 amendatory and supplementary act 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. 17:29C-7.1 Refusal to renew.

26. a. Notwithstanding the provisions of section 3 of P.L. 1972, c. 70 (C. 39:6A-3), a licensed insurer may, in accordance with subsections b. and c. of this section, refuse to renew a policy of private passenger automobile insurance that provides coverage required to be maintained pursuant to P.L. 1972, c. 70 (C. 39:6A-1 et seq.).

b. For each calendar year period, an insurer may issue notices of intention not to renew an automobile insurance policy in the voluntary market in an amount not to exceed 2% of the total number of voluntary market automobile insurance policies of the insurer, rounded to the nearest whole number, which are in force at the end of the previous calendar year in each of the insurer's rating territories in use in this State.

c. For every two newly insured automobiles which an insurer voluntarily writes in each territory during each calendar year period, the insurer shall be permitted to refuse to renew one additional policy of automobile insurance in that territory in excess of the 2% limitation established by subsection b. of this section, subject to a fair and nondiscriminatory formula developed by rule or regulation of the commissioner. For the purposes of this section, "voluntarily writes" shall not include any exposure voluntarily written by or assigned to an insurer to meet any quota established pursuant to section 26 of P.L. 1983, c. 65 (C. 17:30E-14).

d. The provisions of this section shall not apply to any cancellation made pursuant to subsection (A) of section 2 of P.L. 1968, c. 158 (C. 17:29C-7).

e. The commissioner shall monitor the implementation and operation of this section and shall report his findings, including any legislative proposals, to the Senate Labor, Industry and Professions Committee and the Assembly Insurance Committee, or their successors, within three years of the effective date of this act.

27. Section 2 of P.L. 1968, c. 158 (C. 17:29C-7) is amended to read as follows:

C. 17:29C-7 Notice of cancellation.

2. (A) A notice of cancellation of a policy shall be effective only if it is based on one or more of the following reasons:

(a) Nonpayment of premium or nonpayment of a residual market equalization change imposed pursuant to the provisions of section 20 of P.L. 1983, c. 65 (C. 17:30E-8); or

(b) The driver's license or motor vehicle registration of the named insured or of any other operator who either resides in the same household or customarily operates an automobile insured under the policy has been under suspension or revocation during the policy period or, if the policy is a renewal, during its policy period.

(B) This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy.

(C) Modification of automobile physical damage coverage by the inclusion of a deductible not exceeding \$100.00 shall not be deemed a cancellation of the coverage or of the policy.

(D) This section shall not apply to nonrenewal.

C. 17:29A-6.1 Self-rating; organization membership.

28. a. Notwithstanding the provisions of sections 5 and 10 of P.L. 1944, c. 27 (C. 17:29A-5 and 17:29A-10):

(1) Every insurer writing motor vehicle insurance in this State shall file for approval of their own expenses;

(2) Every insurer writing motor vehicle insurance in this State whose total written car years insured, on a calendar basis, equals or exceeds 2% on January 1, 1989, 1.5% on January 1, 1990, and 1% on January 1, 1991, of the total written car years insured by all insurers writing motor vehicle insurance in this State, for the same calendar year, shall make its own rates for motor vehicle insurance in accordance with the provisions of P.L. 1944, c. 27 (C. 17:29A-1 et seq.) based upon the insurer's own loss experience for those lines.

b. Nothing contained in this section shall be deemed to prohibit any insurer from continuing to be a member or a subscriber of a rating organization or from becoming a member or subscriber of a rating organization for any other line of insurance which it may write in this State, but no rating organization may use the loss experience

of any member that is subject to the provisions of paragraph (2) of subsection a. of this section in making its motor vehicle insurance rates for its members not subject to the provisions of paragraph (2) of subsection a. of this section unless such experience is necessary to determine actuarially sound rates.

C. 17:29A-42 Average rate change percentage.

29. a. In order to effectuate the purposes of this 1988 amendatory and supplementary act, including accomplishing the depopulation of the New Jersey Automobile Full Insurance Underwriting Association, and encouraging competition and addressing the needs of the private passenger automobile insurance voluntary market in this State, the Commissioner of Insurance shall, within 90 days of the effective date of this act, establish by regulation a Statewide average rate change percentage for use by filers writing private passenger automobile insurance in this State. The Statewide average rate change percentage shall be established with due recognition to changes in the Consumer Price Indices most relevant to changes in the cost of automobile insurance. The commissioner may by regulation annually alter the percentage amount.

b. Notwithstanding any other provision of law to the contrary, commencing July 1, 1989, and annually thereafter, any filer may make a private passenger automobile insurance Statewide average rate change that is not in excess of the amount prescribed by the commissioner pursuant to subsection a. of this section which may be used when filed pursuant to subsection c. of this section. As used in this section, "Statewide average rate change" means the total Statewide premium for all coverages, combined at the rates resulting from the filing divided by the total Statewide premium for all coverages combined at the rates in effect at the time of the filing.

c. A filer may implement a change in rate level, pursuant to subsection b. 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.

d. 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.

e. 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.

C. 17:29A-43 Good driver discount plan.

30. Every insurer writing private passenger automobile insurance in this State shall, within 60 days of the effective date of this section, file for approval by the commissioner pursuant to P.L. 1944, c. 27 (C. 17:29A-1 et seq.), a good driver discount plan applicable to private passenger automobile insurance rates. Any and all proceedings relating to a filing made pursuant to this section shall be completed on an expedited basis no later than 30 days after the date of the filing, and upon terms and conditions established by the commissioner.

31. Section 16 of P.L. 1983, c. 362 (C. 39:6A-22) is amended to read as follows:

C. 39:6A-22 Powers of exchange.

16. Powers of exchange. a. The exchange shall be empowered to raise sufficient moneys (1) to pay its operating expenses, and (2) to compensate members of the exchange for claims paid for noneconomic loss, and associated claim adjustment expenses, which would not have been incurred had the tort limitation option provided in subsection b. of section 8 of P.L. 1972, c. 70 (C. 39:6A-8) or, in the case of policies issued or renewed on or after January 1, 1989, subsection a. of section 8 of P.L. 1972, c. 70 (C. 39:6A-8), been elected by the injured party filing the claim for noneconomic loss.

b. In order to enable the exchange to meet its obligations under subsection a. of this section, every member insurer or servicing carrier of the New Jersey Automobile Full Insurance Underwriting Association shall forward on a monthly basis, within 15 days of the close of the member's accounting month, a charge, to be known as the AIRE charge, in an amount and manner to be prescribed by the board of directors.

AIRE charge amounts required to be paid to the exchange in accordance with this subsection shall, in the case of those amounts determined by the board of directors to be applicable during the period from July 1, 1984 to the effective date of P.L. 1985, c. 520, be paid to the exchange within 60 days of that date.

A 10% per annum penalty charge shall be assessed by the exchange on any overdue AIRE charges.

c. The board of directors shall establish guidelines by which members or servicing carriers and the exchange may verify the tort limitation options elected by claimants.

d. Moneys collected by or otherwise available to the exchange shall be invested as hereinafter provided in section 12 of P.L. 1985, c. 520 (C. 39:6A-22.1).

e. The exchange shall have such powers as may be necessary or appropriate to effectuate the purposes of the exchange.

32. In order to implement the provisions of section 8 of P.L. 1972, c. 70 (C. 39:6A-8), as amended by this 1988 amendatory and supplementary act, the commissioner shall immediately order the filing of rates for coverage under that section by all insurers transacting private passenger automobile insurance in this State. Any and all proceedings relating to a filing made pursuant to this section shall be completed on an expedited basis no later than 30 days after the date of the filing, and upon terms and conditions established by the commissioner.

33. Section 10 of P.L. 1983, c. 65 (C. 17:29A-39) is amended to read as follows:

C. 17:29A-39 Deductibles.

10. a. Every private passenger automobile insurance policy providing collision and comprehensive coverages, issued or renewed on or after the effective date of this act, shall provide a deductible in a minimum amount of \$500.00 each for collision and comprehensive coverages, unless the named insured selects a lower deductible amount. The minimum deductible established by this subsection shall apply to all policies providing collision and comprehensive coverages unless the named insured provides otherwise in writing on a form approved by the commissioner.

b. The commissioner shall promulgate rules and regulations requiring insurers to offer a range of deductibles up to at least \$2,000.00

for private passenger automobile collision and comprehensive coverages.

34. Section 27 of P.L. 1983, c. 65 (C. 17:30E-15) is amended to read as follows:

C. 17:30E-15 Mandatory coverage limits.

27. A qualified applicant who is eligible for coverage through the association shall be offered and entitled to coverage up to at least the following limits: a. bodily injury liability: \$250,000.00 each person, \$500,000.00 each accident; b. property damage liability: \$100,000.00; c. bodily injury and property damage: \$500,000.00 single limit each accident; d. comprehensive and collision coverage; e. uninsured motorist and underinsured motorist coverage: \$250,000.00 each person and \$500,000.00 each accident for bodily injury; \$100,000.00 each accident for property damage or \$500,000.00 single limit, subject to an exclusion of the first \$500.00, unless the named insured elects a lower deductible in writing in an amount not less than \$250.00, of the damage to property for each accident, except that the limits for uninsured and underinsured motorist coverages on association coverage shall not exceed the insured's policy limits for bodily injury and property damage, respectively; f. personal injury protection coverage as required by law; g. additional personal injury protection coverage required to be offered by law; and h. any other automobile insurance required to be offered by law and subject to the limits stated in the law. Motorcycles shall not be written for the coverages required or required to be offered pursuant to P.L. 1972, c. 70 (C. 39:6A-1 et seq.).

35. 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 benefit coverages with the personal in-

jury 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.

36. Section 17 of P.L. 1983, c. 362 (C. 39:6A-23) is supplemented as follows:

C. 39:6A-23.1 Comparative premium data.

Within nine months of the effective date of this 1988 amendatory and supplementary act, the Commissioner of Insurance shall cause to have published a representative sample of the premiums being charged by insurers in each territory to facilitate price comparison by insureds or prospective insureds who are seeking new coverage. The commissioner may act to make comparative premium data available to all insureds and prospective insureds.

37. The commissioner shall conduct a review of the rating territories employed by insurers in establishing private passenger automobile insurance rates and of the caps imposed on private passenger automobile insurance rates pursuant to section 7 of P.L. 1983, c. 65 (C. 17:29A-36), which review shall include an evaluation of the number of territories which are presently being utilized and an examination of the actuarial and statistical soundness of those caps, and report his findings, including any legislative proposals, within 12 months of the effective date of this 1988 amendatory and supplementary act to the Governor and the appropriate standing reference committees of the Legislature.

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

C. 39:6A-4.3 Personal injury protection coverage deductibles and exclusions.

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

a. Medical expense benefit deductibles in amounts of \$500.00, \$1,000.00 and \$2,500.00 for any one accident;

b. The option to exclude all benefits offered under subsections b., c., d., and e. of section 4;

c. (Deleted by amendment, P.L. 1988, c. 119.)

A deductible or exclusion elected by the named insured in accordance with this section shall apply only to the named insured and any resident relative in the named insured's household who is not a named insured under another automobile insurance policy, and not to any other person eligible for personal injury protection benefits required to be provided in accordance with section 4.

In the case of a medical expense benefit deductible, the deductible elected by the 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.

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

C. 17:29A-14 Filing of rate changes; hearing.

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

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

c. If an insurer or rating organization files a proposed alteration, supplement or amendment to its rating system, or any part thereof, which would result in a change in rates, the commissioner may, or upon the request of the filer or the Public Advocate shall, certify the matter for a hearing. The hearing shall, at the commissioner's discretion, be conducted by himself, by a person appointed by the commissioner pursuant to section 26 of P.L. 1944, c. 27 (C. 17:29A-26), or by the Office of Administrative Law, created by P.L. 1978, c. 67 (C. 52:14F-1 et seq.), as a contested case. The following requirements shall apply to the hearing:

(1) The hearing shall commence within 30 days of the date of the

request or decision that a hearing is to be held. The hearing shall be held on consecutive working days, except that the commissioner may, for good cause, waive the consecutive working day requirement. If the hearing is conducted by an administrative law judge, the administrative law judge shall submit his findings and recommendations to the commissioner within 30 days of the close of the hearing. The commissioner may, for good cause, extend the time within which the administrative law judge shall submit his findings and recommendations by not more than 30 days. A decision shall be rendered by the commissioner not later than 60 days, or, if he has granted a 30 day extension, not later than 90 days, from the close of the hearing. A filing shall be deemed to be approved unless rejected or modified by the commissioner within the time period provided herein.

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

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

(4) The commissioner may promulgate rules and regulations (a) to establish standards for the submission of proposed filings, amendments, additions, deletions and alterations to the rating system of filers, which may include forms to be submitted by each filer; and (b) making such other provisions as he deems necessary for effective implementation of this act.

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

e. In order to meet, as closely as possible, the deadlines in section 17 of P.L. 1983, c. 362 (C. 39:6A-23) for provision of notice of available optional automobile insurance coverages pursuant to section 13 of P.L. 1983, c. 362 (C. 39:6A-4.3) and section 8 of P.L. 1972, c. 70 (C. 39:6A-8), and to implement these coverages, the commissioner may require the use of rates, fixed by him in advance of any hearing, for deductible, exclusion, setoff and tort limitation options, on an interim basis, subject to a hearing and to a provision for subsequent adjustment of the rates, by means of a debit, credit or refund retroactive to the effective date of the interim rates. The public hearing on initial rates applicable to the coverages available under section

13 of P.L. 1983, c. 362 (C. 39:6A-4.3) and section 8 of P.L. 1972, c. 70 (C. 39:6A-8) shall not be limited by the provisions of subsection c. of this section governing changes in previously approved rates or rating systems.

40. 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 individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the insured other than farming or ranching; and, solely for the purposes of this act, a motorcycle, as defined in R.S. 39:1-1. An automobile owned by a farm family copartnership or corporation, which is principally garaged on a farm or ranch and otherwise meets the 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 market, 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 acci-

dent and arising out of the ownership, maintenance or use of an underinsured automobile. An automobile is underinsured when the sum of the limits of liability under all bodily injury and property damage liability bonds and insurance policies available to a person against whom recovery is sought for bodily injury or property damage is, at the time of the accident, less than the applicable limits of liability afforded under the automobile insurance policy held by the person seeking such recovery.

o. "Residual market equalization charge" means the amount which, when added to all other sources of association income, will cause the association to operate on a no profit, no loss basis.

41. Section 22 of P.L. 1983, c. 65 (C. 17:30E-10) is amended to read as follows:

C. 17:30E-10 Assignment of association business.

22. a. Association business shall be serviced by producers selected by the board, in accordance with selection procedures and eligibility standards established by the plan of operation. The selection procedures shall include an affirmative action program and the establishment of a producer-to-population ratio which shall ensure adequate service on a regional basis. The plan of operation shall also establish procedures to facilitate the transition from the procedures governing producers, which are in effect as of the effective date of this act, to the selection procedures established by the association pursuant to this subsection.

b. Producers who are exclusive representatives of a company which is a servicing carrier shall be assigned to that carrier for the servicing of association policies. Producers who are not exclusive representatives of a servicing carrier may, at the election of the producer and with the consent of the servicing carrier, contract with the association to do business through any servicing carrier. Producers who are not exclusive representatives of a company which is a servicing carrier, or who have not otherwise established a contractual relationship with a servicing carrier pursuant to this section, shall be assigned to all servicing carriers on an equitable basis by the association, pursuant to the plan of operation. The assignments shall be in proportion to the percentage of association business which each servicing carrier has contracted with the association to accept and shall be balanced among territories. The assignments shall be reviewed at least annually and upon the request of a servicing carrier or producer. Pursuant to the plan of operation, the assignments shall be reallocated if it is found that the allocations are demonstrably

inequitable. Reallocations shall be made in a manner to minimize the shifting of producers.

c. Every producer shall be assigned two alternate servicing carriers, pursuant to the plan of operation. In the event that any servicing carrier normally assigned to any producer ceases, as may be provided in the plan of operation, to accept applications temporarily, such applications shall be redistributed by the association to each producer's alternate servicing carrier.

d. In order to minimize disruption of association operations in cases in which a servicing carrier withdraws or will be withdrawing from the service of association business, the association, with the approval of the commissioner, shall be authorized to reallocate all, or any part, of the withdrawing servicing carrier's producers to one or more of the remaining servicing carriers.

42. Section 29 of P.L. 1983, c. 65 (C. 17:30E-17) is amended to read as follows:

C. 17:30E-17 Suspension, revocation; penalties.

29. a. The commissioner may suspend or revoke, after notice and a hearing, the certificate of authority of any member insurer or the license of any producer who willfully fails to comply with the provisions of this act or the regulations or plan of operation promulgated thereunder. In addition to or in lieu of suspension or revocation, any member company violating the provisions of this act or the regulations or plan of operation promulgated thereunder may be fined by the commissioner up to \$10,000.00 for each such violation; and any producer violating the provisions of this act or the regulations or plan of operation promulgated thereunder may be fined by the commissioner up to \$5,000.00 for each violation. These penalties shall be enforced and collected by the commissioner in the name of the State pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.).

b. If, after notice and opportunity to be heard, the board finds that a producer has violated the provisions of this act or the regulations, plan of operation or standards promulgated pursuant to this act, the board shall notify the commissioner and may request the commissioner to temporarily suspend the producer's authority to write new association business. The commissioner may issue an order suspending the producer's authority to write new association business, pending a hearing which shall be held within 20 days of the issuance of the order. If, after a hearing, the commissioner finds that

the producer has violated the provisions of this act or the regulations, plan of operation or standards promulgated pursuant to this act, he shall take appropriate disciplinary action, including suspension or revocation of the producer's license or producer's authority to write business for the association, or both.

c. In the event the association sustains a financial loss due to any act or omission of any producer, member company or servicing carrier which violates any statutory, contractual or plan of operation requirement, the commissioner may, in addition or as an alternative to the penalties provided in subsections a. and b. of this section, order the restitution of any moneys owed to the association, and the reimbursement of reasonable costs of investigation and prosecution.

C. 17:30E-18.1 Examination.

43. The commissioner may, whenever he deems it necessary, make or cause to be made an examination of the finances, operations, methods of conducting business, and all other affairs of the association, its management and its servicing carriers. For the purpose of the examination, the commissioner may authorize, employ or otherwise engage such person, persons or other resources to conduct the examination, or to assist therein, as he deems advisable. The reasonable expenses of the examination shall be determined by the commissioner and shall be paid by the association. The association shall recover all such payments by assessment of its member companies pursuant to an equitable assessment formula established in the plan of operation.

44. 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 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 under section 4 to the injured person.

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.

C. 17:29A-36.3 Rules, regulations.

45. The Commissioner of Insurance may promulgate any rules and regulations which he deems necessary to effectuate the provisions of this 1988 amendatory and supplementary act.

46. This act shall take effect on January 1, 1989, except that sections 8, 20, 21, 22, 23, 27, 30, 32, 39, 41, 42, 43 and 45 shall take effect immediately, however, no provision of this act shall be operative until the enactment into law of Senate Bill No. 124 of 1988.

Approved September 8, 1988.

CHAPTER 120

AN ACT concerning the New Jersey Urban Development Corporation and amending P.L. 1985, c. 227.

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

1. Section 17 of P.L. 1985, c. 227 (C. 55:19-18) is amended to read as follows:

C. 55:19-18 Appropriation from bond fund.

17. a. There is appropriated to the Urban Development Investment Fund from the Community Development Bond Fund created by the "Community Development Bond Act of 1982" (P.L. 1981, c. 486) the sum of \$30,000,000.00 for the purposes of this act, including so much thereof as may be necessary to meet any expense incurred by the issuing officials under P.L. 1981, c. 486 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

b. It is the purpose of this act that the funds from which this appropriation shall be met shall be those funds which shall be derived from the sale of the Community Development Bonds, the issuance of which is provided for by subsection b. of section 5 of P.L. 1981,

c. 486, which act was submitted to and approved by the people at the general election held on November 2, 1982.

c. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized and directed to make such correction of the title or text, or both, of any item in this act necessary to make an appropriation available for the purpose of its intention. The correction shall be by a written ruling reciting in appropriate detail the facts thereof and the reasons therefor, attested by the signature of the director and filed by him in his office as an official record, and any action thereunder, including disbursements, and the audit thereof, shall be legally binding, and of full force.

d. In order that all costs, whether direct or indirect of implementing the "Community Development Bond Act of 1982," P.L. 1981, c. 486 shall be paid from the fund established in section 14 thereof, the Director of the Division of Budget and Accounting, where appropriate and practicable, shall charge the fund and credit to the General State Fund or expenditure source such sums as may have been expended from other State appropriations for direct or indirect costs related to the programs herein authorized.

e. At any time prior to the issuance and sale of bonds under P.L. 1981, c. 486, the State Treasurer is authorized to transfer from available money in any fund of the Treasury of the State to credit of the Community Development Bond Fund, a sum as he may deem necessary. The 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 bonds.

f. The State Treasurer or the Director of the Division of Budget and Accounting shall approve expenditures from the Community Development Bond Fund for administrative costs.

g. (Deleted by amendment, P.L. 1988, c. 120.)

h. Loan rates and maturities of loans made by the Urban Development Corporation shall be established by the State Treasurer taking into consideration rates available in capital markets for comparable maturities and comparable credit quality. Local governments may secure interim financing under this act to enable a project to be undertaken before permanent financing is secured or may secure permanent financing under this act with a final maturity related to the expected useful life of the project being so financed.

i. No interest-free loan shall be permitted without the written approval of the State Treasurer or his designee.

j. Pending their application to the purposes provided in this act, the monies in the Community Development Fund may be invested and reinvested as are other trust funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment or deposit of that fund shall be paid into the General Fund.

2. This act shall take effect immediately.

Approved September 13, 1988.

CHAPTER 121

AN ACT regulating the use of personally identifiable information by cable television companies, and supplementing P.L. 1972, c. 186 (C. 48:5A-1 et seq.) and Title 59 of the New Jersey Statutes.

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

C. 48:5A-54 Short title.

1. This act shall be known and may be cited as the "Cable Subscriber Privacy Protection Act."

C. 48:5A-55 Definitions.

2. As used in this act:

a. "Upstream communications channel" means a signaling path provided by a cable television company for the transmission of signals over a cable television system from subscriber terminals;

b. "Interactive cable television program or service" means a cable television program or service involving the collection, reception, aggregation, storage or use of information contained in signals transmitted from subscriber terminals over upstream communications channels;

c. "Intercept" means to acquire, at any time from initiation to completion of a signal transmission over a cable television system, the content of the information contained in that signal;

d. "Personally identifiable information" means any information that identifies any individual as a subscriber to, or user of, a cable television system, or that otherwise provides information about that individual or his use of any service provided by a cable television system; and

e. "Qualified auxiliary service" means any business activity necessary or incidental to the provision of cable television services performed by a cable television company or other party, and shall include, but not be limited to, billing services, program suppliers, management consulting services, brokers, and banking or other financial services.

C. 48:5A-56 Personally identifiable information.

3. a. A cable television company may, without the subscriber consent required pursuant to subsection d. of this section or section 4 of this act, collect, receive, store, aggregate and use only such personally identifiable information relating to any subscriber, subscriber household, or user of a subscriber terminal as is necessary to provide cable television services and qualified auxiliary services, and to detect unauthorized reception of cable television services.

b. Any actual and, if known, potential use to be made of the information collected, received, stored or aggregated pursuant to subsection a. of this section shall be described in a written notification of information practices provided by the cable television company to the subscriber. In the case of a subscriber contract entered into on or prior to the effective date of this act, the notification shall be provided not later than 180 days following that date and at least once per year thereafter during the contract period. In the case of a contract entered into after the effective date of this act, the notification shall be provided at the time the contract is entered into and at least once per year thereafter during the contract period. The notification shall clearly and conspicuously set forth:

(1) The nature of the personally identifiable information collected or to be collected, and the nature of the use of that information;

(2) The nature, frequency and purpose of any disclosure of the information which may be reasonably anticipated, including a description of the types of persons to whom disclosure may be made;

(3) The period during which the information will be retained by the cable television company;

(4) The times and places at which the subscriber shall have access to the information pursuant to this act; and

(5) The limitations set forth in this act with respect to the collection and disclosure of personally identifiable information.

The cable television company shall not use personally identifiable information in a manner other than that described in the notification without further written notice to the subscriber and, where appropriate, the consent of the subscriber.

c. If information is collected by a cable television company from any subscriber pursuant to subsection a. of this section, after the date on which a notification is required and without that notification, the cable television company shall be subject to a fine of not more than \$500.00 for each subscriber from whom the information is so collected, which fine shall be collected in a summary manner pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.), except that no company shall be subject to a fine if the company proves that its failure to provide notification is the result of a clerical or typographical error.

d. Except as provided in subsection a. of this section, no cable television company shall use a cable television system to collect personally identifiable information concerning a subscriber, subscriber household or user of a subscriber terminal without the prior written or electronic consent of the subscriber concerned. Any information collected without that consent shall be destroyed immediately upon determination by the cable television company that it has been so collected, or upon notification to the company of such determination by the subscriber, as the case may be, unless the subscriber consents, in writing, to its retention. Except as otherwise provided by law, personally identifiable information collected pursuant to this subsection shall only be used for the purposes defined in the subscriber consent.

If information is collected or retained by a cable television company in violation of this subsection, that company shall be subject to a fine of not more than \$500.00 for each subscriber from whom the information is so collected, which fine shall be collected in a summary manner pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.).

e. A subscriber may withdraw his consent at any time. This withdrawal shall take effect 30 days following a cable television company's receipt of notification by the subscriber. Within 45 days of receipt of that request, the company shall advise, in writing, any third party recipient of personally identifiable information collected pursuant to subsection d. of this section that the subscriber's consent has been withdrawn.

f. Personally identifiable information acquired pursuant to subsection a. of this section shall be destroyed by the cable television company upon completion of the permissible uses of that information. Personally identifiable information acquired pursuant to subsection d. of this section shall be destroyed upon completion of such uses, or upon the withdrawal of subscriber consent or termination of the contract with a subscriber, whichever comes first, unless the subscriber, at the time of granting consent to collect or retain the information indicates, electronically or in writing, as appropriate, that the information may be retained until completion of the permissible uses thereof. A cable television company shall notify a subscriber, in writing, when any personally identifiable information concerning the subscriber, his household or a user of his subscriber terminal is destroyed pursuant to this subsection.

C. 48:5A-57 Disclosure to third party.

4. a. No cable television company shall rent, sell or otherwise release personally identifiable information, in part or whole, without the prior written or electronic consent of the subscriber, to any person except to a person providing qualified auxiliary services to the company, or pursuant to law.

b. A cable television company may disclose the names and addresses of subscribers to any of its services if:

(1) The company has provided each subscriber with the opportunity to prohibit the disclosure of his name and address; and

(2) The disclosure does not reveal the nature or extent of the use of any cable television service or other service by any subscriber, subscriber household or user of a subscriber terminal.

c. No person shall be refused any cable television service for prohibiting the inclusion of his name and address on a mailing list provided to a third party.

d. Use of personally identifiable information by those receiving the information from a cable television company pursuant to the provisions of this act is limited to the purposes for which the disclosure is made. At the time that personally identifiable information is no longer required for such purposes, it shall be destroyed. Information acquired pursuant to the consent of a subscriber shall be destroyed immediately upon receipt of notice from the cable television company that the subscriber consent has been withdrawn or that the contract between the subscriber and the cable television company has been terminated, except that the information may be

retained until the fulfillment of the purposes for which it was received, if such retention is permitted by the subscriber consent granted pursuant to subsection f. of section 3 of this act.

e. Concurrent with, or prior to, the provision of personally identifiable information to others pursuant to the provisions of this act, a cable television company shall give notice to the person or entity receiving the information of the provisions of this act. If personally identifiable information is provided on a continuing basis, notice shall be provided at the time of or prior to the provision of the first of such information and once per year thereafter.

f. A third party which has received personally identifiable information pursuant to section 3 or 4 of this act shall not retain that information if no longer needed for the purposes for which it was acquired, nor shall the party rent, sell or otherwise release that information to any other person, except as provided by law.

C. 48:5A-58 Disclosure to subscriber.

5. a. A cable television company shall disclose to a subscriber all information which the company possesses pertaining to that subscriber upon request of the subscriber.

b. A subscriber may examine and copy any information in the possession of a cable television company pertaining to the subscriber, his household or a user of his terminal upon reasonable notice during regular business hours. The information supplied to the subscriber shall be in a legible format which is easily understood by the subscriber. The subscriber shall bear all copying or mailing costs occasioned by the examination.

c. A cable television company shall correct the information upon a reasonable showing by a subscriber that personally identifiable information contained therein is inaccurate. Within 45 days of receiving this notification from the subscriber, the cable television company shall transmit a corrected copy of the information to any party which was given the erroneous information. Copies of all such correspondence shall be sent to the subscriber.

C. 48:5A-59 Monitoring.

6. a. Except as otherwise provided in this act, no signal of any upstream communications channel may be transmitted from a subscriber terminal for the purpose of monitoring individual household viewing patterns or practices except with the written authorization of the subscriber, contained in a document separate

from any contract entered into by the subscriber and a cable television company for non-interactive cable television services.

b. Except as otherwise provided by law, no person shall intercept a signal of an upstream communications channel transmitted from a subscriber terminal except the subscriber and the intended receiver of the signal.

c. Written authorization shall not be required for a cable television company to conduct system-wide or individually addressed monitoring for the purposes of verifying system integrity, controlling return path transmission, or for any purpose for which personally identifiable information may be lawfully acquired pursuant to this act, except that, if not for such purpose, the monitoring shall not result in the creation of personally identifiable information other than the name and address of the subscriber.

C. 48:5A-60 Collection of debt.

7. This act shall not prohibit a cable television company from providing individual subscriber data to a proper court or agency for the purposes of collecting a debt owed the company.

C. 48:5A-61 Disclosure of other data.

8. This act shall not prohibit the examination of aggregate data by, or the disclosure of such data to, any third party, provided that the data contain no personally identifiable information concerning any subscriber, his household, or a user of his terminal.

C. 48:5A-62 Fine for violation.

9. Any person who discloses personally identifiable information in violation of this act or otherwise engages in negligent, willful or reckless conduct in violation of this act shall be subject to a fine of not less than \$500.00 for each disclosure, or for each negligent, willful or reckless act or omission, as appropriate. The fine shall be collected in a summary manner, pursuant to "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.).

C. 48:5A-63 Liability to subscriber.

10. a. Subject, where appropriate, to the "New Jersey Tort Claims Act" (N.J.S. 59:1-1 et seq.), any person, State or local agency or other governmental or public entity which discloses personally identifiable information in violation of this act, or otherwise engages in negligent, willful or reckless conduct in violation of this act, shall be liable to the aggrieved subscriber for:

- (1) Actual damages, but not less than liquidated damages com-

puted at a rate of \$100.00 per day for each day of violation or a total of \$1,000.00 for all violations, whichever is greater;

(2) Such punitive damages as the court may allow; and

(3) Attorney's fees and other litigation costs reasonably and actually incurred.

b. In determining the amount of punitive damages, if any, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the nature and seriousness of any intangible harm suffered by the subscriber, the frequency and persistence of failures of compliance by the defendant, the resources of the defendant, the number of persons adversely affected, and the extent to which the failure of the defendant to comply was intentional.

11. This act shall take effect immediately.

Approved September 13, 1988.

CHAPTER 122

AN ACT permitting banks to file restated certificates of incorporation and supplementing P.L. 1948, c. 67 (C. 17:9A-1 et seq.).

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

C. 17:9A-117.1 Restated certificates.

1. a. A bank may restate and integrate in a single certificate the provisions of its certificate of incorporation, as defined in section 1 of P.L. 1948, c. 67 (C. 17:9A-1), including any provision effected by a merger or consolidation and any further amendments as may be adopted concurrently with the restated certificate.

b. The restated certificate shall recite that it is a restated certificate and shall contain all provisions as are required in an original certificate of incorporation filed at the time the restated certificate is filed, except that:

(1) It shall state the address of the bank's then current principal office and it shall also state the number, names and addresses of the directors constituting its then current board;

(2) It need not include statements as to the incorporator or incorporators or as to the first directors or the first principal office; and

(3) It need not include provisions relating to securities previously issued by the bank if none of the securities remain outstanding.

c. If the proposed restated certificate merely restates and integrates, but does not amend the certificate of incorporation other than as permitted by subsection b. of this section, it may be adopted by the board of directors.

d. If the proposed restated certificate restates and integrates and also amends the certificate of incorporation, other than as permitted by subsection b. of this section, the restated certificate shall be adopted in the manner provided in section 117 of P.L. 1948, c. 67 (C. 17:9A-117), and all of the provisions of Article 19 of the Banking Act of 1948 applicable to amendments effected pursuant to section 117 of P.L. 1948, c. 67 (C. 17:9A-117) shall be applicable to the restated certificate of incorporation.

e. A restated certificate adopted in the manner prescribed in this section shall supersede for all purposes the original certificate of incorporation and any amendments made prior to the adoption of the restated certificate, and the restated certificate may be separately certified as the certificate of incorporation.

2. This act shall take effect immediately.

Approved September 13, 1988.

CHAPTER 123

AN ACT concerning certain new motor vehicle warranties and repealing P.L. 1983, c. 215 and making an appropriation.

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

C. 56:12-29 Findings, intentions.

1. The Legislature finds that the purchase of a new motor vehicle is a major, high cost consumer transaction and the inability to correct defects in these vehicles creates a major hardship and an unacceptable economic burden on the consumer. It is the intent of this act to require the manufacturer of a new motor vehicle to correct defects

originally covered under the manufacturer's warranty which are identified and reported within a specified period. It is the further intent of this act to provide procedures to expeditiously resolve disputes between a consumer and a manufacturer when defects in a new motor vehicle are not corrected within a reasonable time, and to provide to award specific remedies where the uncorrected defect substantially impairs the use, value, or safety of the new motor vehicle.

C. 56:12-30 Definitions.

2. As used in this act:

"Consumer" means a buyer or lessee, other than for purposes of resale or sublease, of a motor vehicle; a person to whom a motor vehicle is transferred during the duration of a warranty applicable to the motor vehicle; or any other person entitled by the terms of the warranty to enforce the obligations of the warranty.

"Dealer" means a person who is actively engaged in the business of buying, selling or exchanging motor vehicles at retail and who has an established place of business.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, or his designee.

"Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

"Lease agreement" means a contract or other written agreement in the form of a lease for the use of a motor vehicle by a person for a period of time exceeding 60 days, whether or not the lessee has the option to purchase or otherwise become the owner of the motor vehicle at the expiration of the lease.

"Lessee" means a person who leases a motor vehicle pursuant to a lease agreement which provides that the lessee is responsible for repairs to the motor vehicle.

"Lessor" means a person who holds title to a motor vehicle leased to a lessee under a lease agreement or who holds the lessor's rights under such an agreement.

"Lien" means a security interest in a motor vehicle.

"Lienholder" means a person with a security interest in a motor vehicle pursuant to a lien.

"Manufacturer" means a person engaged in the business of manu-

facturing, assembling or distributing motor vehicles, who will, under normal business conditions during the year, manufacture, assemble or distribute to dealers at least 10 new motor vehicles.

“Manufacturer’s informal dispute settlement procedure” means an arbitration process or procedure by which the manufacturer attempts to resolve disputes with consumers regarding motor vehicle nonconformities and repairs that arise during the vehicle’s warranty period.

“Manufacturer’s warranty” or “warranty” means any warranty, whether express or implied of the manufacturer, of a new motor vehicle of its condition and fitness for use, including any terms or conditions precedent to the enforcement of obligations under the warranty.

“Motor vehicle” means a passenger automobile or motorcycle as defined in R.S. 39:1-1 which is registered by the Division of Motor Vehicles in the Department of Law and Public Safety, except the living facilities of motor homes.

“Nonconformity” means a defect or condition which substantially impairs the use, value or safety of a motor vehicle.

“Reasonable allowance for vehicle use” means the mileage at the time the consumer first presents the motor vehicle to the dealer or manufacturer for correction of a nonconformity times the purchase price, or the lease price if applicable, of the vehicle, divided by one hundred thousand miles.

C. 56:12-31 Report of nonconformity; repairs.

3. If a consumer reports a nonconformity in a motor vehicle to the manufacturer or its dealer during the first 18,000 miles of operation or during the period of two years following the date of original delivery to a consumer, whichever is earlier, the manufacturer shall make, or arrange with its dealer to make, within a reasonable time, all repairs necessary to correct the nonconformity. Such repairs if made after the first 12,000 miles of operation or after the period of one year following the date of original delivery to the consumer, whichever is earlier, shall be paid for by the consumer, unless otherwise covered by a manufacturer’s warranty, and shall be recoverable as a cost under section 14 of this act.

C. 56:12-32 Refunds.

4. a. If, during the period specified in section 3 of this act, the manufacturer or its dealer is unable to repair or correct a nonconformity within a reasonable time, the manufacturer shall accept

return of the motor vehicle from the consumer. The manufacturer shall provide the consumer with a full refund of the purchase price of the original motor vehicle including any stated credit or allowance for the consumer's used motor vehicle, the cost of any options or other modifications arranged, installed, or made by the manufacturer or its dealer within 30 days after the date of original delivery, and any other charges or fees including, but not limited to, sales tax, license and registration fees, finance charges, reimbursement for towing and reimbursement for actual expenses incurred by the consumer for the rental of a motor vehicle equivalent to the consumer's motor vehicle and limited to the period during which the consumer's motor vehicle was out of service due to a nonconformity, less a reasonable allowance for vehicle use. Nothing herein shall be construed to preclude a manufacturer from making an offer to replace the vehicle in lieu of a refund; except that the consumer may, in any case, reject a manufacturer's offer of replacement and demand a refund. Refunds shall be made to the consumer and lienholder, if any, as their interests appear on the records of ownership maintained by the Director of the Division of Motor Vehicles. In the event that the consumer accepts an offer to replace the motor vehicle in lieu of a refund, it shall be the manufacturer's responsibility to insure that any lien on the returned motor vehicle is transferred to the replacement vehicle.

b. A consumer who leases a new motor vehicle shall have the same remedies against a manufacturer under this section as a consumer who purchases a new motor vehicle. If it is determined that the lessee is entitled to a refund pursuant to subsection a. of this section, the consumer shall return the leased vehicle to the lessor or manufacturer and the consumer's lease agreement with the motor vehicle lessor shall be terminated and no penalty for early termination shall be assessed. The manufacturer shall provide the consumer with a full refund of the amount actually paid by the consumer under the lease agreement, including any additional charges as set forth in subsection a. of this section if actually paid by the consumer, less a reasonable allowance for vehicle use. The manufacturer shall provide the motor vehicle lessor with a full refund of the vehicle's original purchase price plus any unrecovered interest expense, less the amount actually paid by the consumer under the agreement. Refunds shall be made to the lessor and lienholder, if any, as their interests appear on the records of ownership maintained by the Director of the Division of Motor Vehicles.

C. 56:12-33 Presumption of inability to correct nonconformity; written notification.

5. a. It is presumed that a manufacturer or its dealer is unable

to repair or correct a nonconformity within a reasonable time if, within the first 18,000 miles of operation or during the period of two years following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date:

(1) Substantially the same nonconformity has been subject to repair three or more times by the manufacturer or its dealer and the nonconformity continues to exist; or

(2) The motor vehicle is out of service by reason of repair for one or more nonconformities for a cumulative total of 20 or more calendar days since the original delivery of the motor vehicle and a nonconformity continues to exist.

b. The presumption contained in subsection a. of this section shall apply against a manufacturer only if the manufacturer has received written notification, by or on behalf of the consumer, by certified mail return receipt requested, of a potential claim pursuant to the provisions of this act and has had one opportunity to repair or correct the defect or condition within 10 calendar days following receipt of the notification. Notification by the consumer shall take place any time after the motor vehicle has had substantially the same nonconformity subject to repair two or more times or has been out of service by reason of repair for a cumulative total of 20 or more calendar days.

c. The two-year term and the 20-day period specified in this section shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion or strike, or a fire, flood, or other natural disaster.

C. 56:12-34 Statements to consumers.

6. a. At the time of purchase in the State of New Jersey, the manufacturer through its dealer, or at the time of lease in the State of New Jersey, the lessor, shall provide directly to the consumer the following written statement on a separate piece of paper, in 10-point bold-face type: "IMPORTANT: IF THIS VEHICLE IS DEFECTIVE, YOU MAY BE ENTITLED UNDER NEW JERSEY LAW TO A REFUND OF THE PURCHASE PRICE OR YOUR LEASE PAYMENTS. FOR COMPLETE INFORMATION REGARDING YOUR RIGHTS AND REMEDIES UNDER THE RELEVANT LAW, CONTACT THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF CONSUMER AFFAIRS."

b. Each time a consumer's motor vehicle is returned from being examined or repaired during the period specified in section 3 of this

act, the manufacturer through its dealer shall provide to the consumer an itemized, legible statement of repair which indicates any diagnosis made and all work performed on the vehicle and provides information including, but not limited to, the following: a general description of the problem reported by the consumer or an identification of the problem reported by the consumer or an identification of the defect or condition; the amount charged for parts and the amount charged for labor, if paid for by the consumer; the date and the odometer reading when the vehicle was submitted for repair; and the date and odometer reading when the vehicle was made available to the consumer.

c. Failure to comply with the provisions of this section constitutes an unlawful practice pursuant to section 2 of P.L. 1960, c. 39 (C. 56:8-2).

C. 56:12-35 Procedure for reselling, re-leasing.

7. If a motor vehicle is returned to the manufacturer under the provisions of this act or a similar statute of another state or as the result of a legal action or an informal dispute settlement procedure, it shall not be resold or re-leased in New Jersey unless:

a. The manufacturer provides to the dealer or lessor and the dealer or lessor provides to the consumer the following written statement on a separate piece of paper, in 10-point bold-face type: "IMPORTANT: THIS VEHICLE WAS RETURNED TO THE MANUFACTURER BECAUSE IT DID NOT CONFORM TO THE MANUFACTURER'S WARRANTY AND THE NONCONFORMITY WAS NOT CORRECTED WITHIN A REASONABLE TIME AS PROVIDED BY LAW."

b. Nothing in this section shall be construed as imposing an obligation on a dealer or lessor to determine whether a manufacturer is in compliance with the terms of this section nor shall it be construed as imposing liability on a dealer or lessor for the failure of a manufacturer to comply with the terms of this section.

c. Failure to comply with the provisions of this section constitutes an unlawful practice pursuant to section 2 of P.L. 1960, c. 39 (C. 56:8-2).

C. 56:12-36 Informal dispute settlement procedure.

8. a. If a manufacturer has established, or participates in, an informal dispute settlement procedure pursuant to section 110 of Pub. L. 93-637 (15 U.S.C. §2310) and the rules promulgated thereunder, or the requirements of this section, a consumer may submit

a dispute regarding motor vehicle nonconformities to the dispute settlement body provided by that procedure but a consumer shall not be required to first participate in the informal dispute settlement procedure before participating in the division's summary hearing procedure under this act.

b. If a consumer chooses to use a manufacturer's informal dispute settlement procedure established pursuant to this section, the findings and decisions of the dispute settlement body shall state in writing whether the consumer is entitled to a refund under the presumptions and criteria set out in this act and the findings and decisions shall be admissible against the consumer and the manufacturer in any legal action.

c. If the dispute settlement body determines that a consumer is entitled to relief under this act, the consumer shall be entitled to a refund as authorized by section 4 of this act.

d. In any informal dispute settlement procedure established pursuant to this section:

(1) Participating arbitrators shall be trained in arbitration and familiar with the provisions of this act.

(2) Documents shall not be submitted to any dispute settlement body unless the documents have been provided to each of the parties in the dispute at least seven days prior to commencement of the dispute settlement hearing. The parties shall be given the opportunity to comment on the documents in writing or with oral presentation.

(3) No party shall participate in the informal dispute settlement procedure unless all other parties are also present and given an opportunity to be heard, or unless the other parties consent to proceeding without their presence and participation.

(4) A consumer shall be given an adequate opportunity to contest a manufacturer's assertion that a nonconformity falls within intended specifications for the vehicle by having the basis of the manufacturer's claim appraised by a technical expert selected and paid for by the consumer prior to the manufacturer's informal dispute settlement procedure. If the dispute settlement body rules in favor of the consumer, his costs and reasonable attorney's fees shall also be awarded.

(5) A dispute shall not be heard if there has been a recent attempt by the manufacturer to repair a consumer's vehicle, but no response has yet been received by the dispute settlement body from the con-

sumer as to whether the repairs were successfully completed. This provision shall not prejudice a consumer's right under this section.

(6) The manufacturer shall provide, and the dispute settlement body shall consider, any relevant technical service bulletins which have been issued by the manufacturer regarding motor vehicles of the same make and model as the vehicle that is the subject of the dispute.

e. Any manufacturer who establishes, or participates in, an informal dispute settlement procedure, whether it meets the requirements of this section or not, shall maintain, and forward to the director at six month intervals, the following records:

(1) The number of purchase price and lease price refunds requested, the number awarded by the dispute settlement body, the amount of each award and the number of awards satisfied in a timely manner;

(2) The number of awards in which additional repairs or a warranty extension was the most prominent remedy, the amount or value of each award, and the number of awards satisfied in a timely manner;

(3) The number and total dollar amount of awards in which some form of reimbursement for expenses or compensation for losses was the most prominent remedy, the amount or value of each award and the number of awards satisfied in a timely manner; and

(4) The average number of days from the date of a consumer's initial request to use the manufacturer's informal dispute settlement procedure until the date of the decision and the average number of days from the date of the decision to the date on which performance of the award was satisfied.

C. 56:12-37 Dispute resolution.

9. a. A consumer shall have the option of submitting any dispute arising under section 4 of this act to the division for resolution. The director may establish a filing fee, to be paid by the consumer, fixed at a level not to exceed the cost for the proper administration and enforcement of this act. This fee shall be recoverable as a cost under section 14 of this act. Upon application by the consumer and payment of any filing fee, the manufacturer shall submit to the State hearing procedure.

b. The director shall review a consumer's application for dispute resolution and accept eligible disputes for referral to the Office of

Administrative Law for a summary hearing to be conducted in accordance with special rules adopted pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), by the Office of Administrative Law in consultation with the director. Immediately upon acceptance of a consumer's application for dispute resolution, the director shall contact the parties and arrange for a hearing date with the Clerk of the Office of Administrative Law. The hearing date shall, to the greatest extent possible, be convenient to all parties, but shall be no later than 20 days from the date the consumer's application is accepted, unless a later date is agreed upon by the consumer. The Office of Administrative Law shall render a decision, in writing, to the director within 15 days of the conclusion of the summary hearing. The decision shall provide a brief summary of the findings of fact, appropriate remedies pursuant to this act, and a specific date for completion of all awarded remedies. The director, upon a review of the proposed decision submitted by the administrative law judge, shall adopt, reject, or modify the decision no later than 10 days after receipt of the decision. Unless the director modifies or rejects the decision within the 10-day period, the decision of the administrative law judge shall be deemed adopted as the final decision of the director. If the manufacturer unreasonably fails to comply with the decision within the specified time period, the manufacturer shall be liable for penalties in the amount of \$5,000.00 for each day the manufacturer unreasonably fails to comply, commencing on the day after the specified date for completion of all awarded remedies.

c. The Office of Administrative Law is authorized to issue subpoenas to compel the attendance of witnesses and the production of documents, papers and records relevant to the dispute.

d. A manufacturer or consumer may appeal a final decision to the Appellate Division of the Superior Court. An appeal by a manufacturer shall not be heard unless the petition for the appeal is accompanied by a bond in a principal sum equal to the money award made by the administrative law judge plus \$2,500.00 for anticipated attorney's fees and other costs, secured by cash or its equivalent, payable to the consumer. The liability of the surety of any bond filed pursuant to this section shall be limited to the indemnification of the consumer in the action. The bond shall not limit or impair any right of recovery otherwise available pursuant to law, nor shall the amount of the bond be relevant in determining the amount of recovery to which the consumer shall be entitled. If a final decision resulting in a refund to the consumer is upheld by the court, recovery

by the consumer shall include reimbursement for actual expenses incurred by the consumer for the rental of a motor vehicle equivalent to the consumer's motor vehicle and limited to the period of time after which the consumer's motor vehicle was offered to the manufacturer for return under this act, except in those cases in which the manufacturer made a comparable vehicle available to the consumer free of charge during that period. If the court finds that the manufacturer had no reasonable basis for its appeal or that the appeal was frivolous, the court shall award treble damages to the consumer. Failure of the Office of Administrative Law to render a written decision within 15 days of the conclusion of the summary hearing as required by subsection b. of this section shall not be a basis for appeal.

e. The Attorney General shall monitor the implementation and effectiveness of this act and report to the Legislature after three years of operation, at which time a recommendation shall be made either to continue under the procedures set forth in this act or to make such modifications as may be necessary to effectuate the purposes of this act.

C. 56:12-38 Statistics.

10. The Division of Consumer Affairs shall maintain an index of all motor vehicle disputes by make and model. The division shall, at six-month intervals, compile and maintain statistics indicating the record of manufacturer compliance with any settlement procedure decisions. The statistics shall be public record.

C. 56:12-39 Decision binding.

11. A consumer shall not be required to participate in a manufacturer's informal dispute settlement procedure or the division's summary hearing procedure before filing an action in the Superior Court. However, a decision rendered in a proceeding brought pursuant to the division's summary hearing procedure shall be binding on the consumer and the manufacturer, subject to the right of appeal as set forth in subsection d. of section 9 of this act, and shall preclude the institution of any other action in the Superior Court under this act.

C. 56:12-40 Affirmative defense.

12. It shall be an affirmative defense to a claim under this act that the alleged nonconformity does not substantially impair the use, value, or safety of the new motor vehicle or that the nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the motor vehicle by anyone other than the manufacturer or its dealer.

C. 56:12-41 Intervention of Attorney General.

13. Any party to an action in the Superior Court of this State asserting a claim, counterclaim or defense based upon violations of this act shall mail a copy of the initial or responsive pleading containing the claim, counterclaim or defense to the Attorney General within 10 days after filing the pleading with the court. Upon application to the court in which the matter is pending, the Attorney General may intervene or appear in any status appropriate to this matter.

C. 56:12-42 Attorney's fees, costs.

14. In any action by a consumer against a manufacturer brought in Superior Court or in the division pursuant to the provisions of this act, a prevailing consumer shall be awarded reasonable attorney's fees and costs.

C. 56:12-43 Use of fees.

15. All fees, penalties and costs collected by the division pursuant to this act shall be appropriated for purposes of offsetting costs associated with the handling and resolution of consumer automotive complaints.

C. 56:12-44 Inherent design defect.

16. A manufacturer shall certify to the division, within one year of discovery, the existence of any inherent design defect common to all motor vehicles of a particular model or make. Failure to comply with this constitutes an unlawful practice pursuant to section 2 of P.L. 1960, c. 39 (C. 56:8-2).

C. 56:12-45 Proceedings against manufacturer.

17. The director may institute proceedings against any manufacturer who fails to comply with any of the provisions of this act.

C. 56:12-46 No dealer liability.

18. Nothing in this act shall be construed as imposing any liability on a dealer, or creating a cause of action by a manufacturer against a dealer, and nothing shall be construed as imposing any liability on a dealer, or creating a cause of action by a consumer against a dealer under section 4 of this act.

C. 56:12-47 No limitation on other rights.

19. Nothing in this act shall in any way limit the rights or remedies which are otherwise available to a consumer under any other law.

C. 56:12-48 Waivers void.

20. Any agreement entered into by a consumer for the purchase or lease of a new motor vehicle which waives, limits or disclaims the rights set forth in this act shall be void as contrary to public policy.

C. 56:12-49 Rules, regulations.

21. Within 120 days following enactment, the director shall, subject to approval by the Attorney General and 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.

Repealer.

22. P.L. 1983, c. 215 (C. 56:12-19 et seq.) is repealed.

23. There is appropriated \$250,000.00 from the General Fund to the Department of Law and Public Safety to effectuate the purposes of this act.

24. Section 21 of this act shall take effect immediately and the remainder of this act shall take effect on the 180th day following enactment and shall apply to all new motor vehicles purchased or leased on or after that date.

Approved September 15, 1988.

CHAPTER 124

AN ACT concerning the State Board of Examiners and amending N.J.S. 18A:6-34.

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

1. N.J.S. 18A:6-34 is amended to read as follows:

Board of Examiners.

18A:6-34. There shall be a State Board of Examiners, consisting of the commissioner ex officio and one assistant commissioner of education, two presidents of State colleges, one county superintendent, one superintendent of schools of a Type I district, one superintendent of a Type II district, one high school principal, one elementary school principal, one school business administrator, one librarian employed by the State or by one of its political subdivisions and four teaching staff members other than a superintendent, principal, school business administrator or librarian, all of whom shall be appointed by the commissioner with the approval of the State board.

2. This act shall take effect immediately.

Approved September 15, 1988.

CHAPTER 125

AN ACT concerning certain notification in the case of death related to acquired immune deficiency syndrome or to a contagious, infectious or communicable disease and supplementing chapter 6 of Title 26 of the Revised Statutes.

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

C. 26:6-8.2 Disease notification to funeral director.

1. If the attending physician, registered professional nurse or State or county medical examiner who makes the actual determination and pronouncement of death determines or has knowledge that the deceased person was infected with human immunodeficiency virus (HIV) or hepatitis B virus or that the deceased person suffered from acquired immune deficiency syndrome (AIDS), AIDS related complex (ARC) or any of the contagious, infectious or communicable diseases as shall be determined by the Commissioner of the Department of Health, the attending physician, registered professional nurse or State or county medical examiner shall immediately place with the remains written notification of the condition and shall provide written notification of the condition to the funeral director who is responsible for the handling and the disposition of the body.

C. 26:6-8.3 List of contagious, infectious, communicable diseases.

2. Within 180 days of the effective date of this act, the Commissioner of the Department of Health shall provide to all county and local health departments, hospitals and long-term care facilities in this State for distribution to appropriate personnel a list of all diseases that the commissioner determines are contagious, infectious or communicable diseases for the purposes of this act. The commissioner shall periodically update the list, as appropriate.

C. 26:6-8.4 Penalty for violation.

3. a. A person who violates the provisions of this act is subject to a penalty of up to \$1,000.00 for each offense. These penalties shall be recovered in a civil action in the name of the Department of Health in a court of competent jurisdiction. The action may be brought in a summary manner pursuant to "the penalty enforcement law," N.J.S. 2A:58-1 et seq.

b. Any person who in good faith complies with the provisions of this act shall be free from any civil or criminal liability for so acting, provided the skill and care exercised are that ordinarily required and exercised by others in the profession.

4. This act shall take effect immediately.

Approved September 15, 1988.

CHAPTER 126

AN ACT concerning the filling of vacancies in the Legislature, amending R.S. 19:13-20, R.S. 19:27-4, R.S. 19:27-5, R.S. 19:27-8, R.S. 19:27-9 and R.S. 19:27-11, supplementing chapter 3 of Title 19 of the Revised Statutes and repealing R.S. 19:3-28 and section 4 of P.L. 1981, c. 429.

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

1. R.S. 19:13-20 is amended to read as follows:

Vacancy procedure.

19:13-20. In the event of a vacancy, howsoever caused, among candidates nominated at primaries, which vacancy shall occur not later than the 51st day before the general election, or in the event of inability to select a candidate because of a tie vote at such primary, a candidate shall be selected in the following manner:

a. (1) In the case of an office to be filled by the voters of the entire State, the candidate shall be selected by the State committee of the political party wherein such vacancy has occurred.

(2) In the case of an office to be filled by the voters of a single and entire county, the candidate shall be selected by the county committee in such county of the political party wherein such vacancy has occurred.

(3) In the case of an office to be filled by the voters of a portion of the State comprising all or part of two or more counties, the candidate shall be selected by those members of the county committees of the party wherein the vacancy has occurred who represent those portions of the respective counties which are comprised in the district from which the candidate is to be elected.

(4) In the case of an office to be filled by the voters of a portion of a single county, the candidate shall be selected by those members of the county committee of the party wherein the vacancy has occurred who represent those portions of the county which are comprised in the district from which the candidate is to be elected.

At any meeting held for the selection of a candidate under this subsection, a majority of the persons eligible to vote thereat shall be required to be present for the conduct of any business, and no person shall be entitled to vote at that meeting who is appointed to the State committee or county committee after the seventh day preceding the date of the meeting.

In the case of a meeting held to select a candidate for other than a Statewide office, the chairman of the meeting shall be chosen by majority vote of the persons present and entitled to vote thereat. The chairman so chosen may propose rules to govern the determination of credentials and the procedures under which the meeting shall be conducted, and those rules shall be adopted upon a majority vote of the persons entitled to vote upon the selection. If a majority vote is not obtained for those rules, the delegates shall determine credentials and conduct the business of the meeting under such other rules as may be adopted by a majority vote. All contested votes taken at the selection meeting shall be by secret ballot.

b. (1) Whenever in accordance with subsection a. of this section members of two or more county committees are empowered to select a candidate to fill a vacancy, it shall be the responsibility of the chairmen of said county committees, acting jointly not later in any case than the seventh day following the occurrence of the vacancy, to give notice to each of the members of their respective committees who are so empowered of the date, time and place of the meeting at which the selection will be made, that meeting to be held at least one day following the date on which the notice is given.

(2) Whenever in accordance with the provisions of subsection a. of this section members of a county committee are empowered to select a candidate to fill a vacancy, it shall be the responsibility of the chairman of such county committee, not later in any case than the seventh day following the occurrence of the vacancy, to give notice to each of the members of the committee who are so empowered of the date, time and place of the meeting at which the selection will be made, that meeting to be held at least one day following the date on which the notice is given.

(3) A county committee chairman or chairmen who call a meeting pursuant to paragraph (1) or (2) of this subsection shall not be entitled to vote upon the selection of a candidate at such meeting unless he or they are so entitled pursuant to subsection a.

(4) Whenever in accordance with the provisions of subsection a.

of this section the State committee of a political party is empowered to select a candidate to fill a vacancy, it shall be the responsibility of the chairman of that State committee to give notice to each of the members of the committee of the date, time and place of the meeting at which the selection will be made, that meeting to be held at least one day following the date on which the notice is given.

c. Whenever a selection is to be made pursuant to this section to fill a vacancy resulting from inability to select a candidate because of a tie vote at a primary election, the selection shall be made from among those who have thus received the same number of votes at the primary.

d. A selection made pursuant to this section shall be made not later than the 48th day preceding the date of the general election, and a statement of such selection shall be filed with the Secretary of State or the appropriate county clerk, as the case may be, not later than said 48th day, and in the following manner:

(1) A selection made by a State committee of a political party shall be certified to the Secretary of State by the State chairman of the political party.

(2) A selection made by a county committee of a political party, or a portion of the members thereof, shall be certified to the county clerk of the county by the county chairman of such political party; except that when such selection is of a candidate for the Senate or General Assembly or the United States House of Representatives the county chairman shall certify the selection to the State chairman of such political party, who shall certify the same to the Secretary of State.

(3) A selection made by members of two or more county committees of a political party acting jointly shall be certified by the chairmen of said committees, acting jointly, to the State chairman of such political party, who shall certify the same to the Secretary of State.

e. A statement filed pursuant to subsection d. of this section shall state the residence and post office address of the person so selected, and shall certify that the person so selected is qualified under the laws of this State to be a candidate for such office, and is a member of the political party filling the vacancy. Accompanying the statement the person endorsed therein shall file a certificate stating that he is qualified under the laws of this State to be a candidate for the office mentioned in the statement, that he consents to stand as a candidate at the ensuing general election and that he is a member

of the political party named in said statement, and further that he is not a member of, or identified with, any other political party or any political organization espousing the cause of candidates of any other political party, to which shall be annexed the oath of allegiance prescribed in R.S. 41:1-1 duly taken and subscribed by him before an officer authorized to take oaths in this State. The person so selected shall be the candidate of the party for such office at the ensuing general election.

2. R.S. 19:27-4 is amended to read as follows:

Writ of election.

19:27-4. When any vacancy happens in the representation of this State in the United States Senate or in the House of Representatives, the Governor shall issue a writ of election to fill the same unless the term of service of the person whose office shall become vacant will expire within six months next after the happening of the vacancy and except as hereinafter provided.

3. R.S. 19:27-5 is amended to read as follows:

Proclamation.

19:27-5. Every writ of election issued under the provisions of this title shall be of the nature of a proclamation, and shall be signed by the Governor.

4. R.S. 19:27-8 is amended to read as follows:

Copies to counties.

19:27-8. In case such vacancy happens in the representation of this State in the United States Senate, the Secretary of State shall cause as many copies of such writ to be made as there are counties in the State, and in case such vacancy happens in the representation of this State in the House of Representatives, he shall cause as many copies of such writ to be made as there shall be counties in the vacant congressional district, certify each of the same to be true under his hand and cause them to be delivered to the county clerk and county board of each of such counties.

5. R.S. 19:27-9 is amended to read as follows:

Publication of writ.

19:27-9. The county board of each of such counties shall forthwith after the receipt of a copy of such writ cause the same to be published at least once a week until the time of such primary, general or special election in at least two newspapers printed and published in the county, if so many there be.

The publication of the writs shall be at the expense of the State if the election shall be held to fill a vacancy in the representation of the State in the United States Senate or in the House of Representatives.

6. R.S. 19:27-11 is amended to read as follows:

County, municipal vacancies.

19:27-11. In the event of any vacancy in any county or municipal office, 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.

Beside 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.

C. 19:27-11.1 Election for unexpired term.

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, 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 Secretary of State not later than the 48th day preceding the date of the general election.

Beside 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 candidate 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.

C. 19:27-11.2 Interim successor.

8. In the case of a vacancy occurring with respect to a member of the Senate or General Assembly who was elected as the candidate of a political party which at the last preceding general election held for all members of the General Assembly received the largest number

of votes or the next largest number of votes in the State for members of the General Assembly, 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 7 of this amendatory and supplementary 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 or committees 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 Secretary of State in the same manner prescribed by subsection d. of that section for certifying statements concerning the selection of such candidates.

The Secretary of State shall thereupon issue to the interim successor a certificate of selection based upon that filed statement of selection, and shall sign his name and affix the seal of the State thereto, and shall without delay deliver that statement to the person so selected. The Secretary of State shall also prepare a certified statement of selection, similar in form to the certificate but addressed to the presiding officer of the house of the Legislature in which the vacancy occurred, and shall sign the statement, affix the seal of the State thereto, and promptly deliver the same to the President of the Senate or Speaker of the General Assembly as appropriate.

C. 19:27-11.3 Nomination from floor.

9. Members of the political party's county committee or committees 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 or committees and shall present written evidence of the nominee's acceptance of the nomination.

C. 19:27-11.4 Office remaining vacant.

10. In the case of a vacancy occurring with respect to a member of the Senate or General Assembly who was not elected as the candidate of such a political party, the office shall remain vacant pending expiration of the term.

Repealer.

11. R.S. 19:3-28 and section 4 of P.L. 1981, c. 429 (C. 19:27-6.1) are repealed.

12. This act shall take effect immediately but shall remain inoperative until the adoption of Assembly Concurrent Resolution No. 40 of 1988 (now pending before the Legislature) or legislation having like effect.

Approved September 16, 1988.

CHAPTER 127

AN ACT establishing a Natural Heritage Program in the Department of Environmental Protection, supplementing Title 13 of the Revised Statutes, and making an appropriation.

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

C. 13:1B-15.146 Findings, declarations.

1. The Legislature finds and declares that this State has a rich natural heritage which is in danger of disappearing as the State continues to experience economic and industrial growth; that a program to conduct an inventory of rare plants, animals, and natural communities throughout New Jersey was established in 1984 through a cooperative agreement between the Department of Environmental Protection and The Nature Conservancy, a nonprofit conservation organization; that this program is providing up-to-date information on rare species and natural communities to planners, developers, and conservation agencies for use in resource management, environmental impact assessment, and both public and private land protection efforts; that this program enables the State to share information, in a national network, with the more than 40 other states with comparable programs; that the continued success and usefulness of the program is dependent upon continuously updating and refining the information in the inventory; that, by design, The Nature Conservancy intended to end their participation in the program after fiscal year 1987 but has temporarily extended their participation pending the establishment of a formal program; the Legislature therefore determines that in order to preserve the State's natural diversity the Natural Heritage Program needs to be formally recognized and established.

C. 13:1B-15.147 Natural Heritage Program.

2. There is established in the Division of Parks and Forestry, Department of Environmental Protection, a Natural Heritage Pro-

gram. The purpose of the program is to identify the most critically important natural areas in the State and provide detailed up-to-date information on rare species and natural communities to planners, developers, and conservation agencies for use in resource management, environmental impact assessment, and both public and private land protection efforts.

C. 13:1B-15.148 Functions.

3. The functions of the program shall include, but need not be limited to:

a. Maintaining and updating, through data collection and field work, a partially computerized data base which includes lists of rare and endangered species, and natural communities ranked according to rarity, as well as information on the location, quality, protection status, and sources of information of individual occurrences of the above species and natural communities; and

b. Providing information on species and natural community occurrences to other government agencies, consultants, and private landowners seeking to preserve natural diversity and advice on how best to protect these occurrences.

C. 13:1B-15.149 Fees.

4. The Commissioner of Environmental Protection is authorized to charge and collect fees in an amount sufficient to cover the costs of any services performed pursuant to this act. Such fees shall be in addition to any appropriation received by the department for this program and shall be devoted entirely and exclusively to carrying out the purposes and provisions of this act.

C. 13:1B-15.150 Funds from public, private sources.

5. With the approval of the Governor, the Commissioner of Environmental Protection may cooperate with and receive money from the federal government, or any county or municipal government or from private sources for the purposes of this act and to supplement administration of the program.

6. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$90,000.00 to carry out the provisions of this act.

7. This act shall take effect immediately.

Approved September 16, 1988.

CHAPTER 128

AN ACT concerning pertussis vaccine and amending P.L. 1986, c. 134.

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

1. Section 6 of P.L. 1986, c. 134 (C. 26:2N-6) is amended to read as follows:

C. 26:2N-6 Pertussis vaccine reactions.

6. a. If the health care provider has reason to believe that the recipient of the pertussis vaccine has had a major adverse reaction, the health care provider shall immediately record all relevant information in the child's permanent medical record and shall report the information, including the manufacturer and the lot number, to the department within seven days.

b. Upon receipt of the information, the department shall immediately notify the manufacturer of the vaccine and the Center for Disease Control of the adverse reaction.

2. This act shall take effect immediately.

Approved September 16, 1988.

CHAPTER 129

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

45 Recreational Resource Management

12-4875 Parks Management \$1,400,000

Special Purpose:

Renovation and restoration
of Kuser Mansion, High Point
State Park, Sussex county (\$1,400,000)

2. This act shall take effect immediately.

Approved September 16, 1988.

CHAPTER 130

AN ACT concerning limited partnerships and amending and supplementing P.L. 1983, c. 489 and making an appropriation.

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

1. Section 4 of P.L. 1983, c. 489 (C. 42:2A-4) is amended to read as follows:

C. 42:2A-4 Existing limited partnerships brought under this chapter.

4. Existing limited partnerships brought under this chapter.

A limited partnership formed under any statute of this State prior to the effective date of this chapter shall be governed by the provisions of this chapter, except that the partnership shall be deemed to be formed on the date set by the provisions of the statute under which it was formed, the name of the limited partnership need not be amended to comply with section 6 of P.L. 1983, c. 489 (C. 42:2A-6), and the certificate need not be amended to comply with section 13 of P.L. 1983, c. 489 (C. 42:2A-14).

2. Section 5 of P.L. 1983, c. 489 (C. 42:2A-5) is amended to read as follows:

C. 42:2A-5 Definitions.

5. Definitions. As used in this chapter, unless the context otherwise requires:

a. "Certificate of limited partnership" and "partnership certificate" mean the certificate referred to in section 13 of P.L. 1983, c. 489 (C. 42:2A-14) as it may be corrected pursuant to section 48 of P.L. 1988, c. 130 (C. 42:2A-16.1) or amended or restated from time to time.

b. "Contribution" means any cash, property, services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a partner contributes to a limited partnership in his capacity as a partner.

c. "Event of withdrawal of a general partner" means an event that causes a person to cease to be a general partner as provided in this chapter, or in the partnership agreement.

d. "Foreign limited partnership" means a partnership formed under the laws of any state other than this State and having as partners one or more general partners and one or more limited partners.

e. "General partner" means a person who has been admitted to a limited partnership as a general partner in accordance with the partnership agreement and named in the certificate of limited partnership as a general partner.

f. "Limited partner" means a person who has been admitted to a limited partnership as a limited partner in accordance with the partnership agreement.

g. "Limited partnership" and "domestic limited partnership" mean a partnership formed by two or more persons under the laws of this State and having one or more general partners and one or more limited partners.

h. "Partner" means a limited or general partner.

i. "Partnership agreement" means any valid agreement, written or oral, of the partners as to the affairs of a limited partnership and the conduct of its business.

j. "Partnership interest" means a partner's share of the profits and losses of a limited partnership and the right to receive distributions of partnership assets.

k. "Person" means a natural person, partnership, limited partnership (domestic or foreign), trust, estate, association, or corporation.

l. "State" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

m. Unless otherwise provided in the partnership certificate or in the partnership agreement, "in interest" shall mean a vote or per-

centage of a limited partner (in a class of limited partners) equal to the portion that partner's share in contributions to the partnership bears to the share in contributions to the partnership of all limited partners (of that class).

n. "Principal office" means the place designated in the partnership agreement or the place of business of the limited partnership where the chief or principal affairs and business of the partnership are transacted.

3. Section 6 of P.L. 1983, c. 489 (C. 42:2A-6) is amended to read as follows:

C. 42:2A-6 Name of limited partnership.

6. Name of limited partnership. a. The name of each limited partnership as set forth in its certificate of limited partnership or the name of any foreign limited partnership applying for a certificate of authority to transact business in this State:

(1) Shall contain the words "limited partnership" or the abbreviation "L.P.";

(2) May not contain the name of a limited partner unless it is also the name of a general partner or the corporate name of a corporate general partner, or the business of the limited partnership had been carried on under that name before the admission of that limited partner;

(3) May not contain any word or phrase indicating or implying that it is organized other than for a purpose stated in its certificate of limited partnership;

(4) Shall be such to distinguish it upon the records in the office of the Secretary of State from the names of other domestic limited partnerships, foreign limited partnerships, domestic profit corporations, foreign profit corporations, domestic nonprofit corporations, and foreign nonprofit corporations or a current name reservation or a current name registration unless there is filed a certified copy of a final judgment of a court of competent jurisdiction establishing the prior right of the limited partnership to the use of the name in this State;

(5) Shall not contain any word or phrase, or any abbreviation or derivative thereof, the use of which is prohibited or restricted by any other statutes of this State, unless the restrictions have been complied with.

b. This section shall not require any domestic limited partnership organized prior to April 1, 1985 to change its name in accordance with this section, if the name is otherwise lawful on March 31, 1985. A limited partnership or foreign limited partnership transacting business in this State shall not change its limited partnership name on or after the effective date of P.L. 1988, c. 130 to a name which is not available for limited partnership use under this chapter.

c. If the name of a foreign limited partnership is not available for use in this State because of paragraphs (1) through (4) of subsection a., the limited partnership may be authorized to transact business in this State under an assumed name by filing in the office of the Secretary of State with its application for an original or amended certificate of authority a certificate of its general partner adopting the assumed name for use in transacting business in this State.

d. The limited partnership name of a domestic limited partnership whose certificate of limited partnership has been cancelled, the limited partnership name of a foreign limited partnership whose certificate of limited partnership has been cancelled or withdrawn, and the corporate name of any profit or nonprofit corporation which has been dissolved and any name confusingly similar to the name of a foreign limited partnership whose certificate of limited partnership has been cancelled or withdrawn, domestic limited partnership or profit or nonprofit corporation which has been dissolved or which has been terminated shall not be available for foreign or domestic limited partnership use for two years after the effective time of cancellation, withdrawal or termination, unless, within the two-year period, the written consent of the dissolved, withdrawn or cancelled domestic or foreign limited partnership or corporation to the adoption of its name, or a confusingly similar name, is filed in the office of the Secretary of State with the certificate of limited partnership of the new proposed domestic limited partnership or with the application of a foreign limited partnership for an original or amended certificate of authority to transact business in this State.

e. The filing in the office of the Secretary of State of the certificate of limited partnership of a domestic limited partnership or the issuance by the Secretary of State of a certificate to a foreign limited partnership authorizing it to transact business in this State shall not preclude an action by this State to enjoin a violation of this section or any action by any person adversely affected to enjoin the violation or the use of a limited partnership name in violation of the rights of that person, whether on principles of unfair competi-

tion or otherwise, and the court may grant any other appropriate relief in the action.

4. Section 8 of P.L. 1983, c. 489 (C. 42:2A-8) is amended to read as follows:

C. 42:2A-8 Registered office and registered agent.

8. Registered office and registered agent. a. Every domestic and foreign limited partnership shall continuously maintain in this State a registered office, which may, but need not be a place of business maintained by it in the State of New Jersey and a registered agent having a business office identical with the registered office.

b. All the records required by section 9 of P.L. 1983, c. 489 (C. 42:2A-9) to be maintained shall be kept at the limited partnership's principal office and upon five days' written request by any partner, shall be made available at the registered office for the inspection and copying by any partner during ordinary business hours. The cost of copying shall be borne by the partner requesting copies.

c. The registered agent shall be an agent for service of process upon the limited partnership, and shall be an individual resident of this State, a domestic corporation or a foreign corporation authorized to do business in this State.

5. Section 9 of P.L. 1983, c. 489 (C. 42:2A-9) is amended to read as follows:

C. 42:2A-9 Records to be kept and maintained at the principal office.

9. Records to be kept and maintained at the principal office. Every limited partnership shall keep and maintain at its principal office the following:

a. A current list of the full name, the last known business address or home address of each partner, and the rights of each partner to vote;

b. A copy of the certificate of limited partnership and all certificates of amendment thereto, together with executed copies of any powers of attorney pursuant to which any certificate has been executed;

c. Copies of the limited partnership's Federal, State and local income tax returns and reports, if any, for the three most recent years; and

d. Copies of any then effective written partnership agreements and of any financial statements of the limited partnership for the three most recent years.

The records set forth in this section shall be subject to inspection and copying at the reasonable request, and at the expense, of any partner during ordinary business hours.

6. Section 13 of P.L. 1983, c. 489 (C. 42:2A-14) is amended to read as follows:

C. 42:2A-14 Certificate of limited partnership.

13. Certificate of limited partnership. Two or more persons desiring to form a limited partnership shall cause to be executed a certificate of limited partnership. The certificate shall be executed by the person or persons named therein as the general partner or general partners. The certificate shall be filed in the office of the Secretary of State and shall set forth:

- a. The name of the limited partnership;
- b. The general character of its business;
- c. The address, including the actual location as well as postal designation, if different, of the original registered office and the name and address of the original registered agent for service of process required to be maintained by section 8 of P.L. 1983, c. 489 (C. 42:2A-8);
- d. The name and the business address or place of residence of each general partner;
- e. The aggregate amount of cash and a description and statement of the agreed value of the other property or services contributed by all partners and which all partners have agreed to contribute in the future;
- f. The times at which or events on the happening of which any additional contributions agreed to be made by any partner or partners are to be made;
- g. Any power of a limited partner to grant the right to become a limited partner to an assignee of any part of his partnership interest, and the terms and conditions of the power;
- h. If agreed upon, the time at which or the events on the happening of which a partner may terminate his membership in the limited partnership and the amount of, or the method of determining, the

distribution to which he may be entitled respecting his partnership interest, and the terms and conditions of the termination and distribution;

i. Any right of a partner to receive distributions of property, including cash from the limited partnership;

j. Any right of a partner to receive, or of a general partner to make, distributions to a partner which include a return of all or any part of the partner's contribution;

k. Any time at which or events upon the happening of which the limited partnership is to be dissolved and its affairs wound up;

l. Any right of the remaining general partners to continue the business on the happening of an event of withdrawal of a general partner;

m. Any other matters the partners determine to include therein; and

n. The address of the principal office, which need not be in the State of New Jersey.

7. Section 16 of P.L. 1983, c. 489 (C. 42:2A-17) is amended to read as follows:

C. 42:2A-17 When amendment to certificate required.

16. When amendment to certificate required. An amendment to a certificate of limited partnership shall be filed within 30 days when:

- a. There is a change in the name of the partnership;
- b. There is a decrease in the amount of the contribution of the partners;
- c. There is the admission of a new general partner or an event of withdrawal of a general partner;
- d. There is a change in the character of the business of the partnership;
- e. There is a continuation of the partnership business under section 50 of P.L. 1983, c. 489 (C. 42:2A-51) after an event of withdrawal of a general partner;
- f. There is a change in the time as stated in the certificate for dissolution of the partnership or for the return of a contribution;

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g. There is a time fixed for dissolution of the partnership or the return of a contribution, no time therefor having been specified in the certificate;

h. There is a false or erroneous statement in the certificate or that any arrangements or other facts described in the certificate have changed making the certificate inaccurate in any respect; and

i. (Deleted by amendment, P.L. 1988, c. 130.)

No person shall be liable if an amendment to a certificate of limited partnership reflecting the occurrence of any event referred to in this section is filed within 30 days of the event which gives rise to the obligation to file the amendment.

A restated certificate of limited partnership may be adopted, executed and filed in the same manner as a certificate of amendment.

8. Section 18 of P.L. 1983, c. 489 (C. 42:2A-19) is amended to read as follows:

C. 42:2A-19 Execution of certificate.

18. Execution of certificate. Each certificate required by this article to be filed in the office of the Secretary of State shall be executed in the following manner:

a. An original certificate of limited partnership must be signed by all general partners;

b. A certificate of amendment must be signed by at least one general partner and by each other general partner designated in the certificate as a new general partner. If there is no existing general partner, a certificate of amendment must be signed by each person designated in the amended certificate as a new general partner;

c. A certificate of cancellation must be signed by all general partners. If there is no existing general partner, a certificate of cancellation must be signed by:

(1) All limited partners; or

(2) Any limited partner after the 90th day following the withdrawal of the last general partner; or

(3) Any limited partner within 90 days after an event of withdrawal of the last general partner, provided that the limited partners have determined not to continue the business of the partnership and not to appoint a new general partner pursuant to section 50 of P.L. 1983, c. 489 (C. 42:2A-51) and the partnership agreement,

and the certificate of cancellation contains a representation to that effect; and

d. (Deleted by amendment, P.L. 1988, c. 130.)

e. The execution of any of the foregoing certificates constitutes an affirmation under the penalties of perjury that the statements made therein are true.

9. Section 20 of P.L. 1983, c. 489 (C. 42:2A-21) is amended to read as follows:

C. 42:2A-21 Filing in office of Secretary of State; effect of filing.

20. Filing in office of Secretary of State; effect of filing. a. An original and a duplicate copy of the certificate of limited partnership and of any certificates of amendment or cancellation or any order or judgment of amendment or cancellation shall be delivered to the Secretary of State. Unless the Secretary of State finds that any certificate does not conform to law, upon receipt of all filing fees required by law he shall:

(1) Endorse on the original and duplicate copy the word "Filed" and the day, month and year of the filing thereof;

(2) File the original in his office; and

(3) Return the copy, stamped "Filed", to the person who filed it or his representative.

b. Upon the filing of a certificate of amendment or an order or judgment of amendment in the office of the Secretary of State, the certificate of limited partnership shall be amended as set forth therein, and upon the effective date of either a certificate of cancellation or an order or judgment of cancellation, the certificate of limited partnership is canceled.

10. Section 21 of P.L. 1983, c. 489 (C. 42:2A-22) is amended to read as follows:

C. 42:2A-22 Liability for false statement in certificate.

21. Liability for false statement in certificate. If any certificate of limited partnership or certificate of amendment or cancellation contains a false statement, one who suffers loss by reliance on the statement may recover damages for the loss from:

a. Any person who executed the certificate, or caused another to execute it on his behalf, and knew, and any general partner who knew or should have known, the statement to be false at the time the certificate was executed; and

b. Any general partner who thereafter knows or should have known that any arrangement or other fact described in the certificate has changed, making the statement inaccurate in any respect, within a sufficient time before the statement was relied upon reasonably to have enabled that general partner to cancel or amend the certificate, or to file a complaint for its cancellation or amendment under section 19 of P.L. 1983, c. 489 (C. 42:2A-20).

11. Section 22 of P.L. 1983, c. 489 (C. 42:2A-23) is amended to read as follows:

C. 42:2A-23 Notice.

22. Notice. The fact that a certificate of limited partnership is on file in the office of the Secretary of State is notice that the partnership is a limited partnership, but it is not notice of any other fact not set forth in the certificate or amendment thereto.

12. Section 24 of P.L. 1983, c. 489 (C. 42:2A-25) is amended to read as follows:

C. 42:2A-25 Admission of additional limited partners.

24. Admission of additional limited partners. After the filing of a limited partnership's original certificate of limited partnership, a person may be admitted as an additional limited partner:

a. In the case of a person acquiring a partnership interest directly from the limited partnership, upon compliance with the partnership agreement or, if the partnership agreement does not so provide, upon the written consent of all partners; or

b. In the case of an assignee of a partnership interest of a partner who has the power, as provided in section 48 of P.L. 1983, c. 489 (C. 42:2A-49), to grant the assignee the right to become a limited partner, upon the exercise of that power and compliance with any conditions limiting the grant or exercise of the power.

13. Section 25 of P.L. 1983, c. 489 (C. 42:2A-26) is amended to read as follows:

C. 42:2A-26 Voting.

25. Voting. a. Subject to section 26 of P.L. 1983, c. 489 (C. 42:2A-27) the partnership agreement may grant to all or a specified group of the limited partners the right to vote, on a per capita or other basis, upon such matters as set forth in the partnership agreement.

b. This section shall not be construed so as to limit the right of a limited partner to vote on, or consent to, a specific partnership

matter or action if this chapter gives the limited partner this right and does not expressly permit this right to be restricted by a contrary provision in the partnership agreement.

14. Section 26 of P.L. 1983, c. 489 (C. 42:2A-27) is amended to read as follows:

C. 42:2A-27 Liability to third parties.

26. Liability to third parties. a. Except as provided in subsection d., a limited partner is not liable for the obligations of a limited partnership unless he is also a general partner or, in addition to the exercise of his rights and powers as a limited partner, he takes part in the control of the business. However, if the limited partner's participation in the control of the business is not substantially the same as the exercise of the powers of a general partner, he is liable only to persons who transact business with the limited partnership with actual knowledge of, and reliance on, his participation in control.

b. A limited partner does not participate in the control of the business within the meaning of subsection a. solely by doing one or more of the following:

(1) Being a contractor for or an agent or employee of the limited partnership or being a contractor, agent, employee, corporate officer, corporate director, or shareholder of a general partner;

(2) Consulting with or advising a general partner with respect to any matter, including the business of the limited partnership;

(3) Acting as surety, guarantor, or endorser for the limited partnership or assuming one or more specific obligations of the limited partnership or providing collateral for the partnership;

(4) (Deleted by amendment, P.L. 1988, c. 130.)

(5) (Deleted by amendment, P.L. 1988, c. 130.)

(6) Serving as an officer, director or shareholder of a corporate general partner; or

(7) Approving or disapproving matters related to the business of the partnership as shall be stated in the certificate and partnership agreement;

(8) Calling, requesting, attending or participating at a meeting of the partners or the limited partners;

(9) Winding up a limited partnership pursuant to section 52 of P.L. 1983, c. 489 (C. 42:2A-53);

(10) Taking any action required or permitted by law to bring or pursue a derivative action in the right of the limited partnership;

(11) Serving on a committee of the limited partnership or the limited partners;

(12) Proposing, approving or disapproving, by voting (by number, financial interest, class, group or as otherwise provided in the partnership agreement) or otherwise, on one or more of the following matters:

(a) The dissolution and winding up of the limited partnership;

(b) The sale, exchange, lease, mortgage, pledge, or other transfer of all or substantially all the assets of the limited partnership other than in the ordinary course of its business;

(c) The incurrence of indebtedness by the limited partnership other than in the ordinary course of its business;

(d) A change in the nature of the business;

(e) The admission, removal or retention of a partner;

(f) A transaction or other matter involving an actual or potential conflict of interest;

(g) An amendment to the partnership agreement or certificate of limited partnership; or

(13) Exercising any right or power granted or permitted to limited partners under this chapter and not specifically enumerated in this subsection.

c. The enumeration in subsection b. does not mean that the possession or exercise of any other powers by a limited partner constitutes participation by him in the business of the limited partnership.

d. A limited partner who knowingly permits his name to be used in the name of the limited partnership, except under circumstances permitted by subsection a.(2) of section 6 of P.L. 1983, c. 489 (C. 42:2A-6), is liable to creditors who extend credit to the limited partnership without actual knowledge that the limited partner is not a general partner.

15. Section 27 of P.L. 1983, c. 489 (C. 42:2A-28) is amended to read as follows:

C. 42:2A-28 Person erroneously believing himself a limited partner.

27. Person erroneously believing himself a limited partner.

a. Except as provided in subsection b., a person who makes a contribution to a business enterprise and erroneously but in good faith believes that he has become a limited partner in the enterprise is not a general partner in the enterprise and is not bound by its obligations by reason of making the contribution, receiving distributions from the enterprise, or exercising any rights of a limited partner, if, on ascertaining that no certificate of limited partnership was ever filed with the Secretary of State or a certificate of limited partnership has been filed which names the person as a general partner in the enterprise he promptly:

(1) Causes an appropriate certificate of limited partnership, certificate of correction or a certificate of amendment to be executed and filed; or

(2) Withdraws from future equity participation in the enterprise by executing and filing in the office of the Secretary of State a certificate declaring withdrawal under this section.

b. A person who makes a contribution of the kind described in subsection a. is liable as a general partner to any third party who transacted business with the enterprise if the third party actually believed in good faith that the person was a general partner at the time of the transaction and no certificate of limited partnership was ever filed or a certificate of limited partnership was filed which names the person as a general partner, and:

(1) The business is transacted before an appropriate certificate of limited partnership is filed stating that the enterprise is a limited partnership and indicating in effect that the person is not a general partner;

(2) In the case of an amendment, it is after expiration of the 30-day period for filing an amendment indicating in effect that the person is not a general partner under section 16 of P.L. 1983, c. 489 (C. 42:2A-17) and the amendment has not been filed;

(3) Before the person withdraws, and an appropriate certificate, as provided in section 27 of P.L. 1983, c. 489 (C. 42:2A-28), is filed to show the withdrawal; or

(4) The business is transacted before an appropriate certificate of correction is filed indicating in effect that the person is not a general partner and the third party actually relied in good faith upon the foregoing inaccuracy and is adversely affected by the correction.

16. Section 28 of P.L. 1983, c. 489 (C. 42:2A-29) is amended to read as follows:

C. 42:2A-29 Right to information.

28. Right to information. A limited partner has the right to:

- a. Inspect and copy any of the partnership records required to be maintained by section 9 of P.L. 1983, c. 489 (C. 42:2A-9);
- b. Obtain from the general partners from time to time upon reasonable demand true and full information regarding the state of the business and financial condition of the limited partnership;
- c. Receive promptly after becoming available, a copy of the limited partnership's federal, State and local income tax returns for each year; and
- d. Other information regarding the affairs of the limited partnership as is just and reasonable.

Upon the reasonable request of any partner, the records set forth in this section shall be subject to inspection and copying at a reasonable cost by any partner during ordinary business hours.

17. Section 29 of P.L. 1983, c. 489 (C. 42:2A-30) is amended to read as follows:

C. 42:2A-30 Admission of additional general partners.

29. Admission of additional general partners. After the filing of a limited partnership's original certificate of limited partnership, additional general partners may be admitted as provided for in the written partnership agreement but in no event by less than the written consent of all existing general partners and two-thirds in interest of the limited partners.

18. Section 30 of P.L. 1983, c. 489 (C. 42:2A-31) is amended to read as follows:

C. 42:2A-31 Events of withdrawal of a general partner.

30. Events of withdrawal of a general partner. Except as approved by the specific written consent of all partners at the time, a person ceases to be a general partner of a limited partnership upon the happening of any of the following events:

a. The general partner withdraws from the limited partnership as provided in section 39 of P.L. 1983, c. 489 (C. 42:2A-40);

b. The general partner ceases to be a member of the limited partnership as provided in section 46 of P.L. 1983, c. 489 (C. 42:2A-47);

c. The general partner is removed as a general partner in accordance with the partnership agreement;

d. Unless otherwise provided in the certificate of limited partnership, the general partner: (1) makes an assignment for the benefit of creditors; (2) files a voluntary petition in bankruptcy; (3) is adjudicated a bankrupt or insolvent; (4) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law, or regulation; (5) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding set forth in (4) above; or (6) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties;

e. Unless otherwise provided in the certificate of limited partnership, 120 days after the commencement of any proceeding against the general partner seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law, or regulation, the proceeding has not been dismissed, or if within 90 days after the appointment without his consent or acquiescence of a trustee, receiver, or liquidator of the general partner or of all or any substantial part of his properties, the appointment is not vacated or stayed, or within 90 days after the expiration of any such stay, the appointment is not vacated;

f. In the case of a general partner who is a natural person, his death or the entry by a court of competent jurisdiction of a judgment adjudicating him incompetent to manage his person or estate;

g. In the case of a general partner who is acting as a general partner by virtue of being a trustee of a trust, the termination of the trust (but not merely the substitution of new trustee);

h. In the case of a general partner that is a separate partnership, the dissolution and commencement of winding up of the separate partnership;

i. In the case of a general partner that is a corporation, the filing of a certificate of dissolution, or its equivalent, for the corporation or the revocation of its charter; or

j. In the case of an estate, the distribution by the fiduciary of the estate's entire interest in the partnership.

19. Section 35 of P.L. 1983, c. 489 (C. 42:2A-36) is amended to read as follows:

C. 42:2A-36 Liability of partner for contribution.

35. Liability of partner for contribution. a. Except as provided in the certificate of limited partnership, a partner is obligated to the limited partnership to perform any promise to contribute cash or property or to perform services and this obligation shall not be affected by his ability to perform because of his death or his disability or any other reason. If a partner does not make the promised contribution of property or services, he or, if he is deceased, his estate is obligated at the option of the limited partnership to contribute cash equal to that portion of the value, as stated in the limited partnership agreement, of the stated contribution that has not been made.

b. Unless otherwise provided in the partnership agreement, the obligation of a partner to make a contribution or return money or other property paid or distributed in violation of this chapter may be compromised only by consent of all the partners. Notwithstanding the compromise, a creditor of a limited partnership who extends credit, or whose claim arises, after the filing of the certificate of limited partnership or an amendment thereto which, in either case, reflects the obligation, and before the amendment or cancellation thereof to reflect the compromise, may enforce the original obligation.

20. Section 36 of P.L. 1983, c. 489 (C. 42:2A-37) is amended to read as follows:

C. 42:2A-37 Sharing of profits and losses.

36. Sharing of profits and losses. The profits and losses of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in the partnership agreement. If the partnership agreement does not so provide, profits and losses shall be allocated on the basis of the value (as stated in the limited partnership agreement) of the contributions made by each partner to the extent they have been received by the partnership and have not been returned.

21. Section 37 of P.L. 1983, c. 489 (C. 42:2A-38) is amended to read as follows:

C. 42:2A-38 Sharing of distributions.

37. Sharing of distributions. Distributions of cash or other assets of a limited partnership shall be allocated among the partners, and among classes of partners, in the manner provided in the partnership agreement. If the partnership agreement does not so provide, distributions shall be made on the basis of the value (as stated in the limited partnership agreement) of the contributions made by each partner to the extent they have been received by the partnership and have not been returned.

22. Section 40 of P.L. 1983, c. 489 (C. 42:2A-41) is amended to read as follows:

C. 42:2A-41 Withdrawal of limited partner.

40. Withdrawal of limited partner. A limited partner may withdraw from a limited partnership at the time or upon the happening of events specified in the certificate of limited partnership and in accordance with the partnership agreement. If the certificate does not specify the time or the events upon the happening of which a limited partner may withdraw or a definite time for the dissolution and winding up of the limited partnership, a limited partner may withdraw upon not less than six months' prior written notice to each general partner at the address set forth in the certificate of limited partnership.

23. Section 45 of P.L. 1983, c. 489 (C. 42:2A-46) is amended to read as follows:

C. 42:2A-46 Liability upon return of contribution.

45. Liability upon return of contribution. a. If a limited partner has received the return of any part of his contribution without violation of the partnership agreement or this chapter, he is liable to the limited partnership for a period of one year thereafter for the amount of the returned contribution, but only to the extent necessary to discharge the limited partnership's liabilities to creditors who extended credit to the limited partnership during the period the contribution was held by the partnership.

b. If a limited partner has received the return of any part of his contribution in violation of the partnership agreement or this chapter, he is liable to the limited partnership for a period of six years thereafter for the amount of the contribution wrongfully returned.

c. If a general partner has received the return of any part of his contribution without violation of the partnership agreement or this chapter, he is liable, until the termination of the applicable statute of limitations, to the limited partnership for the amount of the returned contribution, but only to the extent necessary to discharge the limited partnership's liabilities to creditors who extended credit to the limited partnership during the period the contribution was held by the partnership.

d. If a general partner has received the return of any part of his contribution in violation of the partnership agreement or this chapter, he is liable, until the termination of the applicable statute of limitations, to the limited partnership for the amount of the contribution wrongfully returned.

e. A partner receives a return of his contribution to the extent that a distribution causes the partner's share of the fair value of the net assets of the partnership to be less than the value, determined at the time of, but without giving effect to the distribution, of the balance of the partner's aggregate contributions to the partnership which, as of that date, had not been returned to him, which determination shall be made on the basis of the partnership records required to be maintained pursuant to section 9 of P.L. 1983, c. 489 (C. 42:2A-9).

24. Section 46 of P.L. 1983, c. 489 (C. 42:2A-47) is amended to read as follows:

C. 42:2A-47 Assignment of partnership interest; rights of assignee.

46. Assignment of partnership interest; rights of assignee. Except as provided in the partnership agreement, a partnership interest is assignable in whole or in part. An assignment of a partnership interest does not dissolve a limited partnership or entitle the assignee to become or to exercise any rights of a partner. An assignment entitles the assignee to receive, to the extent assigned, only the distribution to which the assignor would be entitled. Except as provided in the partnership agreement, a partner ceases to be a partner upon assignment of all his partnership interest. Notwithstanding the foregoing, a general partner who assigns all of his general partnership interest shall cease to be a general partner only upon the filing of a certificate reflecting that fact in accordance with this chapter.

25. Section 48 of P.L. 1983, c. 489 (C. 42:2A-49) is amended to read as follows:

C. 42:2A-49 Right of assignee to become limited partner; rights, restrictions and liabilities.

48. Right of assignee to become limited partner; rights, restrictions and liabilities. a. An assignee of a partnership interest, including an assignee of a general partner, may become a limited partner if and to the extent that the assignor gives the assignee that right in accordance with authority described in the certificate of limited partnership or all general partners and two-thirds in interest of the limited partners consent.

b. An assignee who has become a limited partner has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a limited partner under the partnership agreement and this chapter. An assignee who becomes a limited partner also is liable for the obligations of his assignor. However, the assignee is not obligated for liabilities unknown to the assignee at the time he became a limited partner and which could not be ascertained from the certificate or agreement of limited partnership.

c. If an assignee of a partnership interest becomes a limited partner, the assignor is not released from his liability to the limited partnership under sections 21 and 35 of P.L. 1983, c. 489 (C. 42:2A-22 and 42:2A-36).

26. Section 50 of P.L. 1983, c. 489 (C. 42:2A-51) is amended to read as follows:

C. 42:2A-51 Dissolution.

50. Dissolution. A limited partnership is dissolved and its affairs shall be wound up upon the happening of any of the following:

a. At the time fixed in or upon the happening of events specified in the certificate of limited partnership;

b. The written consent of all partners;

c. An event of withdrawal of a general partner unless at the time there is at least one other general partner and the certificate of limited partnership permits the business of the limited partnership to be carried on by the remaining general partner or partners and that partner or partners do so, but the limited partnership is not dissolved and is not required to be wound up by reason of any event of withdrawal, if, within 90 days or shorter period as may be provided in the partnership agreement after the withdrawal, all of the remaining general partners and all or such lesser number as may be provided in the partnership agreement, but not less than two-thirds in interest, of the remaining limited partners agree in writing to continue the

business of the limited partnership and to the appointment of one or more additional general partners if necessary or desired;

d. The entry of an order or judgment of dissolution under section 51 of P.L. 1983, c. 489 (C. 42:2A-52).

27. Section 56 of P.L. 1983, c. 489 (C. 42:2A-57) is amended to read as follows:

C. 42:2A-57 Application for certificate of authority to transact business.

56. Application for certificate of authority to transact business. Before transacting business in this State, a foreign limited partnership shall file in the office of the Secretary of State an application executed by a general partner setting forth:

a. The name of the foreign limited partnership and, if different, the name under which it proposes to transact business in this State;

b. The name and business address of each general partner;

c. The amount of cash and a description and statement of the agreed value of the other property or services contributed by all partners and which all partners have agreed to contribute in the future;

d. The state and date of its formation;

e. The general character of the business it proposes to transact in this State;

f. The name and address, including the actual location as well as the postal designation, if different, of the agent for service of process on the foreign limited partnership whom the foreign limited partnership designates who must be an individual resident of this State, a domestic corporation, or a foreign corporation having a place of business in, and authorized to do business in, this State;

g. A statement that the Secretary of State is appointed the agent of the foreign limited partnership for service of process if the agent cannot be found or served with the exercise of reasonable diligence; and

h. The address of the office required to be maintained in the state of its organization by the laws of that state or if not so required, of the principal office of the foreign limited partnership.

i. If the Secretary of State finds that the application conforms to law and the requisite fees have been paid, he shall issue to the

foreign limited partnership a certificate of authority to transact business in this State.

28. Section 57 of P.L. 1983, c. 489 (C. 42:2A-58) is amended to read as follows:

C. 42:2A-58 Changes in and amendments to application for certificate.

57. Changes in and amendments to application for certificate. If any statement in the application of a foreign limited partnership for a certificate of authority to transact business in this State was false when made or any arrangements or other facts described have changed, making the application inaccurate in any respect, the foreign limited partnership shall promptly file in the office of the Secretary of State a certificate, executed by a general partner, correcting the statement.

29. Section 58 of P.L. 1983, c. 489 (C. 42:2A-59) is amended to read as follows:

C. 42:2A-59 Cancellation of certificate of authority to do business in the State.

58. Cancellation of certificate of authority to do business in the State. A foreign limited partnership may cancel its certificate of authority to transact business in this State by filing with the Secretary of State a certificate of cancellation executed by a general partner. A cancellation does not terminate the authority of the Secretary of State to accept service of process on the foreign limited partnership with respect to claims arising out of the transactions of business in this State. The Secretary of State shall cancel the certificate of authority of a foreign limited partnership when the certificate in the state of organization of the foreign limited partnership is cancelled and the Secretary of State receives notice thereof.

30. Section 59 of P.L. 1983, c. 489 (C. 42:2A-60) is amended to read as follows:

C. 42:2A-60 Transacting business without certificate of authority.

59. Transacting business without certificate of authority. a. A foreign limited partnership transacting business in this State may not maintain an action in any court of this State until it has obtained a certificate of authority to transact business in this State.

b. The failure of a foreign limited partnership to obtain a certificate of authority to transact business in this State does not impair the validity of any contract or act of the foreign limited partnership or prevent the foreign limited partnership from defending an action in any court of this State.

c. A limited partner of a foreign limited partnership is not liable as a general partner of the foreign limited partnership solely by reason of the foreign limited partnership having transacted business in this State without having obtained a certificate of authority to transact business; provided that, on ascertaining that no certificate of authority to transact business in this State exists, he promptly:

(1) Causes an appropriate certificate of authority to transact business in this State to be executed and filed; or

(2) Withdraws from future equity participation in the enterprise pursuant to the laws of the state in which the limited partnership was formed.

d. A foreign limited partnership, by transacting business in this State without having obtained a certificate of authority to transact business, appoints the Secretary of State as its agent for service of process with respect to claims arising out of the transaction of business in this State.

e. A foreign limited partnership which transacts business in this State without a certificate of authority to transact business shall forfeit to the State a penalty of not less than \$200.00, nor more than \$1,000.00 for each calendar year, or part thereof, not more than five years prior thereto, in which it shall have transacted business in this State without the certificate. The penalty shall be recovered with costs in an action prosecuted by the Attorney General. The court may proceed in the action in a summary manner or otherwise.

31. Section 61 of P.L. 1983, c. 489 (C. 42:2A-62) is amended to read as follows:

C. 42:2A-62 Right of action.

61. Right of action. A limited partner may bring an action in the right of a limited partnership to recover a judgment in its favor against one or more general partners, former general partners, limited partners, or third parties, if general partners with authority to do so have refused to bring the action or if an effort to cause those general partners to bring the action is not likely to succeed.

32. Section 62 of P.L. 1983, c. 489 (C. 42:2A-63) is amended to read as follows:

C. 42:2A-63 Proper plaintiff.

62. Proper plaintiff. In order to bring a derivative action, the limited partner shall be a limited partner at the time of bringing the action and either

a. Have been a limited partner at the time of the transaction of which he complains; or

b. Have had the status as a limited partner devolved upon him by operation of law or pursuant to the terms of the partnership agreement from a person who was a partner at the time of the transaction.

33. Section 63 of P.L. 1983, c. 489 (C. 42:2A-64) is amended to read as follows:

C. 42:2A-64 Pleading.

63. Pleading. In a derivative action, the complaint shall set forth with particularity the effort of the plaintiff to secure initiation of the action by a general partner or the reasons for not making demand upon a general partner.

34. Section 63.1 of P.L. 1983, c. 489 (C. 42:2A-65) is amended to read as follows:

C. 42:2A-65 Security for expenses.

63.1. Security for expenses. Unless the plaintiff's or plaintiffs' contributions to the partnership or the plaintiff's or plaintiffs' allocable share of partnership property amount to 5% or more of the contributions of or allocations to partnership property of all limited partners, in their status as limited partners, or unless the contributions of or the share allocable to the plaintiff or plaintiffs have a fair value in excess of twenty-five thousand dollars, the limited partnership in whose right such action is brought shall be entitled at any stage of the proceedings before final judgment to require the plaintiff or plaintiffs to give security for the reasonable expenses, including attorney's fees, which may be incurred by the limited partnership in connection with the action. The amount of this security shall be determined by the court.

35. Section 64 of P.L. 1983, c. 489 (C. 42:2A-66) is amended to read as follows:

C. 42:2A-66 Expenses.

64. Expenses. If a derivative action is successful, in whole or in part, or if anything is received by the limited partnership as a result of a judgment, compromise or settlement of an action, the court may award the plaintiff reasonable expenses, including reasonable attorney's fees.

36. Section 64.1 of P.L. 1983, c. 489 (C. 42:2A-67) is amended to read as follows:

C. 42:2A-67 Indemnification of general partner.

64.1. Indemnification of general partner. a. A domestic limited partnership may indemnify any general partner made a party to an action in the right of a limited partnership to procure a judgment in its favor by reason of his being or having been a general partner in the limited partnership, against the reasonable expenses, including attorney's fees, actually and necessarily incurred by him in connection with the defense of the action, or in connection with an appeal therein if the general partner acted in good faith and in a manner the general partner reasonably believed to be in or not opposed to the best interests of the limited partnership. However, in the proceedings no indemnification shall be provided in respect of any claim, issue or matter as to which the general partner shall have been adjudged to be liable for negligence or misconduct, unless and only to the extent that the Superior Court or the court in which the proceeding was brought shall determine upon application that despite the adjudication of liability, but in view of all circumstances of the case, the general partner is fairly and reasonably entitled to indemnity for the expenses as the Superior Court or any other court shall deem proper.

b. The indemnification authorized under subsection a. of this section shall in no case include amounts paid in settling or otherwise disposing of a threatened action, or pending action with or without court approval. The indemnification authorized under this section may include expenses incurred in a threatened action, or pending action which is settled or otherwise disposed of without court approval, provided there is a determination upon application to the Superior Court that in view of all circumstances of the case, the general partner is fairly and reasonably entitled to indemnity for the expenses as the Superior Court shall deem proper.

c. No indemnification shall be made under this section in any circumstances where it appears that indemnification would be inconsistent with a provision of the certificate of limited partnership, partnership agreement or other proper partnership action in effect at the time of accrual of the alleged cause of action asserted in the threatened or pending action in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification.

d. This section is not intended to prevent indemnification of a general partner as provided for under the limited partnership agreement or as approved by the Superior Court or the court in which

a proceeding is brought, for expenses and liability in connection with any proceeding, other than an action in the right of the limited partnership by reason of his being or having been a general partner in the limited partnership.

37. Section 65 of P.L. 1983, c. 489 (C. 42:2A-68) is amended to read as follows:

C. 42:2A-68 Filing fees of the Secretary of State.

65. Filing fees of the Secretary of State. On filing any certificate or other papers relative to limited partnerships in the office of the Secretary of State, there shall be paid to the Secretary of State, filing fees, in addition to any applicable recording fees:

a. Filing an application to reserve a specified limited partnership name and issuing a certificate of reservation	\$50.00
If application is for the first name available for limited partnership use among not more than three specified names	\$50.00
b. Filing a notice of transfer of a reserved limited partnership name	\$50.00
c. Filing original certificate of limited partnership	\$100.00
d. Filing a certificate of amendment to the certificate of limited partnership, including any number of amendments	\$50.00
e. Filing certificate of cancellation	\$50.00
f. Filing order or judgment amending certificate of limited partnership or cancellation	\$50.00
g. Filing application by a foreign limited partnership to transact business in this State and issuing a certificate of authority	\$100.00
h. Filing application by a foreign limited partnership for amended certificate to transact business in this State and issuing an amended certificate of authority	\$50.00
i. Filing annual report	\$20.00

j. Filing a certificate or registration of an alternate name	\$50.00
k. Filing a renewal of registration of alternate name	\$50.00
l. Limited partnership status reports—per name	\$5.00
m. Filing a change of agent or office, or both	\$10.00
n. All other certificates issued or papers filed but not otherwise provided for	\$15.00
o. Issuing a standing certificate	\$25.00
p. Issuing a certificate or providing name availability up to three names	\$25.00
q. Filing a certificate of correction	\$50.00

37.1. Section 66 of P.L. 1983, c. 489 (C. 42:2A-69) is amended to read as follows:

C. 42:2A-69 Annual report to Secretary of State by domestic limited partnership.

66. Annual report to Secretary of State by domestic limited partnership. a. Every domestic limited partnership authorized in this State shall file in the Office of the Secretary of State, within the time prescribed by this section, an annual report, executed on behalf of the limited partnership or executed by the registered agent setting forth:

1. The name of the limited partnership;
2. The address, including the actual location as well as the postal designation, if different, of the registered agent in this State; and
3. The name of the registered agent.

b. The Secretary of State shall designate a date of filing annual reports for each limited partnership required to submit a report pursuant to this section.

c. If the report is not filed for two consecutive years, the certificate of limited partnership shall, after written demand for the reports by the Secretary of State by mail addressed to the limited partnership at the last address appearing of record in the office of the Secretary of State remain filed but be transferred to an inactive list. A limited partnership shall not have its certificate of limited

partnership transferred to the inactive list if it shall, within 60 days after the written demand, file the reports required by law and pay to the Secretary of State the fee provided by law for the filing of each report.

d. Any domestic limited partnership on the inactive list may return to active status by:

1. Paying to the Secretary of State double the amount of the current report fee for each year an annual report was not filed. Years prior to becoming inactive and years subsequent to being declared inactive shall be included in calculating this fee;

2. Filing a current annual report; and

3. Submitting a certificate of amendment adopting a name which complies with paragraph (4) of subsection a. of section 6 of this chapter, if the name of the inactive limited partnership does not comply with paragraph (4) of subsection a. of section 6.

e. A limited partnership whose certificate has been transferred to the inactive list shall remain a limited partnership formed under this chapter or under R.S. 42:2-1 et seq., but no name reservations, transfers of reserved names, or certificates of amendment may be filed until the limited partnership whose certificate has been placed on the inactive list regains active status. A limited partner of a limited partnership is not liable as a general partner of the limited partnership solely by reason of the transfer of the certificate of limited partnership to the inactive list.

f. The Secretary of State shall furnish annual report forms, shall keep all the reports and shall prepare an index thereof. The reports shall be open to public inspection at proper hours.

38. R.S. 42:3-1 is amended to read as follows:

Existing associations.

42:3-1. The principal place of business of an association formed under authority of R.S. 42:3-1 et seq. shall be established and maintained within this State. After the effective date of P.L. 1988, c. 130, no new limited partnership associations shall be formed pursuant to the provisions of R.S. 42:3-1 et seq.

39. R.S. 42:3-2 is amended to read as follows:

Amending statement.

42:3-2. The persons desiring to amend the statement of the association shall

a. Sign and acknowledge before some officer competent to take acknowledgment of deeds, a statement in writing which shall set forth:

- I. The full names of such persons;
- II. The amount of capital of the association subscribed for by each;
- III. The character of the subscription, and if in property other than cash, the description and valuation of such property;
- IV. The total amount of capital and when and how to be paid;
- V. The character of the business to be conducted and the location of the same;
- VI. The name of the association with the word "limited" added thereto as part of same;
- VII. The contemplated duration of the association, which shall not, in any case, exceed 20 years; and
- VIII. The names of the officers of the association selected in conformity with the provisions of this article.

b. The amended statement shall be recorded in the office of the clerk of the county in which the principal place of business of the association shall be located.

c. (Deleted by amendment, P.L. 1988, c. 130.)

C. 42:2A-8.1 Change of registered office or agent.

40. Change of registered office or agent. a. A domestic limited partnership or a foreign limited partnership authorized to do business in this State may change its registered office or its registered agent or both. When the registered office is changed, or when the registered agent is changed, or dies, resigns, is removed, or becomes disqualified, the general partner or partners, unless otherwise provided in the partnership agreement, shall, as provided in the following subsection, establish the address of the new registered office, or designate the successor agent, or both, as the case may be.

b. The limited partnership shall file in the office of the Secretary of State a certificate executed by the general partner or partners on behalf of the limited partnership setting forth:

- (1) The name of the limited partnership;
- (2) The name of the registered agent if the registered agent is

being changed, then the name of the registered agent being succeeded and the successor registered agent;

(3) The address of the registered office if the registered office is being changed, then the address of the registered office immediately prior to the change, and the address including the actual location as well as the postal designation, if different, of the new registered office;

(4) A statement that the address of the registered office and the address of its registered agent will be identical after the change or changes; and

(5) That the change or changes set forth in the certificate is or are made by the general partner or partners on behalf of the limited partnership, unless the partnership agreement otherwise provides, in which case the certificate shall set forth briefly the authority pursuant to which the change is being made.

The change of the registered office and registered agent or either named in the certificate shall become effective upon the filing date of or at such later time, not to exceed 30 days after the date of filing, as may be set forth in the certificate.

C. 42:2A-8.2 Resignation of registered agent.

41. Resignation of registered agent. a. The registered agent of a domestic limited partnership or a foreign limited partnership authorized to transact business in this State may resign by complying with the provisions of this section.

b. The registered agent, or, in the case of a registered agent who is deceased or has been declared incompetent by a court of competent jurisdiction, his legal representative, shall serve a notice of resignation by certified mail, return receipt requested, upon a general partner or general partners of the limited partnership at the address last known to the agent, and shall make an affidavit of such service. If service cannot be made, the affidavit shall so state, and shall state briefly why service cannot be made. The affidavit, together with a copy of notice of resignation, shall be filed in the Office of the Secretary of State.

c. The resignation shall become effective 30 days after the filing in the office of the Secretary of State of the affidavit of service or upon the designation by the limited partnership of a new registered agent pursuant to this act, whichever is earlier. If the limited partnership fails to designate a new registered agent within the 30 day period,

the limited partnership shall thereafter be deemed to have no registered agent or registered office in this State, until the limited partnership files a certificate of change of address of registered office and registered agent indicating the new registered office and registered agent.

d. If any certificate of change replacing a resigned agent is not filed, the limited partnership shall, after written demand therefor by the Secretary of State, forfeit to the State a penalty of \$200.00 for each year or part thereof until an agent is appointed. The Secretary of State may issue a certificate to the Clerk of the Superior Court that the limited partnership is indebted for the payment of this penalty. This certificate shall be entered by the Clerk as a judgment docketed in the Superior Court, and shall have the same form as a docketed judgment.

C. 42:2A-29.1 Notice of limited partners' meetings.

42. Notice of Limited Partners' Meetings. a. Except as provided in the partnership agreement, written notice of the time, place and purpose or purposes of every meeting of limited partners shall be given not less than 10 days nor more than 60 days before the date of the meeting, either personally or by mail, to each limited partner of record entitled to vote at the meeting. In no case, however, may the partnership agreement provide for less than 10 days' notice.

b. When a meeting is adjourned to another time and place, it shall not be necessary, unless the partnership agreement otherwise provides, to give notice of the adjourned meeting if the time and place to which the meeting is adjourned are announced at the meeting at which the adjournment is taken and at the adjourned meeting only such business is transacted as might have been transacted at the original meeting. However, if after the adjournment the general partner fixes a new record date for the adjourned meeting, a notice of the adjourned meeting shall be given to each limited partner of record entitled to notice under subsection a. hereof on the new record date.

C. 42:2A-29.2 Waiver of notice of lapse of time.

43. Waiver of Notice of Lapse of Time. a. Except as provided in the partnership agreement, notice of a meeting need not be given to any limited partner who signs a waiver of notice, in person or by an attorney-in-fact, whether before or after the meeting. The attendance of any limited partner at a meeting, in person or by an attorney-in-fact, without protesting prior to the conclusion of the meeting the lack of notice of the meeting, shall constitute a waiver of notice by him.

b. Except as provided in the partnership agreement, whenever limited partners are authorized to take any action after the lapse of a prescribed period of time, the action may be taken without the lapse if the requirement is waived in writing in person or by an attorney-in-fact, before or after the taking of the action, by every limited partner entitled to vote thereon as of the date of the taking of such action.

C. 42:2A-29.3 Action by limited partners.

44. Action by Limited Partners. Except as otherwise provided in the partnership agreement, any action required or permitted to be taken by limited partners may be taken:

a. At a meeting with notice thereof given as provided in section 42 of P.L. 1988, c. 130 (C. 42:2A-29.1) by that portion of limited partners whose votes are necessary to take such action; or

b. Without a meeting, upon the written consent of, that portion of limited partners whose votes are necessary to take such action. When action is taken without a meeting, however, all limited partners shall receive a written report of all actions taken.

C. 42:2A-29.4 Fixing record date.

45. Fixing Record Date. a. Except as otherwise provided in the partnership agreement, the general partner may fix, in advance, a date as the record date for determining the partnership's limited partners with regard to any partnership action or event and, in particular, for determining the limited partners entitled to:

- (1) Be notified of or vote at any meeting of the partners or any adjournment thereof;
- (2) Consent in writing to any action without a meeting; or
- (3) Receive payment of any distribution or allotment of any right.

The record date may in no case be less than five days nor more than 60 days prior to the meeting of partners or other partnership action or event to which it relates. The record date to determine limited partners entitled to give a written consent may not be more than 60 days before the date fixed for tabulation of the consents or, if no date has been fixed for tabulation, more than 60 days before the last day on which consents received may be counted.

b. If no record date is fixed:

- (1) The record date for determining limited partners for purposes of a meeting of partners shall be the close of business on the day

next preceding the date on which notice is given, or, if no notice is given, the day next preceding the day on which the meeting is held; and

(2) The record date for determining limited partners for any purpose other than specified in paragraph (1) of this subsection shall be at the close of business on the day on which the action relating thereto is adopted.

c. When a determination of limited partners of record for a meeting of partners has been made as provided in this section, the determination shall apply to any adjournment thereof, unless the general partner fixes a new record date under this section for the adjourned meeting.

d. For the purposes of this section, a limited partner of record shall, in addition to meeting all other requirements of this section, have fulfilled all conditions described in the partnership agreement and by applicable law relative to attaining limited partner status.

C. 42:2A-29.5 Limited partnership interests held jointly or as tenants in common.

46. Limited Partnership Interests Held Jointly or as Tenants in Common. Limited partnership interests held by two or more persons as joint tenants or tenants in common may be voted at any meeting of limited partners by any one of such persons, unless another joint tenant or tenant in common seeks to vote any of such interest in the limited partnership in person or by an attorney-in-fact. In the latter event, the written agreement, if any, which governs the manner in which such limited partnership interests shall be voted, shall control if presented at the meeting. If no such agreement is presented at the meeting, then, for the purposes of voting, the interest in the limited partnership shall be divided equally among such joint tenants or tenants in common present.

C. 42:2A-33.1 One person as both general and limited partner.

47. One Person as Both General and Limited Partner. a. A person may be general partner and a limited partner in the same partnership at the same time.

b. A person who is a general, and also at the same time a limited partner, shall have all the rights and powers and be subject to all the restrictions of a general partner; except that, in respect to his contribution as a limited partner, he shall have the rights against the other partners which he would have had if he were not also a general partner.

C. 42:2A-16.1 Certificate of correction.

48. Certificate of Correction. If any instrument filed with the Secretary of State under any provision of this act is an inaccurate record of the limited partnership action therein referred to, or was defectively or erroneously executed, the instrument may be corrected by filing with the Secretary of State a certificate of correction executed by a general partner. The certificate of correction shall specify the inaccuracy or defect to be corrected and shall set forth the correction. The instrument so corrected shall be deemed to have been effective in its corrected form as of its original filing date except as to persons who actually relied in good faith upon the inaccurate portion of the certificate and who are adversely affected by the correction. As to these persons, the correction shall be effective as of the effective date of filing of the certificate of correction. Such filing shall only be made if the Secretary of State consents to the filing.

Repealer.

49. The following are repealed:

R.S. 42:2-1 through R.S. 42:2-30 inclusive;

Section 55 of P.L. 1983, c. 489 (C. 42:2A-56).

50. There is hereby appropriated, from the General Fund, \$45,000.00 to the Department of State to carry out the provisions of this act.

51. This act shall take effect immediately.

Approved September 21, 1988.

CHAPTER 131

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 356 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	24
Burlington	5
Camden	14
Cape May	4
Cumberland	5
Essex	28
Gloucester	8
Hudson	20
Hunterdon	3
Mercer	8
Middlesex	20
Monmouth	16
Morris	13
Ocean	14
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
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 September 26, 1988.

CHAPTER 132

AN ACT authorizing the expenditure of funds by the New Jersey Wastewater Treatment Trust for the purpose of making loans to local government units to finance a portion of the costs of construction of wastewater treatment system projects, and supplementing P.L. 1985, c. 334 (C. 58:11B-1 et seq.).

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

1. The New Jersey Wastewater Treatment Trust, established pursuant to P.L. 1985, c. 334 (C. 58:11B-1 et seq.), is authorized to expend the aggregate sum of up to \$75,000,000.00, and any unexpended balance of the aggregate expenditure authorized pursuant to section 1 of P.L. 1987, c. 199, 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 section 3 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. 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 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 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.

3. The following wastewater treatment system projects shall be known and may be cited as the "State Fiscal Year 1989 Project Priority List":

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Loan Amount</u>
S340467-05	Montville Township MUA	\$1,843,500
S340502-02	Carneys Point Township SA	3,665,000
S340485-03	Raritan Township MUA	4,517,500
S340548-03	Roxbury, Township of—LSH	5,837,000
S340874-01	Phillipsburg, Town of	547,000
S340763-04	Tri-Borough—Palmyra	1,630,000
S340449-03	Sussex County MUA—Newton	3,534,500
S340656-02	Princeton Sewer Op. Comm.	5,693,822
S340708-07 and		
S340524-05	Camden County MUA	8,573,500
S340523-03	Caldwell Borough	8,301,000
S340785-03	Livingston Township	7,735,500
S340717-03	Cedar Grove Township	2,711,055
S340533-03	Verona Borough	7,784,000
S340365-05	Wayne Township	2,908,000
S340715-02	Madison—Chatham Joint Meeting	6,587,175
S340580-03	Warren Co.-Lopatcong/ Phillipsburg	8,975,000
S340710-02	Maple Shade Township	5,195,000
S340376-03	Morristown	12,154,000
S340536-03	East Windsor MUA	10,486,140
S340692-03	Wood-Ridge Borough	2,095,850
S340632-03	Randolph Township MUA	3,198,797
S340381-04	Roxbury Township (Lamington)	4,633,050
S340466-04	Denville Township	6,732,293
S340407-01	Newton Town	650,725
		<u>\$125,989,407</u>

In the event that Carneys Point Township Sewerage Authority executes and delivers a loan agreement with the trust prior to July 1, 1988 for a loan in the amount of \$2,350,000, as authorized pursuant to section 2 of P.L. 1987, c. 199, the loan amount indicated in this section for Project No. S340502-02 (Carneys Point Township Sewerage Authority: \$3,665,000) shall not be included on the priority list and the local government unit shall no longer be entitled to that loan.

4. In addition to the loans authorized in sections 2 and 3 of this act, the trust is authorized to expend, from any unexpended balance of the aggregate expenditure authorized pursuant to section 1 of P.L. 1987, c. 199, funds for the purpose of making 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>Loan Amount</u>
NJL-340502-02	Carneys Point Township SA	\$1,315,000
NJL-340381-03	Roxbury Township (Lamington)	3,500,000
		<u>\$4,815,000</u>

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 year 1988 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 trust is authorized to increase that aggregate sum by the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. 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.

In the event that Carneys Point Township Sewerage Authority has not executed and delivered a loan agreement with the trust prior to July 1, 1988 for a loan in the amount of \$2,350,000, as authorized pursuant to section 2 of P.L. 1987, c. 199, the loan authorized in this section for Project No. NJL-340502-02 (Carneys Point Township Sewerage Authority: \$1,315,000) shall not be made, and the local government unit shall not be entitled to that loan.

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 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 when due or 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 regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L. 1985, c. 334 (C. 58:11B-21).

The priority list and loans authorized pursuant to sections 2, 3 and 4 of this act shall expire on July 1, 1989, 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 and 3 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 and municipal

bond insurance premiums, 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. 1988, c. 133.

Approved October 3, 1988.

CHAPTER 133

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. The "Wastewater Treatment Fund" established pursuant to the "Wastewater Treatment Bond Act of 1985," P.L. 1985, c. 329 and administered by the Department of Environmental Protection, shall contain one or more accounts for the purpose of receiving federal funds authorized pursuant to the "Water Quality Act of 1987," (including the addition of Title VI to the Clean Water Act of 1982) (33 U.S.C. §1251 et al.), and any amendatory and supplementary acts thereto. These accounts shall be constituted collectively as a water pollution control revolving fund of the State of New Jersey and shall be known as the "Wastewater Treatment Fund—State Revolving Fund Accounts" (hereinafter referred to as "State Revolving Fund Accounts"). The State Revolving Fund Accounts shall be in addition to, and separate from, any other accounts contained within the "Wastewater Treatment Fund." Any federal funds which may be made available to the State pursuant to the "Water Quality Act of 1987" shall be deposited in the State Revolving Fund Accounts in accordance with the provisions of subsection b. of section 16 of P.L. 1985, c. 329.

2. a. There is appropriated to the Department of Environmental Protection from the State Revolving Fund Accounts an amount not

exceeding \$75,000,000 in federal funds as may be deposited in the State Revolving Fund Accounts pursuant to section 1 of this act 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 section 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."

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 section 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 7 of this act, or if a project fails to meet the requirements of section 5 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 section 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 from the "Wastewater Treatment Fund" established pursuant to the "Wastewater Treatment Bond Act of 1985" (P.L. 1985, c. 329).

3. The following wastewater treatment system projects shall be known and may be cited as the "State Fiscal Year 1989 Project Priority List":

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Loan Amount</u>
S340467-05	Montville Township MUA	\$1,843,500
S340502-02	Carneys Point Township SA	3,665,000
S340485-03	Raritan Township MUA	4,517,500
S340548-03	Roxbury, Township of—LSH	5,837,000
S340874-01	Phillipsburg, Town of	547,000
S340763-04	Tri-Borough—Palmyra	1,630,000
S340449-03	Sussex County MUA—Newton	3,534,500
S340656-02	Princeton Sewer Op. Comm.	5,693,822
S340708-07 and		
S340524-05	Camden County MUA	8,573,500
S340523-03	Caldwell Borough	8,301,000
S340785-03	Livingston Township	7,735,500
S340717-03	Cedar Grove Township	2,711,055

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Loan Amount</u>
S340533-03	Verona Borough	7,784,000
S340365-05	Wayne Township	2,908,000
S340715-02	Madison—Chatham Joint Meeting	6,587,175
S340580-03	Warren Co.-Lopatcong/ Phillipsburg	8,975,000
S340710-02	Maple Shade Township	5,195,000
S340376-03	Morristown	12,154,000
S340536-03	East Windsor MUA	10,486,140
S340692-03	Wood-Ridge Borough	2,095,850
S340632-03	Randolph Township MUA	3,198,797
S340381-04	Roxbury Township (Lamington)	4,633,050
S340466-04	Denville Township	6,732,293
S340407-01	Newton Town	650,725
		<u>\$125,989,407</u>

In the event that Carneys Point Township Sewerage Authority executes and delivers a loan agreement with the department for a zero interest loan prior to July 1, 1988 in the amount of \$2,350,000, as authorized pursuant to section 2 of P.L. 1987, c. 200, the loan amount indicated in this section for Project No. S340502-02 (Carneys Point Township Sewerage Authority: \$3,665,000) shall not be included on the priority list and the local government unit shall no longer be entitled to that loan.

4. a. In addition to the loans authorized in sections 2 and 3 of this act, the department is authorized to expend, from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L. 1987, c. 200 from the "Wastewater Treatment Fund" established pursuant to the "Wastewater Treatment Bond Act of 1985" (P.L. 1985, c. 329), funds for the purpose of making zero interest loans, to the extent sufficient funds are available, to the local government units listed below for the following wastewater treatment system projects:

<u>Project No.</u>	<u>Local Government Unit</u>	<u>Loan Amount</u>
NJL340502-02	Carneys Point Township SA	\$1,315,000
NJL340381-03	Roxbury Township (Lamington)	<u>3,500,000</u>
		<u>\$4,815,000</u>

b. The loans authorized in this section shall be made for the difference between the loan amounts certified by the commissioner in State fiscal year 1988 and the allowable loan amounts required

by these projects based upon low bid building costs pursuant to 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 5 of this act.

c. In the event that Carneys Point Township Sewerage Authority has not executed and delivered a loan agreement with the department for a zero interest loan prior to July 1, 1988 in the amount of \$2,350,000, as authorized pursuant to section 2 of P.L. 1987, c. 200, the loan authorized in this section for Project No. NJL-340502-02 (Carneys Point Township Sewerage Authority: \$1,315,000) shall not be made, and the local government unit shall not be entitled to that loan.

d. The zero interest loans for projects authorized in this section shall have priority over projects listed in section 3 of this act to the extent the loans are made from moneys appropriated to the department pursuant to section 1 of P.L. 1987, c. 200. No loans authorized in this section shall be made with federal funds appropriated to the department from the State Revolving Fund Accounts pursuant to section 2 of this act.

5. 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. 1988, c. 132;

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. 1988, c. 132.

6. The priority list and loans authorized pursuant to sections 3 and 4 of this act shall expire on July 1, 1989, and any local government unit which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan.

7. 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.

8. 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.

9. 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.

10. All repayments of loans made pursuant to this act shall be deposited in the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L. 1985, c. 329.

11. 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.).

12. At any time prior to the receipt by the State of the federal funds to be deposited in the State Revolving Fund Accounts pursuant to section 1 of this act, and subsequent to a determination by the Commissioner of Environmental Protection and the State Treasurer that a binding commitment for such federal funds has been received by the State, the State Treasurer is authorized to transfer from available monies in any fund of the treasury of the State to the credit of the State Revolving Fund Accounts such sum or sums as he may deem necessary. The sums so transferred shall be returned to the same fund of the treasury by the State Treasurer from federal funds as they are received by the State.

13. 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. 1988, c. 47. 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 11 of this act.

b. Any portion of the sum appropriated to the trust pursuant to subsection a. of this section, 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 section 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 7 of this act or if a project fails to meet the requirements of section 5 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.).

14. This act shall take effect immediately, but shall remain inoperative until the enactment of P.L. 1988, c. 132.

Approved October 3, 1988.

CHAPTER 134

AN ACT concerning loans in certain State-administered retirement systems and amending P.L. 1981, c. 212, P.L. 1981, c. 55 and P.L. 1981, c. 370.

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

1. Section 2 of P.L. 1981, c. 212 (C. 18A:66-35.1) is amended to read as follows:

C. 18A:66-35.1 Teachers' pension deductions for loan repayments.

2. In the case of any member who retires, other than on a disability pension or where it is shown to the satisfaction of the board of trustees that the retirement is necessitated by medical illness or disability of the employee, without paying the full amount so borrowed, the Division of Pensions shall retain the retirement benefit payments, excluding authorized deductions of that member as repayment of the loan until the aggregate amount of the retirement benefit payments are equal to the outstanding balance of the loan, together with the interest at the rate of 4% per annum on the amount so borrowed, at which time the retired member shall receive his retirement benefit payments. In the case of a member who retires on a disability pension or because of medical illness or disability without paying the full amount borrowed, the division shall deduct from the retirement benefit payments the same monthly amount which was deducted from the compensation of the member immediately preceding retirement until the balance of the amount borrowed together with the interest at the rate of 4% per annum is repaid. In the case of a pensioner who dies before the outstanding balance of the loan and interest thereon has been recovered, the remaining balance shall be repaid from the proceeds of any other benefit payable on the account of the pensioner either in the form of monthly payments due to his beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

2. Section 2 of P.L. 1981, c. 55 (C. 43:15A-34.1) is amended to read as follows:

C. 43:15A-34.1 Public employees' pension deductions.

2. In the case of any member who retires, other than on a disability pension or where it is shown to the satisfaction of the board of trustees that the retirement is necessitated by medical illness or disability of the employee, without repaying the full amount so bor-

rowed, the Division of Pensions shall retain the retirement benefit payments, excluding authorized deductions of such member as repayment of the loan until the aggregate amount of such retirement benefit payments is equal to the outstanding balance of the loan, together with the interest at the rate of 4% per annum on the amount so borrowed, at which time the retired member shall receive his retirement benefit payments. In the case of a member who retires on a disability pension or because of medical illness or disability without paying the full amount borrowed, the division shall deduct from the retirement benefit payments the same monthly amount which was deducted from the compensation of the member immediately preceding retirement until the balance of the amount borrowed together with the interest at the rate of 4% per annum is repaid. In the case of a pensioner who dies before the outstanding balance of the loan and interest thereon has been recovered, the remaining balance shall be repaid from the proceeds of any other benefits payable on the account of the pensioner either in the form of monthly payments due to his beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

3. Section 2 of P.L. 1981, c. 370 (C. 43:16A-16.2) is amended to read as follows:

C. 43:16A-16.2 Retired police, fire officers' loan deductions.

2. In the case of any member who retires, other than on a disability pension or where it is shown to the satisfaction of the board of trustees that the retirement is necessitated by medical illness or disability of the employee, without repaying the full amount so borrowed, the Division of Pensions shall retain the retirement benefit payments, excluding authorized deductions of such member as repayment of the loan until the aggregate amount of such retirement benefit payments is equal to the outstanding balance of the loan, together with the interest at the rate of 4% per annum on the amount so borrowed, at which time the retired member shall receive his retirement benefit payments. In the case of a member who retires on a disability pension or because of medical illness or disability without paying the full amount borrowed, the division shall deduct from the retirement benefit payments the same monthly amount which was deducted from the compensation of the member immediately preceding retirement until the balance of the amount borrowed together with the interest at the rate of 4% per annum is repaid. In the case of a pensioner who dies before the outstanding balance of the loan and interest thereon has been recovered, the remaining balance shall be repaid from the proceeds of any other benefits

payable on the account of the pensioner either in the form of monthly payments due to his beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

4. This act shall take effect on the first day of the fourth calendar month after enactment.

Approved October 5, 1988.

CHAPTER 135

AN ACT authorizing the sale of certain surplus real property owned by the State and the granting of an easement in or across certain real property owned by the State and restricting the use of certain real property owned by the State.

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

1. The Department of Human Services is authorized to sell and convey all of the State's interest in 18± acres of surplus real property located in Montgomery Township, Somerset County and to grant the purchaser thereof an easement approximately 350 feet by 20 feet in size in or across adjoining real property owned by the State for the purpose of emergency access to the property purchased. The property is designated as Block 26001, part of Lot 1 on the Township of Montgomery tax map.

The sale of the property and the granting of the easement shall be by public auction for not less than fair-market value and upon such terms and conditions as approved by the State House Commission. The deed conveying the property to the purchaser shall contain the following restrictive provision:

This conveyance is conditioned on and made with the provision that the premises be used by the grantee, its successors and assigns, within five years of the date of conveyance, exclusively for charitable, religious or educational purposes. If a court of competent jurisdiction determines that the grantee, its successors or assigns, has failed by the end of this five-year period to begin using the property exclusively for charitable, religious or educational purposes, or having begun such use, fails to continue to exclusively use the property for such purposes, title to the property shall automatically revert to the State

of New Jersey and the grantee, successor or assign violating this provision shall be entitled to the return of the grantee's original purchase price, exclusive of any interest thereon.

2. Any part of the following parcels of land, owned by the State and located in Montgomery Township, Somerset County, which on the effective date of this act is used for agricultural purposes shall, in perpetuity, be restricted to agricultural or horticultural use or conservation or recreation purposes and shall not be used for any other purpose: Block 25001, Lot 27; Block 27001, Lot 7; and Block 26001, Lot 1, excluding the part of Block 26001, Lot 1 the sale of which is authorized by section 1 of this act, on the Township of Montgomery tax map.

3. This act shall take effect immediately.

Approved October 5, 1988.

CHAPTER 136

AN ACT to supplement the "Hackensack Meadowlands Reclamation and Development Act," approved January 13, 1969 (P.L. 1968, c. 404; C. 13:17-1 et seq.).

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

C. 13:17-6.2 Consultation with mayors.

1. Whenever the commission prepares plans for the development, improvement, redevelopment or rezoning of, or for the construction or reconstruction of buildings or structures on, land in the district totaling 20 acres or more, the commission shall notify immediately, in writing, the mayor and the clerk of the municipality or municipalities in which the land is located. During the preparation of the plans, the commission shall regularly meet and consult with the notified mayor or mayors. If the final plans of the commission are inconsistent with any recommendations of the mayor or mayors, the commission shall inform the mayor or mayors, in writing, of the reasons for the inconsistencies prior to the submission of the plans to the municipal committee.

C. 13:17-14.1 Development application.

2. Whenever the commission receives an application for the development, improvement or redevelopment of, or for the construction

or reconstruction of buildings or structures on, land in the district totaling 20 acres or more, the commission shall notify immediately, in writing, the mayor and the clerk of the municipality or municipalities in which the land is located. Before approving an application, the commission shall consult with the notified mayor or mayors. If the commission approves an application which the mayor or mayors oppose in any manner, the commission shall inform the mayor or mayors, in writing, of the reasons for approval within seven days of that approval.

3. This act shall take effect immediately.

Approved October 6, 1988.

CHAPTER 137

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

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

1. 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 through Sept. 30, 1989.

1. a. No person shall take from the marine 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 31 inches in length, from the effective date of this amendatory and supplementary act through July 31, 1987 and not less than 33 inches in length from August 1, 1987 through September 30, 1989.

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 31 inches in length from the effective date of this amendatory and supplementary act through July 31, 1987 or less than 33 inches in length from August 1, 1987 through September 30, 1989 shall be presumed to be possessed in violation of this section.

2. Section 4 of P.L. 1983, c. 506 (C. 23:5-46) is amended to read as follows:

C. 23:5-46 Daily limits after Oct. 1, 1989.

4. On or after October 1, 1989, no person shall take from any of the marine waters of the State in any one day, or sell, barter, or offer for sale or barter, or have in his possession at any time, more than five striped bass, nor any striped bass measuring less than 18 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 18 inches in length, shall be presumed to be possessed in violation of this section.

3. This act shall take effect immediately.

Approved October 7, 1988.

CHAPTER 138

AN ACT renaming the Department of Veterans' Affairs and Defense as the Department of Military and Veterans' Affairs and revising and repealing parts of the statutory law.

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

1. N.J.S. 38A:1-1 is amended to read as follows:

Definitions.

38A:1-1. The following definitions apply to this Title:

(a) "Militia" means all the military forces of this State, whether organized, or active or inactive.

(b) "National Guard" means the Army National Guard and the Air National Guard.

(c) "Army National Guard" means that part of the organized militia that is a land force, is trained and has its officers appointed under the 16th clause of section 8, Article I of the Constitution of the United States, is organized, armed and equipped wholly or partly at federal expense, and is federally recognized.

(d) "Army National Guard of the United States" is the reserve component of the Army of the United States all of whose members are members of the Army National Guard.

(e) "Air National Guard" means that part of the organized militia that is an air force, is trained and has its officers appointed under the 16th clause of section 8, Article I, of the Constitution of the United States, is organized, armed and equipped wholly or partly at federal expense, and is federally recognized.

(f) "Air National Guard of the United States" means the reserve component of the Air Force of the United States all of whose members are members of the Air National Guard.

(g) "Armed forces" means the land, air and sea forces established by State or federal laws, as applicable.

(h) "Military" means any part of or all of the armed forces.

(i) "Active duty" means full-time duty in the active military service, other than active duty for training. State service is meant unless federal service is specified.

(j) "Active duty for training" means full-time duty in the active military service for training purposes. State service is meant unless federal service is specified.

(k) "Inactive duty training" means duty performed by a member of the organized militia other than active duty or active duty for training.

(l) "Officer" means commissioned officer or warrant officer.

(m) "Grade" means a step or degree, in a graduated field of office or military rank, that is established and designated as a grade by law or regulation.

(n) "Rank" means the order of precedence among members of the armed forces.

(o) "Permanent duty status" means full-time employment of a member of the organized militia ordered to active duty by the Governor to serve in the Department of Military and Veterans' Affairs.

(p) "Shall" is used in an imperative sense.

(q) "Will" is used in a permissive sense.

(r) "Regulations" means the rules and regulations on the governing and training of the militia.

(s) "Federal service" means duty in the active service of the United States.

(t) "Armory" means any building or training installation utilized by the organized militia.

2. N.J.S. 38A:2-2 is amended to read as follows:

Governor's staff.

38A:2-2. The staff of the Governor shall consist of:

(a) Executive: The Adjutant General of the State Department of Military and Veterans' Affairs.

(b) Personnel: Such aides as may be appointed or detailed by the Governor from among the officers of the organized militia, in a grade not higher than the one held in the organized militia or in federal service, whose term of office, unless sooner terminated, shall expire with that of the Governor who shall have appointed or detailed them.

3. Section 2 of P.L. 1987, c. 444 (C. 38A:3-1.2) is amended to read as follows:

C. 38A:3-1.2 Department, veteran defined.

2. As used in chapter 3 of Title 38A of the New Jersey Statutes:

a. "Department" means the Department of Military and Veterans' Affairs established pursuant to N.J.S. 38A:3-1 et seq. as amended;

b. "Veteran" means any person who has served in any branch of the armed forces of the United States for at least 90 days, except that if the term "veteran" is defined differently in any of the statutes cited by this act or in any federal statute, that definition shall be applicable for the purposes of those statutes.

4. N.J.S. 38A:3-1 is amended to read as follows:

Principal department.

38A:3-1. The Department of Military and Veterans' Affairs shall be a principal department in the executive branch of the State Government.

5. Section 4 of P.L. 1987, c. 444 is amended to read as follows:

4. The Division of Veterans' Programs and Special Services in the Department of Human Services, established pursuant to section 40 of P.L. 1944, c. 85 (C. 52:27C-40), is abolished and all its functions, powers, duties and employees are transferred to the Department of Military and Veterans' Affairs.

6. N.J.S. 38A:3-2 is amended to read as follows:

Personnel of department.

38A:3-2. The Department of Military and Veterans' Affairs shall consist of:

- (a) The Adjutant General;
- (b) The deputy adjutant general;
- (c) The assistant adjutant general, New Jersey Army National Guard;
- (d) The assistant adjutant general, New Jersey Air National Guard;
- (e) Such officers of the organized militia, active or inactive, authorized by the Governor for duty therein;
- (f) Such clerks and employees as may be required, who may be detailed from the organized militia;
- (g) State headquarters for selective service;
- (h) The organized militia;
- (i) The Administrator of Veterans' Affairs;
- (j) The Director of the Division of Veterans' Administrative Services;
- (k) The Director of the Division of Veterans' Loans, Grants and Services; and
- (l) The Director of the Division of Veterans' Training, Information and Referrals.

7. Section 30 of P.L. 1987, c. 444 (C. 38A:3-2b) is amended to read as follows:

C. 38A:3-2b Division of Veterans' Administrative Services.

30. The Division of Veterans' Administrative Services shall:

- a. Supervise and operate the New Jersey Veterans' Memorial Home-Menlo Park, the New Jersey Veterans' Memorial Home-Vineland and the New Jersey Veterans' Memorial Home-Paramus; and
- b. Supervise and operate the New Jersey Veterans' Memorial Cemetery-Arneytown.

8. Section 2 of P.L. 1973, c. 284 (C. 38A:3-2.2) is amended to read as follows:

C. 38A:3-2.2 Regulations.

2. The Adjutant General, Department of Military and Veterans' Affairs, shall have the power to promulgate regulations pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), to carry out the purposes of this act which may be required by federal law.

9. N.J.S. 38A:3-3 is amended to read as follows:

Adjutant General.

38A:3-3. The head of the Department of Military and Veterans' Affairs shall be the Adjutant General, who shall be appointed with the grade of major general of the line, New Jersey Army National Guard, or major general, New Jersey Air National Guard, by the Governor, with the advice and consent of the Senate, from:

(a) Federally recognized general officers in the national guard who have served therein for the preceding 10 years; or

(b) Federally recognized commissioned officers in the national guard, who have served therein for the preceding 10 years and are now serving in a military grade not below that of a colonel, such officers having the qualifications to become federally-recognized as brigadier general of the line, New Jersey Army National Guard, or brigadier general, New Jersey Air National Guard.

10. N.J.S. 38A:3-6 is amended to read as follows:

Powers, duties.

38A:3-6. Under the direction of the Governor, the Adjutant General shall:

(a) Exercise control over the affairs of the Department of Military and Veterans' Affairs and in connection therewith make and issue such regulations governing the work of the Department of Military and Veterans' Affairs and the conduct of its employees as may, in his judgment, be necessary or desirable.

(b) Be the request officer of the Department of Military and Veterans' Affairs within the meaning of such term as defined in section 1 of P.L. 1944, c. 112 (C. 52:27B-1).

(c) (Deleted by amendment, P.L. 1988, c. 138.)

(d) Command the organized militia of the State, with responsibility for recruiting, mobilization, administration, training, discipline, equipping, supply and general efficiency thereof. He may issue such regulations and delegate such command functions as he

shall deem necessary. The regulations so issued shall, insofar as possible, conform to the federal laws and regulations concerning the same.

(e) Maintain the archives and be the custodian of the records and papers required, by laws or regulations, to be filed with the Department of Military and Veterans' Affairs.

(f) Supervise, administer and coordinate those activities of the selective service system for which the Governor is responsible.

(g) Acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey, all those parcels of land as shall be necessary for armories and other militia facilities, and supervise the design, construction, alteration, maintenance and repair of said property.

(h) Establish and maintain such headquarters as may be required for the militia.

(i) Exercise the powers vested in him and perform such other duties and functions as required of him by the Governor and by federal and State laws and regulations.

(j) Exercise all of the functions, powers and duties heretofore vested in the Director of the Division on Veterans' Programs and Special Services.

(k) Appoint and remove officers and other personnel employed within the department, subject to the provisions of N.J.S. 38A:3-8 and Title 11A of the New Jersey Statutes and other applicable statutes, except as herein otherwise specifically provided.

(l) Have authority to organize and maintain an administrative division and to assign to employment therein secretarial, clerical and other assistants in the department or the Adjutant General's Office for the purpose of providing centralized support to all segments of the department, including budgeting, personnel administration and oversight of equal opportunity programs.

(m) Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law.

(n) Organize the work of the department in divisions not inconsistent with the provisions of this act and in bureaus and other organizational units as the Adjutant General may determine to be necessary for efficient and effective operation.

(o) Adopt, issue and promulgate, in the name of the department, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), such rules and regulations as may be authorized by law.

(p) Institute, or cause to be instituted, legal proceedings or processes as necessary to properly enforce and give effect to any of the Adjutant General's powers or duties.

(q) Make an annual report to the Governor and to the Legislature of the department's operations, and render other reports as the Governor shall from time to time request or as may be required by law.

(r) Coordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicative functions.

(s) Integrate within the department, so far as practicable, all staff services of the department and of several divisions and other agencies therein.

(t) Request access to all relevant files and records of other State agencies, which may be made available to the Adjutant General by the head of a State agency, and request, subject to the permission of the head of the State agency, any officer or employee therein to provide information as necessary to assist in the performance of the functions of the department.

(u) Supervise and operate the New Jersey Veterans' Memorial Home-Menlo Park, the New Jersey Veterans' Memorial Home-Vineland, the New Jersey Veterans' Memorial Home-Paramus and the New Jersey Veterans' Memorial Cemetery-Arneytown.

(v) Supervise and operate the liaison office and the field offices which serve the federal Veterans' Affairs Medical Centers.

(w) Make application for federal grants and programs, other than education grants or funds.

(x) Administer the federally-funded training and rehabilitation programs, except for the administration of federally-funded education and training programs set forth in 38 U.S.C. §36 et seq.

(y) Provide current information to the general public on State and federal veterans' programs and benefits.

11. N.J.S. 38A:3-8 is amended to read as follows:

Classes of personnel.

38A:3-8. The personnel of the Department of Military and Veterans' Affairs shall consist of the following classes of persons:

(a) Officers and enlisted members who are ordered to active duty on a permanent duty status, with the pay allowances of their grade and length of service in accordance with section 38A:4-3 of this title.

(b) Classified civil service employees.

(c) Unclassified civil service employees, who may be relieved, suspended or discharged for good cause. Such personnel shall be administered as far as practicable under similar regulations as those applicable to classified civil service, but shall be subject to military discipline and control as the Adjutant General deems appropriate, and shall include all personnel employed for the maintenance of armories.

(d) Technicians paid from federal funds. Such personnel shall be appointed by the Adjutant General, who shall determine their salaries and who may relieve, suspend or discharge such persons at any time for good cause, and shall be subject to military discipline and control.

12. N.J.S. 38A:3-11 is amended to read as follows:

Certification of records.

38A:3-11. The Adjutant General shall have an appropriate seal and have affixed an impression of the same to all certificates of record issued from the Department of Military and Veterans' Affairs. Copies of any books, records, papers and documents, in the Department of Military and Veterans' Affairs certified by the Adjutant General or other designated officer of the department, under seal of the Department of Military and Veterans' Affairs shall be admitted as evidence in any court of the State, either civil or military, with the same force and effect as if the original had been produced.

13. N.J.S. 38A:10-3 is amended to read as follows:

Military courts.

38A:10-3. The military courts for the militia of this State shall be constituted like similar courts of the armed forces of the United States. They shall have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures provided for those courts. The convening authority for such military courts and maximum punishments authorized shall be as prescribed by federal and State laws and regulations applicable to the national guard;

provided, however, that special courts-martial may be convened only with the approval of the Adjutant General, Department of Military and Veterans' Affairs.

14. N.J.S. 38A:12-1 is amended to read as follows:

Armories.

38A:12-1. The Adjutant General is authorized to lease or acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey such real property as shall be necessary for the purpose of armories or other military and veterans' facilities.

No real property leased by this State or the United States for armories or other military and veterans' facilities shall be subject to condemnation proceedings without first obtaining the approval of the Governor.

15. N.J.S. 38A:12-3 is amended to read as follows:

Supervision of construction.

38A:12-3. The Adjutant General shall, in compliance with the provisions of P.L. 1954, c. 48 (C. 52:34-6 et seq.), supervise the construction, repair and alterations of armories and other military and veterans' facilities.

16. N.J.S. 38A:12-4 is amended to read as follows:

Construction costs.

38A:12-4. The Adjutant General, on behalf of the State is authorized to make application for, and accept from, the federal government, or any agency thereof, a grant of money to pay part, or all of the cost of constructing armories or other military and veterans' facilities.

There shall be appropriated to the State Department of Military and Veterans' Affairs from time to time, such sums as may be necessary to meet the State's share, or the entire cost of such construction, when included in any annual or supplemental appropriation act.

17. N.J.S. 38A:12-5 is amended to read as follows:

Nonmilitary use.

38A:12-5. The Adjutant General may lease, rent or permit the use of any armory or other military and veterans' facility, or any part thereof, for nonmilitary purposes, under such restrictions and for such compensation, if any, as he may by regulation prescribe.

18. N.J.S. 38A:12-6 is amended to read as follows:

Sale of surplus property.

38A:12-6. When any buildings and real property have been declared by the Adjutant General to be surplus or unsuitable for military or veterans' purposes and their sale has been authorized by the governor, the Adjutant General, on behalf of the State, is authorized to convey such buildings and real property to the county or municipality in which the same are situate, or to other purchasers, at such price and upon such terms and conditions as shall be approved by the State House Commission.

Furthermore, if it will not interfere with or impair military or veterans' activities, the Adjutant General, on behalf of the State, may convey an easement to the county or municipality in which the land is situated or to a public utility company organized under Title 48 of the Revised Statutes at such price and upon such terms and conditions as shall be approved by the State House Commission.

19. N.J.S. 38A:13-9 is amended to read as follows:

Death benefit.

38A:13-9. The death benefit provided for in section 1 of this act shall not be payable where there is a lump sum death benefit payable as a result of the deceased militiaman's membership in a public employees' pension system, or when the militiaman was detailed to the Department of Military and Veterans' Affairs in a permanent duty status and entitled to benefits out of Federal funds.

20. Section 17 of P.L. 1987, c. 444 is amended to read as follows:

17. The Veterans' Services Council, established pursuant to section 22 of P.L. 1948, c. 448 (C. 13:1B-20), together with all its powers, functions and duties, is continued and transferred to the Department of Military and Veterans' Affairs. This act shall not affect the terms of office of the present members of the council, except that if there are less than two women members of the council following the enactment of this 1987 amendatory and supplementary act, the Governor shall appoint such members upon the expiration of the terms of two male members.

21. Section 22 of P.L. 1948, c. 448 (C. 13:1B-20) is amended to read as follows:

C. 13:1B-20 Veterans' Services Council.

22. There shall be within the Department of Military and Veterans' Affairs, a Veterans' Services Council which shall consist of nine members and shall include no less than two women. Each member of the council shall be a veteran, and shall be appointed by the

Governor, with the advice and consent of the Senate, for a term of four years and shall serve until his successor has been appointed and has qualified, except that of the first appointments hereunder, two shall be for a term of one year, two for two years, two for three years, and three for four years. All appointments to the council shall be made in consultation with the leaders of all federally-chartered veterans' organizations in the State.

Each Governor shall designate one of the members of the council as chairman of such council. Any member of the council so designated shall serve as such chairman at the pleasure of the Governor designating him and until his successor has been designated. The chairman of the council shall be its presiding officer.

Any vacancies in the membership of said council occurring other than by expiration of term shall be filled by the Governor, with the advice and consent of the Senate, for the unexpired term only. Any member of the council may be removed from office by the Governor, for cause, upon notice and opportunity to be heard.

The members of the council shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

22. Section 19 of P.L. 1987, c. 444 is amended to read as follows:

19. The Veterans' Facilities Council, established pursuant to P.L. 1971, c. 344 (C. 30:6AA-11 et seq.), together with all its powers, functions and duties, is continued and transferred to the Department of Military and Veterans' Affairs. This act shall not affect the terms of office of the present members of the council.

23. Section 20 of P.L. 1987, c. 444 is amended to read as follows:

20. The Blind Veterans' Allowance Program, established pursuant to R.S. 38:18-1 et seq., shall be administered by the Department of Military and Veterans' Affairs.

24. Section 21 of P.L. 1987, c. 444 is amended to read as follows:

21. The Paraplegic and Hemiplegic Veterans' Allowance Program, established pursuant to P.L. 1947, c. 263 (C. 38:18A-1 et seq.), shall be administered by the Department of Military and Veterans' Affairs.

25. Section 22 of P.L. 1987, c. 444 is amended to read as follows:

22. The veterans' loan authority, established pursuant to P.L.

1944, c. 126 (C. 38:23B-1 et seq.), together with all its functions, powers and duties, is continued and transferred to the Department of Military and Veterans' Affairs.

26. Section 23 of P.L. 1987, c. 444 is amended to read as follows:

23. The Vietnam Veterans' Memorial Committee, established pursuant to section 2 of P.L. 1985, c. 494, together with all its powers, functions and duties, is continued and transferred to the Department of Military and Veterans' Affairs. The act shall not affect the terms of office of the present members of the commission.

27. Section 24 of P.L. 1987, c. 444 is amended to read as follows:

24. The New Jersey Veterans' Memorial Cemetery-Arneytown, built in part by funds appropriated pursuant to P.L. 1985, c. 149, shall be administered by the Department of Military and Veterans' Affairs.

28. Section 25 of P.L. 1987, c. 444 is amended to read as follows:

25. The Vietnam Veterans' Outreach Program, first funded by State moneys during fiscal year 1984 pursuant to P.L. 1983, c. 240, shall be administered by the Department of Military and Veterans' Affairs.

29. Section 26 of P.L. 1987, c. 444 is amended to read as follows:

26. The Agent Orange Commission, established pursuant to P.L. 1979, c. 443, together with its powers, functions and duties, is continued and transferred to the Department of Military and Veterans' Affairs. This act shall not affect the goals of the commission or the terms of office of its members.

30. Section 3 of P.L. 1979, c. 443 is amended to read as follows:

3. There is established in the Department of Military and Veterans' Affairs an Agent Orange Commission which shall be composed of nine members to be appointed by the Governor of whom at least four shall be Vietnam era veterans. The members of the commission shall serve without compensation but shall be entitled to reimbursement by the commission for expenses necessarily incurred in the performance of their duties. The commission shall employ an executive director and such clerical support as is necessary to effectuate the purposes of this act.

31. Section 5 of P.L. 1979, c. 443 is amended to read as follows:

5. The Division of Veterans' Loans, Grants and Services in the Department of Military and Veterans' Affairs shall render all assistance requested by the commission to effectuate the purposes of this act.

32. R.S. 30:1-7 is amended to read as follows:

Institutions, agencies covered by Title 30.

30:1-7. The charitable, hospital, relief and training institutions and noninstitutional agencies of this State, within the meaning of this Title, shall include the following, and, as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

Trenton Psychiatric Hospital,
Greystone Park Psychiatric Hospital,
Marlboro Psychiatric Hospital,
Ancora Psychiatric Hospital,
Senator Garrett W. Hagedorn Center for Geriatrics,
The Forensic Psychiatric Hospital,
North Princeton Developmental Center,
North Jersey Developmental Center,
New Lisbon Developmental Center,
Woodbine Developmental Center,
Vineland Developmental Center,
Woodbridge Developmental Center,
Hunterdon Developmental Center,
Developmental Center at Ancora,
Diagnostic Center at Menlo Park,
Arthur Brisbane Child Center at Allaire,
Board of Public Welfare,
Commission for the Blind and Visually Impaired.

The correctional institutions of this State, within the meaning of this Title, shall include the following and, as well, any institution established hereafter for any similar purpose, as now established and as the same are to be hereafter maintained and operated pursuant to law:

New Jersey State Prison,
East Jersey State Prison,
Bayside State Prison,
Riverfront State Prison,
Northern State Prison,

Garden State Reception and Youth Correctional Facility,
Albert C. Wagner Youth Correctional Facility,
Edna Mahan Correctional Facility for Women,
Mountainview Youth Correctional Facility,
New Jersey Training School for Boys,
Lloyd McCorkle Training School for Boys and Girls.

C. 38A:3-1a Reference to department.

33. Whenever any statute shall refer to the Department of Defense or the Department of Veterans' Affairs and Defense, the same shall mean the Department of Military and Veterans' Affairs.

Repealer.

34. Section 1 of P.L. 1973, c. 284 (C. 38A:3-2.1) is repealed.

35. This act shall take effect immediately.

Approved October 12, 1988.

CHAPTER 139

AN ACT establishing a New Jersey Policy Center on Aging and making an appropriation therefor.

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

C. 52:27D-29.23 Findings, declarations.

1. The Legislature finds and declares that: our nation as a whole, and our State in particular, have been experiencing the increase over time of greater numbers of senior citizens in proportion to the total population; our society is just beginning to understand the complex needs and problems related to aging; and at the present time, our State is spending approximately two billion dollars a year of State and federal funds for programs for senior citizens which include, programs administered under the federal "Older Americans Act of 1965," Pub. L. 89-73 (42 U.S.C. §3001 et seq.) and Medicare, Pub. L. 89-97 (42 U.S.C. §1395 et seq.), the Pharmaceutical Assistance to the Aged and Disabled Program established pursuant to P.L. 1975, c. 194 (C. 30:4D-20 et seq.), the "Lifeline Credit Program" established pursuant to P.L. 1979, c. 197 (C. 48:2-29.15 et seq.) and the "Tenants' Lifeline Assistance Program" established pursuant to P.L. 1981, c. 210 (C. 48:2-29.30).

The Legislature further finds and declares that: it is extremely important for this State to lend ongoing support and resources to establish a research, teaching and information center for the study of gerontological policies, concerns and programs; this policy center on aging would create a focal point for State support of professional gerontological research in the State; and it is reasonable to assume that one of the many benefits of establishing a policy center on aging would be considerable cost savings to the State as the policy center attracts additional moneys from federal and private sources for gerontological research.

C. 52:27D-29.24 Policy Center on Aging.

2. The Commissioner of the Department of Community Affairs shall establish the New Jersey Policy Center on Aging at Rutgers, The State University.

It shall be the duty of the center to:

- a. Analyze and assist in the development of aging policies for New Jersey;
- b. Conduct studies of gerontological issues, concerns and programs which impact on the State;
- c. Act as a focal point for State support of gerontological research in the State; and
- d. Conduct gerontological research which includes, but is not limited to:
 - (1) Demographic analysis of the effects of the State's economy on the elderly, the available housing stock and the general population distribution;
 - (2) Analysis of the cost of services, the use of general revenues, casino revenues and federal funding for services and the areas in which service gaps exist;
 - (3) Analysis of the long-term care system in the State, including an examination of alternative methods of care delivery such as health maintenance organizations and social health maintenance organizations; and
 - (4) Analysis of demographic data, service utilization, and other information which will assist the State in defining the needs of its elderly population.

C. 52:27D-29.25 Advisory committee.

3. There is established a Policy Center on Aging Advisory Com-

mittee. The committee shall consist of the Commissioner of the Department of Community Affairs, who shall act as the committee chairperson, the Commissioners of the Departments of Health and Human Services and the Chancellor of Higher Education, or their designees; a representative of the New Jersey State Commission on Aging, section 2 of P.L. 1957, c. 72 (C. 26:1A-108) appointed by the commission; four citizen members of whom two shall be appointed by the Governor, one shall be appointed by the President of the Senate and one shall be appointed by the Speaker of the General Assembly; a member of the Senate appointed by the President thereof; and a member of the General Assembly appointed by the Speaker thereof.

The committee shall prepare guidelines for the establishment and advise on the operation of the New Jersey Policy Center on Aging.

C. 52:27D-29.26 Funding.

4. The Commissioner of the Department of Community Affairs, on behalf of the center and with the concurrence of Rutgers, The State University, is authorized to:

a. Apply for and accept grants of money available for the purposes of this act from the federal government or other sources; and

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

C. 52:27D-29.27 Direct application.

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

C. 52:27D-29.28 Rules, regulations.

6. Pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner of the Department of Community Affairs, in consultation with the Chancellor of Higher Education and in cooperation with Rutgers, The State University, shall adopt rules and regulations necessary to implement the provisions of this act.

C. 52:27D-29.29 Report.

7. Within 30 days after the effective date of this act, the Commissioner of the Department of Community Affairs shall report in writing to the Senate Revenue, Finance and Appropriations Commit-

tee and the General Assembly Appropriations Committee, or their successors, concerning the manner in which the appropriation will be expended, including information on administrative and project costs. Within 30 days after each fiscal year in which the Policy Center on Aging receives State funds, the Commissioner shall report in writing to the Senate Revenue, Finance and Appropriations Committee and the General Assembly Appropriations Committee, or their successors, concerning the manner in which any funds received by the policy center were expended, including information on administrative and project costs.

8. This act shall take effect immediately.

Approved October 14, 1988.

Statement to Chapter 139
(Senate Bill No. 569 (Second Reprint))

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 569 (Second Reprint) at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill establishes the New Jersey Policy Center on Aging at Rutgers University and appropriates \$250,000 to effectuate its purposes. The Policy Center would be delegated a series of tasks, chief among them the development of new policies designed to assist New Jersey's elderly population.

New Jersey is home to 1.3 million elderly. This part of our sprawling family makes a unique contribution to New Jersey's rich and varied tapestry. Yet, we are conscious of the fact that elderly citizens need and deserve special attention and care. That is why 17 of the 19 State agencies have programs designed to assist the aging. More than \$2 billion in federal and State funds are administered annually for those programs.

I believe the Policy Center on Aging created by this bill will enhance the already significant efforts being undertaken in this State to make sure that our elderly are cared for in the best ways possible. The Center will help to coordinate and centralize data from the myriad programs that currently exist. Moreover, I am hopeful that the research conducted at the Policy Center will help us to make informed and effective decisions about future programs.

While I support the creation of a Policy Center on Aging, I am unable to approve additional funding for such an endeavor. The State is a willing contributor in supporting programs for the elderly. During fiscal year 1989, approximately \$692 million in State funds will be appropriated for these programs. Because significant monies have already been allotted for senior citizen programs, I recommend that the Policy Center be supported by funds from existing State programs as well as from federal funds and private donations. I am confident that such resources are available, and I encourage both the Department of Community Affairs and Rutgers University to aggressively pursue these funding avenues.

Accordingly, I herewith append the following statement of objections to the sum, or parts thereof, appropriated by this bill:

<u>Page 4, Section 8, Lines 1-3:</u>	Delete in entirety
<u>Page 4, Section 9, Line 4:</u>	Delete "9" insert "8"

Respectfully,
Thomas H. Kean
Governor

CHAPTER 140

AN ACT concerning the establishment and collection of facility charges by a county improvement authority and amending P.L. 1960, c. 183.

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

1. Section 14 of P.L. 1960, c. 183 (C. 40:37A-57) is amended to read as follows:

C. 40:37A-57 Facility charges.

14. Every authority is hereby authorized to charge and collect tolls, rents, rates, fares, fees or other charges (in this act sometimes referred to as "facility charges") in connection with, or for the use or services of, or otherwise relating to, any public facility or other property owned, leased or controlled by the authority. If the public facility is a system of solid waste disposal, including, but not limited to, a resource recovery facility, recycling plant or transfer station

owned, leased or controlled by the authority, the authority may charge and collect in connection with that system from any governmental unit included within the jurisdiction of the authority or which contracts for service with that authority or from any owner or occupant of any real property situated in a constituent municipality or in a municipality which contracts for service with that authority. Such facility charges may be charged to and collected from any governmental unit or person and such governmental unit or person shall be liable for and shall pay such facility charges to the authority at the time when and place where such facility charges are due and payable.

2. This act shall take effect immediately.

Approved October 25, 1988.

CHAPTER 141

AN ACT providing financial incentives for the formation of certain regional school districts, amending N.J.S. 18A:58-7, P.L. 1975, c. 212 and P.L. 1987, c. 266.

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

1. N.J.S. 18A:58-7 is amended to read as follows:

90% reimbursement.

18A:58-7. Each district shall also be paid 90% of the cost to the district of transportation of pupils to a school when the necessity for such transportation and the cost and method thereof have been approved by the county superintendent of the county in which the district paying the cost of such transportation is situate; except that in the case of a regional school district formed after November 24, 1986 the payment shall be calculated on the current basis of the approved amount of transportation expense during the two years following the year of regionalization of the school district, subject to the provisions of section 4 of P.L. 1987, c. 266 (C. 18A:7A-27.1). Such aid shall be paid for elementary pupils who live beyond two miles from their school of attendance and secondary pupils who live beyond 2½ miles from their school of attendance.

2. Section 18 of P.L. 1975, c. 212 (C. 18A:7A-18) is amended to read as follows:

C. 18A:7A-18 Equalization support.

18. Equalization support for current expenses of all school districts shall be paid in accordance with the calculations contained in subsection a. or b. whichever results in a greater amount of aid:

a. Divide the district equalized valuation per pupil by the guaranteed valuation per pupil and subtract the quotient from 1.0000 to obtain the district's State support ratio.

Multiply the district's State support ratio by the smaller of (1) the net current expense budget for the prebudget year or (2) the product of the resident enrollment and the State support limit.

b. Divide the district's equalized valuation per pupil by the minimum aid guaranteed valuation per pupil, subtract the quotient from 1.0000 and multiply the remainder by 10% to obtain the district's minimum aid State support ratio.

Multiply the district's minimum aid State support ratio by the product of the resident enrollment and the State support limit.

An all purpose regional school district formed after November 24, 1986 shall be entitled to 110% of the amount of equalization aid calculated pursuant to subsection a. or b. of this section for a period of five years following the year of regionalization of the school district, subject to the provisions of section 4 of P.L. 1987, c. 266 (C. 18A:7A-27.1).

3. Section 19 of P.L. 1975, c. 212 (C. 18A:7A-19) is amended to read as follows:

C. 18A:7A-19 Calculation of State support.

19. State support for debt service and budgeted capital outlay shall equal the total of the net debt service and budgeted capital outlay budgets for the prebudget year multiplied by the district's current expense State support ratio obtained in section 18 of this act. If the product is less than zero, no support shall be paid. Budgeted capital outlay used for the calculation of State support shall be the smaller of (1) the budgeted capital outlay for the prebudget year, or (2) 1½% of the sum of the current expense and budgeted capital outlay for the prebudget year.

Any all purpose regional school district formed after November 24, 1986 whose equalized valuation per pupil exceeds the State guaran-

teed valuation per pupil shall receive debt service and capital outlay aid in the same percentage as current expense aid calculated pursuant to P.L. 1975, c. 212 (C. 18A:7A-1 et seq.) for a period of 10 years following the regionalization of the school district, subject to the provisions of section 4 of P.L. 1987, c. 266 (C. 18A:7A-27.1).

4. Section 4 of P.L. 1987, c. 266 (C. 18A:7A-27.1) is amended to read as follows:

C. 18A:7A-27.1 Additional State aid.

4. In addition to all other State aid, the first five districts that form a regional school district after November 24, 1986 shall be entitled to receive additional State aid as provided in N.J.S. 18A:58-7 and sections 18 and 19 of P.L. 1975, c. 212 (C. 18A:7A-18 and 18A:7A-19) as amended by this 1987 amendatory and supplementary act.

5. This act shall take effect immediately and shall be retroactive to November 24, 1986.

Approved October 27, 1988.

CHAPTER 142

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, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

1. In addition to the sums appropriated under P.L. 1987, c. 154, there is appropriated from the General Fund the following sum for the purpose specified:

STATE AID	
78 DEPARTMENT OF TRANSPORTATION	
60 Transportation Programs	
63 Local Highway Facilities-State Aid	
80-6220 County and Municipal	
Aid	\$90,000

State Aid:

Grant to Wayne township to
improve certain Department of
Transportation property along
old Route 23 (\$90,000)

2. This act shall take effect immediately.

Approved October 31, 1988.

CHAPTER 143

AN ACT concerning group insurance for county vocational schools,
supplementing P.L. 1983, c. 108 (C. 18A:18B-1 et seq.) and P.L.
1983, c. 372 (C. 40A:10-36 et seq.) and amending N.J.S.
18A:18A-42 and N.J.S. 40A:10-10.

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

C. 18A:18B-8 Joint insurance fund permitted.

1. In any county which has established an insurance fund pursuant to N.J.S. 40A:10-6 or is a member of a joint insurance fund pursuant to P.L. 1983, c. 372 (C. 40A:10-36 et seq.), the board of education of the county vocational school located within that county may, at the option of the board of education, enter into a contract with the governing body of the county or joint insurance fund to participate in the county insurance fund or a joint insurance fund as the case may be.

C. 18A:18B-9 Minimum contract terms.

2. Any contract entered into between the board and the governing body of the fund shall, at a minimum, specify the type and scope of coverage to be afforded, the premium basis for all insurance carried, and the terms and conditions for withdrawal by the board of education from the insurance fund.

C. 18A:18B-10 Current expense item.

3. A board of education which enters into a contract pursuant to this act is authorized to pay the premiums required by that contract and shall include the funds necessary for the payment of these premiums as a current expense item in the annual school budget prepared and submitted to the board of school estimate pursuant to N.J.S. 18A:54-28.

4. N.J.S. 18A:18A-42 is amended to read as follows:

Multiyear contracts.

18A:18A-42. Any board of education may enter into a contract exceeding the fiscal year for the:

a. Supplying of:

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

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

(3) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 20 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam; or

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

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

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

e. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school board insurance group, or participation in an insurance fund established by a county pursuant to N.J.S. 40A:10-6, or a joint insurance fund established pursuant to P.L. 1983, c. 372 (C. 40A:10-36 et seq.), for any term of not more than three years; or

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

g. Supplying of any product or the rendering of any service by

a telephone company which is subject to the jurisdiction of the Board of Public Utilities, for a term not exceeding five years; or

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

i. Driver education instruction conducted by private, licensed driver education schools, for any term not exceeding in the aggregate, three years; or

j. Performance of work or services or the furnishing of materials, supplies or equipment for the purpose of conserving energy in the buildings owned by any local board of education, the entire price of which shall be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; except that these contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Commerce, Energy and Economic Development pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), establishing a methodology for computing energy costs.

All multiyear leases and contracts entered into pursuant to this section 18A:18A-42, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school board insurance group, participation in an insurance fund established by a county pursuant to N.J.S. 40A:10-6 or contracts for thermal energy authorized pursuant to subsection a. above, and contracts for the performance of work or services or the furnishing of materials, supplies or equipment to promote energy conservation authorized pursuant to subsection j. of this section, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as

may be required to meet the extended obligation, or contain an annual cancellation clause.

5. N.J.S. 40A:10-10 is amended to read as follows:

Powers and authority of the commissioners.

40A:10-10. Powers and authority of the commissioners. The commissioners shall have the following powers and authority:

a. Employ necessary clerical assistants, whose compensation shall be fixed and paid by the governing body of the local unit in the same manner as is that of other employees of the local unit;

b. Invest the fund and all additions and accretions thereto in such securities as they shall deem best suited for the purposes of this article;

c. Adopt rules and regulations for the control and investment of the fund;

d. Keep on hand at all times sufficient money, or have the same invested in such securities as can be immediately sold for cash, for the payment of losses to any buildings or property of the local unit or of a county college which participates in the fund pursuant to P.L. 1988, c. 144 (C. 18A:64A-25.40 et al.) or of a county vocational school which participates in the fund pursuant to P.L. 1988, c. 143 (C. 18A:18B-8 et al.), or liability resulting from the operation of publicly owned motor vehicles, equipment or apparatus;

e. Fix reasonable rates of premium for all insurance carried by the insurance fund, and shall effect all insurance in the insurance fund or with any insurance company or companies authorized to do business in this State;

f. Premiums for insurance, whether carried in the insurance fund or placed with insurance companies, shall be paid to the commissioners by the board, commission, department, committee or officer having charge or control of the property insured;

g. All insurance upon property owned or controlled by a local unit or any of its departments, boards, agencies or commissions, or by a board of education of a participating county vocational school or by a board of trustees of a participating county college shall be placed and effected by the commissioners;

h. If provided by the rules and regulations of the commission, the secretary to the insurance fund commission shall be entrusted with

the daily operation of the insurance fund and shall submit a report to the commissioners at least once a month.

C. 40A:10-50 "Local unit" includes county vocational school.

6. For the purposes of the provisions of P.L. 1983, c. 372 (C. 40A:10-36 et seq.), "local unit" shall be deemed to include a county vocational school.

7. This act shall take effect immediately.

Approved November 1, 1988.

CHAPTER 144

AN ACT concerning groups insurance for county colleges, supplementing chapter 64A of Title 18A of New Jersey Statutes and P.L. 1983, c. 372 (C. 40A:10-36 et seq.), and amending P.L. 1982, c. 189 and N.J.S. 40A:10-10.

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

C. 18A:64A-25.40 Insurance fund participation authorized.

1. In any county which has established an insurance fund pursuant to N.J.S. 40A:10-6 or is a joint member of an insurance fund pursuant to P.L. 1983, c. 372 (C. 40A:10-36 et seq.), the board of trustees of a county college located within that county may, at the option of the board of trustees, enter into a contract with the governing body of the county or joint insurance fund to participate in the county insurance fund or a joint insurance fund.

C. 18A:64A-25.41 Contract requirements.

2. Any contract entered into between the board and the county governing body shall, at a minimum, specify the type and scope of coverage to be afforded, the premium basis for all insurance carried, the method of payment by the county college and the terms and conditions for withdrawal by the county college from the insurance fund.

C. 18A:64A-25.42 Appropriation of funds.

3. Funds for premiums required by the contract between the board of trustees and the governing body of the fund shall be appropriated and paid as set forth in the contract in the same manner as appropriations are made for other expenses of the county college.

4. Section 28 of P.L. 1982, c. 189 (C. 18A:64A-25.28) is amended to read as follows:

C. 18A:64A-25.28 Duration of certain contracts.

28. Duration of certain contracts. A county college may only enter into a contract exceeding 12 consecutive months for the:

a. Supplying of:

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

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

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

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

d. Data processing programs, systems and services or rental or lease of data processing equipment for any term of not more than five years; or

e. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management programs or related services provided by a county college insurance group, or participation in an insurance fund established by a county pursuant to N.J.S. 40A:10-6, for any term of not more than three years; or

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

g. Supplying of any product or rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, for a term not exceeding five years; or

h. The providing of food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias, for a term not exceeding three years; or

i. The performance of work or services or the furnishing of ma-

terials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not exceeding 10 years; provided that a contract is entered into only subject to and in accordance with rules and regulations adopted by the Department of Commerce, Energy and Economic Development establishing a methodology for computing energy cost savings; or

j. Any single project for the construction, reconstruction or rehabilitation of a public building, structure or facility, or a public works project including the retention of the services of an architect or engineer in connection with the project, for the length of time necessary for the completion of the actual construction; or

k. The management and operation of bookstores for a term not exceeding five years; or

l. Custodial or janitorial services for any term not exceeding in the aggregate three years.

All multi-year leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation and authorized pursuant to subsection i. of this section, and except contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a county college insurance group, and participation in an insurance fund established by a county pursuant to N.J.S. 40A:10-6 or a joint insurance fund established pursuant to P.L. 1983, c. 372 (C. 40A:10-36 et seq.), shall contain a clause making them subject to the availability and appropriation annually of sufficient funds to meet the extended obligation or contain an annual cancellation clause.

5. N.J.S. 40A:10-10 is amended to read as follows:

Powers and authority of the commissioners.

40A:10-10. Powers and authority of the commissioners. The commissioners shall have the following powers and authority:

a. Employ necessary clerical assistants, whose compensation shall be fixed and paid by the governing body of the local unit in the same manner as is that of other employees of the local unit;

b. Invest the fund and all additions and accretions thereto in such securities as they shall deem best suited for the purposes of this article;

c. Adopt rules and regulations for the control and investment of the fund;

d. Keep on hand at all times sufficient money, or have the same invested in such securities as can be immediately sold for cash, for the payment of losses to any buildings or property of the local unit or of a county vocational school which participates in the fund pursuant to P.L. 1988, c. 143 (C. 18A:18B-8 et al.) or of a county college which participates in the fund pursuant to P.L. 1988, c. 144 (C. 18A:64A-25.40 et al.), or liability resulting from the operation of publicly owned motor vehicles, equipment or apparatus;

e. Fix reasonable rates of premium for all insurance carried by the insurance fund, and shall effect all insurance in the insurance fund or with any insurance company or companies authorized to do business in this State;

f. Premiums for insurance, whether carried in the insurance fund or placed with insurance companies, shall be paid to the commissioners by the board, commission, department, committee or officer having charge or control of the property insured;

g. All insurance upon property owned or controlled by a local unit or any of its departments, boards, agencies or commissions, or by a board of education of a participating county vocational school or by a board of trustees of a participating county college shall be placed and effected by the commissioners;

h. If provided by the rules and regulations of the commission, the secretary to the insurance fund commission shall be entrusted with the daily operation of the insurance fund and shall submit a report to the commissioners at least once a month.

C. 40A:10-51 "Local unit" includes county college.

6. For the purpose of the provisions of P.L. 1983, c. 372 (C. 40A:10-36 et seq.), "local unit" shall be deemed to include a county college.

7. This act shall take effect immediately.

Approved November 1, 1988.

CHAPTER 145

AN ACT concerning county and municipal law enforcement officers, amending N.J.S. 40A:14-147 and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

1. N.J.S. 40A:14-147 is amended to read as follows:

Removal, suspension of police officer.

40A:14-147. Except as otherwise provided by law, no permanent member or officer of the police department or force shall be removed from his office, employment or position for political reasons or for any cause other than incapacity, misconduct, or disobedience of rules and regulations established for the government of the police department and force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment, or position therein, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such member or officer. Said complaint shall be filed in the office of the body, officer or officers having charge of the department or force wherein the complaint is made and a copy shall be served upon the member or officer so charged, with notice of a designated hearing thereon by the proper authorities, which shall be not less than 10 nor more than 30 days from date of service of the complaint.

A complaint charging a violation of the internal rules and regulations established for the conduct of a law enforcement unit shall be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The 45-day time limit shall not apply if an investigation of a law enforcement officer for a violation of the internal rules or regulations of the law enforcement unit is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State. The 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement of this paragraph for the filing of a complaint against an officer shall not apply to a filing of a complaint by a private individual.

A failure to comply with said provisions as to the service of the complaint and the time within which a complaint is to be filed shall require a dismissal of the complaint.

C. 40A:14-106a 45-day filing deadline.

2. A county law enforcement officer shall not be removed from the officer's employment or position, nor suspended, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of a law enforcement unit unless a complaint charging a violation of those rules and regulations is filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. A failure to comply with this section shall require a dismissal of the complaint. The 45-day time limit shall not apply if an investigation of a law enforcement officer for a violation of the internal rules and regulations of the law enforcement unit is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State. The 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement in this section for the filing of a complaint against an officer shall not apply to a filing of a complaint by a private individual.

3. This act shall take effect immediately.

Approved November 1, 1988.

CHAPTER 146

AN ACT appropriating funds from the Public Purpose Buildings Construction Fund for the planning, construction, reconstruction, development, erection, acquisition, extension, improvement, rehabilitation and equipping of public purpose buildings.

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

1. There is appropriated to the Department of Human Services from the "Public Purpose Buildings Construction Fund" created by the "New Jersey Public Purpose Buildings Construction Bond Act of 1980," P.L. 1980, c. 119, as amended by P.L. 1987, c. 275, and as approved by the voters at a general election held on November 3, 1987, the sum of \$10,000,000.00 for the following construction projects:

Division of Mental Health and Hospitals	
Renovations and improvements to	
Greystone Park Psychiatric Hospital-	
Abell Building	\$4,900,000.00
Dormitory Building	\$500,000.00
Mental health community grants-	
Greystone Park phase	
down program	\$4,600,000.00

2. There is also appropriated from the proceeds of the sale of the above mentioned bonds, such amounts as may be necessary to meet any expense incurred by the issuing officials under P.L. 1980, c. 119 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

3. The Director of the Division of Budget and Accounting in the Department of the Treasury shall make those corrections in the title or text, or both, of any appropriation item authorized under this act necessary to make the appropriation available for the purposes for which it was intended. The corrections shall be made by a written ruling which shall set forth an explanation of the need for correction and which shall be signed by the Director of the Division of Budget and Accounting and shall be filed by the director in his office as an official record. Any action pursuant to that ruling, including disbursement and the audit thereof, shall be legally binding and of full effect. 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.

4. In order to provide flexibility in administering the provisions of this act, the Commissioner of Human Services may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item or appropriation to any other item or appropriation within the respective department accounts. The transfer shall be made upon the written approval of the director and of the Joint Budget Oversight Committee, or its successor.

5. The Commissioner of Human Services shall report to the Senate Institutions, Health and Welfare Committee and General Assembly Health and Human Resources Committee, or their successors, on the status of the appropriation provided in this act six months from the effective date of this act and annually thereafter until all of the funds have been expended. The status report shall specify the

projects that are funded and the amounts of funds appropriated, obligated and expended for each project.

6. This act shall take effect immediately.

Approved November 3, 1988.

CHAPTER 147

AN ACT to provide hospital privileges for licensed dentists and supplementing chapter 6 of Title 45 of the Revised Statutes.

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

C. 45:6-19.5 Hospital privileges for dentists.

1. A licensed dentist whose credentials have been approved and who has been granted privileges by the medical staff of a public or private licensed hospital or other public or private institution in this State and who has been approved by the governing board of the hospital or institution may:

a. Diagnose and treat patients admitted for acute or chronic illness, injury or deformity within the province of the human jaw and associated structures and complete and authenticate medical records of patients admitted or treated for dental or oral and maxillofacial surgical problems; and

b. Prescribe medication and treatment for patients admitted for dental or oral and maxillofacial surgical problems.

A dentist, other than a qualified oral and maxillofacial surgeon, who performs one or more of the procedures set forth in this section shall arrange for appropriate medical consultation to be provided by a qualified physician member of the medical staff of the hospital or institution for a patient of the dentist.

C. 45:6-19.6 Additional authorized procedures.

2. In addition to the procedures authorized pursuant to section 1 of this act, an oral and maxillofacial surgeon may perform a history and physical examination on a patient admitted to a hospital for a dental or oral and maxillofacial surgical procedure, if the surgeon has successfully completed a postgraduate program in oral surgery accredited by a nationally recognized accrediting body approved by the United States Department of Education.

Whenever a qualified oral and maxillofacial surgeon admits a patient with a medical problem, he shall seek the consultative services of a qualified physician member of the medical staff.

Each patient's general medical condition is the responsibility of a qualified physician member of the medical staff.

3. This act shall take effect immediately.

Approved November 3, 1988.

CHAPTER 148

AN ACT enabling municipalities to establish urban homesteading programs and supplementing Title 52 of the Revised Statutes.

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

C. 40A:12-31 Short title.

1. This act shall be known and may be cited as the "Urban Homesteading Act."

C. 40A:12-32 Findings, declarations.

2. The Legislature finds and declares that:

a. There exists within this State a serious shortage of decent, safe, and sanitary dwelling units for persons of limited means, particularly in urban centers such as Newark, Irvington, Paterson, Trenton and Camden;

b. In those same centers in which the housing crisis is most severe, many residential properties have been acquired by municipalities because of their abandonment or the failure on the part of their owners to pay property taxes;

c. Owing to their abandonment and neglect, these structures are generally unsafe and unsound, posing a threat to local residents and undermining the stability of entire neighborhoods;

d. The already formidable demands placed upon these governments in attempting to maintain acceptable levels of municipal service in the face of declining assistance from higher levels of government are only exacerbated by the financial expense and administrative burden associated with the upkeep of this obsolescent municipal property;

e. Not only does the persistence of this urban ill seriously drain municipal coffers and undermine the physical and social fabric of our major urban centers, but it also represents a senseless waste of residential accommodation at a time when affordable housing is becoming increasingly scarce;

f. If municipalities were provided with greater flexibility in disposing of these municipally-owned residential buildings, they would thereby be assisted in diminishing the onerous burdens associated with property ownership under these circumstances, in recycling housing units which are so vital, and finally, in reversing the fortunes of neighborhoods which exist in the shadow of these abandoned, obsolescent, and unsafe structures;

g. It is therefore in the public interest and a valid public purpose for the Legislature to allow municipalities the discretion to dispose of these residential properties for limited consideration, through the establishment of urban homesteading programs, in order to facilitate their reuse and, equally, to encourage and promote the economic revitalization of this State's urban centers.

C. 40A:12-33 Definitions.

3. As used in this act:

a. "Application" means all information required by the municipality of an applicant in order to make a determination regarding the sale of in rem property;

b. "In rem property" means any residential property consisting of less than five dwelling units, to which a municipality has acquired title pursuant to the "In Rem Tax Foreclosure Act (1948)," P.L. 1948, c. 96 (C. 54:5-104.29 et seq.);

c. "Enforcing agency" means the enforcing agency in any municipality designated to administer and enforce the "State Uniform Construction Code Act" pursuant to section 8 of P.L. 1975, c. 217 (C. 52:27D-126), and regulations promulgated thereunder;

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

e. "Qualified applicant" or "applicant" means an applicant for an urban homestead who is at least 18 years of age upon application;

f. "Urban homesteader" means a person who has been granted title to an in rem property under the conditions set forth in this act;

g. "Urban homesteading agency" or "homesteading agency" means that governmental entity designated to administer the urban homesteading program pursuant to section 4 of this act; and

h. "Urban homesteading program" means the process by which title to in rem property is conveyed by a municipality to an urban homesteader.

C. 40A:12-34 Urban homesteading program.

4. a. A municipality may, by ordinance, establish an urban homesteading program. Any municipality which enacts such an ordinance shall designate in that ordinance an existing department of the municipality to serve as the urban homesteading agency.

b. Notwithstanding the provisions of P.L. 1971, c. 199 (C. 40A:12-1 et seq.) or any other law, rule or regulation to the contrary, any municipality which enacts an ordinance pursuant to subsection a. of this section may sell in rem property to a qualified applicant for a selling price of no less than the minimum purchase price set by ordinance and no more than the maximum purchase price set by ordinance; provided, however, that no property may be sold pursuant to this act unless the applicant makes a commitment to the municipality that he will fulfill the work entailed in the appraisal which is selected by the homesteading agency from among those submitted by the applicant under subsection d. of this section.

c. In order to be considered eligible to purchase an in rem property pursuant to this act, an applicant shall demonstrate, to the satisfaction of the homesteading agency, that the applicant has the financial means to purchase the property.

d. An ordinance establishing an urban homesteading program shall include reasonable standards for demonstration of financial means, a minimum time period during which the homesteader must occupy the premises, a specific time period within which rehabilitation of the premises must commence, an overall minimum and maximum purchase price for homestead properties to be transferred and penalties for not beginning rehabilitation within the specified time and for not fulfilling the residency commitment.

The ordinance shall also require an applicant who proposes to purchase an in rem property to include as part of the application to purchase that property three independent appraisals of that work

required in order to bring the property into conformance with all applicable State and local codes and shall include penalties for not fulfilling the work required in that appraisal selected by the homesteading agency. The appraisals shall set forth a detailed list of all materials required and the number of hours of labor required in order to perform all of the necessary tasks.

C. 40A:12-35 Certified list.

5. Within 30 days of the enactment of an ordinance establishing an urban homesteading program and designating the urban homesteading agency, the tax collector shall submit to the homesteading agency a certified list of all in rem properties within the municipality. At least quarterly thereafter, the tax collector shall review and update that certified list and report any changes in the number of in rem properties to the urban homesteading agency.

C. 40A:12-36 Notice; procedures.

6. a. Upon receiving the list of in rem properties in the municipality pursuant to section 5 of this act, the urban homesteading agency shall publish at least twice a notice in a newspaper having general circulation in the county in which the property which is suitable for rehabilitation is available. The notice shall contain the following information: (1) that certain in rem property is available for acquisition; (2) that in order to be considered eligible to acquire the property, applicants must fulfill criteria which are set forth in the notice; (3) the procedures for applying for an urban homestead; and (4) the deadline for submitting the application. The second notice shall be published not less than two weeks before the application deadline.

b. Within 30 days after the application deadline, the urban homesteading agency shall recommend to the governing body the transfer of in rem property to qualified applicants who have demonstrated their ability to acquire the necessary financial and technical resources to rehabilitate, own and manage urban homestead property under the terms and conditions set forth in section 4 of this act and under any other conditions determined by the homesteading agency.

C. 40A:12-37 Contract provisions.

7. The transfer of the urban homesteading property to the applicant selected pursuant to section 6 of this act shall be made pursuant to a contract of sale and rehabilitation between the municipality and the transferee which shall provide, among other things, that (1) the property transferred shall be rehabilitated for residential use and be brought into and maintained in conformity with all applicable State

and local codes; (2) the rehabilitation shall commence and be completed within the time period specified in the ordinance; and (3) representatives of the urban homesteading agency, the municipality, and, where State or federal assistance is involved, representatives of State or federal governments shall have access to the property during normal business hours for the purpose of inspecting to ensure compliance with the provisions of this section.

C. 40A:12-38 Filing of ordinance.

8. Within 30 days following the enactment of an ordinance establishing an urban homesteading program, the municipal clerk shall file a copy of the ordinance with the Director of the Division of Local Government Services and the Director of the Division of Housing and Development of the Department of Community Affairs.

9. This act shall take effect immediately.

Approved November 4, 1988.

CHAPTER 149

A SUPPLEMENT to "An Act making appropriations for the support of the State government and the several public purposes for the fiscal year ending June 30, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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

1. In addition to the sums appropriated under P.L. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

50 Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050 Community Resources	\$40,000*

State Aid:

Grant to Athletes	(\$40,000)*

2. This act shall take effect immediately.

Approved November 4, 1988.

*Reduced by line-item veto of Governor. See statement following.

Statement to Chapter 149
(Assembly Bill No. 2462)

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Assembly Bill No. 2462 at the time of signing it my statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill would appropriate \$50,000 through the Department of Community Affairs to assist in sending New Jersey wheelchair athletes to the 1988 Paralympics scheduled to be held in Seoul, Korea later this month.

I am informed by those involved with disabled athletes in New Jersey that wheelchair athletes need approximately \$25,000 in State assistance to be able to go to Korea. They have already raised a significant amount of money on their own for this worthy endeavor. I am also informed that several other disabled New Jerseyans are scheduled to travel to Korea for the Paralympics, at an additional cost of approximately \$15,000. I believe that they also should be helped by the State. Because the combined total of \$40,000 for all of those who intend to go is less than the \$50,000 appropriated by this bill, I am recommending a reduction in this appropriation to \$40,000.

I am sure that these New Jerseyans will represent the State well in Korea, as did the young New Jerseyans who competed at the 1988 Summer Olympic Games for the United States.

Accordingly, I herewith append the following statement of objections to the sums, or parts thereof, appropriated by this bill.

<u>Page 1, Section 1, Line 17:</u>	Delete "\$50,000" insert "\$40,000"
<u>Page 1, Section 1, Line 19:</u>	Delete "Wheelchair"; delete "\$50,000" insert "\$40,000"

Respectfully,
Thomas H. Kean
Governor

CHAPTER 150

AN ACT appropriating \$22,683,531.37 from the Energy Conservation Fund for the purpose of financing the cost of energy conservation renovations in public buildings.

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

1. There is appropriated to the Department of Commerce, Energy and Economic Development, Division of Energy Planning and Conservation, from the "Energy Conservation Fund" created pursuant to section 14 of the "Energy Conservation Bond Act of 1980," P.L. 1980, c. 68, the sum of \$22,683,531.37 for the purpose of financing the cost of energy conservation renovations in public buildings.
2. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P.L. 1980, c. 68.
3. The cost of determining program operating costs in support of bond fund applicants for feasibility analysis, technical assistance, preapplication aid, and compliance monitoring in any one year shall not exceed \$250,000.00, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury and the Legislative Budget and Finance Officer.
4. This act shall take effect immediately.

Approved November 9, 1988.

CHAPTER 151

AN ACT concerning revenues received from the sale or lease of a school district's real property and supplementing Chapter 22 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:22-8.4 Revenue disposition.

1. Revenues received from the sale or lease of a school district's real property may be placed in either the current expense or capital outlay account of a school district's budget, except that revenues placed in a capital outlay account shall be earmarked and used

exclusively for a capital project or major capital improvement designated by the board.

C. 18A:22-8.5 Voter approval.

2. Prior to the expenditure for a capital project of revenues received from the sale or lease of a school district's real property, the board of education of a type II school district shall submit the question of the expenditure of these revenues to the voters of the school district for their approval or disapproval and shall receive approval for the expenditure. The question shall describe the project and the cost of that project, and shall indicate those funds which are already available to the district to meet that cost.

3. This act shall take effect immediately.

Approved November 9, 1988.

CHAPTER 152

AN ACT directing the Office of Highway Traffic Safety in the Department of Law and Public Safety to conduct a study on the safety of using seat belts in certain public school transportation vehicles and making an appropriation.

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

1. The Office of Highway Traffic Safety in the Department of Law and Public Safety shall conduct or cause to be conducted a study on the safety of the use of lap seat belts in all Type I and Type II school vehicles as defined pursuant to R.S. 39:1-1.

This study shall include:

- a. A comprehensive review of crash testing research;
- b. Commentary and supportive opinion on the accuracy and reliability of the current body of research including but not limited to the 1984 Transport Canada crash testing study which was conducted by Arvin Calspan Industries of Buffalo, New York;
- c. The efficacy of the United States Department of Transportation's Highway Safety Manual volume 17, also known as "Standard 17"; and

d. Recommendations as to the required use of lap type seat belts for large Type I school buses and smaller Type II school vehicles.

2. Within nine months of the effective date of this act, the Office of Highway Traffic Safety in the Department of Law and Public Safety shall make a report of its findings and recommendations thereon to the Legislature, the United States Department of Transportation's National Highway Traffic Safety Administration, the National Transportation Safety Board and the National Safety Council.

3. Prior to submission of the report pursuant to section 2 of this act, a preliminary report by the Office of Highway Traffic Safety in the Department of Law and Public Safety shall be reviewed by the Department of Transportation and the Department of Education. Commentary and supportive opinion by the Department of Transportation and the Department of Education shall be included in the report submitted.

4. There is appropriated from the General Fund to the Department of Law and Public Safety \$35,000.00 to effectuate the purposes of this act.

5. This act shall take effect immediately.

Approved November 9, 1988.

CHAPTER 153

AN ACT concerning matrimonial action and revising parts of the statutory law.

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

1. N.J.S. 2A:34-13 is amended to read as follows:

Action by 16-year-old.

2A:34-13. A person who has attained the age of 16 years may prosecute or defend any matrimonial action in person or by attorney.

2. N.J.S. 2A:34-21 is amended to read as follows:

Assumption of any surname.

2A:34-21. The court, upon or after granting a divorce from the bonds of matrimony to either spouse, may allow either spouse to

resume any name used by the spouse before the marriage, or to assume any surname.

3. N.J.S. 2A:34-23 is amended to read as follows:

Alimony, maintenance; child support.

2A:34-23. Pending any matrimonial action brought in this State or elsewhere, or after judgment of divorce or maintenance, whether obtained in this State or elsewhere, the court may make such order as to the alimony or maintenance of the parties, and also as to the care, custody, education and maintenance of the children, or any of them, as the circumstances of the parties and the nature of the case shall render fit, reasonable and just, and require reasonable security for the due observance of such orders, including, but not limited to, the creation of trusts or other security devices, to assure payment of reasonably foreseeable medical and educational expenses. Upon neglect or refusal to give such reasonable security, as shall be required, or upon default in complying with any such order, the court may award and issue process for the immediate sequestration of the personal estate, and the rents and profits of the real estate of the party so charged, and appoint a receiver thereof, and cause such personal estate and the rents and profits of such real estate, or so much thereof as shall be necessary, to be applied toward such alimony and maintenance as to the said court shall from time to time seem reasonable and just; or the performance of the said orders may be enforced by other ways according to the practice of the court. Orders so made may be revised and altered by the court from time to time as circumstances may require.

The court may order one party to pay a retainer on behalf of the other for expert and legal services when the respective financial circumstances of the parties make the award reasonable and just. In considering an application, the court shall review the financial capacity of each party to conduct the litigation and the criteria for award of counsel fees that are then pertinent as set forth by court rule. Whenever any other application is made to a court which includes an application for pendente lite or final award of counsel fees, the court shall determine the appropriate award for counsel fees, if any, at the same time that a decision is rendered on the other issue then before the court and shall consider the factors set forth in the court rule on counsel fees, the financial circumstances of the parties, and the good or bad faith of either party.

a. In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed,

the court in those cases not governed by court rule shall consider, but not be limited to, the following factors:

- (1) Needs of the child;
- (2) Standard of living and economic circumstances of each parent;
- (3) All sources of income and assets of each parent;
- (4) Earning ability of each parent, including educational background, training, employment skills, work experience, custodial responsibility for children including the cost of providing child care and the length of time and cost of each parent to obtain training or experience for appropriate employment;
- (5) Need and capacity of the child for education, including higher education;
- (6) Age and health of the child and each parent;
- (7) Income, assets and earning ability of the child;
- (8) Responsibility of the parents for the court-ordered support of others;
- (9) Reasonable debts and liabilities of each child and parent; and
- (10) Any other factors the court may deem relevant.

b. In all actions brought for divorce, divorce from bed and board, or nullity the court may award permanent or rehabilitative alimony or both to either party, and in so doing shall consider, but not be limited to, the following factors:

- (1) The actual need and ability of the parties to pay;
- (2) The duration of the marriage;
- (3) The age, physical and emotional health of the parties;
- (4) The standard of living established in the marriage and the likelihood that each party can maintain a reasonably comparable standard of living;
- (5) The earning capacities, educational levels, vocational skills, and employability of the parties;
- (6) The length of absence from the job market and custodial responsibilities for children of the party seeking maintenance;

(7) The time and expense necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment, the availability of the training and employment, and the opportunity for future acquisitions of capital assets and income;

(8) The history of the financial or non-financial contributions to the marriage by each party including contributions to the care and education of the children and interruption of personal careers or educational opportunities;

(9) The equitable distribution of property ordered and any payouts on equitable distribution, directly or indirectly, out of current income, to the extent this consideration is reasonable, just and fair; and

(10) Any other factors which the court may deem relevant.

When a share of a retirement benefit is treated as an asset for purposes of equitable distribution, the court shall not consider income generated thereafter by that share for purposes of determining alimony.

In any case in which there is a request for an award of rehabilitative or permanent alimony, the court shall consider and make specific findings on the evidence about the above factors.

An award of rehabilitative alimony may be modified based either upon changed circumstances, or upon the nonoccurrence of circumstances that the court found would occur at the time of the rehabilitative award. This section is not intended to preclude a court from modifying permanent alimony awards based upon the law. In all actions for divorce other than those where judgment is granted solely on the ground of separation the court may consider also the proofs made in establishing such ground in determining an amount of alimony or maintenance that is fit, reasonable and just. In all actions for divorce or divorce from bed and board where judgment is granted on the ground of institutionalization for mental illness the court may consider the possible burden upon the taxpayers of the State as well as the ability of the party to pay in determining an amount of maintenance to be awarded.

In all actions where a judgment of divorce or divorce from bed and board is entered the court may make such award or awards to the parties, in addition to alimony and maintenance, to effectuate an equitable distribution of the property, both real and personal, which

was legally and beneficially acquired by them or either of them during the marriage. However, all such property, real, personal or otherwise, legally or beneficially acquired during the marriage by either party by way of gift, devise, or intestate succession shall not be subject to equitable distribution, except that interspousal gifts shall be subject to equitable distribution.

C. 2A:34-23.1 Equitable distribution criteria.

4. In making an equitable distribution of property, the court shall consider, but not be limited to, the following factors:

- a. The duration of the marriage;
- b. The age and physical and emotional health of the parties;
- c. The income or property brought to the marriage by each party;
- d. The standard of living established during the marriage;
- e. Any written agreement made by the parties before or during the marriage concerning an arrangement of property distribution;
- f. The economic circumstances of each party at the time the division of property becomes effective;
- g. The income and earning capacity of each party, including educational background, training, employment skills, work experience, length of absence from the job market, custodial responsibilities for children, and the time and expense necessary to acquire sufficient education or training to enable the party to become self-supporting at a standard of living reasonably comparable to that enjoyed during the marriage;
- h. The contribution by each party to the education, training or earning power of the other;
- i. The contribution of each party to the acquisition, dissipation, preservation, depreciation or appreciation in the amount or value of the marital property, as well as the contribution of a party as a homemaker;
- j. The tax consequences of the proposed distribution to each party;
- k. The present value of the property;
- l. The need of a parent who has physical custody of a child to own or occupy the marital residence and to use or own the household effects;

- m. The debts and liabilities of the parties;
- n. The need for creation, now or in the future, of a trust fund to secure reasonably foreseeable medical or educational costs for a spouse or children; and
- o. Any other factors which the court may deem relevant.

In every case, the court shall make specific findings of fact on the evidence relevant to all issues pertaining to asset eligibility or ineligibility, asset valuation, and equitable distribution, including specifically, but not limited to, the factors set forth in this section.

It shall be a rebuttable presumption that each party made a substantial financial or nonfinancial contribution to the acquisition of income and property while the party was married.

Title amended.

5. The title of P.L. 1954, c. 187 (C. 2A:34-24.1) is amended to read as follows:

An act concerning the support and maintenance of spouse and children and supplementing chapter 34 of Title 2A of the New Jersey Statutes.

6. Section 1 of P.L. 1954, c. 187 (C. 2A:34-24.1) is amended to read as follows:

C. 2A:34-24.1 Absence of personal jurisdiction.

1. When a spouse has secured a judgment or decree of divorce, whether absolute or from bed and board, or of nullity or annulment of marriage, in an action whether brought in this State or elsewhere, wherein jurisdiction over the person of the other spouse was not obtained, the court may make the same orders and judgments touching the suitable support and maintenance to be paid and provided by the spouse, or to be made out of the spouse's property, for the other spouse and their children, or any of them, by their marriage and for such time, as the nature of the case and circumstances of the parties render suitable and proper, pursuant to the provisions of chapter 34 of Title 2A of the New Jersey Statutes notwithstanding the securing of such judgment or decree.

7. N.J.S. 2A:34-25 is amended to read as follows:

Termination of alimony.

2A:34-25. If after the judgment of divorce a former spouse shall remarry, permanent alimony shall terminate as of the date of remarriage except that any arrearages that have accrued prior to the date

of remarriage shall not be vacated or annulled. The remarriage of a former spouse receiving rehabilitative alimony shall not be cause for termination of the rehabilitative alimony by the court unless the court finds that the circumstances upon which the award was based have not occurred or unless the payer spouse demonstrates an agreement or good cause to the contrary.

Alimony shall terminate upon the death of the payer spouse, except that any arrearages that have accrued prior to the date of the payer spouse's death shall not be vacated or annulled.

Nothing in this act shall be construed to prohibit a court from ordering either spouse to maintain life insurance for the protection of the former spouse or the children of the marriage in the event of the payer spouse's death.

8. N.J.S. 2A:34-26 is amended to read as follows:

Attachment of property.

2A:34-26. When a spouse cannot be found within this State to be served with process, the spouse's estate, property and effects within this State and the rents and profits thereof may be attached to compel the spouse's appearance and performance of any judgment or order which may be made in the action. Where the proceedings are by process of attachment and the defendant does not appear, the judgment shall be enforceable only out of and against the property attached.

9. This act shall take effect on September 1, 1988, and shall apply only to orders and judgments entered after that date.

Approved November 14, 1988.

CHAPTER 154

AN ACT to revise the kosher food law, supplementing chapter 21 of Title 2C of the New Jersey Statutes and repealing section 23B of P.L. 1981, c. 290.

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

C. 2C:21-7.2 Definitions.

1. As used in this act:

a. "Advertise" means engaging in promotional activities including, but not limited to, newspaper, radio and television advertising; the distribution of fliers and circulars; and the display of window and interior signs.

b. "Food," "food product," or "food commodity" means any food, food product or food preparation, whether raw or prepared for human consumption, and whether in a solid or liquid state, including, but not limited to, any meat, meat product or meat preparation; any milk, milk product or milk preparation; and any alcoholic or non-alcoholic beverage.

c. "Food commodity in package form" means a food commodity put up or packaged in any manner in advance of sale in units suitable for retail sale and which is not intended for consumption at the point of manufacture.

d. "Kosher" means prepared under and maintained in strict compliance with the laws and customs of the Orthodox Jewish religion and includes foods prepared for the festival of Passover and represented to be "kosher for Passover."

C. 2C:21-7.3 False representation.

2. a. A false representation prohibited by this act shall include any oral or written statement that directly or indirectly tends to deceive or otherwise lead a reasonable individual to believe that a non-kosher food or food product is kosher.

b. The presence of any non-kosher food or food product in any place of business that advertises or represents itself in any manner as selling, offering for sale, preparing or serving kosher food or food products only, is presumptive evidence that the person in possession offers the same for sale in violation of this act.

c. It shall be a complete defense to a prosecution under this act that the defendant relied in good faith upon the representations of a slaughterhouse, manufacturer, processor, packer or distributor, or any person or organization which certifies or represents any food or food product at issue to be kosher, kosher for Passover, or as having been prepared under or sanctioned by Orthodox Jewish religious requirements.

C. 2C:21-7.4 Disorderly persons offense.

3. A person commits a disorderly persons offense if in the course of business he:

a. (1) Falsely represents any food sold, prepared, served or offered for sale to be kosher or kosher for Passover;

(2) Removes or destroys, or causes to be removed or destroyed, the original means of identification affixed to food commodities to indicate that same are kosher or kosher for Passover, except that this paragraph shall not be construed to prevent the removal of the identification if the commodity is offered for sale as non-kosher; or

(3) Sells, disposes of or has in his possession for the purpose of resale as kosher any food commodity to which a slaughterhouse plumba, mark, stamp, tag, brand, label or other means of identification has been fraudulently attached.

b. (1) Labels or identifies a food commodity in package form to be kosher or kosher for Passover or possesses such labels or means of identification, unless he is the manufacturer or packer of the food commodity in package form;

(2) Labels or identifies an article of food not in package form to be kosher or kosher for Passover or possesses such labels or other means of identification, unless he is the manufacturer of the article of food;

(3) Falsely labels any food commodity in package form as kosher or kosher for Passover by having or permitting to be inscribed on it, in any language, the words "kosher" or "kosher for Passover," "parve," "glatt," or any other words or symbols which would tend to deceive or otherwise lead a reasonable individual to believe that the commodity is kosher or kosher for Passover; or

(4) Labels any food commodity in package form by having or permitting to be inscribed on it the words "kosher-style," "kosher-type," "Jewish," or "Jewish-style," unless the product label also displays the word "non-kosher" in letters at least as large and in close proximity.

c. (1) Sells, offers for sale, prepares, or serves in or from the same place of business both unpackaged non-kosher food and unpackaged food he represents to be kosher unless he posts a window sign at the entrance of his establishment which states in block letters at least four inches in height: "Kosher and Non-Kosher Foods Sold Here," or "Kosher and Non-Kosher Foods Served Here," or a statement of similar import; or

(2) Employs any Hebrew word or symbol in any advertising of any food offered for sale or place of business in which food is prepared,

whether for on-premises or off-premises consumption, unless the advertisement also sets forth in conjunction therewith and in English, the words "We Sell Kosher Food Only," "We Sell Both Kosher and Non-Kosher Foods," or words of similar import, in letters of at least the same size as the characters used in Hebrew. For the purpose of this paragraph, "Hebrew symbol" means any Hebrew word, or letter, or any symbol, emblem, sign, insignia, or other mark that simulates a Hebrew word or letter.

d. (1) Displays for sale in the same show window or other location on or in his place of business, both unpackaged food represented to be kosher and unpackaged non-kosher food, unless he:

(a) displays over the kosher and non-kosher food signs that read, in clearly visible block letters, "kosher food" and "non-kosher food," respectively, or, as to the display of meat alone, "kosher meat" and "non-kosher meat," respectively;

(b) separates the kosher food products from the non-kosher food products by keeping the products in separate display cabinets, or by segregating kosher items from non-kosher items by use of clearly visible dividers; and

(c) slices or otherwise prepares the kosher food products for sale with utensils used solely for kosher food items;

(2) Prepares or serves any food as kosher whether for consumption in his place of business or elsewhere if in the same place of business he also prepares or serves non-kosher food, unless he:

(a) uses and maintains separate and distinctly labeled or marked dishes and utensils for each type of food; and

(b) includes in clearly visible block letters the statement "Kosher and Non-Kosher Foods Prepared and Sold Here" in each menu or sign used or posted on the premises or distributed or advertised off the premises;

(3) Sells or has in his possession for the purpose of resale as kosher any food commodity not having affixed thereto the original slaughterhouse plumba, mark, stamp, tag, brand, label or other means of identification employed to indicate that the food commodity is kosher or kosher for Passover; or

(4) Sells or offers for sale, as kosher, any fresh meat or poultry that is identified as "soaked and salted," unless (a) the product has in fact been soaked and salted in a manner which makes it kosher;

and (b) the product is marked "soaked and salted" on the package label or, if the product is not packaged, on a sign prominently displayed in conjunction with the product. For the purpose of this paragraph, "fresh meat or poultry" shall mean meat and poultry that has not been processed except for salting and soaking.

Repealer.

4. Section 23B of P.L. 1981, c. 290 (C. 2C:21-7.1) is repealed.
 5. This act shall take effect on the 90th day after enactment.
- Approved November 14, 1988.

CHAPTER 155

AN ACT concerning the protection of shareholder rights and amending P.L. 1986, c. 74.

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

1. Section 6 of P.L. 1986, c. 74 (C. 14A:10A-6) is amended to read as follows:

C. 14A:10A-6 Exemptions.

6. a. Unless the certificate of incorporation provides otherwise, the provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder if the resident domestic corporation did not have a class of voting stock registered or traded on a national securities exchange or registered with the Securities and Exchange Commission pursuant to section 12(g) of the Exchange Act, 48 Stat. 892 (15 U.S.C. §781) on that interested stockholder's stock acquisition date.

b. Unless the certificate of incorporation provides otherwise the provisions of this act shall not apply to any business combination with an interested stockholder who was an interested stockholder prior to the effective date of this act unless subsequent thereto that interested stockholder increased his or its interested stockholder's proportion of the voting power of the resident domestic corporation's outstanding voting stock to a proportion in excess of the proportion of voting power that interested stockholder held prior to the effective date of this act.

- c. (Deleted by amendment, P.L. 1987, c. 380.)

d. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which became an interested stockholder inadvertently, if such interested stockholder (1) as soon as practicable divests itself or himself of a sufficient amount of the voting stock of that resident domestic corporation so that he or it no longer is the beneficial owner, directly or indirectly, of 10% or more of the voting power of the outstanding voting stock of that corporation, or a subsidiary of that resident domestic corporation, and (2) would not at any time within the five-year period preceding the announcement date with respect to that business combination have been an interested stockholder but for that inadvertent acquisition.

e. The provisions of this act shall not apply to any business combination of a resident domestic corporation which is a "bank holding company" as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133 (12 U.S.C. §1841 et seq.) as amended, or a subsidiary of the bank holding company with an interested stockholder of that resident domestic corporation.

f. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which, prior to August 5, 1986, became the beneficial owner of more than 50% of the voting power of the outstanding voting stock of that resident domestic corporation by reason of a purchase of voting stock directly from that resident domestic corporation in a transaction approved by the board of directors of that resident domestic corporation, provided that, at the time of the approval, none of the directors of the resident domestic corporation was an employee, officer, director, shareholder, affiliate or associate of the interested stockholder.

g. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which became an interested stockholder on or after August 5, 1986 and before January 1, 1987.

2. This act shall take effect immediately.

Approved November 14, 1988.

CHAPTER 156

AN ACT concerning private passenger automobile insurance, and revising various parts of the statutory law.

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

1. Section 25 of P.L. 1983, c. 65 (C. 17:30E-13) is amended to read as follows:

C. 17:30E-13 Territorial base rates.

25. Notwithstanding the provisions of section 7 of P.L. 1983, c. 65 (C. 17:29A-36), the rates used by the association shall be as follows:

a. On January 1, 1989, the territorial base rates used by the association for policies issued or renewed following that date for qualified applicants or association insureds who, for the three years preceding the date of issuance or renewal, (1) have been convicted of two or more moving violations, or have received four or more motor vehicle points, whichever is less; or (2) have had one or more at-fault accidents shall be adjusted by the commissioner so that they exceed the territorial base rates under the rating plan for standard insureds which is used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State by 10%. Qualified applicants or association insureds who have not had such accidents or moving violations or motor vehicle points in the three years preceding the issuance or renewal shall be rated under the rating plan for standard insureds which is used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State.

b. On January 1, 1990, the territorial base rates used by the association for policies issued or renewed following that date for qualified applicants or association insureds who, for the three years preceding the date of issuance or renewal, (1) have been convicted of two or more moving violations, or have received four or more motor vehicle points, whichever is less; or (2) have had one or more at-fault accidents shall be adjusted by the commissioner so that they exceed the territorial base rates under the rating plan for standard insureds which is used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State by 20%, unless the

commissioner reduces the amount of the rate increase based on his certification as to the needs of the association on that date. Qualified applicants or association insureds who have not had such accidents or moving violations or motor vehicle points in the three years preceding the issuance or renewal shall be rated under the rating plan for standard insureds which is used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State.

c. On January 1, 1991, the territorial base rates used by the association for policies issued or renewed following that date for qualified applicants or association insureds who, for the three years preceding the date of issuance or renewal, (1) have been convicted of two or more moving violations, or have received four or more motor vehicle points, whichever is less; or (2) have had one or more at-fault accidents shall be adjusted by the commissioner so that they exceed the territorial base rates under the rating plan for standard insureds which is used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State by 30%, unless the commissioner reduces the amount of the rate increase based on his certification as to the needs of the association on that date. Qualified applicants or association insureds who have not had such accidents or moving violations or motor vehicle points in the three years preceding the issuance or renewal shall be rated under the rating plan for standard insureds which is used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State.

d. On January 1, 1992, the territorial base rates used by the association for policies issued or renewed following that date for qualified applicants or association insureds who, for the three years preceding the date of issuance or renewal, (1) have been convicted of two or more moving violations, or have received four or more motor vehicle points, whichever is less; or (2) have had one or more at-fault accidents shall be adjusted by the commissioner so that they exceed the territorial base rates under the rating plan for standard insureds which is used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State by 40%, unless the commissioner reduces the amount of the rate increase based on his certification as to the needs of the association on that date. Qualified applicants or association insureds who have not had such accidents or moving violations or motor vehicle points in the three years preced-

ing the issuance or renewal shall be rated under the rating plan for standard insureds which is used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State.

e. On January 1, 1993, the commissioner shall direct the board to prepare, adopt and file with the commissioner rates which are based upon past and prospective loss experience of the risks underwritten by the association and the expenses attendant thereto, and which maintain the association on a self-sustaining basis. The commissioner shall approve or disapprove the rates filed by the board pursuant to the provisions of P.L. 1944, c. 27 (C. 17:29A-1 et seq.).

Nothing contained in this subsection shall be deemed to affect the commissioner's ability to continue to maintain any flat charges (also known as flat capitation fees or policy constants) pursuant to section 1 of P.L. 1984, c. 1 (C. 17:29A-37.1) or any residual market equalization charge pursuant to section 20 of P.L. 1983, c. 65 (C. 17:30E-8) approved on or before 48 months following the effective date of this 1988 amendatory and supplementary act.

f. Nothing contained in subsections a. through e. of this section shall operate to cause the rates charged by the association to result in revenues to the association which exceed the needs of the association in meeting its obligations and expenses.

g. The commissioner may order the adjustment of association rates in any territory in which the relationship between the rates used by the association and the rates used by insurers in the standard voluntary market is such that the voluntary market is adversely affected.

h. The commissioner may order the establishment of association rates which are higher than the rates which are otherwise provided for by this section, which rates would be applicable to certain drivers, based on their accident or violation records. The rates applicable to these drivers shall be established additively to the rates otherwise authorized for the use of the association, shall be spread equably across all classes and territories and may, at the discretion of the commissioner, vary as to the extent of the at-fault accident or violation records of the drivers.

2. Section 22 of P.L. 1988, c. 119 (C. 17:30E-13.1) is amended to read as follows:

C. 17:30E-13.1 Collision, comprehensive coverage rates.

22. Notwithstanding any other provision of law to the contrary, within 60 days of the effective date of this section, the board of directors of the association shall establish rates for collision and comprehensive coverages based on the past and prospective loss experience of the association for those coverages, which shall be filed for approval by the commissioner pursuant to P.L. 1944, c. 27 (C. 17:29A-1 et seq.). Any and all proceedings relating to a filing made pursuant to this section shall be completed on an expedited basis no later than 30 days after the date of the filing, and upon terms and conditions established by the commissioner. The rates so established shall, upon their approval by the commissioner, be applied to all qualified applicants and association insureds who, for the three years preceding the date of the approval by the commissioner, (1) have been convicted of two or more moving violations, or have received four or more motor vehicle points, whichever is less; or (2) have had one or more at-fault accidents.

3. Section 23 of P.L. 1988, c. 119 (C. 17:30E-6.1) is amended to read as follows:

C. 17:30E-6.1 Association data bank.

23. a. The board shall, within 60 days following the effective date of this 1988 amendatory and supplementary act, contract for the establishment of an association data bank to facilitate the dissemination of information regarding association risks to all insurers transacting the business of private passenger automobile insurance in the voluntary market.

b. The board shall establish the type of information which may be made available to insurers, which may include, but not be limited to, the name, address, and classification of the insured, a description of the vehicle, the loss history of the insured, the limits of coverage on the policy, and the producer of record.

c. The board shall make this data available to all insurers writing private passenger automobile insurance in the voluntary market in a nondiscriminatory manner to facilitate the insurers' depopulation of the association.

d. The establishment of this data bank may be incorporated in the plan of operation of the association, but it shall not require the approval of the commissioner. The data bank shall be fully operational within five months of the effective date of this section.

4. 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.

10. The Commissioner of Insurance shall, within 90 days after the effective date of this 1988 amendatory and supplementary act, 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 required to be made under the personal injury protection coverage provided for in section 4 of P.L. 1972, c. 70 (C. 39:6A-4). These fee schedules shall be promulgated on the basis of the type of service provided, and shall be reviewed biannually by the commissioner.

C. 17:29A-44 Maximum annual 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.

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.

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. A rating plan may include a good driver discount plan. 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.).

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 consistently 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 or insured not conforming with the underwriting rules will be refused insurance or be nonrenewed.

c. Affiliated insurers shall not adopt underwriting rules for automobile insurance contracts providing identical coverages which would permit a person to be insured for automobile insurance with more than one of the affiliated insurers.

d. An insurer with more than one rating plan for automobile insurance contracts providing identical coverages shall not adopt underwriting rules which would permit a person to be insured under more than one of the rating plans.

C. 17:29A-47 Reasons for refusal.

8. Every insurer which refuses an application for automobile insurance shall inform the applicant of the reasons for the refusal in writing, and shall include a statement as to whether the applicant may qualify for insurance from an affiliate of the insurer.

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

C. 17:29A-35 Merit Rating Plan.

6. a. A merit rating accident surcharge system for private passenger automobiles may be used both in the voluntary market and by the New Jersey Automobile Full Insurance Underwriting Association created pursuant to section 16 of P.L. 1983, c. 65 (C. 17:30E-4). No surcharges 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 para-

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

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

(2) Plan surcharges shall be levied for convictions (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 subsection d. of this section and P.L. 1983, c. 65 (C. 17:29A-33 et al.), and may, pursuant to regulation, permit the deferral of all or any part of these surcharges as provided in paragraph (1)(a) of this subsection.

If, upon written notification from the Division of Motor Vehicles, mailed to the last address of record with the division, a driver fails to pay a surcharge levied under this subsection, the license of the driver shall be suspended forthwith until the surcharge is paid to the Division of Motor Vehicles; except that upon satisfactory showing of indigency, the Division of Motor Vehicles may authorize payment of the surcharge on an installment basis over a period not to exceed 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 and turned over to the State Treasury for deposit in a special account to be used by the Division of Motor Vehicles, as may be necessary, to modernize its operations and improve its effectiveness and efficiency in order to discharge its statutory obligations and the remainder shall be remitted to the New Jersey Automobile Full Insurance Underwriting Association. Any moneys in the special account at the end of a fiscal year shall be transferred to the General Fund for use for general State purposes. Moneys shall be appropriated annually to the special account.

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

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

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

10. The commissioner shall cause to have an independent full financial and operational audit made of the association. The audit shall include the servicing operations conducted by its servicing carriers, including, but not limited to, the claims handling practices of those carriers. The audit shall be completed and a report made to the Legislature no later than February 15, 1989.

C. 17:30E-17.1 Violation by servicing carrier.

11. If any servicing carrier is determined to have knowingly violated the plan of operation, or any rule of practice or guideline which has been established in connection therewith, with respect to the handling of claims or the underwriting of the policies of the association, or if a servicing carrier has been determined to have overcharged the association with respect to servicing carrier compensation, the servicing carrier shall repay any money owed to the association within 15 business days of notification by the association that such money is due, or shall pay the association interest on the money due at a rate determined by the commissioner. If the servicing carrier is determined to have willfully violated the plan of operation, or any rule of practice or guideline which has been established in connection therewith, with respect to the handling of claims or the underwriting of the policies of the association, or has willfully overcharged with

respect to servicing carrier compensation, the servicing carrier shall be liable for treble damages.

C. 17:30E-8.1 Insufficient resources.

12. a. Beginning January 1, 1989 and annually thereafter, the commissioner shall determine whether the income of the association as provided for in paragraphs (1), (2), (3), and (5) of section 20 of P.L. 1983, c. 65 (C. 17:30E-8), and the residual market equalization charge levied pursuant to paragraph (4) of that section prior to the effective date of this 1988 amendatory and supplementary act is or will be sufficient to meet its obligations in the ensuing year. If the commissioner determines that the association has insufficient resources to meet its obligations, he shall request the board of the association to formulate a plan for the payment of no less than 50% of the aggregate residual bodily injury losses for which the association is to make payment during the ensuing 12 month period, which plan shall provide for the payment of these losses in no more than four annual installments. The board shall submit the plan to the commissioner for his approval. Interest on the balance of the unpaid claim shall be paid at the rate established by subsection (a) of R.S. 31:1-1 for loans in which there is no written contract.

b. In addition to the plan provided for in subsection a. of this section, the commissioner may also request the submission of a plan by the board for the deferral, for a period not to exceed 12 months, of payments by the association of property damage claims which are subject to subrogation.

c. No residual market equalization charge in excess of the charge levied prior to the effective date of this 1988 amendatory and supplementary act shall be approved by the commissioner unless the procedures established pursuant to subsection a. or b. of this section do not provide sufficient revenue for the association to pay its obligations.

C. 17:30E-6.2 Task force.

13. a. The board of the association shall amend its plan of operation to establish a Task Force to conduct field file audits of servicing carriers. The Task Force shall conduct the audits to determine whether the servicing carriers have followed normal and prudent industry practices in their handling of claims on behalf of the association.

b. The Task Force shall report its findings to the board and to the commissioner at least semiannually, along with any findings or recommendations which have resulted from its audit.

c. The commissioner shall annually report to the Legislature his findings with respect to the audits, along with any recommendations which he may have with respect to the servicing of association claims.

C. 17:29A-15.2 Commission uniform.

14. Notwithstanding any other provision of law to the contrary, the dollar amount of the commission paid to a producer for residual bodily injury coverage provided pursuant to section 8 of P.L. 1972, c. 70 (C. 39:6A-8) shall be the same whether the named insured elects the tort option provided for in subsection a. of that section or the tort option provided for in subsection b. of that section.

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

C. 39:6B-2 Penalties for driving without insurance.

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.

Repealer.

16. Sections 29 and 30 of P.L. 1988, c. 119 (C. 17:29A-42 and 17:29A-43) are repealed.

17. This act shall take effect immediately, except that sections 6 and 7 shall take effect on the 365th day following enactment.

Approved November 14, 1988.

CHAPTER 157

AN ACT concerning the posting of notice of primary elections and repealing R.S. 19:23-2.

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

Repealer.

1. R.S. 19:23-2 is repealed.
2. This act shall take effect immediately.

Approved November 16, 1988.

CHAPTER 158

AN ACT requiring students enrolled in institutions of higher education to provide documentation of certain immunizations and supplementing chapter 3 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:61D-1 Immunization record.

1. Every public and independent institution of higher education in this State shall, as a condition of admission or continued en-

rollment, require every graduate and undergraduate student who is 30 years of age or less and is enrolled full-time or part-time in a program or course of study leading to an academic degree, to submit to the institution a valid immunization record which documents the administration of all required immunizations against vaccine-preventable disease, or evidence of immunity from these diseases, in accordance with regulations promulgated by the State Board of Higher Education. The institution shall keep the records on file in such form and manner as prescribed by the State board.

C. 18A:61D-2 Exemption.

2. An institution may, in accordance with regulations promulgated by the State board, exempt from the requirements of section 1 of this act any student who attended an elementary or secondary school located in this State.

C. 18A:61D-3 Conflict with religious beliefs.

3. A student who submits to the institution of higher education a written statement that immunization conflicts with his religious beliefs shall not be required to submit a list of immunizations to the institution as a condition of admission or continued enrollment.

C. 18A:61D-4 Contraindication.

4. A student who submits to the institution a written statement that an immunization is medically contraindicated shall submit a valid immunization record of other administered immunizations in accordance with regulations promulgated by the State board.

C. 18A:61D-5 Liability not imposed.

5. The provisions of this act shall not be construed as holding any institution of higher education liable for failure to notify a student of any outbreak of contagious disease, or the threat of any disease outbreak.

C. 18A:61D-6 Rules, regulations.

6. The State Board of Higher Education, in consultation with the Department of Health, shall, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), promulgate rules and regulations necessary to effectuate the provisions of this act.

7. This act shall take effect September 1, 1989, except that the Department of Higher Education may immediately take such administrative action as may be necessary for the implementation of this act.

Approved November 16, 1988.

CHAPTER 159

AN ACT concerning the New Jersey Educational Facilities Authority and supplementing chapter 72A 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:72A-27.2 Powers of board of trustees.

1. In addition to the powers and duties with respect to dormitories and revenue producing facilities given under the provisions of this chapter, the board of trustees of a State college shall have the following powers with respect to any educational facility, as defined in N.J.S. 18A:72A-3:

a. To enter into any conveyance, lease or sublease of the type provided for in N.J.S. 18A:72A-26, 18A:72A-27 and 18A:72A-27.1 with the authority, with respect to the acquisition, construction and financing of any educational facility;

b. To enter into any other agreement with the authority, with respect to the acquisition, construction or financing of an educational facility according to terms and conditions which the authority and the board of trustees shall determine in accordance with the powers of the authority;

c. To pledge and assign all or any part of any funds appropriated to the State college and available for the purposes provided in subsections a. and b. of this section or any other available monies of the State college to the payment of any amount due and owing under any agreement made under subsections a. and b. of this section if that agreement expressly states that the payment of any and all amounts due and owing thereunder shall, to the extent the funds shall be derived from appropriations, depend on appropriations being made by the Legislature.

C. 18A:72A-27.3 Proposed projects.

2. a. Prior to final approval by the State Board of Higher Education of a proposed project for the acquisition, construction or financing of any non-revenue producing educational facility, the board of trustees, through the Chancellor of Higher Education, shall, on a day when both houses of the Legislature are meeting, submit the proposal to the President of the Senate and the Speaker of the General Assembly, and submit informational copies of the proposal to the members of the Senate Revenue, Finance and Appropriations Committee

and the Assembly Appropriations Committee, or their successors. The submission shall include all appropriate supporting information, including, at a minimum, a description of the project, its impact, cost and construction schedule, and a detailed explanation of the sources of revenue which will be dedicated to the financing of the project.

b. The proposal as submitted to the Legislature shall be deemed approved after 60 days, as provided herein, of the date on which the proposal and the supporting information were submitted to the Legislature, unless between the date of submission and the end of the 60 day period, the Legislature passes a concurrent resolution approving the proposal with modifications or rejecting the proposal. The 60 days shall commence on the day of submission and expire on the 60th day after submission or for a house not meeting on the 60th day, on the next meeting day of that house.

3. This act shall take effect immediately.

Approved November 16, 1988.

CHAPTER 160

AN ACT concerning methods for the destruction of domestic animals and supplementing Title 4 of the Revised Statutes.

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

C. 4:22-19.3 Neuromuscular blocking agents prohibited.

1. Whenever any dog, cat, or any other domestic animal is to be destroyed, the use of succinylcholine chloride, curare, curariform drugs, or any other substance which acts as a neuromuscular blocking agent is prohibited.

C. 4:22-19.4 Penalty.

2. A person who violates this act shall be subject to a penalty of \$25.00 for the first offense and \$50.00 for each subsequent offense, to be collected in a civil action by a summary proceeding under "the penalty enforcement law" (N.J.S. 2A:58-1 et seq.). Each animal destroyed in violation of this act shall constitute a separate offense. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law."

3. This act shall take effect immediately.

Approved November 16, 1988.

CHAPTER 161

AN ACT concerning the lease of certain real estate by boards of education and amending P.L. 1978, c. 91.

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

1. Section 1 of P.L. 1978, c. 91 (C. 18A:20-8.2) is amended to read as follows:

C. 18A:20-8.2 Lease of school property for public purposes.

1. a. Whenever any board of education shall by resolution determine that any tract of land, whether there is a building thereon or not, or part or all of a school building, is not necessary for school purposes, but which it does not desire to dispose of for reason that the property may, at some future time, again be required for school purposes, it may authorize the lease thereof for a term extending beyond the official life of the board; provided that the noneducational uses of such building or tract of land are compatible with the establishment and operation of a school, as determined by the Commissioner of Education, if joint occupancy of such site is considered. The lease shall be binding upon the successor board as follows:

(1) After advertisement of the request for bids to lease to the highest bidder in a newspaper published in the school district, or, if none is published therein, then in a newspaper circulating in the district in which the same is situate, at least once a week for two weeks prior to the date fixed for the receipt and opening of bids, unless:

(2) The same is leased to the federal government, State, a political subdivision thereof, another school district, any board, body or commission of a municipality within the school district, any volunteer fire company or rescue squad actively engaged in the protection of life and property and duly incorporated under the laws of the State of New Jersey, or to any American Legion post, Veterans of Foreign Wars, or other recognized veterans' organization of the United States of America, located in the municipality or the county, as a meeting

place for such organization, or to a nonprofit child care service organization duly incorporated under the laws of the State of New Jersey, or to a nonprofit hospital duly licensed under the laws of the State of New Jersey, or to a nonprofit organization duly licensed under the laws of the State of New Jersey to provide emergency shelter for the homeless, or to a nonprofit senior citizen organization, in which case the same may be leased by private agreement for a nominal fee without advertisement for bids.

b. Any lease in excess of five years shall be approved by the Commissioner of Education.

2. This act shall take effect immediately.

Approved November 16, 1988.

CHAPTER 162

AN ACT concerning Sunday fundraising events in certain counties and supplementing P.L. 1959, c. 119 (C. 2A:171-5.8 et seq.).

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

C. 2A:171-5.26 Definitions.

1. As used in this act:

a. "Fundraising event" means a planned, scheduled activity which has as its main purpose the generating of moneys to be used for any educational purposes benefiting students including, but not limited to, use for scholarships or educational or athletic equipment. The moneys generated as a result of the sponsorship of a fundraising event, the leasing of space to vendors, and any actual sales by the educational organization itself must be used in their entirety for educational purposes. These events shall be conducted on the premises of the school with which the educational organization is affiliated and may include, but are not limited to, flea markets, auctions, and bazaars.

b. "Educational organizations" means associations of parents of public or private, nonprofit school students and faculty members of the public or private, nonprofit school where those students are enrolled, including teachers and administrators, or student groups consisting of present or former enrollees of the school or organizations

consisting of some members of both these associations or groups who have joined together to conduct activities relating to the improvement of the quality of education. These activities may include, but are not limited to, meetings devoted to issues concerning administration or curriculum matters or volunteer efforts concerning any extracurricular activities or athletic events.

C. 2A:171-5.27 Sunday fundraising events.

2. Notwithstanding any other provisions of law to the contrary, in any county in which the provisions of P.L. 1959, c. 119 (C. 2A:171-5.8 et seq.) prohibiting Sunday sales apply, an educational organization may be authorized by the appropriate school board of a public school or the appropriate chief administrative officer of a private, nonprofit school, as the case may be, in that county to conduct, on the appropriate school premises, no more than 10 fundraising events on any 10 Sundays in a calendar year. Each such event shall be subject to separate approval by the board or chief administrative officer, as the case may be. The 10-day limitation provided for herein shall apply to all educational organizations for which a fundraising event would be subject to the approval of a single school district or chief administrative officer, as the case may be.

C. 2A:171-5.28 Municipal option.

3. The governing body of a municipality in any county referred to in section 2 of this act may, by ordinance or resolution, provide that the provisions of this act will not be applicable in that municipality or may regulate or otherwise limit the fundraising events permitted by this act.

4. This act shall take effect immediately.

Approved November 16, 1988.

CHAPTER 163

AN ACT concerning the conservation and protection of watershed properties, supplementing Title 13 and Title 48 of the Revised Statutes, amending R.S. 48:2-23 and making appropriations.

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

1. For a period of 18 months commencing on the effective date of this act, no municipality, municipal utilities authority, or public

utility shall convey any land utilized for the purpose of the protection of a public water supply on the effective date of this act. 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. a. There is established in the Department of Environmental Protection a Watershed Property Review Board, which shall consist of the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Community Affairs, and the President of the Board of Public Utilities. The Watershed Property Review Board shall be authorized to exempt from the provisions of section 1 of this act the conveyance of watershed property if the person applying for the exemption demonstrates to the Watershed Property Review Board that there is a compelling public need for the conveyance of the property, that the denial of the exemption would result in extraordinary hardship, or that the sale or development of the watershed property is otherwise consistent with the purposes of this act. Any person applying for an exemption pursuant to the provisions of this section shall submit to the board appropriate documentation addressing the issue of buffer areas surrounding public water supplies, and shall also provide the board with proposals for the mitigation of any adverse environmental impact which would result from an exemption applied for pursuant to the provisions of this section.

b. A determination by the Watershed Property Review Board to grant or deny an exemption from the provisions of section 1 of this act shall constitute the final agency action on the matter, and shall be subject only to judicial review as provided in the Rules of Court.

c. Prior to making a final determination on an application for an exemption from the provisions of section 1 of this act, the Watershed Property Review Board may refer the application to the Office of Administrative Law, which shall conduct a hearing and issue recommendations based on findings of fact and conclusions of law for consideration by the Watershed Property Review Board in making its determination.

3. Within one year of the effective date of this act, the Department of Environmental Protection shall conduct a study to evaluate the effectiveness of establishing buffer zones around public water supply reservoirs for the purpose of protecting drinking water quality. The department, upon completion of the study conducted pursuant

to this section, shall transmit the study to the Governor, the Board of Public Utilities, and the Legislature.

C. 48:2-23.1 Assessment, review of conveyance.

4. a. The Board of Public Utilities, in reviewing a request by a public utility to convey land utilized for the purpose of the protection of a public water supply to a corporation or other entity which is not subject to the jurisdiction of the board, shall request the Department of Environmental Protection to review and make recommendations on an assessment, prepared and submitted by the utility, of the impact that the conveyance, and the prospective use or uses of the land conveyed, would have on the water quality of the affected public water supply, and shall require the department to assess the impact of the conveyance on the State's open space, conservation, and recreation requirements. The department, upon receipt of a request by the board for an assessment and a review pursuant to this subsection, shall prepare and submit to the board the assessment and review within 12 months of the request therefor.

b. Any public utility requesting the board to approve a conveyance of land utilized for the purpose of the protection of a public water supply to a corporation or other entity which is not subject to the jurisdiction of the board shall submit to the board a document setting forth a detailed explanation of the prospective use or uses of the land to be conveyed. The board, upon receipt of this document, may require the public utility to submit any additional information which the board deems appropriate.

5. R.S. 48:2-23 is amended to read as follows:

Safe, adequate service.

48:2-23. The board may, after public hearing, upon notice, by order in writing, require any public utility to furnish safe, adequate and proper service, including furnishing and performance of service in a manner that tends to conserve and preserve the quality of the environment and prevent the pollution of the waters, land and air of this State, and including furnishing and performance of service in a manner which preserves and protects the water quality of a public water supply, and to maintain its property and equipment in such condition as to enable it to do so.

The board may, pending any such proceeding, require any public utility to continue to furnish service and to maintain its property and equipment in such condition as to enable it to do so.

The board, in requiring any public water utility to furnish safe,

adequate and proper service, may require the public water utility to retain in its rate base any property which the board determines is necessary to protect the water quality of a public water supply.

6. Within one year of the effective date of this act, the Board of Public Utilities shall conduct and transmit to the Governor and the Legislature a study of the rate-impact on customers of public water supply systems of selling land currently utilized by a public utility for protecting a public water supply. This study shall also include an analysis of the feasibility of establishing a mechanism under which customers of a public utility would be allowed to purchase land currently held for the protection of a public water supply through increases in their water supply service fees or charges.

7. a. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$300,000 to implement the provisions of sections 3 and 4 of this act.

b. There is appropriated from the General Fund to the Board of Public Utilities the sum of \$150,000 to implement the provisions of section 6 of this act.

8. This act shall take effect immediately.

Approved November 16, 1988.

CHAPTER 164

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) or as required by N.J.S. 18A:14-25; and notwithstanding that only one

clerk of elections was present at one of the polling places for such election and that the tally sheets and the statement of results for such polling place were signed by only one clerk of elections rather than two clerks of elections as required by the provisions of N.J.S. 18A:14-57 and N.J.S. 18A:14-61; 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 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved November 28, 1988.

CHAPTER 165

AN ACT concerning commissions payable to certain fiduciaries and amending N.J.S. 3B:18-25.

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

1. N.J.S. 3B:18-25 is amended to read as follows:

Taking annual amounts on account of corpus commissions.

3B:18-25. Taking annual amounts on account of corpus commissions.

a. Fiduciaries may annually, without court allowance, take commissions on corpus (including accumulated income which has been invested by the fiduciary) in the amount of \$5.00 per thousand dollars of corpus value on the first \$400,000.00 of value of corpus and \$3.00 per thousand dollars of the corpus value in excess of \$400,000.00.

b. Notwithstanding the provisions of subsection a. of this section, if the fiduciary is a banking institution or savings and loan association authorized to exercise fiduciary powers and the corpus value is in excess of \$400,000.00, the fiduciary shall be entitled to such commissions as may be reasonable.

c. Notwithstanding the provisions of subsection a. of this section, a fiduciary may take a minimum commission of \$100.00 annually.

d. The value of the corpus for the purpose of this section shall be the "presumptive value" as defined in N.J.S. 3B:18-18 or, at the option of the fiduciary, the value at the end of the period.

e. Upon application of a person interested in the trust or guardianship, a court may review the reasonableness of the commissions of the fiduciary, provided, however, the fiduciary shall be entitled to receive at least the compensation provided for all fiduciaries as set forth in subsections a. and c. of this section.

2. This act shall take effect immediately and shall apply to all annual periods beginning on or after the effective date of this act.

Approved November 29, 1988.

CHAPTER 166

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 district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that the election officers failed to comply with the provisions of N.J.S. 18A:14-57 and N.J.S. 18A:14-61; 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 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved November 29, 1988.

CHAPTER 167

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 district election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that a supplemental debt statement was not prepared and filed as required by the provisions of N.J.S. 18A:24-17, provided, however, that such supplemental debt statement heretofore has been prepared and filed, prior to the date on which this act takes effect, in the place required by N.J.S. 18A:24-17, and notwithstanding that the requisite number of election workers were not present at each polling place as required by the provisions of N.J.S. 18A:14-6; 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 29, 1988.

CHAPTER 168

AN ACT establishing an eleventh grade test for high school graduation, amending and supplementing P.L. 1979, c. 241, supplementing P.L. 1975, c. 212 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. 1979, c. 241 (C. 18A:7C-3) is amended to read as follows:

C. 18A:7C-3 Remedial instruction.

3. For any student who does not meet the State and district examination standards for graduation by the end of 11th grade, the local board of education when appropriate shall provide additional remedial instruction specifically directed toward mastery of those proficiencies identified as necessary for the awarding of a diploma which may include but need not be limited to an extended school year, extended school day, or additional school years.

Any 12th grade student who does not meet said requirements but who has met all the credit, curriculum and attendance requirements shall be eligible for a comprehensive assessment of said proficiencies utilizing techniques and instruments other than standardized tests, which techniques and instruments shall have been approved by the Commissioner of Education as fulfilling State and local graduation requirements.

2. Section 4 of P.L. 1979, c. 241 (C. 18A:7C-4) is amended to read as follows:

C. 18A:7C-4 State-endorsed diploma.

4. All students who meet State and local graduation requirements shall receive a State endorsed diploma; provided, however, that the Commissioner of Education shall approve any State endorsed diploma which utilizes the comprehensive assessment techniques as provided in section 3 of P.L. 1979, c. 241 (C. 18A:7C-3).

Local districts may not provide a high school diploma to students not meeting these standards. Any out-of-school youth or adult age 18 or over who has otherwise met the district graduation requirements but has failed to earn a State endorsed diploma may take the graduation proficiencies test which has been developed and administered under the auspices of the Commissioner of Education. Upon passing this test, a State endorsed diploma will be granted.

Each board of education shall provide, in a format approved by the Commissioner of Education, a performance transcript for each student leaving secondary school.

3. Section 6 of P.L. 1979, c. 241 (C. 18A:7C-6) is amended to read as follows:

C. 18A:7C-6 Graduation proficiency test.

6. In the school year which begins in September 1993, and annually thereafter, the State graduation proficiency test shall be administered to all 11th grade pupils and to any 11th or 12th grade pupil

who has previously failed to demonstrate mastery of State graduation proficiency standards on said test. The mastery of proficiencies required to fulfill local graduation standards shall be determined as appropriate under local board of education assessment plans.

C. 18A:7C-6.2 Assessment; 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, for which a district shall be entitled to receive State aid pursuant to sections 18 and 20 of P.L. 1975, c. 212 (C. 18A:7A-18 and C. 18A:7A-20).

C. 18A:7C-6.1 Development of test.

5. In the development of the graduation proficiency test to be administered to all 11th grade pupils pursuant to section 6 of P.L. 1979, c. 241 (C. 18A:7C-6), the Commissioner of Education shall consult with educators, parents, students, business and community representatives and members of minority groups. The test shall measure those basic skills all students must possess to function politically, economically and socially in a democratic society.

C. 18A:7A-20.1 Funding of remedial programs.

6. a. Beginning with the 1993-94 school year, and in subsequent school years, each school district shall be paid during the current school year, for each 11th or 12th grade pupil who receives a failing grade on the graduation proficiency test and who was not enrolled in a basic skills remedial program on the last school day in September of the school year in which the student began the 11th grade an amount equal to the categorical program support received for a State compensatory education pupil pursuant to section 20 of P.L. 1975, c. 212 (C. 18A:7A-20). These funds shall be used to establish and maintain high school proficiency test remediation programs for these additional 11th and 12th grade pupils failing the graduation proficiency test. Funds shall be expended for remedial programs which may include after school, weekend and summer programs, and only upon approval of the remedial programs by the Department of Education.

b. Beginning with the 1993-94 school year each school district shall set forth separately in the budget statement required by N.J.S.

18A:22-8 the amount of appropriations required for a one year period to provide the remedial programs described in subsection a. of this section to be funded by categorical support. School districts may carry over these funds into the subsequent school year only to provide the remedial programs described in subsection a. of this section and shall expend the funds by January 1 of that year.

C. 18A:7C-10 Annual report.

7. Not later than September 1, 1989 and annually thereafter, the Commissioner of Education shall report to the Governor and Legislature on the impact of the State graduation proficiency test required pursuant to section 6 of P.L. 1979, c. 241 (C. 18A:7C-6). In addition to including data on test performance of students, this annual report shall include data on the number of students who have dropped out of school, the number of students who have failed to take the test, curriculum realignments in grades K-12 to prepare students for the examination, analysis of remediation efforts for students who have failed the examination, testing requirements and practices in grades K-8 and any other related matters requested by the Chairman of the Joint Committee on the Public Schools or the chairman of the education committee of either House of the Legislature. The report shall also enumerate the efforts by the Department of Education to assist local school districts in the areas of pupil retention, curriculum alignment and remediation.

C. 18A:7C-11 Status report.

8. a. Not later than September 1, 1990 the Joint Committee on the Public Schools shall evaluate and report to the Legislature on the status of proficiency testing in the public schools of New Jersey. Among other topics the report shall specifically address: (1) how New Jersey's testing program compares to that in other states, (2) the advisability of requiring State administered tests in elementary grades, and (3) whether any changes in the statutes providing for the State graduation proficiency test are appropriate. The committee's analysis shall include an evaluation of all provisions of this amendatory and supplementary act and any recommendations for additional legislation. The joint committee shall use the funds appropriated or otherwise made available, in addition to all other resources to which the committee may have access, to secure the expertise necessary to conduct this evaluation and shall report its findings to the Governor and Legislature.

b. Beginning in 1991, the Joint Committee on the Public Schools shall undertake an annual evaluation of the report submitted to the

Legislature by the Commissioner of Education pursuant to section 7 of this amendatory and supplementary act.

9. There is appropriated from the General Fund to the Legislature \$95,000 to implement the provisions of section 8 of this amendatory and supplementary act.

10. Sections 1 through 3 of this act shall take effect immediately for the purposes of planning and development; however, sections 1, 2 and 3 shall not take effect until July 1, 1993 and the graduation standards provided for herein shall only apply to pupils who are enrolled in the eighth grade during the 1990-91 school year and scheduled to graduate from secondary school at the completion of the 1994-1995 school year. Sections 4 through 10 shall take effect immediately.

Approved December 1, 1988.

CHAPTER 169

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1988 and regulating the disbursement thereof," approved June 30, 1987 (P.L. 1987, c. 154).

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. 1987, c. 154, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID	
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	\$15,000,000
State Aid:	
Assistance to county	
mental hospitals	(\$15,000,000)

2. The amount hereinabove appropriated shall be allocated among the five county hospitals based upon each county's net billable days for FY 1987. These funds shall be used by the hospitals to upgrade direct patient care staff levels, including salary increases to nursing staff, to undertake capital improvements and to purchase needed equipment. These funds shall not be used to otherwise offset the amount appropriated in the 1988 county budget for the financial support of the hospital.

3. This act shall take effect immediately.

Approved December 2, 1988.

CHAPTER 170

AN ACT concerning pretreatment standards for sewage treatment plants, the enforcement thereof, and amending P.L. 1972, c. 42.

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

1. Section 7 of P.L. 1972, c. 42 (C. 58:11-55) is amended to read as follows:

C. 58:11-55 Penalties.

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 liable to a penalty of not more than \$50,000.00 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." If the violation is of a continuing nature each day during which it continues shall constitute an additional, separate and distinct violation.

b. A public entity operating and controlling a public sewage treatment plant may, in accordance with subsection a. of this section, enforce any applicable pretreatment standards adopted by the commissioner pursuant to section 3 of P.L. 1972, c. 42 (C. 58:11-51) or by the public entity pursuant to section 9 of P.L. 1972, c. 42 (C. 58:11-57), or may obtain injunctive relief against a violation or

threatened violation of any pretreatment standard. The action shall be brought in the name of the public entity.

2. This act shall take effect immediately.

Approved December 2, 1988.

CHAPTER 171

AN ACT concerning jurisdiction over railroad overhead bridges and supplementing P.L. 1986, c. 104 (C. 27:5G-1 et seq.).

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

C. 27:5G-5 Short title.

1. This act shall be known and may be cited as the "Railroad Overhead Bridge Act of 1988."

C. 27:5G-6 Findings, declarations.

2. The Legislature finds and declares that:

a. Many of the hundreds of bridges carrying highways over railroads in the State are in need of repair, rehabilitation, or replacement.

b. The timely maintenance, rehabilitation, and replacement of many of these bridges is hampered by the fact that no public or private entity accepts responsibility for them.

c. The provisions of chapter 12 of Title 48 of the Revised Statutes have proven inadequate to ensure that each highway bridge crossing a railroad is under the jurisdiction of an agency which is ready, willing, and able to assume responsibility for the maintenance and, where necessary, the rehabilitation or replacement of the bridge.

d. The State should, as funds become available, continue to devote resources to the rehabilitation and replacement of these bridges, including bridges carrying local roads.

e. The State should establish a mechanism by which each bridge which is to be rehabilitated or replaced or which is determined to be in a state of good repair can be assigned to the jurisdiction of a public entity.

C. 27:5G-7 Definitions.

3. As used in this act:

“Commissioner” means the Commissioner of Transportation.

“Good repair” means a state of structural soundness according to accepted engineering standards as incorporated in a regulation adopted by the commissioner.

“Jurisdiction” means control and responsibility for maintenance, rehabilitation and replacement, except as may be modified under the provisions of this act.

“Railroad overhead bridge” or “bridge” means any bridge carrying a highway or private road over and across a railroad, subway, or street, traction, or electric railway, or over and across the right-of-way of such a railroad, subway, or railway.

C. 27:5G-8 Assignment of jurisdiction.

4. a. The commissioner shall, within six months of the effective date of this act, and following a public hearing, adopt as a regulation under the “Administrative Procedure Act,” P.L. 1968, c. 410 (C. 52:14B-1 et seq.), a procedure for the assignment of jurisdiction over railroad overhead bridges to public entities. Public entity includes but is not limited to any officers, department, board, commission, division, agency, authority or instrumentality of the State or of any county or municipality. The regulation shall provide a procedure, in conformity with the “Administrative Procedure Act,” under which all parties affected by the assignment may present evidence. The regulation shall also provide that each assignment shall be made by written order of the commissioner. The commissioner may, pursuant to the “Administrative Procedure Act,” adopt other rules and regulations necessary to effectuate the purposes of this act.

b. In the case of all railroad overhead bridges other than bridges carrying State highways, the commissioner shall not make an order assigning jurisdiction unless:

(1) the bridge is the subject of an improvement project financed in whole or in part by State funds, in which case the commissioner may make the order contingent upon satisfactory completion of work; or

(2) the order assigns jurisdiction to a party who has requested jurisdiction over the bridge by written petition to the commissioner; or

(3) the commissioner determines it to be in the public interest to accept a written petition for assignment from an affected party other than the party to whom jurisdiction would be otherwise assigned pursuant to section 6 of this act and the commissioner further determines that the bridge is in good repair.

C. 27:5G-9 Assignment to Department of Transportation.

5. The commissioner shall assign all bridges carrying State highways to the jurisdiction of the Department of Transportation.

C. 27:5G-10 Assignment to other public entities.

6. When, pursuant to regulations adopted under this act, the commissioner determines, following a review of available statutes, regulations, local ordinances, maintenance agreements, records concerning improvement projects and maintenance activities, and any other applicable evidence, and based upon a preponderance of all the evidence reviewed, that a county, municipality or public entity other than the department or the New Jersey Transit Corporation has assumed effective control or responsibility over a bridge, the commissioner shall assign the bridge to the jurisdiction of that entity.

C. 27:5G-11 Assignment to New Jersey Transit Corporation.

7. The commissioner shall assign each railroad overhead bridge carrying a highway, other than a State highway, over and across a right-of-way owned by the New Jersey Transit Corporation to the jurisdiction of that corporation, unless the commissioner determines, subject to the provisions of section 6 of this act, that the bridge should be assigned to the jurisdiction of another public entity.

C. 27:5G-12 Assignment to private owner.

8. If a railroad overhead bridge carries a private road, the commissioner shall assign the bridge to the jurisdiction of the person owning the road.

C. 27:5G-13 Assignment as State highway bridge.

9. When the commissioner determines that a bridge cannot be assigned to the department under section 5 of this act, to a public entity under section 6 of this act, to the New Jersey Transit Corporation under section 7 of this act, or to a person under section 8 of this act, the commissioner shall assign the bridge to the jurisdiction of the department and shall be treated in all respects as if it were a State highway bridge assigned to the department under section 5 of this act.

C. 27:5G-14 Routine maintenance.

10. Any county or municipality having jurisdiction over a highway carried by a railroad overhead bridge assigned to the jurisdiction

of the New Jersey Transit Corporation under section 7 of this act or to the jurisdiction of the department under section 9 of this act shall have responsibility for routine maintenance of the surface roadway carried by the bridge, including but not limited to snow removal, sidewalk and guiderail repair, lighting, striping, signing, patching, and resurfacing. These routine maintenance responsibilities shall be accomplished under the regulations which may be adopted by the commissioner or the Board of the New Jersey Transit Corporation or agreements entered into by the department or the corporation, as appropriate. Routine maintenance responsibilities of a county or municipality shall not extend to the structural support components of any railroad overhead bridge under the jurisdiction of the department or the New Jersey Transit Corporation.

C. 27:5G-15 Services.

11. a. With respect to the inspection, maintenance, rehabilitation, replacement or removal of railroad overhead bridges assigned under this act, each person or railroad company owning or controlling a railroad right-of-way shall provide at its own expense and in a timely fashion the following services to the party with jurisdiction for the bridge over the right-of-way:

- (1) necessary and sufficient access to railroad property and right-of-way;
- (2) necessary track safety personnel and services;
- (3) review of plans and specifications; and
- (4) any other incidental railroad services required to enable the party with jurisdiction over the railroad overhead bridge to undertake its applicable responsibilities.

b. When the commissioner determines, following a public hearing held pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), that a person or railroad company has failed to provide the services required under subsection a. of this section with respect to a specific project for the repair, rehabilitation, or replacement of a bridge, and further determines that the project is in the public interest, the commissioner shall, by written order, compel the person or railroad company to provide those services the commissioner believes to be necessary, at whatever times and in whatever manner the commissioner so determines.

C. 27:5G-16 Maintenance contracts.

12. The commissioner may enter into contracts for the maintenance of any railroad overhead bridge assigned to the jurisdiction of

the department under section 9 of this act with any railroad company or any other contractor or party found by the commissioner to be qualified for such works.

C. 27:5G-17 Not under Title 48.

13. Any railroad overhead bridge which has been assigned to a jurisdiction by written order of the commissioner under this act shall not be considered a bridge or passage under R.S. 48:12-49, and the provisions of chapter 12 of Title 48 shall not apply to it.

C. 27:5G-18 Prior tort, contractual liability.

14. The issuance by the commissioner of a written order assigning jurisdiction over a railroad overhead bridge under the provisions of this act shall not relieve any party of any tort or contractual liability existing prior to the issuance of that order.

C. 27:5G-19 Transfer of jurisdiction.

15. Jurisdiction over a railroad overhead bridge assigned under this act may be transferred to another party by voluntary agreement between the parties, provided that the commissioner approves the agreement by written order.

16. This act shall take effect immediately but shall remain inoperative until the approval by the voters of P.L., c. . . . (now pending before the Legislature as Senate Bill No. 347 or Assembly Bill No. 2425 of 1988).

Approved December 5, 1988.

CHAPTER 172

AN ACT prohibiting the incurrence of debt by the New Jersey Sports and Exposition Authority and the State government for certain authority projects under certain conditions, amending and supplementing P.L. 1971, c. 137 and making an appropriation.

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

1. Section 6 of P.L. 1971, c. 137 (C. 5:10-6) is amended to read as follows:

C. 5:10-6 Authority projects.

6. a. The authority, pursuant to the provisions of the act, is hereby authorized and empowered, either alone or in conjunction

with others, and provided that, in the case of an arrangement with respect to any of the projects set forth in this section which shall be in conjunction with others, the authority shall have sufficient right and power to carry out the public purposes set forth in this act:

(1) To establish, develop, construct, operate, acquire, own, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project to be located in the Hackensack meadowlands upon a site not to exceed 750 acres and upon a site or sites outside of that acreage, but either immediately contiguous thereto or immediately across any public road which borders that acreage, consisting of one or more stadiums, coliseums, arenas, pavilions, stands, field houses, playing fields, recreation centers, courts, gymnasiums, clubhouses, a racetrack for the holding of horse race meetings, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of athletic contests or other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings, and all other structures and appurtenant facilities, related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(2) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project, at a site within the State of New Jersey, consisting of a baseball stadium and other buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to a complex suitable for the holding of professional baseball games and other athletic contests or sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof.

(3) To establish, develop, construct, acquire, lease or own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects located within the State of New Jersey, but outside of the meadowlands complex, consisting of aquariums and the buildings, structures, facilities, properties and appurtenances related thereto, or incidental to, necessary for, or complementary to those aquariums, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems and facilities, and equipment, furnishings and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of that project or any facility thereof. To provide for a project authorized under this paragraph:

(a) (Deleted by amendment, P.L. 1988, c. 172.)

(b) The authority is authorized to enter into agreements with the State Treasurer providing for the acquisition and construction of an aquarium by the authority, including the land necessary for the aquarium, and the costs thereof, ownership of the aquarium and its land which shall be conveyed to the State upon completion, and the operation by the authority of the aquarium pursuant to a lease or other agreement with the State containing such terms and conditions as the State Treasurer may establish prior to the acquisition and construction by the authority of the aquarium and the disbursements of funds therefor. The State Treasurer is authorized to enter into a lease or other agreement to effectuate the provisions of this subparagraph.

(4) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, a project consisting of an exposition or entertainment center or hotel or office complex, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such project to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to, the purposes of that project. A project authorized under this paragraph may be located within, immediately contiguous to, or immediately across any public road which borders the site of

any other project of the authority, except the site of a racetrack authorized by paragraph (5) of this subsection and acquired by the authority prior to 1986.

(5) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of (a) racetrack facilities located within the State of New Jersey, but outside of the meadowlands complex, (b) their contiguous properties, and (c) their auxiliary facilities, including, without limitation, pavilions, stands, field houses, clubhouses, training tracks for horses, racetracks for the holding of horse race meetings, fairgrounds, other exposition facilities, and other buildings, structures, facilities, properties and appurtenances related to, incidental to, necessary for, or complementary to a complex suitable for the holding of horse race meetings, other sporting events, or trade shows, exhibitions, spectacles, public meetings, entertainment events or other expositions, including, but not limited to, driveways, roads, approaches, parking areas, parks, recreation areas, lodging facilities, vending facilities, restaurants, transportation structures, systems and facilities, equipment, furnishings, and all other structures and appurtenant facilities related to, incidental to, necessary for, or complementary to the purposes of any of those projects or any facility thereof.

Notwithstanding any law to the contrary, the acquisition of any existing racetrack facility in and licensed by the State of New Jersey shall be permitted on the condition that payments equivalent to all municipal, school board and county taxes due to each entity shall be paid by the authority to the extent and in accordance with the same payment schedule as taxes would have been paid each year, as though the racetrack facility remained in private ownership. In the event the authority conveys lands or other parts of the racetrack facility to others, the authority shall receive a reduction of such payments commensurate with the amount required to be paid by the subsequent owner of the lands and improvements disposed of by the authority. In addition, the authority shall be responsible for paying all existing local franchise fees, license and parking tax fees in effect at the time of the acquisition.

(6) To establish, develop, acquire, own, operate, manage, promote and otherwise effectuate, in whole or in part, either directly or indirectly through lessees, licensees or agents, projects consisting of events, expositions, teams, team franchises or membership in professional sports leagues.

(7) To establish, develop, construct, acquire, own, operate, manage, promote, maintain, repair, reconstruct, restore, improve and otherwise effectuate, either directly or indirectly through lessees, licensees or agents, projects consisting of facilities, at a site or sites within the State of New Jersey and either within or without the meadowlands complex, that are related to, incidental to, necessary for, or complementary to the accomplishment or purpose of any project of the authority authorized by this section, including any buildings, structures, properties and appurtenances related thereto, incidental thereto, necessary therefor, or complementary thereto, such projects to include driveways, roads, approaches, parking areas, parks, recreation areas, vending facilities, restaurants, transportation structures, systems, and equipment, furnishings and all other structures and appurtenances related to, incidental to, necessary for, or complementary to the purposes of those projects.

b. The authority, pursuant to the provisions of the act, is authorized (1) to make, as part of any of the projects, capital contributions to others for transportation and other facilities, and accommodations for the public's use of any of those projects, (2) to lease any part of any of those project sites not occupied or to be occupied by the facilities of any of those projects, for purposes determined by the authority to be consistent with or related to the purposes of those projects, including, but not limited to, hotels and other accommodations for transients and other facilities related to or incidental to any of those projects, and (3) to sell or dispose of any real or personal property, including, but not limited to, such portion of the site of any of those projects not occupied or to be occupied by the facilities of any of those projects, at not less than the fair market value of the property, except in the case of sale or disposition to the State, any political subdivision of the State or any agency or instrumentality of the State or any political subdivision of the State.

c. Revenues, moneys or other funds, if any, derived from the operation or ownership of the meadowlands complex, including the conduct of horse race meetings, shall be applied, in accordance with the resolution or resolutions authorizing or relating to the issuance of bonds or notes of the authority, to the following purposes and in the following order:

(1) The costs of operation and maintenance of the meadowlands complex and reserves therefor;

(2) Principal, sinking fund installments and redemption premiums of and interest on any bonds or notes of the authority

issued for the purposes of the meadowlands complex or for the purposes of refunding the same, including reserves therefor;

(3) The costs of any major or extraordinary repairs, renewals or replacements with respect to the meadowlands complex or incidental improvements thereto, not paid pursuant to paragraph (1) above, including reserves therefor;

(4) Payments required to be made pursuant to section 18b.;

(5) Payments authorized to be made pursuant to section 18c.;

(6) Except as provided in paragraph (2) of this subsection, payments required to be made in accordance with the resolution authorizing or relating to the issuance of bonds or notes of the authority, for the purposes of any project authorized by this act;

(7) Payments required to be made to repay any obligation incurred by the authority to the State;

(8) The balance remaining after application in accordance with the above shall be deposited in the General State Fund, provided that (a) there shall be appropriated for authorized State purposes from the amount so deposited that amount which shall be calculated by the State Treasurer to be the debt service savings realized with respect to the refinancing of the initial project as defined in section 1 of P.L. 1973, c. 286 (C. 5:10-14.1) at the meadowlands complex, by the issuance of bonds of the authority guaranteed by the State, and (b) after such appropriation, 40% of any balance remaining from the amounts so deposited shall be appropriated to the Meadowlands Commission for any of its purposes authorized by P.L. 1968, c. 404, and any amendments or supplements thereto.

d. Revenues, moneys or other funds, if any, derived from the operation or ownership of any project other than the meadowlands complex, and other than a baseball stadium project or an office complex project located on the site of a baseball stadium shall be applied for such purposes, in such manner and subject to such conditions as shall be provided in the resolution authorizing or relating to the issuance of bonds or notes of the authority for the purposes of such project, and the balance, if any, remaining after such application may be applied, to the extent not contrary to or inconsistent with the resolution, in the following order (1) to the purposes of the meadowlands complex, unless otherwise agreed upon by the State Treasurer and the authority, (2) to the purposes of any other project of the authority; and, the balance remaining, if any, shall be deposited in the General Fund.

e. Revenues, moneys or other funds, if any, derived from the operation, ownership, or leasing of a baseball stadium project or an office complex project located on the site of a baseball stadium shall be applied for the purposes, in the manner and subject to the conditions as shall be provided in the resolution authorizing or relating to the issuance of bonds or notes of the authority for the purposes of a baseball stadium project or an office complex project located on the site of a baseball stadium, if any, and the balance, if any, remaining after such application shall be applied, to the extent not contrary to or inconsistent with the resolution, to the following purposes and in the following order:

(1) The costs of operation and maintenance of a baseball stadium project and an office complex project located on the site of a baseball stadium and reserves therefor;

(2) Payments made to repay the bonded indebtedness incurred by the authority for the purposes of a baseball stadium project or an office complex project located on the site of a baseball stadium;

(3) Payments equivalent to an amount required to be made by the State for payments in lieu of taxes pursuant to P.L. 1977, c. 272 (C. 54:4-2.2a et seq.);

(4) The balance remaining after application in accordance with the above shall be deposited in the General Fund.

2. Notwithstanding the provisions of P.L. 1971, c. 137 (C. 5:10-1 et seq.) as amended and supplemented and any other law to the contrary, the amount appropriated pursuant to section 3 of this amendatory and supplementary act may be expended only upon the condition that neither the New Jersey Sports and Exposition Authority nor the State shall borrow, issue bonds or otherwise incur indebtedness to finance the costs of construction of an aquarium in Camden city.

3. There is appropriated from the General Fund to the Department of the Treasury the sum of \$32,000,000.00 for the purpose of paying for the costs of constructing an aquarium in Camden city.

4. This act shall take effect immediately.

Approved December 5, 1988.

CHAPTER 173

AN ACT concerning the Board of Public Welfare and amending P.L. 1950, c. 166.

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

1. Section 3 of P.L. 1950, c. 166 (C. 30:4B-3) is amended to read as follows:

C. 30:4B-3 Board of Public Welfare.

3. There is hereby created and established within the Department of Human Services a board to be known as the Board of Public Welfare. The board shall consist of 13 members, at least three of whom shall be women. Twelve of the members shall be appointed by the State Board of Human Services with the approval of the Governor, from among citizens of the State with demonstrated interest in community service programs, at least three of whom shall be executives of privately sponsored agencies providing family and children's services. They shall be appointed without regard to political belief or affiliation. They shall receive no compensation for services, but shall be reimbursed for actual expenditures incurred in the performance of their duties. All 12 members shall hold office for a term of three years commencing on July 1 and ending on June 30 of the third year thereafter; except that of the members first to be appointed hereunder, four shall be assigned to terms expiring on June 30 of the year next succeeding appointment, and four to terms expiring on June 30 of the second year succeeding appointment, but their successors shall be appointed for three-year terms, and any vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only. In addition to the 12 members, one additional member shall be annually designated by the State Board of Human Services from among persons currently serving as members of the board of trustees or the consumer advisory board of the Commission for the Blind and Visually Impaired. The Commissioner of Human Services shall, with the advice and consent of the Board of Public Welfare, appoint the chief executive officer of the Division of Public Welfare who shall be known as the director of the division and who shall be in charge of the work of the division under the immediate direction and supervision of the commissioner. In the event of disagreement with respect to the appointment between the commissioner and the Board of Public Welfare, the State Board of Human Services shall make the appointment. The Board of Public

Welfare, acting on behalf of the commissioner and subject to the authority and direction thereof, shall organize to meet at times it may determine or which may be prescribed by the commissioner. It may establish such committees as it may determine necessary. It shall become and continue to be thoroughly acquainted with the operations of the Division of Public Welfare and regularly review all programs and practices within the division and within the respective bureaus and other units thereof. It shall establish policies and procedures within general directives of the commissioner. It shall assist the director of the division in formulating the annual budget requests. It shall promote and maintain constructive relationships with the county welfare agencies, local assistance boards, and other official bodies and organized agencies concerned with public welfare. It may, subject to the approval of the commissioner establish any subsidiary unsalaried advisory or consultant committees or study groups as it may deem necessary and proper and appoint the members thereof.

2. This act shall take effect immediately.

Approved December 5, 1989.

CHAPTER 174

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, 1988 (P.L. 1988, c. 47).

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. 1988, c. 47, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES	
74 DEPARTMENT OF STATE	
30 Educational, Cultural and Intellectual Development	
37 Cultural and Intellectual Development Services	
05-2530 Support of the Arts	\$75,000

Special Purpose:

Strand Theatre (\$75,000)

2. The moneys appropriated herein shall be returned to the General Fund if the Strand Theatre receives money from the New Jersey State Council on the Arts for the purposes of paying its debt.

3. This act shall take effect immediately.

Approved December 5, 1988.

CHAPTER 175

AN ACT concerning child support and amending R.S. 54:50-9.

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

1. R.S. 54:50-9 is amended to read as follows:

Information furnished by Division of Taxation.

54:50-9. Nothing herein contained shall be construed to prevent:

a. The delivery to a taxpayer or his duly authorized representative of a copy of any report or any other paper filed by him pursuant to the provisions of this subtitle or of any such State tax law;

b. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

c. The commissioner, in his discretion and subject to reasonable conditions imposed by him, from disclosing the name and address of any licensee under any State tax law, unless expressly prohibited by such State tax law;

d. The inspection by the Attorney-General or other legal representative of this State of the reports or files relating to the claim of any taxpayer who shall bring an action to review or set aside any tax imposed under any State tax law or against whom an action or proceeding has been instituted in accordance with the provisions thereof;

e. The examination of said records and files by the Comptroller, State Auditor or State Commissioner of Finance, or by their respective duly authorized agents;

f. The furnishing, at the discretion of the commissioner, of any information contained in tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the tax laws, to the taxing officials of any other state, the District of Columbia, the United States and the territories thereof, providing said jurisdictions grant like privileges to this State and providing such information is to be used for tax purposes only;

g. The furnishing, at the discretion of the commissioner, of any material information disclosed by the records or files to any law enforcing authority of this State who shall be charged with the investigation or prosecution of any violation of the criminal provisions of this subtitle or of any State tax law;

h. The furnishing by the Director of the Division of Taxation to the State agency responsible for administering the Child Support Enforcement program pursuant to Title IV-D of the federal Social Security Act, Pub. L. 93-647 (42 U.S.C. §651 et seq.), with the names, home addresses and social security numbers of all absent parents who are certified by that agency as being required to pay child support, upon request by the State agency and pursuant to procedures and in a form prescribed by the director.

2. This act shall take effect immediately.

Approved December 14, 1988.

CHAPTER 176

AN ACT to amend the title of "An Act relating to training of policemen prior to permanent appointment; appointments in certain municipal and county law enforcement agencies; establishing a police training commission; and providing an appropriation therefor," approved June 3, 1961 (P.L. 1961, c. 56), so that the same shall read "An Act relating to training of policemen and State and county corrections officers and juvenile detention officers prior to permanent appointment; appointments in certain municipal and county law enforcement agencies; establishing a police training commission; and providing an appropriation therefor," and amending and supplementing the body of said act, and making an appropriation.

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

Title amended.

1. The title of P.L. 1961, c. 56 is amended to read as follows:

An act relating to training of policemen and State and county corrections officers and juvenile detention officers prior to permanent appointment; appointments in certain municipal and county law enforcement agencies; establishing a police training commission; and providing an appropriation therefor.

2. Section 2 of P.L. 1961, c. 56 (C. 52:17B-67) is amended to read as follows:

C. 52:17B-67 Definitions.

2. As used in this act:

“Approved school” shall mean a school approved and authorized by the Police Training Commission to give police training courses or a training course for State and county corrections officers and juvenile detention officers as prescribed in this act.

“Commission” shall mean the Police Training Commission or officers or employees thereof acting on its behalf.

“County” shall mean any county which within its jurisdiction has or shall have a law enforcement unit as defined in this act.

“Law enforcement unit” shall mean any police force or organization in a municipality or county which has by statute or ordinance the responsibility of detecting crime and enforcing the general criminal laws of this State.

“Municipality” shall mean a city of any class, township, borough, village, camp meeting association, or any other type of municipality in this State which, within its jurisdiction, has or shall have a law enforcement unit as defined in this act.

“Permanent appointment” shall mean an appointment having permanent status as a police officer in a law enforcement unit as prescribed by Title 11A of the New Jersey Statutes, Merit System Board Rules and Regulations, or of any other law of this State, municipal ordinance, or rules and regulations adopted thereunder.

“Police officer” shall mean any employee of a law enforcement unit, including sheriff's officers and county investigators in the office of the county prosecutor, other than civilian heads thereof, assistant

prosecutors and legal assistants, persons appointed pursuant to the provisions of R.S. 40:47-19, persons whose duties do not include any police function, court attendants, and State and county corrections officers and juvenile detention officers.

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

C. 52:17B-70 Police Training Commission.

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

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

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

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

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

4. Section 6 of P.L. 1961, c. 56 (C. 52:17B-71) is amended to read as follows:

C. 52:17B-71 Powers of commission.

6. The commission is vested with the power, responsibility and duty:

a. To prescribe standards for the approval and continuation of approval of schools at which police training courses authorized by this act and in-service police training courses shall be conducted, including but not limited to presently existing regional, county, municipal and police chief association police training schools or at which

basic training courses and in-service training courses shall be conducted for State and county juvenile and adult corrections officers and juvenile detention officers;

b. To approve and issue certificates of approval to such schools, to inspect such schools from time to time, and to revoke any approval or certificate issued to such schools;

c. To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for such schools. Courses of study in crime prevention may be recommended to the Police Training Commission by the Crime Prevention Advisory Committee, established by section 2 of P.L. 1985, c. 1 (C. 52:17B-77.1). The Police Training Commission may prescribe psychological and psychiatric examinations for police recruits while in such schools;

d. To prescribe minimum qualifications for instructors at such schools and to certify, as qualified, instructors for approved police training schools and to issue appropriate certificates to such instructors;

e. To certify police officers, corrections officers and juvenile detention officers who have satisfactorily completed training programs and to issue appropriate certificates to such police officers, corrections officers and juvenile detention officers;

f. To advise and consent in the appointment of an administrator of police services by the Attorney General pursuant to section 8 of P.L. 1961, c. 56 (C. 52:17B-73);

g. (Deleted by amendment, P.L. 1985, c. 491.)

h. To make such rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act;

i. To make a continuous study of police training methods and training methods for corrections officers and juvenile detention officers and to consult and accept the cooperation of any recognized federal or State law enforcement agency or educational institution;

j. To consult and cooperate with universities, colleges and institutes in the State for the development of specialized courses of study for police officers in police science and police administration;

k. To consult and cooperate with other departments and agencies of the State concerned with police training or the training of corrections officers and juvenile detention officers;

l. To participate in unified programs and projects relating to police training and the training of corrections officers and juvenile detention officers sponsored by any federal, State, or other public or private agency;

m. To perform such other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act;

n. To extend the time limit for satisfactory completion of police training programs or programs for the training of corrections officers and juvenile detention officers upon a finding that health, extraordinary workload or other factors have, singly or in combination, effected a delay in the satisfactory completion of such training program;

o. To furnish approved schools, for inclusion in their regular police training courses and curriculum, with information concerning the advisability of high speed chases, the risk caused thereby, and the benefits resulting therefrom;

p. To review and approve new standards and course curricula developed by the Department of Corrections for both basic and in-service training of State and county corrections officers and juvenile detention officers. These courses for the State corrections officers and juvenile detention officers shall be centrally provided at the Corrections Officers' Training Academy of the Department of Corrections. Courses for the county corrections officers and juvenile detention officers shall also be centrally provided at the Corrections Officers' Training Academy unless an off-grounds training program is established by the county. A county may elect to establish and conduct a basic training program for corrections officers and juvenile detention officers seeking permanent appointment in that county. The Corrections Officers' Training Academy shall develop the curriculum of the basic training program to be conducted by a county.

C. 52:17B-68.1 Basic training.

5. a. A person appointed as an adult or juvenile corrections officer or as a juvenile detention officer by the State or county shall satisfactorily complete prior to permanent appointment a basic training course approved by the Police Training Commission. A corrections officer or juvenile detention officer who was appointed before the effective date of this act shall satisfactorily complete, within two

years of the effective date of this act, an in-service basic training course approved by the Police Training Commission and designed to meet the training needs of corrections officers or juvenile detention officers with prior work experience.

A person may be exempt from the requirements of this section if that person has successfully completed training conducted by a federal, State or county agency the requirements of which are substantially equivalent to the requirements of a basic training course approved by the Police Training Commission pursuant to section 4 of this act.

b. A person shall be given a probationary appointment as a corrections officer or as a juvenile detention officer for a period of one year so that the person seeking permanent appointment may satisfactorily complete a basic training course for corrections officers or for juvenile detention officers conducted at a school approved by the Police Training Commission. The probationary time may exceed one year for those persons enrolled within the one year period in a basic training course scheduled to end after the expiration of the one year period. A person shall participate in a basic training course only if that person holds a probationary appointment and that person shall be entitled to a leave of absence with pay to attend a basic training course.

6. There is appropriated from the General Fund a sum of \$75,000.00 to the Police Training Commission in the Department of Law and Public Safety and \$592,750.00 to the Department of Corrections to effectuate the purposes of this act.

7. This act shall take effect on the 180th day after the day of enactment.

Approved December 19, 1988.

CHAPTER 177

AN ACT concerning membership on certain authorities and amending
P.L. 1952, c. 16, P.L. 1962, c. 10 and P.L. 1948, c. 454.

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

1. Section 3 of P.L. 1952, c. 16 (C. 27:12B-3) is amended to read as follows:

C. 27:12B-3 Highway Authority definitions.

3. As used in this act the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) "Authority" means the New Jersey Highway Authority, created by section 4 of this act, or, if said authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the authority shall be given by law.

(b) "Commissioner" means the Commissioner of Transportation.

(c) "Department" means the Department of Transportation.

(d) "Project" or "highway project" means any express highway, superhighway or motorway at such locations and between such termini as herein established or as may hereafter be established by law, and acquired or to be acquired or constructed or to be constructed under the provisions of this act by the authority, over which abutters have no easement or rights of light, air or direct access by reason of the fact that their properties abut thereon, together with such adjoining park or recreational areas and facilities directly related to the use of the express highway, superhighway or motorway as the authority, with the concurrence of the Department of Environmental Protection, shall find to be necessary and desirable for the convenience and comfort of users of the highway project and feasible for development pursuant to this act, and shall include but not be limited to all bridges, tunnels, overpasses, underpasses, interchanges, traffic circles, grade separations, entrance plazas, approaches, toll houses, service areas, service stations, service facilities, communications facilities, and administration, storage and other buildings which the authority may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the authority for the construction or the operation of such project.

"Project" or "ferry project" also means a ferry service for the transportation of passengers and freight between such termini as are herein established or as may hereafter be established by law, and shall include but shall not be limited to ferries and other craft, bulkheads, docks, piers, wharves, warehouses, ferry terminals and stations, parking areas, service stations, service facilities, communications facilities and administration and other buildings which the authority may deem necessary for the operation of such project,

together with all property, rights, easements and interests, including land under water and riparian rights, which may be acquired by the authority for the construction or operation of such project.

(e) "Bonds" or "revenue bonds" means bonds of the authority authorized under the provisions of this act or any amendment thereof or supplement thereto.

(f) "Public highway" means and shall include any public highway, road or street in the State, whether maintained by the State or by any county, city, borough, town, township, village, or other political subdivision.

(g) "Feeder road" means any road which in the opinion of the authority is necessary to create or facilitate access to a project.

(h) "Owner" means and shall include all individuals, copartnerships, associations, private or municipal corporations and all political subdivisions of the State having any title or interest in any property, rights, easements and interests authorized to be acquired by this act.

2. Section 4 of P.L. 1952, c. 16 (C. 27:12B-4) is amended to read as follows:

C. 27:12B-4 New Jersey Highway Authority.

4. There is hereby established in the State Department of Transportation a body corporate and politic, with corporate succession, to be known as the "New Jersey Highway Authority." The authority is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of projects shall be deemed and held to be an essential governmental function of the State.

The New Jersey Highway Authority shall consist of eight members, as follows: the Commissioner of Transportation, ex officio, or his designee; and seven members, each of whom, except the Commissioner of Transportation, shall be a resident of the State and shall have been a qualified elector therein for a period of at least one year next preceding his appointment. Each member of the authority, except the Commissioner of Transportation, shall be appointed by the Governor, with the advice and consent of the Senate, for a term of five years and shall serve until his successor is appointed and has qualified. Of the two members first appointed pursuant to this amendatory act, one shall be for a term of four years and one for a term

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

Any vacancies in the appointed membership of the authority occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

The Governor shall designate one of the members of the authority as chairman thereof and another member as vice-chairman thereof. The chairman and vice-chairman of the authority so designated shall serve as such at the pleasure of the Governor and until their respective successors have been designated. The authority shall elect a secretary and a treasurer who need not be members. At the option of the authority the same person may be elected to serve both as secretary and treasurer. Five members of the authority shall constitute a quorum and the vote of five members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

Before the issuance of any bonds or notes under the provisions of this act, each member of the authority shall execute a surety bond in the penal sum of \$25,000.00, and the treasurer shall execute a surety bond in the penal sum of \$50,000.00, each such surety bond to be conditioned upon the faithful performance of the duties of the office of such member or treasurer, as the case may be, to be executed by a surety company authorized to transact business in the State of New Jersey as surety and to be approved by the Attorney General and filed in the office of the Secretary of State.

No resolution or other action of the authority providing for the issuance of bonds, refunding bonds or other obligations or for the fixing, revising or adjusting of tolls for the use of any highway projects or parts or sections thereof shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and at least one of the following: the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury. The powers conferred in this section upon the Governor, the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury shall be

exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this section shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days (Saturdays, Sundays and holidays excepted) after such copy of the minutes shall have been delivered or the approval thereof by the Governor prior thereto. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action, except action to negotiate or execute a collective negotiation agreement with a certified public employee organization representing employees of the authority, taken by the authority or any member thereof at such meeting, such action shall be null and of no effect.

The members of the authority shall not receive compensation for their services as members of the authority. Each member shall be reimbursed by the authority for his actual expenses necessarily incurred in the performance of his duties. Notwithstanding the provisions of any other law, no member shall be deemed to have forfeited, nor shall the member forfeit, the member's office or employment or any benefits or emoluments thereof by reason of the member's acceptance of the office of ex officio member of the authority or the member's services therein.

The ex officio member of the authority may designate an employee of his department to represent him at meetings of the authority. A designee may lawfully vote and otherwise act on behalf of the member for whom he is the designee. The designation shall be in writing and delivered to the authority and shall be effective until revoked or amended by a writing delivered to the authority.

3. Section 3 of P.L. 1962, c. 10 (C. 27:12C-3) is amended to read as follows:

C. 27:12C-3 Expressway Authority definitions.

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

- (a) "Authority" means the New Jersey Expressway Authority created by this act;
- (b) "Bond" means any bond, and "note" means any note, of the authority authorized pursuant to the provisions of this act;
- (c) "Commissioner" means the Commissioner of Transportation;
- (d) "County" means any county of the State;
- (e) "Department" means the Department of Transportation;
- (f) "Feeder road" means any road which in the opinion of the authority is necessary to create or facilitate access to a project and is not more than three miles in length from the point of its connection with the project;
- (g) "Governing body" means, in the case of a county, the board of chosen freeholders, or, in the case of a school district, the board of education, or, in the case of a municipality or any other governmental subdivision, the commission, council, board or body, by whatever name it may be known, having charge of its finances;
- (h) "Municipality" means any city, borough, village, town or township of the State but not a county or a school district;
- (i) "Owner" means and includes any individuals, copartnerships, associations, private or municipal corporations, and counties, municipalities or other governmental subdivisions of the State having any title or interest in any property, rights, easements and interests authorized to be acquired pursuant to this act;
- (j) "Project" or "expressway project" means any express highway, superhighway or motorway at such locations and between such termini as herein established or as may hereafter be established by law, and acquired or to be acquired or constructed or to be constructed under the provisions of this act by the authority, over which abutters have no easements or rights of light, air or direct access by reason of the fact that their properties abut thereon, and shall include but not be limited to all bridges, tunnels, overpasses, underpasses, interchanges, traffic circles, grade separations, entrance plazas, approaches, toll houses, service areas, stations and facilities, communications facilities, administration, storage and other buildings, and other structures, directly related to the use of the express highway, superhighway or motorway, intersecting highways and bridges and feeder roads which the authority may deem necessary for the operation of such project, together with all property, rights, ease-

ments and interests which may be acquired by the authority for the construction or the operation of such project;

(k) "Public highway" means and shall include any public highway, road or street in the State, whether maintained by the State or by any county, municipality or other governmental subdivision; and

(l) "Real property" means lands within the State, above or below water, and improvements thereof or thereon, or any riparian or other rights or interests therein.

4. Section 5 of P.L. 1962, c. 10 (C. 27:12C-5) is amended to read as follows:

C. 27:12C-5 Membership.

5. The authority shall consist of the following members: the Commissioner of Transportation, ex officio, or his designee; and five members appointed by the Governor, with the advice and consent of the Senate, as follows: one resident each from the counties of Camden, Cape May and Gloucester, and two residents from the county of Atlantic. No more than three of the county representatives shall be members of the same political party. Each appointed member shall have been a qualified voter of the State for at least one year preceding the appointment.

Each member of the authority, except the Commissioner of Transportation, shall serve for a term expiring on April 30 of the year ensuing after his appointment which corresponds in number to the number of the members of the authority then authorized; provided, that the terms of the members first appointed shall be so arranged that one of such terms shall expire on April 30 in each successive year ensuing after such appointments. Each member, except the Commissioner of Transportation, shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. Any vacancy among the appointed members shall be filled by appointment only for the unexpired term but such appointment shall not be made sooner than 15 days after the occurrence of such vacancy.

5. Section 7 of P.L. 1962, c. 10 (C. 27:12C-7) is amended to read as follows:

C. 27:12C-7 Quorum; ex officio member.

7. The powers of the authority shall be vested in the members thereof in office from time to time. Four members of the authority

shall constitute a quorum and the vote of four members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

The ex officio member of the authority may designate an employee of his department to represent him at meetings of the authority. A designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. The designation shall be in writing and delivered to the authority and shall be effective until revoked or amended by a writing delivered to the authority.

6. Section 8 of P.L. 1962, c. 10 (C. 27:12C-8) is amended to read as follows:

C. 27:12C-8 Reimbursement; no forfeiture of office.

8. The members of the authority shall serve without compensation, but the authority may reimburse its members for necessary expenses incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no member shall be deemed to have forfeited nor shall the member forfeit the member's office or employment or any benefits or emoluments thereof by reason of the member's acceptance of the office of ex officio member of the authority or the member's services therein.

7. Section 10 of P.L. 1962, c. 10 (C. 27:12C-10) is amended to read as follows:

C. 27:12C-10 Removal of member.

10. Any member of the authority, except the Commissioner of Transportation, may be removed by the Governor for incapacity, inefficiency, neglect of duty, misconduct in office or other disqualifying cause but only after he shall have been given a copy of the charges against him and, not sooner than 10 days thereafter, been afforded opportunity for a hearing, in person or by counsel, with respect to such charges.

8. Section 3 of P.L. 1948, c. 454 (C. 27:23-3) is amended to read as follows:

C. 27:23-3 New Jersey Turnpike Authority.

3. New Jersey Turnpike Authority. (A) There is hereby established in the State Department of Transportation a body corporate and politic, with corporate succession, to be known as the "New Jersey Turnpike Authority." The authority is hereby constituted an instrumentality exercising public and essential governmental functions, and the exercise by the authority of the powers conferred by

this act in the construction, operation and maintenance of turnpike projects shall be deemed and held to be an essential governmental function of the State.

(B) The New Jersey Turnpike Authority shall consist of six members, as follows: the Commissioner of Transportation, ex officio, or his designee; and five members appointed by the Governor, with the advice and consent of the Senate, each of whom shall be a resident of the State and shall have been a qualified elector therein for a period of at least one year next preceding his appointment. Each appointed member of the authority shall serve for a term of five years and until his successor is appointed and has qualified; except that of the first appointments hereunder, one shall be for a term of two years and one for a term of three years, and they shall serve until their respective successors are appointed and have qualified. The term of each of the first appointees hereunder shall be designated by the Governor. Each appointed member of the authority may be removed from office by the Governor, for cause, after a public hearing. Each member of the authority before entering upon his duties shall take and subscribe an oath to perform the duties of his office faithfully, impartially and justly to the best of his ability. A record of such oaths shall be filed in the office of the Secretary of State. Any vacancies in the appointed membership of the authority occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

(C) The Governor shall designate one of the members of the authority as chairman thereof and another member as vice chairman thereof. The chairman and vice chairman of the authority so designated shall serve as such at the pleasure of the Governor and until their respective successors have been designated. The authority shall elect a secretary and a treasurer who need not be members. At the option of the authority the same person may be elected to serve both as secretary and treasurer. Four members of the authority shall constitute a quorum and the vote of four members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(D) Each member of the authority shall execute a surety bond in the penal sum of \$25,000.00 and the treasurer shall execute a surety bond in the penal sum of \$50,000.00, each such surety bond to be conditioned upon the faithful performance of the duties of the office of such member or treasurer, as the case may be, to be executed by

a surety company authorized to transact business in the State of New Jersey as surety and to be approved by the Attorney General and filed in the office of the Secretary of State.

(E) The members of the authority shall not receive compensation for their services as members of the authority. Each member shall be reimbursed by the authority for his actual expenses necessarily incurred in the performance of his duties. Notwithstanding the provisions of any other law, no member shall be deemed to have forfeited, nor shall the member forfeit, the member's office or employment or any benefits or emoluments thereof by reason of the member's acceptance of the office of ex officio member of the authority or the member's services therein.

(F) No resolution or other action of the authority providing for the issuance of bonds, refunding bonds or other obligations or for the fixing, revising or adjusting of tolls for the use of any turnpike project or parts or sections thereof shall be adopted or otherwise made effective by the authority without the prior approval in writing of the Governor and at least one of the following: the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury. A true copy of the minutes of every meeting of the authority shall be forthwith delivered by and under the certification of the secretary thereof, to the Governor. No action taken at such meeting by the authority shall have force or effect until 10 days, exclusive of Saturdays, Sundays and public holidays, after such copy of the minutes shall have been so delivered. If, in said 10-day period, the Governor returns such copy of the minutes with veto of any action taken by the authority or any member thereof at such meeting such action shall be null and of no effect. The Governor may approve all or part of the action taken at such meeting prior to said 10-day period. The powers conferred in this subsection (F) upon the Governor, the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection (F) shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

(G) The ex officio member of the authority may designate an employee of his department to represent him at meetings of the authority. A designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee. The designations shall be in writing and delivered to the authority and shall be effective until revoked or amended by a writing delivered to the authority.

9. This act shall take effect immediately.

Approved December 27, 1988.

CHAPTER 178

AN ACT concerning public golf courses and supplementing P.L. 1945, c. 282 (C. 40:61-22.7 et seq.) and P.L. 1958, c. 94 (C. 40:32-7.6 et seq.).

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

C. 40:61-22.11a Municipal golf courses.

1. Any municipality which has received federal or State funds for the acquisition or development of public golf courses and which offers reduced senior citizen rates to its residents may allow any resident of the State 62 years of age or older to use these golf courses at the reduced rate.

C. 40:32-7.18 County golf courses.

2. Any county which has received federal or State funds for the acquisition or development of public golf courses and which offers reduced senior citizen rates to its residents may allow any resident of the State 62 years of age or older to use these golf courses at the reduced rate.

3. This act shall take effect January 1 next following enactment.

Approved December 27, 1988.

CHAPTER 179

AN ACT exempting volunteers of blood banks from liability for damages under certain conditions and supplementing chapter 53A 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:53A-7.2 Limited immunity.

1. a. Notwithstanding any other provision of law to the contrary, no person serving without compensation, other than reimbursement for actual expenses, as a trustee, director, officer or voluntary member of a nonprofit blood bank shall be liable for damages resulting from the exercise of judgment or discretion in connection with the duties of his office unless the actions evidence a reckless disregard for the duties imposed by the position.

b. Notwithstanding any other provision of law to the contrary, no person who provides volunteer service or assistance for any nonprofit blood bank shall be liable for damages as a result of his acts of commission or omission arising out of and in the course of his rendering the volunteer service or assistance.

Nothing in this subsection shall be deemed to grant immunity to any person causing damage by his willful, wanton or grossly negligent act of commission or omission.

Nothing in this subsection shall be deemed to grant immunity to any person causing damage as the result of his negligent operation of a motor vehicle.

2. This act shall take effect immediately.

Approved December 27, 1988.

CHAPTER 180

AN ACT concerning conveyances of undeveloped real property located at Rutgers, The State University and the preservation of open space in New Jersey and supplementing chapter 65 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:65-33.2 Findings, declarations.

1. The Legislature finds and declares that the land owned or operated by Rutgers, The State University, in central New Jersey represents one of the few significant parcels of undeveloped land in a region experiencing extraordinary development pressures; that Rutgers as the State university bears a special responsibility to the people and the interests of New Jersey; and that it is imperative that public policy decisions that will shape the face of New Jersey for centuries be made with a commitment to the overall interests of the State and its people.

C. 18A:65-33.3 Notice of intent.

2. Whenever the Board of Governors of Rutgers, The State University intends to sell, exchange, lease or dispose of, or otherwise convey any interest, legal or equitable, in undeveloped real property held by the university or held by the State and in the custody of the university, the board shall, not less than six months prior to the intended conveyance, provide written notice of intent to the Governor, the Senate Revenue, Finance and Appropriations Committee, or its successor, and the General Assembly Appropriations Committee, or its successor.

C. 18A:65-33.4 Public hearing.

3. Within 60 days after providing notification pursuant to section 2 of this act, of the intent to sell, lease or otherwise convey land, the Board of Governors shall conduct a public hearing for the purpose of permitting the public to comment on the proposed conveyance.

C. 18A:65-33.5 Subject to local requirements.

4. Notwithstanding any other law to the contrary and except with regard to facilities which are directly related to the provision of educational services, any development of real property held by the Board of Governors of Rutgers, The State University or held by the State and in the custody of the university, shall be subject to local land use planning and zoning requirements.

5. This act shall take effect immediately.

Approved December 29, 1988.

CHAPTER 181

AN ACT concerning the maintenance and operation of the Bayshore Flood Control Project.

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

1. The Commissioner of Environmental Protection shall be responsible for the following with regard to the Bayshore Flood Control Project:

a. Pump House Facility and Closure Gates.

(1) operation and maintenance of the pump house facility including all electrical, heating, cooling, water and sewerage systems;

(2) all minor and major repairs and improvements to the pumping facilities and associated equipment inside the facility;

(3) maintenance and repair to workshop facility adjacent to the pump house; and

(4) removal of sand in the existing navigational channel to insure the proper operation of the closure gate.

b. Beachfront.

(1) preparation of engineering plans and specifications for sand beachfill, as required due to normal erosion or through erosion associated with coastal storms; and

(2) periodic beach profiles and their submission to the Army Corps of Engineers.

c. Stone Groins. Preparation of engineering plans and specifications for construction, repair and rehabilitation of existing and future stone groins.

d. Sand Dunes.

(1) maintenance and improvement of existing dunes through planting of dune grass, sand fencing, fertilization and posting of signs; and

(2) construct access ways through sand dunes in cooperation with local municipalities.

e. Drainage Structures.

(1) maintenance and operation of drainage structures located along the Raritan Bay shorefront; and

(2) limit of responsibility shall be between the Raritan Bay to the inside edge of existing dunes and shall include piping, automatic and manual drainage controls and sluice gates.

f. Earthen Levees. Maintenance and operation of all earthen levees, automatic and manual drainage structures and associated equipment along Pews Creek and Thorns Creek.

g. Access Road. Maintenance and upkeep of access road from Rose Lane in the borough of Union Beach to pump house facility.

h. Cost Sharing. State share toward beachfills and groin construction in accordance with existing and future State policies on shore protection.

2. The township of Hazlet, the borough of Keansburg, and the township of Middletown shall be responsible for the following with regard to the Bayshore Flood Control Project:

a. Beachfront. Removal of all trash, debris and driftwood.

b. Groins. Provision of the non-State share toward the construction, repair and rehabilitation of existing and future stone groins in accordance with existing and future State policies on shore protection, in cooperation with other State agencies.

c. Sand Dunes.

(1) adoption of ordinances limiting access points, prohibition of dumping of refuse, restriction of unauthorized vehicular traffic and banning of unauthorized construction within the dune area; and

(2) provision of police support and enforcement of ordinances adopted under paragraph (1) of this subsection.

d. Drainage Structures. Limit of responsibility shall be between the inside edge of the existing dunes to the municipally owned and operated storm water intakes or manholes.

e. Earthen Levees.

(1) adoption of ordinances to ban the building of structures, storage of material, prohibition of dumping of refuse and placement of equipment, restriction of unauthorized vehicular traffic on existing earthen levees; and

(2) provision of police support and enforcing of ordinances adopted under paragraph (1) of this subsection.

f. Access Roads. Maintenance of access roads to levees, drainage structures, beachfront and sand dune area.

g. Cost Sharing. Provision of the non-State share towards beachfills and groin construction in accordance with existing and future State policies on shore protection.

3. The township of Hazlet, the borough of Keansburg, and the township of Middletown shall retain ownership of the beaches, dunes and earthen levees which comprise the Bayshore Flood Control Project and which are currently owned by the municipalities and shall provide liability protection to persons other than State employees, its contractors and its assigns while working on the structures which are municipally-owned under this section. The municipalities shall also grant to State employees, its contractors and assigns the right to cross over and traverse the beachfront, dunes and earthen levees which comprise the Bayshore Flood Control Project.

4. For the purpose of assisting municipalities in contributing their share of the cost of beachfills, groin construction and rehabilitating the Bayshore Flood Control Project under section 2 of this act, the Commissioner of Environmental Protection shall make available loans from those funds appropriated under the "Shore Protection Bond Act of 1983" (P.L. 1983, c. 356) for a period of up to 10 years at a rate of interest to be determined by the State Treasurer.

5. a. There is established in the Department of Environmental Protection a Bayshore Flood Control Joint Advisory Committee to promote effective communication and community cooperation, to provide liaison between the department and the municipalities of Hazlet, Keansburg and Middletown, and to provide a forum for public concerns.

b. The advisory committee shall consist of the Commissioner of the Department of Environmental Protection and the mayors of the three municipalities or their designees. The commissioner, or his designee, and the mayors, or their designees, shall serve ex officio.

6. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$350,000.00 to cover the costs of operating and maintaining the Bayshore Flood Control Project, as set forth herein.

7. In addition to the responsibilities of the commissioner, pursuant to this act, there shall also be provided the necessary administrative personnel functions regarding the operation and maintenance of the project. No employee involved in the current operation and maintenance of the project, pursuant to the provisions of this act, shall receive a reduction in salary or benefits. Future salaries and benefits of these employees shall be at least equivalent to salaries and benefits of employees of the State in comparable titles and with comparable duties. The employees shall be provided the same rights, privileges and protection in regard to hiring, firing, layoffs, transfers, promotions and disciplinary actions which are accorded employees in the career service of the State.

8. This act shall take effect immediately.

Approved January 3, 1989.

CHAPTER 182

AN ACT concerning the repayment of certain monies appropriated to the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprise, amending and supplementing P.L. 1985, c. 386, and making an appropriation.

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

1. Section 16 of P.L. 1985, c. 386 is amended to read as follows:

16. There is appropriated from the General Fund \$90,000.00 to effectuate the purposes of this act.

2. Any monies received by the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises pursuant to the provisions of section 16 of P.L. 1985, c. 386 and pursuant to the provisions of section 3 of this amendatory and supplementary act, P.L. 1988, c. 182, shall be considered zero interest loans to be repaid in accordance with the provisions of this section. The authority shall repay the loans in five annual payments with the first payment to begin in the year following the second consecutive year in which the authority received sufficient revenues from its own activities to pay its operating expenses as shall be determined by the State Treasurer. The authority shall enter into a written loan

agreement with the State Treasurer setting forth the terms of the loan repayments, which shall be specified by the State Treasurer.

A statement of the authority's revenues, payment of operating expenses, repayments of the loans specified herein, and the terms of those loan agreements shall be included in the annual report of the authority made to the Governor and the Legislature pursuant to subsection f. of section 3 of P.L. 1985, c. 386 (C. 34:1B-49).

3. There is appropriated from the General Fund to the Department of Commerce, Energy and Economic Development, the sum of \$200,000.00 for use as operating funds by the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises.

4. This act shall take effect immediately.

Approved January 3, 1989.

CHAPTER 183

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 school district failed to give adequate notice for a special meeting pursuant to section 3d. of P.L. 1975, c. 231 (C. 10:4-8d.); 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 January 3, 1989.

CHAPTER 184

AN ACT concerning the licensing of certain persons as audiologists and speech-language pathologists and supplementing P.L. 1983, c. 420 (C. 45:3B-1 et seq.).

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

1. Any person who, on February 1, 1985, was eligible for licensure as an audiologist or speech-language pathologist, or both, pursuant to section 10 of P.L. 1983, c. 420 (C. 45:3B-10), as amended by section 1 of P.L. 1987, c. 332, may apply to the Director of the Division of Consumer Affairs in the Department of Law and Public Safety for the issuance of a license on or before the 180th day following the effective date of this act.

2. The director shall publish within 60 days of the effective date of this act a notice containing the language of section 1 of this act and a brief description of the eligibility requirements for licensure without examination pursuant to section 10 of P.L. 1983, c. 420 (C. 45:3B-10).

The notice shall contain the specific date of the 180th day following the effective date of this act. The notice shall be published at least three times during the 60-day period in one or more newspapers circulating in each county in the State.

3. This act shall take effect immediately.

Approved January 6, 1989.

CHAPTER 185

AN ACT concerning residency requirements for borough clerks and amending N.J.S. 40A:60-6.

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

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

Powers of the council.

40A:60-6. Powers of the Council.

a. The council shall be the legislative body of the municipality.

b. The council may, subject to general law and the provisions of this act:

(1) pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;

(2) control and regulate the finances of the municipality and raise money by borrowing or taxation;

(3) create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the council. Other than the borough attorney, engineer, and building inspector, these officers shall be residents of the borough and shall serve at the pleasure of the council, except the clerk, who also shall be exempt from the borough residency requirement, the tax collector and tax assessor who shall serve for terms as provided in chapter 9 of Title 40A of the New Jersey Statutes. The council may exempt officers from the residency requirements but only pursuant to the adoption of an ordinance to that effect;

(4) investigate any activity of the municipality;

(5) remove any officer of the municipality, other than those officers excepted by law, for cause; and

(6) override a veto of the mayor by a two-thirds majority of all the members of the council.

c. The council shall have all the executive responsibilities of the municipality not placed, by general law or this act, in the office of the mayor.

d. The council, whenever it fails to confirm the nomination by the mayor of any official to a subordinate office of the borough within 30 days of being presented such nomination, shall make the appointment to that office, provided that at least three affirmative votes shall be required for such purpose, the mayor to have no vote thereon except in the case of a tie.

2. This act shall take effect immediately.

Approved January 6, 1989.

CHAPTER 186

AN ACT concerning membership in the Public Employees' Retirement System by employees of the Delaware River Joint Toll Bridge Commission and amending and supplementing P.L. 1954, c. 84.

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 Public Employees' Retirement System membership.

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 em-

ployees, 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, contribu-

tion 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.

2. The provisions of this amendatory and supplementary act shall be applicable to any employee of the Delaware River Joint Toll Bridge Commission who is a member of the retirement system on the effective date of this act.

3. This act shall take effect immediately.

JOINT RESOLUTIONS

(1071)

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION designating a portion of United States Highway Route 46 located in the township of Independence, Warren county, as "Clifford Jones Avenue."

WHEREAS, Clifford Jones, Jr. a resident of the township of Independence, Warren county, served in the armed forces of the United States during the Vietnam Conflict; and

WHEREAS, Clifford Jones, Jr. attained the rank of Specialist Fourth Class, United States Army; and

WHEREAS, Specialist Jones gave the utmost of devotion to his country and his fellow man when he was tragically killed in Vietnam on January 29, 1968 while trying to save the lives of others; and

WHEREAS, For his heroic acts in Vietnam he was posthumously awarded the Silver Star for gallantry in action; and

WHEREAS, The portion of United States Highway Route 46 located between Hope Road and Barkers Mill Road in the township of Independence is the "Main Street" of that township; and

WHEREAS, It is most fitting and proper that Specialist Fourth Class Clifford Jones, Jr. be remembered and honored by the designation in New Jersey of that portion of United States Highway Route 46 in his memory; now, therefore,

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

1. The Commissioner of Transportation shall designate that portion of United States Highway Route 46 located between Hope Road and Barkers Mill Road in the township of Independence, Warren county as "Clifford Jones Avenue."

2. The Commissioner of Transportation is authorized to erect appropriate signs bearing that name.

3. This joint resolution shall take effect immediately.

Approved April 26, 1988.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION designating the week of May 8-14, 1988 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 preschool 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 8-14, 1988 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 4, 1988.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION designating May 7 through May 14, 1988 as Human Potential Week.

WHEREAS, There are nearly 500,000 people in New Jersey who are physically or mentally handicapped; and

WHEREAS, State, county and local governments have established various education and training programs for the handicapped and it is necessary to promote greater awareness of these programs and the special concerns of the handicapped; and

WHEREAS, It is necessary to provide a forum to discuss issues of interest to the physically and mentally handicapped, expand communications between handicapped and non-handicapped people and promote greater awareness of the handicapped and their special needs and concerns; and

WHEREAS, It is necessary for State, county and local governments to participate in this forum to ensure that greater awareness of the handicapped and their special needs is promoted and that government resources for the handicapped are effectively utilized; now, therefore,

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

1. The week of May 7 through May 14, 1988 is formally designated Human Potential Week in the State of New Jersey.
2. The Governor, by appropriate proclamation, shall designate the week of May 7 through May 14, 1988 as Human Potential Week.
3. This joint resolution shall take effect immediately.

Approved May 10, 1988.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION memorializing the Congress and the President of the United States to instruct the Federal Communications Commission to dedicate radio frequencies to public safety.

WHEREAS, Most of the emergency response organizations in New Jersey, including State and local police, fire departments and

emergency medical services, use communications systems that are not compatible because of the multiplicity of frequency groups; and

WHEREAS, A Passaic county grand jury found that during the tragic fire that occurred in the city of Passaic in September 1985, police and fire departments from nearby towns were hindered in their attempts to aid that city in fighting the 40-acre blaze because their communications systems were not compatible; and

WHEREAS, The State Emergency Response System Study Commission has found that additional factors contribute to these communications difficulties, including an insufficient number of frequencies for public safety; an increasing number of nonemergency service users whose communications interfere with those of public safety users and who do not observe proper radio etiquette; the density of the State's population; and interference because of the State's location between the high volume radio and television markets of New York City and Philadelphia; and

WHEREAS, On December 8, 1983, the United States Congress directed the Federal Communications Commission to develop a comprehensive communications plan for public safety services through the year 2000 and the Federal Communications Commission, responding to the Congressional mandate through its Notice of Proposed Rulemaking No. 87-112, proposed allocating a section of the 800 MHz radio band to public safety communications; and

WHEREAS, The State Emergency Response System Study Commission has found that these additional frequencies will be insufficient for the State's needs and that public safety organizations will be required to share these frequencies with incompatible nonemergency service users; 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 expressed in the preamble, respectfully memorializes the Congress and the President of the United States to instruct the Federal Communications Commission to dedicate a sufficient number of radio frequencies

to the exclusive use of public safety, specifically State and local police, fire departments and emergency medical services, and to consider repacking several contiguous UHF television channels so that public safety organizations can build a Statewide system of communications.

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 every member of the Congress representing New Jersey.

3. This joint resolution shall take effect immediately.

Approved June 6, 1988.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION respectfully memorializing the Congress of the United States to increase the amount of funds appropriated to the United States Coast Guard to support ocean dumping surveillance activities.

WHEREAS, The waters off the coast of New Jersey are the only waters in the United States into which it is permissible, by federal law, to dump sludge from barges; and

WHEREAS, Although legal ocean disposal of sewage sludge is now allowed only at the 106-mile site, illegal dumping has occurred and is likely to recur as long as enforcement is lax; and

WHEREAS, As evidenced in recent summers, New Jersey can ill afford the adverse environmental and economic consequences of illegally dumped sewage sludge; and

WHEREAS, While an intensive surveillance program, electronic and otherwise, could act as a major deterrent to illegal dumping, the United States Coast Guard, the agency with that statutory responsibility pursuant to the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. §1417 (c)), is insufficiently funded to be aggressive with its enforcement of ocean dumping rules and accomplish its other responsibilities; now, therefore,

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

1. The Congress of the United States is memorialized to increase the amount of funds appropriated to the United States Coast Guard dedicated to support ocean dumping surveillance activities.
2. Duly authenticated copies of this joint resolution shall be forwarded to the Vice-President of the United States, the Speaker of the House of Representatives, the Commandant of the United States Coast Guard, and members of Congress elected from this State.
3. This joint resolution shall take effect immediately.

Approved July 8, 1988.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION memorializing Congress to establish a federal medical waste management and tracking program.

WHEREAS, Human and animal health care centers and clinics, hospitals, laboratories, and other facilities throughout the nation generate substantial volumes of medical waste that often is not handled, transported, or disposed of in a sanitary and environmentally sound manner, thereby posing a potential threat both to the health of those who directly come into contact with it and the public health in general, as well as the environment; and

WHEREAS, In addition to the actual and perceived health and environmental risks associated with the management of medical waste, there are important aesthetic concerns that often have not been addressed; and

WHEREAS, This waste is often transported across state lines for disposal other than in the state of origin, and, thus, is a commodity of interstate commerce appropriately within the province of Congress to regulate; and

WHEREAS, There is a lack of uniformity in the way, and the degree to which, the various states regulate the handling, transport, and disposal of medical waste, thereby causing confusion and increasing the risk of injury to private and public health and insult to the environment; and

WHEREAS, The effect of this lack of uniformity, as well as a lack of enforcement by the State of New York, was directly experienced by the citizens of New Jersey in the summer of 1987 when medical waste from New York City washed up on the beaches of New Jersey; and

WHEREAS, There is a strong similarity between the medical waste disposal problem and that experienced with hazardous waste before federal legislation imposed uniform standards nationally; now, therefore,

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

1. The Congress of the United States is memorialized to establish a federal medical waste management and tracking program.

2. Duly authenticated copies of this joint resolution shall be forwarded to the Vice-President of the United States, the Speaker of the House of Representatives, the Administrator of the United States Environmental Protection Agency, the Region II Administrator of that agency, the Commissioner of the New Jersey Department of Environmental Protection, and the members of Congress elected from this State.

3. This joint resolution shall take effect immediately.

Approved July 8, 1988.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION respectfully memorializing the Administrator of the United States Environmental Protection Agency to give the highest priority to New Jersey's application for grant assistance to prepare conservation and management plans for the revitalization of the New York-New Jersey Harbor Complex Estuary.

WHEREAS, The National Estuary Program, initiated by the United States Environmental Protection Agency in 1985, and formalized and expanded as part of the "Water Quality Act of 1987," is an effort to formulate comprehensive plans to restore nationally significant estuaries; and

WHEREAS, Subsequent federal legislation has specifically designated the New York-New Jersey Harbor Complex as an estuary of national significance to which priority consideration for conservation shall be given; and

WHEREAS, The New Jersey Department of Environmental Protection, in conjunction with New York State and other parties with responsibility for the harbor complex estuary, has submitted the necessary materials to support its petition for program assistance; and

WHEREAS, The condition of this estuary, which has suffered abuse over a long period, is of serious concern to this State and requires the most urgent attention; and

WHEREAS, The State applauds the recognition the estuary is receiving from the federal government and is most anxious to begin the process of conservation and revitalization of the estuary; now, therefore,

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

1. The Administrator of the United States Environmental Protection Agency is respectfully memorialized to give the highest priority to New Jersey's application for grant assistance for the preparation of comprehensive conservation and management plans required under the New York-New Jersey Harbor Complex Estuary program for the revitalization of that harbor complex estuary.

2. A duly authenticated copy of this joint resolution shall be forwarded to the Administrator of the United States Environmental Protection Agency, the Region II Administrator for that agency, the Commissioner of the Department of Environmental Protection of this State, and the members of Congress elected from this State.

3. This joint resolution shall take effect immediately.

Approved July 8, 1988.

JOINT RESOLUTION No. 8

A JOINT RESOLUTION memorializing the United States Environmental Protection Agency to establish stringent permit standards for the transportation of solid waste in coastal waters.

WHEREAS, Many jurisdictions, especially highly populous ones, are experiencing rapidly diminishing solid waste disposal capacity, a circumstance exacerbated by a more developed public recognition of the risks posed by solid waste disposal facilities; and

WHEREAS, One of the consequences of these circumstances is a sharp increase in the frequency and distance of solid waste transportation in an effort to fully exploit those dwindling disposal opportunities that remain viable; and

WHEREAS, The most familiar and dramatic example of that predicament was the public odyssey of the so-called "garbage barge" that captured headlines for weeks at the end of last year; and

WHEREAS, A situation less newsworthy though more serious and of more direct concern to residents of the east coast is that which obtains from the mismanagement of the transportation of solid waste to the Fresh Kills Landfill, on Staten Island, which mismanagement has resulted in the continual discharge of garbage into coastal waters that carry it to the bathing waters and beaches of New Jersey and, perhaps, other coastal states; and

WHEREAS, Such irresponsible behavior, which has severe economic and potential health consequences to substantial populations, cannot be tolerated and must be terminated; and

WHEREAS, By virtue of the increased risks posed by the activity of transporting solid waste in navigable waters, it is incumbent upon the United States Environmental Protection Agency to develop and enforce strict permit standards for the hauling of solid waste in coastal waters to obviate, to the maximum extent practicable and feasible, the discharge of wastes into the water and to guarantee its safe transfer to a secure permanent disposal site; now, therefore,

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

1. The United States Environmental Protection Agency is memorialized to develop and enforce stringent permit standards for the vessels and the haulers transporting solid waste in coastal waters in order to obviate, to the maximum extent practicable and feasible, the discharge of that waste into the adjacent waters.

2. Duly authenticated copies of this resolution as signed by the Governor shall be transmitted to the Administrator of the United States Environmental Protection Agency, the Administrator of Re-

gion II thereof, and to each of the members of Congress elected from this State.

3. This joint resolution shall take effect immediately.

Approved July 8, 1988.

JOINT RESOLUTION No. 9

A JOINT RESOLUTION memorializing the United States Environmental Protection Agency to close both industrial acid waste ocean disposal sites, deny permits for their use, and monitor each for ecological recovery.

WHEREAS, Only one facility continues to barge wastes to the acid waste dump site in the New York Bight 15 miles from the New Jersey shore under a permit issued by the United States Environmental Protection Agency; and

WHEREAS, The New York Bight, known as the "Dead Sea," has been designated under the National Estuary Program, which designation serves to confer upon it some guaranteed minimal level of protection; and

WHEREAS, Only one facility, duPont's Edge Moor, Delaware facility, continues to barge wastes to the industrial dump site beyond the continental shelf under a permit issued by the United States Environmental Protection Agency; and

WHEREAS, The Edge Moor facility has failed to honor three previous deadlines to terminate ocean dumping activities; and

WHEREAS, Experts in deepwater ocean ecosystems have attested to the deleterious effects of the ocean disposal of industrial wastes on the ocean environment; and

WHEREAS, Approximately 100 industrial establishments have formerly employed ocean dumping for the disposal of industrial wastes, and all but two have found alternatives; and

WHEREAS, Environmentally acceptable alternatives, such as converting the wastes into useful chemicals with other applications, have not been sufficiently explored and developed; and

WHEREAS, The United States Environmental Protection Agency has officially affirmed a termination of ocean dumping as its

adopted policy, a goal undermined by continuing exceptions;
now, therefore,

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

1. The United States Environmental Protection Agency is respectfully memorialized to deny ocean dumping permits to the Allied Chemical facility in Elizabeth, New Jersey and to E.I. duPont de Nemours & Company's Edge Moor, Delaware facility in observance of the agency's stated goal to terminate ocean disposal of industrial wastes.

2. The United States Environmental Protection Agency is respectfully memorialized to close permanently as soon as possible both the 15-mile acid waste New York Bight dump site and the 106-mile deepwater dump site by refusing to issue any permits or renewals or extensions thereof, and to monitor each site for ecological recovery.

3. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Vice-President of the United States, the Speaker of the United States House of Representatives, the Administrator of the United States Environmental Protection Agency, the Administrator of Region II thereof, and to each of the members of Congress elected from this State.

4. This joint resolution shall take effect immediately.

Approved July 8, 1988.

JOINT RESOLUTION No. 10

A JOINT RESOLUTION memorializing the Congress of the United States to accord the highest priority to the development, promulgation, and enforcement of regulations implementing Annex V of the Convention on the Prevention of Marine Pollution from Ships (MARPOL).

WHEREAS, Debris generated on board vessels and disposed at sea poses a threat to public health, the marine environment, and to the continued viability of New Jersey's and the east coast's tourism industries; and

WHEREAS, Worldwide, ships discharge an estimated 639,000 plastic containers daily, and fishing vessels lose some 135,000 metric tons of fish nets annually into the world's oceans; and

WHEREAS, Ocean dumping activities beyond the three mile limit of the territorial sea governed by commitments made at the London Dumping Convention and by the Marine Protection, Research and Sanctuaries Act fail to address discharges resulting from the normal operation of oceangoing vessels; and

WHEREAS, In response to this problem, the United States has recently ratified, and thus become a signatory to, the international treaty known as the Convention on the Prevention of Marine Pollution from Ships (MARPOL), which addresses waste disposal problems beyond the jurisdictional authority of the individual states or the United States; and

WHEREAS, It is now the responsibility of the United States, as party to the MARPOL treaty, to develop, promulgate, and enforce regulations to insure its prompt and effective implementation; now, therefore,

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

1. The Congress of the United States is memorialized to accord highest priority to the development, promulgation, and enforcement of regulations implementing Annex V of the Convention on the Prevention of Marine Pollution from Ships (MARPOL).

2. Duly authenticated copies of this joint resolution, as signed by the Governor, shall be transmitted to the Vice-President of the United States and the Speaker of the House of Representatives, to the Administrator of the United States Environmental Protection Agency and to the Region II Administrator thereof, and to each of the members of Congress elected from this State.

3. This joint resolution shall take effect immediately.

Approved July 8, 1988.

JOINT RESOLUTION No. 11

A JOINT RESOLUTION memorializing the United States Environmental Protection Agency to provide money for the New York Bight Restoration program and to evaluate all dump sites in the New York Bight Apex.

WHEREAS, The New York Bight is part of the New York-New Jersey Harbor Complex which has been designated an estuary of national significance; and

WHEREAS, The harbor complex estuary has been targeted for conservation and revitalization; and

WHEREAS, The continued use of dump sites in the New York Bight will severely hamper any efforts at revitalization of the estuary; and

WHEREAS, The Department of Environmental Protection has found a constructive use for construction debris previously disposed of at the cellar dirt site in the New York Bight by utilizing the debris to establish and maintain a number of reefs approximately 20 miles off the New Jersey coast, which create breeding and congregation grounds for fish; and

WHEREAS, The United States Environmental Protection Agency has officially affirmed a termination of ocean dumping as its adopted policy, a goal undermined by continuing exceptions; now, therefore,

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

1. The United States Environmental Protection Agency is respectfully memorialized to fund, as expeditiously as possible, the New York Bight Restoration Program as authorized under the United States-Japan Fishery Agreement Approval Act and to evaluate all dump sites in the New York Bight Apex with a view to terminating operations thereat at the earliest practicable opportunity.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Vice-President of the United States, the Speaker of the United States House of Representatives, the Administrator of the United States Environmental Protec-

tion Agency, the Administrator of Region II thereof, and to each of the members of Congress elected from this State.

3. This joint resolution shall take effect immediately.

Approved July 8, 1988.

JOINT RESOLUTION No. 12

A JOINT RESOLUTION designating July 17, 1988 as "Children's Memorial Day."

WHEREAS, Numerous parents grieve every year over the deaths of their children, and while there is no "right way" to grieve, parents who have already experienced their child's death can offer understanding and support through The Compassionate Friends, Inc. to those parents who have been recently bereaved; and

WHEREAS, The Compassionate Friends, Inc. is a self-help group whose purposes are to support and aid parents in the positive resolution of the grief experienced upon the death of their child, and to foster the physical and emotional health of bereaved parents as well as siblings; and

WHEREAS, Establishing a specified day to recognize grieving parents and honor the children that they have lost would assist these parents in expressing their feelings in an accepting atmosphere by reaching out to others in similar situations and providing public awareness of The Compassionate Friends, Inc. support group; now, therefore,

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

1. July 17, 1988 is formally designated "Children's Memorial Day" in the State of New Jersey. Citizens and public and private organizations in this State are urged to recognize "Children's Memorial Day" by appropriate observances.

2. This joint resolution shall take effect immediately.

Approved July 11, 1988.

JOINT RESOLUTION No. 13

A JOINT RESOLUTION requesting the Administrator of the United States Environmental Protection Agency to not designate a permanent woodburning site off the coast of New Jersey.

WHEREAS, The United States Environmental Protection Agency (EPA) annually permits the burning of thousands of tons of wooden debris, such as timbers and pilings from deteriorated waterfront structures, driftwood, derelict wooden hulls, and similar materials, at an interim site approximately 20 miles off the coast at Point Pleasant, New Jersey; and

WHEREAS, Noncompliance with past permits, coupled with insufficient enforcement and monitoring activities of the burns by federal agencies, has resulted in partly burned timbers and other wooden debris being set adrift, and air pollutants needlessly being released over the Atlantic Ocean; and

WHEREAS, This debris is a serious hazard to navigation, sometimes fouls and damages fishing nets and other fishing gear, and generally pollutes the ocean and New Jersey's beaches, all to the detriment of the public health, safety, and welfare and the prosperity of the State's valuable tourism industry; and

WHEREAS, Suitable land-based alternatives often exist for the destruction or disposal of this debris; and

WHEREAS, The EPA is considering designating a permanent woodburning site off the New Jersey coast; now, therefore,

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

1. The Administrator of the EPA is requested to not designate a permanent site for the burning of wooden debris anywhere off the coast of New Jersey.

2. Duly authenticated copies of this joint resolution shall be forwarded to the Administrator of the EPA, the Region II Administrator of that agency, the Commissioner of the New Jersey Department of Environmental Protection, and the members of Congress elected from this State.

3. This joint resolution shall take effect immediately.

Approved July 11, 1988.

JOINT RESOLUTION No. 14

A JOINT RESOLUTION memorializing the United States Environmental Protection Agency not to redesignate the 106-mile offshore sewage sludge disposal site, to monitor the ecology of the 12-mile and 106-mile sites, and to accelerate the development of categorical pretreatment standards for industrial wastewater quality.

WHEREAS, Neither State nor local governments, nor authorities or other public instrumentalities, have the technical expertise, equipment, or facilities required to develop categorical pretreatment standards for industry to reduce the levels of contaminants in wastewater discharged to sewage treatment plants, which resources are possessed by the United States Environmental Protection Agency; and

WHEREAS, These contaminants pass through sewage treatment plants to receiving bodies of water at levels contributing to the high rate of failure on the bioassay monitoring test, and also accumulate in the sludge generated by these plants, some of which is ocean disposed; and

WHEREAS, The federally designated 12-mile site within the New York Bight used for decades for sludge disposal is now known as the "Dead Sea"; and

WHEREAS, Sewage sludge generated by six New Jersey facilities is currently disposed at a site 106 miles from the New Jersey shore under court order, which site has been designated by the United States Environmental Protection Agency for this purpose until March 17, 1991, and permits for this activity issued by the agency are pending; and

WHEREAS, Environmentally acceptable land-based alternatives for management of this sludge have not been sufficiently explored and developed; and

WHEREAS, The United States Environmental Protection Agency has officially affirmed a termination of ocean dumping as its adopted policy, a goal undermined by continuing exceptions; now, therefore,

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

1. The United States Environmental Protection Agency is mem-

orialized to accelerate the development of categorical pretreatment standards for industrial wastewater quality, and to review, and revise as necessary, existing standards therefor.

2. The United States Environmental Protection Agency is also respectfully memorialized to refrain from redesignating the 106-mile offshore sewage sludge disposal site upon expiration on March 17, 1991 of the current designation in observance of the agency's stated goal to terminate ocean disposal, and to monitor the ecology of both sludge disposal sites.

3. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Vice-President of the United States, the Speaker of the United States House of Representatives, the Administrator of the United States Environmental Protection Agency, the Administrator of Region II thereof, and to each of the members of Congress elected from this State.

4. This joint resolution shall take effect immediately.

Approved July 11, 1988.

JOINT RESOLUTION No. 15

A JOINT RESOLUTION respectfully requesting the United States Environmental Protection Agency to accelerate the phase-out of the dredged material disposal site located approximately six miles east of Sea Bright, New Jersey, designate a new disposal site by the November 1989 federal deadline and restrict use of that site to clean dredged material only, develop methods for removing all toxins from dredged material, and establish by November 1989 criteria for contaminated dredged material disposal alternatives, including containment islands, subaqueous borrow pits, and treatment facilities, and funding mechanisms for development of these alternatives.

WHEREAS, Dredged material or spoil—sand, silt, and mud that periodically must be removed from navigational channels and berthing areas throughout the Port of New York and New Jersey—is often contaminated with harmful and dangerous substances, including PCB's, heavy metals, and petroleum hydrocarbons; and

WHEREAS, An average of seven million cubic yards of dredged material is disposed of annually at the so-called "Mud Dump Site" located approximately six miles east of Sea Bright, New Jersey, and, with the commencement of three additional major dredging projects, that figure could increase significantly; and

WHEREAS, The United States Army Corps of Engineers, which manages the "Mud Dump Site," estimates that it has a useful life of only six to eight years or 70 million cubic yards before the mound of material becomes a hazard to navigation; and

WHEREAS, The Congress of the United States has directed that the United States Environmental Protection Agency (EPA) halt the disposal of contaminated dredged material at the "Mud Dump Site" by November 1989 and designate a new disposal site at least 20 miles offshore; and

WHEREAS, The continued disposal of contaminated dredged material off the coast of New Jersey poses a serious threat to the health and safety of the citizens of New Jersey and the millions of persons who visit its shores annually, pollutes the environment, and adversely affects the tourism and fishing industries of the State; now, therefore,

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

1. The EPA is respectfully requested to:
 - a. Accelerate the phase-out of the six-mile "Mud Dump Site" for contaminated dredged material located off the coast of New Jersey;
 - b. Based on a study of available disposal methods, designate a new disposal site by the November 1989 federal deadline and restrict use of that site to clean dredged material only;
 - c. Develop methods for removing all toxins from dredged material; and
 - d. Establish by November 1989 criteria for contaminated dredged material disposal alternatives, including containment islands, subaqueous borrow pits, and treatment facilities, and funding mechanisms for development of these alternatives.
2. Duly authenticated copies of this joint resolution shall be transmitted to the Administrator of the United States Environmental Protection Agency, the Region II Administrator of that agency, the Secretary of the Army, the Chief of Engineers and Commander of

the United States Army Corps of Engineers, the Division Engineer, United States Army Corps of Engineers, North Atlantic Division, the Commissioner of the New Jersey Department of Environmental Protection, and the members of Congress elected from this State.

3. This joint resolution shall take effect immediately.

Approved July 11, 1988.

JOINT RESOLUTION No. 16

A JOINT RESOLUTION to reconstitute the Rental Housing Study Commission.

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

1. The Rental Housing Study Commission, created by Joint Resolution No. 5 of 1987, is reconstituted with the same membership, powers and duties as heretofore provided.

2. The commission shall report its findings and recommendations to the Governor and the Legislature, accompanying its report with any legislative bills which it may desire to recommend for enactment, not later than six months following the effective date of this resolution.

3. This joint resolution shall take effect immediately and shall expire upon the submission of the report required by section 2 hereof.

Approved October 25, 1988.

JOINT RESOLUTION No. 17

A JOINT RESOLUTION designating the U.S.S. Ling Naval Museum as the "New Jersey Naval Museum."

WHEREAS, The U.S.S. Ling Naval Museum, located in Borg Park in Hackensack, is owned and has been operated by the Submarine Memorial Association, a nonprofit organization, for 14 years; and

WHEREAS, The U.S.S. Ling Naval Museum houses the U.S.S. Ling, the last of the fleet-type submarines that patrolled our shores during World War II; and

WHEREAS, The U.S.S. Ling was launched in 1943, commissioned by the U.S. Navy in 1945, and was used by the Navy in the remaining days of World War II; and

WHEREAS, The U.S.S. Ling Naval Museum is the only naval museum in New Jersey, houses the only U.S. Naval submarine open to the public in New Jersey and has had over half a million visitors at the museum since its opening 14 years ago; and

WHEREAS, The U.S.S. Ling Naval Museum maintains artifacts of great historical significance relating to World War II and has educational value for all children and adults in this State; and

WHEREAS, For all of the above reasons, the U.S.S. Ling Naval Museum is deserving of special recognition and continued public support; now, therefore,

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

C. 28:2-25 New Jersey Naval Museum.

1. The U.S.S. Ling Naval Museum is designated as the "New Jersey Naval Museum" and may utilize that designation to promote the purposes for which it was established.

2. A duly authenticated copy of this joint resolution shall be transmitted to the Executive Director of the Submarine Memorial Association.

3. This joint resolution shall take effect immediately.

Approved November 4, 1988.

JOINT RESOLUTION No. 18

A JOINT RESOLUTION calling for the establishment of a province-state relationship between the Province of Taiwan and the State of New Jersey, and calling on the Governor to enter into an agreement therefor.

WHEREAS, For many years, officials in Taiwan and New Jersey have worked together in matters of international trade, cultural and educational exchanges, and sports; and

WHEREAS, This State, because of its importance as a center for trade, culture, education and sports, seeks to encourage and expand this mutually beneficial and friendly relationship with Taiwan; and

WHEREAS, Establishing a province-state relationship is a popular and effective means of encouraging cultural, educational, athletic, and commercial relationships between peoples all over the world; and

WHEREAS, The establishment of a province-state relationship between Taiwan and New Jersey would strengthen existing relations between the people of Taiwan and the people of New Jersey, and would pave the way for greater prosperity, cooperation and friendship in the future; now, therefore,

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

1. The Legislature and the Governor of this State desire to establish a province-state relationship between the Province of Taiwan and the State of New Jersey.

2. The purpose of this relationship shall be to:

- a. Facilitate and promote the exchange of goods and services between Taiwan and New Jersey;

- b. Stimulate a mutual interest in the art, history, music, language and religion of each through the exchange of performers, artists, cultural artifacts, and exhibits;

- c. Promote the exchange of students, teachers, and researchers and the exchange of scholarly and advanced scientific publications between each;

- d. Encourage amateur and professional athletes to organize and compete in sporting events in New Jersey and Taiwan;

- e. Promote greater understanding between the people of Taiwan and the people of New Jersey of the heritage, culture and concerns of each other; and

- f. Effectuate such other programs and goals as the leaders of Taiwan and of this State shall determine.

3. The Governor is called on to consult with appropriate representatives of the Province of Taiwan and to enter into an agreement for the establishment of province-state relations between the Province of Taiwan and the State of New Jersey.

4. This joint resolution shall take effect immediately.

Approved November 29, 1988.

JOINT RESOLUTION No. 19

A JOINT RESOLUTION memorializing the United States Department of State to establish a full-time, full-service passport agency in New Jersey.

WHEREAS, New Jersey is the most densely populated State in the nation; and

WHEREAS, New Jersey does not have a full-time, full-service passport agency; and

WHEREAS, As New Jersey continues to become an international center for trade and business, it is essential that it be able to offer its corporations a convenient location for the processing of same-day passport applications; and

WHEREAS, Citizens of this State must travel to other states to have their passport applications processed on the same day; and

WHEREAS, New Jersey is in need of a full-time, full-service passport agency to adequately service the passport requirements of its citizens; now, therefore,

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

1. The United States Department of State is memorialized to establish a full-time, full-service passport agency in New Jersey.

2. A duly authenticated copy of this joint resolution shall be transmitted to the United States Secretary of State and each member of Congress from this State.

3. This joint resolution shall take effect immediately.

Approved December 15, 1988.

JOINT RESOLUTION No. 20

A JOINT RESOLUTION designating the New Jersey Veterans Memorial Cemetery-Arneytown in North Hanover Township, New Jersey as the "Brigadier General William C. Doyle Veterans' Memorial Cemetery."

WHEREAS, The State veterans' cemetery at Arneytown in North Hanover township, New Jersey opened in the spring of 1986; and

WHEREAS, It is appropriate that this cemetery should bear the name of an outstanding citizen of New Jersey who has made a significant contribution to the State in the area of veterans' affairs; and

WHEREAS, United States Army Brigadier General William C. Doyle enlisted in the United States Army during World War II and received, among other honors, the Purple Heart, the Silver Star and the Bronze Star; and

WHEREAS, In 1946, Brigadier General Doyle was commissioned a captain in the New Jersey National Guard and rose to the rank of Brigadier General; and

WHEREAS, As an officer in the New Jersey National Guard, Brigadier General Doyle served for nine years as the New Jersey State Director of Logistics, for 17 years as the Superintendent of the New Jersey Memorial Home for Disabled Veterans and for seven years as the chairman of the Aeronautics Committee and Military Affairs Committee of the National Security Commission; and

WHEREAS, United States Army Brigadier General William C. Doyle served as Director of the Division of Veterans' Programs and Special Services in the New Jersey State Department of Human Services; and

WHEREAS, As Director of the Division of Veterans' Programs and Special Services, Brigadier General Doyle was the principal guiding force in the development of the State veterans' cemetery at Arneytown; now, therefore,

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

C. 28:2-18.1 Doyle Veterans' Cemetery.

1. The New Jersey Veterans' Memorial Cemetery—Arneytown located in North Hanover township, New Jersey shall be designated

the "Brigadier General William C. Doyle Veterans' Memorial Cemetery."

C. 28:2-18.2 Placards.

2. The Adjutant General of the Department of Military and Veterans' Affairs is authorized to post appropriate placards bearing the designation "Brigadier General William C. Doyle Veterans' Memorial Cemetery."

3. This joint resolution shall take effect immediately.

Approved January 3, 1989.

**AMENDMENTS
ADOPTED IN 1988
TO THE 1947 CONSTITUTION**

(1097)

Amendments Adopted in 1988 to the 1947 Constitution

ARTICLE II, PARAGRAPH 2

Amend Article II, paragraph 2 of the Constitution to read as follows:

2. All questions submitted to the people of the entire State shall be voted upon at the general election next occurring at least 70 days following the final action of the Governor or the Legislature, as appropriate, necessary to submit the questions. The text of any such question shall be published at least once in one or more newspapers of each county, if any newspapers be published therein, at least 60 days before the election at which it is to be submitted to the people, and the results of the vote upon a question shall be void unless the text thereof shall have been so published.

Adopted November 8, 1988.

Effective December 8, 1988.

ARTICLE IV, SECTION IV, PARAGRAPH 1

Amend Article IV, Section IV, paragraph 1 of the Constitution to read as follows:

1. Any vacancy in the Legislature occasioned otherwise than by expiration of term 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 vacancy shall be filled at the general election which immediately precedes the expiration of the term in which the vacancy occurs. For the interim period pending the election and qualification of a successor to fill the vacancy, or for the remainder of the term in the case of a vacancy occurring which cannot be filled pursuant to the terms of this paragraph at a general election, the vacancy shall be filled within 35 days by the members of the county committee of the political party of which the incumbent was the nominee from the municipalities or districts or units thereof which comprise the legislative district.

Adopted November 8, 1988.

Effective December 8, 1988.

ARTICLE VIII, SECTION I, PARAGRAPHS 3 AND 4

Amend Article VIII, Section I, paragraphs 3 and 4 of the Constitution to read as follows:

3. Any citizen and resident of this State now or hereafter honorably discharged or released under honorable circumstances from active service, in time of war or other emergency as, from time to time, defined by the Legislature, in any branch of the Armed Forces of the United States shall be entitled, annually to a deduction from the amount of any tax bill for taxes on real and personal property, or both, including taxes attributable to a residential unit held by a stockholder in a cooperative or mutual housing corporation, in the sum of \$50.00 or if the amount of any such tax bill shall be less than \$50.00, to a cancellation thereof, which deduction or cancellation shall not be altered or repealed. Any person hereinabove described who has been or shall be declared by the United States Veterans Administration, or its successor, to have a service-connected disability, shall be entitled to such further deduction from taxation as from time to time may be provided by law. The surviving spouse of any citizen and resident of this State who has met or shall meet his or her death on active duty in time of war or of other emergency as so defined in any such service shall be entitled, during her widowhood or his widowerhood, as the case may be, and while a resident of this State, to the deduction or cancellation in this paragraph provided for honorably discharged veterans and to such further deduction as from time to time may be provided by law. The surviving spouse of any citizen and resident of this State who has had or shall hereafter have active service in time of war or of other emergency as so defined in any branch of the Armed Forces of the United States and who died or shall die while on active duty in any branch of the Armed Forces of the United States, or who has been or may hereafter be honorably discharged or released under honorable circumstances from active service in time of war or of other emergency as so defined in any branch of the Armed Forces of the United States shall be entitled, during her widowhood or his widowerhood, as the case may be, and while a resident of this State, to the deduction or cancellation in this paragraph provided for honorably discharged veterans and to such further deductions as from time to time may be provided by law.

4. The Legislature may, from time to time, enact laws granting an annual deduction, from the amount of any tax bill for taxes on the real property, and from taxes attributable to a residential unit

in a cooperative or mutual housing corporation, of any citizen and resident of this State of the age of 65 or more years, or any citizen and resident of this State less than 65 years of age who is permanently and totally disabled according to the provisions of the Federal Social Security Act, residing in a dwelling house owned by him which is a constituent part of such real property, or residing in a dwelling house owned by him which is assessed as real property but which is situated on land owned by another or others, or residing as tenant-shareholder in a cooperative or mutual housing corporation, but no such deduction shall be in excess of \$160.00 with respect to any year prior to 1981, \$200.00 per year in 1981, \$225.00 per year in 1982, and \$250.00 per year in 1983 and any year thereafter and such deduction shall be restricted to owners having an income not in excess of \$5,000.00 per year with respect to any year prior to 1981, \$8,000.00 per year in 1981, \$9,000.00 per year in 1982, and \$10,000.00 per year in 1983 and any year thereafter, exclusive of benefits under any one of the following:

a. The Federal Social Security Act and all amendments and supplements thereto;

b. Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under, a. hereof including but not limited to the Federal Railroad Retirement Act and federal pension, disability and retirement programs; or

c. Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under a. hereof; provided, however, that the total amount of benefits to be allowed exclusion by any owner under b. or c. hereof shall not be in excess of the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under a. hereof.

The surviving spouse of a deceased citizen and resident of the State who during his or her life received a deduction pursuant to this paragraph shall be entitled, so long as he or she shall remain unmarried and a resident of the same dwelling house situated on the same land with respect to which said deduction was granted, to the same deduction, upon the same conditions, with respect to the same real property or with respect to the same dwelling house which is situated on land owned by another or others, or with respect to the same cooperative or mutual housing corporation, notwithstanding that said

surviving spouse is under the age of 65 and is not permanently and totally disabled, provided that said surviving spouse is 55 years of age or older.

Any such deduction when so granted by law shall be granted so that it will not be in addition to any other deduction or exemption, except a deduction granted under authority of paragraph 3 of this section, to which the said citizen and resident may be entitled, but said citizen and resident may receive in addition any homestead rebate or credit provided by law. The State shall annually reimburse each taxing district in an amount equal to one-half of the tax loss to the district resulting from the allowance of tax deductions pursuant to this paragraph.

Adopted November 8, 1988.

Effective December 8, 1988.

EXECUTIVE ORDERS

New Jersey State Library

(1103)

Executive Orders

EXECUTIVE ORDER No. 185

WHEREAS, The Tax Reform Act of 1986 (the Act) imposes an annual limitation on the issuance of tax-exempt private activity bonds as defined in the Act by all issuers within the State; and

WHEREAS, The Act includes a provision that it applies to bonds issued after August 15, 1986; and

WHEREAS, The Act limits the annual volume of tax-exempt private activity bonds (State volume cap) for the State of New Jersey to \$50 per resident annually for 1988 and the years thereafter, based on the most recent population estimate provided by the Bureau of the Census before the beginning of the year to which the limitation applies; and

WHEREAS, The State tax-exempt obligations that would be tax-exempt private activity bonds and subject to the State volume cap under the Act include those obligations which assist in the financing of projects necessary to improve the quality of New Jersey's environment, to stimulate economic development in the State, and to provide low-to-moderate income housing for New Jersey's citizens; and

WHEREAS, In accordance with the Act and by Part II of Executive Order No. 147, I had allocated the State volume cap among the issuers in the State for 1986 and 1987; and

WHEREAS, In accordance with the Act, Part II of Executive Order No. 147 expired on December 31, 1987; and

WHEREAS, In accordance with the Act, the Legislature has passed and, on January 13, 1988, I have signed into law the "New Jersey Private Activity Bond Volume Cap Allocation Act," which gives the Governor the authority to establish a procedure for allocation of the State volume cap, which procedure may provide a reallocation formula that differs from the federal formula and authorizes the Governor by Executive Order or otherwise to allocate the entire State volume cap to the Department of the Treasury for reallocation by the State Treasurer; and

WHEREAS, It is desirable to establish a procedure for allocating the State volume cap among issuers to ensure an equitable and prudent allocation that is beneficial for the citizens of New Jersey; and

WHEREAS, The Act imposes a reporting requirement on all issuers of tax-exempt obligations, in accordance with which issuers are required to file certain information with the Internal Revenue Service with respect to obligations issued after December 31, 1986; and

WHEREAS, The Act requires that issuers of obligations that are subject to the State volume cap attach to each information statement to be filed with the Internal Revenue Service with respect to their obligations a certification by a State official designated by State law, or when there is no such official, the Governor, that such obligation meets the State volume cap; and

WHEREAS, No State law designates a State official for purposes of making the required certification;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

Part I—Definitions

As used in this Act:

A) “Bond” means a revenue obligation, security, bond, note debenture, certificate or other evidence of indebtedness of an issuer.

B) “Carryforward” means that portion of the State volume cap for any calendar year which is unused during that calendar year and which is available to be carried forward to be used in later years pursuant to the Code.

C) “Federal formula” means the formula or formulas for allocation of the State volume cap now or hereafter established pursuant to the Code.

D) “Governmental bond” means any tax-exempt bond which is not a private activity bond.

E) “Issuer” means the State or any political subdivision of the State or any entity issuing bonds on behalf of the State or any political subdivision of the State.

F) “Private activity bond” and “private activity portion of governmental bonds” mean a bond or portion thereof subject to any allocation of State volume cap pursuant to the Code.

G) “State entity” means any agency, department, subdivision, authority, or corporation of the State authorized to issue tax-exempt bonds.

H) "State obligation" means: (a) any obligation directly or indirectly payable from or secured in part by State General Fund monies, even if subject to annual appropriation by the State Legislature; or (b) any obligation creating a moral obligation on the part of the State.

I) "Tax-exempt bond" means a bond, note or other obligation the interest on which is not includable in federal gross income pursuant to section 103 of the Code.

Part II—Allocation to the Department of the Treasury

1. A) The entire State volume cap for 1988 and for each year thereafter is allocated to the Department of the Treasury to be held by the State Treasurer. The State Treasurer may allocate all or any portion of the State volume cap among State entities or local units of government authorized to issue tax-exempt private activity bonds and to the New Jersey Department of Environmental Protection (DEP), in accordance with the requirements of the Act.

B) The State Treasurer shall set forth the terms and conditions for receiving an allocation to issue tax-exempt private activity bonds. Further, the State Treasurer may set forth the terms and conditions under which the New Jersey Housing and Mortgage Finance Agency (HMFA), the New Jersey Economic Development Authority (EDA), and DEP may reallocate their allocation received pursuant to the Treasurer's Order. The State Treasurer also may set forth the terms and conditions under which State entities may carry forward their allocations.

2. I hereby designate the State Treasurer as my delegate for the purpose of certifying compliance by issuers with the annual State volume cap requirement set forth in the Act.

3. This part of the Executive Order shall take effect immediately and applies to all private activity bonds and the private activity portion of governmental bonds issued after January 13, 1988.

Part III—Executive Order No. 147

Executive Order No. 147 shall remain in full force and shall in no way be affected by this Executive Order.

Issued February 4, 1988.

EXECUTIVE ORDER No. 186

WHEREAS, Superconductivity—the flow of electricity without resistance and loss—is one of the most significant and exciting scientific advances in decades; and

WHEREAS, A multitude of practical applications have been projected for superconductor materials, from tiny computer chips to high-speed trains; and

WHEREAS, These developments carry significant implications for economic development and overall quality of life; and

WHEREAS, New Jersey is fortunate in being able to call upon many recognized leaders in the field of superconductivity from the academic community and private industry; and

WHEREAS, It is in the interest of this State to utilize the expertise of these scientists, engineers and research managers to encourage and enhance New Jersey's leadership in research into superconductivity and related fields, and to aid in the development of a plan of action for commercialization of superconductivity technology;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Governor's Roundtable on Superconductivity (hereinafter referred to as the "Roundtable").

2. The Roundtable shall consist of the Commissioner of Commerce, Energy and Economic Development, or his designee, and 12 public members, appointed by the Governor from the academic community, including those involved in theoretical and experimental advances in superconductivity, and private industry, including those engaged in superconductivity research and those that will make use of superconductivity technology.

3. The Roundtable shall organize as soon as practicable after the appointment of its members. The Governor shall designate a Chairperson of the Roundtable from among the public members who shall serve at the pleasure of the Governor. The Vice-Chairperson shall be selected by the Roundtable from among the public members. Roundtable members shall serve without compensation.

4. The Roundtable shall be charged with the following responsibilities:

- a. To advise the Governor and the citizens of New Jersey on recent developments in superconductivity;
 - b. To explore the implications of advances in superconductivity in terms of potential commercialization of superconductivity technology;
 - c. To identify those commercial applications of superconductivity research which will encourage new business activity and employment within New Jersey; and
 - d. To recommend specific actions to ensure that New Jersey remains in a leadership position in superconductivity research and in the commercialization of superconductivity technology.
5. The Roundtable shall meet as frequently as required to discharge its duties.
 6. The Roundtable shall make such recommendations and prepare and submit such reports to the Governor as it deems necessary.
 7. The Commission on Science and Technology is authorized and directed, to the extent consistent with the law, to cooperate with the Roundtable and to supply such personnel, data, program reports and other information and assistance to the Roundtable as it may deem necessary to discharge its responsibilities under this Order.
 8. This Order shall take effect immediately and shall expire on December 31, 1989.
- Issued March 4, 1988.

EXECUTIVE ORDER No. 187

- WHEREAS, Income in the Unemployment Insurance Trust Fund has exceeded benefit payments for the past several years; and
- WHEREAS, Projections indicate the fund balance will be sufficient to pay benefits in the foreseeable future, assuming the economy does not enter a prolonged recession; and
- WHEREAS, Increased trust fund reserves have given rise to proposals to re-examine the existing tax structure of the Unemployment Insurance Program; and

WHEREAS, Based on the increased level of the trust fund reserve, various proposals have been made to use a portion of Unemployment Insurance tax resources for purposes other than paying benefits; and

WHEREAS, Before conclusive action is taken on such proposals, careful consideration must be given to the relative merits and liabilities of each in light of the necessity to preserve the long-term fiscal solvency of the Trust Fund;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created the Task Force on Unemployment Insurance Financing, hereinafter referred to as the "Task Force."

2. The Task Force shall consist of five members appointed by the Governor, two of whom shall be representatives of labor organizations in the State, two of whom shall be representatives of State business organizations, and a fifth member designated by the Governor to serve as chairman.

3. Taking into consideration the current financial status of the Unemployment Insurance Trust Fund and the Department of Labor's projections of the impact of possible future economic scenarios on the Fund's continued solvency, the Task Force shall examine:

- A. Whether the existing tax structure established by the Unemployment Insurance Law remains equitable and sufficient to meet future obligations; and

- B. Whether the Unemployment Insurance taxing mechanism should be used to raise funds for employment and training or other employee benefit purposes.

4. The Task Force shall present a report to the Governor by October 1, 1988 outlining its findings and recommendations.

5. The Task Force is authorized to call upon any department, office, division, or agency of the Executive Branch of State government for data, reports and any other information, personnel or assistance as necessary to carry out this Order.

6. This Order shall take effect immediately.

Issued April 18, 1988.

EXECUTIVE ORDER No. 188

WHEREAS, The economy of the State of New Jersey is experiencing significant expansion and change and consequent growth in employment opportunities; and

WHEREAS, Such transformation of the economy requires a competent, well-trained and flexible work force which possesses the basic educational and specific occupational skills needed for tomorrow's jobs; and

WHEREAS, The State's different employment and training efforts, if effectively coordinated and guided by common principles, would: 1) result in better mobilization of services and resources on behalf of individuals and areas most in need, 2) help State and local agencies adapt quickly and creatively as employment and training needs change, and 3) improve collaboration between the public and private sectors in supporting the continuing development of the State's work force; and

WHEREAS, Such coordination and common direction are most likely to occur if they are determined by a policy development and oversight body that is independent from the various State departments and the day-to-day operation of employment and training programs; and

WHEREAS, The existing Job Training Coordinating Council required by the Job Training Partnership Act and created by Executive Order No. 22 dated December 3, 1982 has demonstrated its capacity for leadership for a portion of the employment and training system;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is created a Commission to be known as the New Jersey Commission on Employment and Training, hereinafter referred to as the Commission. The Commission shall report to the Governor and shall be in but not of the Department of Labor.

2. The membership of the Commission shall be constituted in accord with Section 122 of the Federal Job Training Partnership Act, Public Law 97-300 signed into law by the President on October 13, 1982. It shall be composed of representatives of private business, local government, the general public and State government and the State Legislature.

3. The existing members of the State Job Training Coordinating Council shall be members of the Commission.

4. Members shall serve at the pleasure of the Governor, with the exception that members representing State departments shall serve *ex officio*.

5. The Commission shall have an Executive Committee with at least 50 percent of its members being representatives of the private sector.

6. The Chairperson of the Commission shall be appointed by the Governor from among representatives of the private sector.

7. The Commission shall establish bylaws, arrangements for the election of officers of the Commission other than the Chairperson, voting procedures and such other procedures as necessary for the Commission to carry out its work.

8. The Commission shall appoint an Executive Director who shall serve at its pleasure and be responsible for carrying out the day-to-day activities of the Commission. The Executive Director is authorized to hire such other qualified professional, technical and clerical staff as may be necessary to perform the functions assigned. All employees of the Commission shall be in the unclassified service, except that the Commission may utilize staff residing in other units of State government.

9. The Commission shall perform the functions assigned to the Job Training Coordinating Council pursuant to Section 122 of the Job Training Partnership Act of 1983 (Pub. L. 97-300) as amended and such other duties assigned to that Council by the New Jersey Job Training Program (P.L. 1983, c. 328).

10. In carrying out its duties under this Executive Order, the Commission shall be guided by the December 1987 Governor's Statement on Employment Policy, including the six principles enumerated therein: 1) the employment and training system must be designed to promote the long-term economic independence of New Jersey's people, 2) New Jersey's work force must be encouraged to invest in their own education and training, 3) New Jersey's employment and training system must incorporate the full range of services our people need to become and remain employed, 4) State and local leadership must be strengthened to achieve a more effective and coordinated employment and training system, 5) New Jersey's employment and training system must be pursued as the common endeavor of the

public and private sectors, and 6) our State's employment and training system must strive for excellence.

11. The Commission shall continuously evaluate the programs and activities of the broad employment and training system and make recommendations to the Governor and appropriate departments for improvements. Such recommendations may include organizational changes designed to increase effectiveness, reduce duplication and effect cost savings.

12. The Commission shall prepare an annual report to the Governor and the State Legislature assessing the employment and training system during the preceding year along with the Commission's recommendations for improvement. It shall submit such other reports as it deems suitable and which are consistent with the purpose of this Executive Order.

13. The Commission shall review, comment and make recommendations to the Governor and appropriate departments on all new employment and training programs and substantive changes to existing programs prior to their submission for funding.

14. The Commission shall continuously evaluate new federal and State legislative proposals and make recommendations concerning their implementation. Likewise, newly enacted laws shall be evaluated and recommendations made concerning their integration within the extant employment and training system.

15. The Commission shall perform such other functions as the Governor may assign to it.

16. The Chairperson shall establish procedures jointly with the Commissioners of other State departments for acquiring, organizing, evaluating and disseminating current data on program activities and performance.

17. The Commission shall prepare an annual budget which shall detail the costs of activities required to carry out the work of the Commission, including the costs of the Institute established in Section 19 of this Executive Order.

18. The Commission shall examine the functions and accomplishments of the advisory structures in such related fields as vocational education, adult education, apprenticeship, vocational rehabilitation and human services and make recommendations for more effective coordination of the efforts in these fields, including when appropriate

a recommendation to the Governor for absorbing such functions under the jurisdiction of the Commission.

19. There is hereby created within the Commission a New Jersey Institute for Employment and Training Development, hereinafter referred to as the Institute. The Institute shall be headed by a Director who shall be appointed by and under the supervision of the Executive Director of the Commission.

20. The Director of the Institute shall continuously evaluate the need for upgrading the professional and technical competence of employees of State and local employment training agencies. The Director shall develop curricula, seminars, conferences, advanced training courses and similar activities to improve the levels of competence of employment and training staff.

21. The Director of the Institute shall be authorized to enter into contracts with providers of staff development services in accordance with an annual plan and budget approved by the Commission. Such contracts shall be issued in accord with established State procedures.

22. Executive Order No. 22, December 3, 1982, is amended as follows:

Sections 4, 5 and 6 are hereby deleted. Sections 1, 2, 3 and 7 shall remain. Remaining as well is Section 8 which was added by Executive Order No. 81 dated September 5, 1984.

23. This Order shall take effect immediately.

Issued April 19, 1988.

EXECUTIVE ORDER No. 189

WHEREAS, It is essential that all persons supplying goods or services to the State of New Jersey, or performing contracts or otherwise executing public works with the assistance of and subject to the approval of the State, must meet a standard of responsibility which assures the State and its citizens that such persons will both compete and perform honestly in their dealings with the State and avoid conflicts of interest; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits State officers or employees and special State officers or employees from having any interest or engaging in any activity that is in

substantial conflict with the proper discharge of their duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair their objectivity or independence of judgment; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits State officers or employees and special State officers or employees from acting in their official capacity in any matter wherein they have a direct or indirect personal financial interest which might reasonably be expected to impair their objectivity or independence of judgment; and

WHEREAS, C. 52:34-19 provides that it shall be a misdemeanor to pay any fee, commission, compensation, gift or gratuity of any kind, directly or indirectly, to any person employed by the Department of the Treasury or to any other person in the employ of the State having any duties or responsibilities in connection with the purchase or acquisition of any property or services by the State or any agency or instrumentality thereof by or on behalf of any seller or supplier of such goods or services or other party to a contract with the State; and

WHEREAS, It is essential that persons providing goods or services to, or performing contracts for, the State be fully informed of the policies of the State concerning their relationships with State officers or employees and special State officers or employees that these policies be uniformly applied by the various agencies of the Executive Branch; and

WHEREAS, It is therefore necessary to supplement Executive Order No. 34 (1976), which provides the grounds and procedures applicable to the debarment, suspension and disqualification of State vendors, to encompass appropriate standards prohibiting conflicts of interest on the part of present and prospective State vendors;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. As used in this Order, "vendor" means any person, firm, corporation, or other entity which provides or offers or proposes to provide goods or services to or perform any contract for any State agency.
2. The executive head of each department or agency in the Executive Branch with the lawful authority to engage in State contract-

ing shall, in accordance with the provisions of the "Administrative Procedure Act," C. 52:14B-1 et seq., promulgate regulations supplementing those heretofore established pursuant to Executive Order No. 34 (1976) governing the causes, conditions and procedures applicable to determinations of debarment, suspension and disqualification by the department or agency to include the minimum standards hereinafter set forth. In addition to any other filing required by law to be made, each executive head shall file with the Attorney General and Treasurer a copy of such rules and regulations as may be promulgated.

3. The rules and regulations referred to in paragraph 2 shall include the following prohibitions on vendor activities, the violation of which shall render said vendor liable to debarment in the public interest, pursuant to the procedures established by Executive Order No. 34 (1976), by any Executive department or agency:

- a. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by C. 52:13D-13b. and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by C. 52:13D-13i., of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of C. 52:13D-13g.
- b. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.
- c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed

or associated or in which he has an interest within the meaning of C. 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

- d. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
 - e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.
 - f. The provisions cited above in paragraphs 3a. through 3e. shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph 3c.
4. The rules and regulations referred to in paragraph 2, *supra*, shall require that the prohibitions set forth in paragraph 3, *supra*, shall be included in all requests for proposals issued by any State department or agency and in all contracts executed on behalf of a State department or agency, other than those of an interstate agency to which New Jersey is a party and contracts entered into on behalf of the interstate agency.
5. Nothing required by this Order shall be construed to limit the authority of any State department or agency to refrain from contracting within the discretion allowed by law, or to limit C. 52:34-19 or any other applicable statute or regulation.
6. This Order shall take effect on the 90th day following its execution.

Issued July 20, 1988.

EXECUTIVE ORDER No. 190

WHEREAS, The history of the people and places of New Jersey weaves a rich tapestry detailing the development of our State; and

WHEREAS, Knowledge of that history serves as a vital link in understanding present day New Jersey from an economic, geographic and cultural perspective; and

WHEREAS, It is the policy of New Jersey that the history of the State is the proper concern of all its citizens, particularly students enrolled in the high schools and colleges supported by the State of New Jersey; and

WHEREAS, No televised documentary series chronicling the history of New Jersey has ever been produced; and

WHEREAS, The New Jersey Network in conjunction with the New Jersey Historical Commission is about to embark on the creation of a comprehensive series of films presenting the history of New Jersey from the early 17th century to the present; and

WHEREAS, This series is designed to enhance New Jersey citizens' scope of knowledge about our great State's history; and

WHEREAS, It is desirous to seek the input and assistance of prominent New Jerseyans in promoting this unique series;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a New Jersey Historical Film Series Advisory Commission (Advisory Commission). The Advisory Commission shall be comprised of a Chairperson to be appointed by the Governor and such other persons as may be appointed by the Governor. The members shall serve without compensation.

2. The Advisory Commission shall be charged with the following responsibilities:

- a. To draw upon the members' resources and expertise in methods of promoting the series of films chronicling the history of New Jersey;
- b. To meet with other interested parties willing to assist with the coordination of events surrounding the historical film series and seek volunteers who are willing to donate their talents; and

- c. To receive donations, through fund raising and contributions, from individuals and public and private organizations to assist New Jersey Network and the New Jersey Historical Commission in producing this epic film series.
 3. All departments and agencies are authorized and directed, to the extent possible and not inconsistent with law, to cooperate with the Advisory Commission and to furnish it with such information, personnel and assistance as may be necessary to accomplish the purpose of this Order.
 4. The Advisory Commission shall expire once the historical film series has been aired for the first time in its entirety by New Jersey Network.
 5. This Order shall take effect immediately.
- Issued July 21, 1988.

EXECUTIVE ORDER No. 191

- WHEREAS, The problem of drug and alcohol abuse has reached epidemic proportions and is adversely affecting the lives and safety of our citizens; and
- WHEREAS, The abuse of drugs and alcohol in the workplace, among other things, reduces job efficiency, increases absenteeism and sick leave, and, most importantly, jeopardizes the lives and safety of fellow employees and citizens; and
- WHEREAS, The State of New Jersey has a vital interest in promoting a safe and drug-free workplace and in ensuring our citizens that public safety employees do not threaten life and limb due to the abuse of drugs or alcohol; and
- WHEREAS, The State, at present, has no uniform drug-testing policy applicable to all State employees regarding drug testing which equitably balances the employee's rights and the public's vital interests in safety and efficiency; and
- WHEREAS, Drug testing of State employees should be premised on uniform criteria which apply to all employees regardless of department or agency affiliation;

NOW; THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Cabinet Task Force on Drug Testing in the Workplace (hereinafter referred to as the "Task Force"). The Task Force shall consist of the Attorney General, who shall serve as Chairperson, the Commissioners of Community Affairs, Corrections, Education, Environmental Protection, Health, Human Services, Labor, Personnel, Transportation, or their designees, the Public Advocate, or his designee, the Chancellor of Higher Education, or his designee, and a representative of the Governor's Office of Employee Relations.

2. The responsibilities and functions of the Task Force shall include:

a. Formulating a Statewide drug-testing policy for State employees that equitably balances employee rights with the State's vital interests in public safety and in promoting and maintaining a drug-free workplace.

b. Drafting drug testing guidelines based on Statewide policy to govern all State employees and to be submitted to the Governor for his approval.

c. Studying and reporting on the role of organized labor regarding the State's uniform guidelines on workplace testing.

d. Promoting legislative action regarding workplace drug testing for all State employees.

3. The Task Force shall begin its efforts immediately to fulfill the objectives set forth in this Order and shall continue until such time as it is determined that the Task Force's objectives have been met.

4. This Order shall take effect immediately.

Issued August 11, 1988.

EXECUTIVE ORDER No. 192

WHEREAS, The State of New Jersey has 110 sites listed under the Federal Government's 1980 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); and

WHEREAS, The 1986 Superfund Amendments and Reauthorization Act (SARA) extends the authorities established under CERCLA and clarifies federal and state roles as trustees for natural resources which have been affected by hazardous substances; and

WHEREAS, The effective remediation of hazardous waste sites is a crucial effort which will require close cooperation between the state and federal agencies; and

WHEREAS, SARA specifically requires that the governor of each state designate a state official who may act on the behalf of the public as its trustee for natural resources; and

WHEREAS, The Commissioner of the New Jersey Department of Environmental Protection acts in this capacity under a variety of State laws and is thus the appropriate State official to serve as New Jersey's Natural Resource Trustee;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

The Acting Commissioner of the New Jersey Department of Environmental Protection is hereby designated the State's Natural Resource Trustee for the purposes outlined in Section 107(f)(2)(B) of CERCLA and Section 311 of the Federal Water Pollution Control Act.

Issued September 14, 1988.

EXECUTIVE ORDER No. 193

WHEREAS, It is in the interest of the citizens of this State to develop a comprehensive mental health support system that provides all citizens with the best possible access to quality and affordable mental health care; and

WHEREAS, Such a system should aim to provide the treatment, rehabilitation, and support services necessary to assist mentally ill individuals in attaining and maintaining their highest level of functioning in the least restrictive setting; and

WHEREAS, Development of a comprehensive State mental health plan will guide the orderly development of needed services and programs to this population; and

WHEREAS, Title 5 of the "State Comprehensive Mental Health Services Plan Act of 1986," Pub. L. 99-660, requires the creation of a broad-based mental health services planning council convened by the Chief Executive Officer of the State;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Governor's Advisory Council on Mental Health Services Planning which shall: (a) make a comprehensive review of New Jersey's mental health system; (b) focus on the assessment and formulation of public policy issues affecting the mentally ill that require interdepartmental support; and (c) assist the Department of Human Services, Division of Mental Health and Hospitals, to develop a comprehensive State mental health plan.

2. The Council shall consist of 15 members, appointed by the Governor, as follows: (a) the Commissioners of the Departments of Human Services, Health, and the Public Advocate, or their designees, as ex officio members of the Council; (b) one representative of the New Jersey Community Mental Health Board; and (c) 11 public members from among persons representing professional organizations, corporations, foundations, consumers and advocacy groups. At least half of the membership, however, shall consist of individuals who are not State employees or providers of mental health services.

3. The Council shall organize as soon as practicable after the appointment of its members. The Governor shall designate the Chairperson of the Council from among the members of the Council who shall serve at the pleasure of the Governor. The Vice-Chairperson shall be selected by the Council from among its members. Council vacancies shall be filled by appointment by the Governor for the remainders of the unexpired terms. The Council may further organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Council. Council members shall serve without compensation.

4. The Departments of Health and Human Services are authorized and directed, to the extent consistent with the law, to cooperate with the Council and supply such data, program reports and other information as may be requested by the Council to complete its work. In addition, the Department of Human Services shall furnish the Council with such staff, office space and supplies as necessary to accomplish the purposes of this Order.

5. The Council may meet and hold hearings at such place or places as it shall designate and shall report its findings and recommendations to the Governor not more than 12 months following its organization. The Council's recommendations shall be consistent with the federal planning requirements as specified in Title 5 of the "State Comprehensive Mental Health Services Plan Act of 1986" (Pub. L. 99-660).

6. This Order shall take effect immediately and expire on December 31, 1989.

Issued September 16, 1988.

EXECUTIVE ORDER No. 194

WHEREAS, An individual's right to vote is a fundamental right that serves as the bulwark of our democracy; and

WHEREAS, Many individuals do not exercise their right to vote because they are unaware of registration requirements or do not have access to voter registration applications; and

WHEREAS, The State is in a unique position to make voter registration applications available to its citizens and thereby assure that they have the opportunity to exercise their fundamental right to vote;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. State departments shall make mail voter registration applications available to their employees. In addition, State departments that have regular contact with the public in their daily administration of business, including but not limited to the Department of Environmental Protection, the Department of Health, the Department of Higher Education, the Department of Human Services, the Department of Labor, the Department of Law and Public Safety, and the Department of State, shall make mail voter registration applications available at their public offices. These applications shall be placed in visible locations at these offices so as to be readily accessible to members of the public.

2. State departments shall have no responsibility for assisting in the completion of the applications or the mailing of completed voter

registration applications to the Election Division of the Office of the Secretary of State, either on behalf of employees or the public.

3. This Order shall take effect immediately.

Issued September 16, 1988.

EXECUTIVE ORDER No. 195

WHEREAS, Executive Order No. 193 created a Governor's Advisory Council on Mental Health Services Planning; and

WHEREAS, The purpose of this Council was to make a comprehensive review of New Jersey's mental health system and assist the Department of Human Services, Division of Mental Health and Hospitals, to develop a comprehensive State mental health plan; and

WHEREAS, An increase in the membership of the Council to include a representative of the State Board of Human Services will assist the Council both in the development of a comprehensive State mental health plan and the implementation of any subsequent recommendations;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Section 2 of Executive Order No. 193 is hereby amended as follows:

"The Council shall consist of 16 members, appointed by the Governor, as follows: (a) the Commissioners of the Departments of Human Services, Health, and the Public Advocate, or their designees, as ex officio members of the Council; (b) one member of the New Jersey Community Mental Health Board; (c) one member of the State Board of Human Services; and (d) 11 public members from among persons representing professional organizations, corporations, foundations, consumers and advocacy groups. At least half of the membership, however, shall consist of individuals who are not State employees or providers of mental health services."

2. This Order shall take effect immediately.

Issued September 28, 1988.

EXECUTIVE ORDER No. 196

WHEREAS, The Governor's Council on New Jersey Outdoors, created May 27, 1986 by Executive Order No. 138, was established to continue the work of New Jersey's Conference on Recreational Resources; and

WHEREAS, The Governor's Council on New Jersey Outdoors, in preparing its report to the Governor, accepted testimony from citizens and governmental organizations concerned with open space and recreation throughout the State about New Jersey's outdoors; and

WHEREAS, The findings and recommendations in the report to the Governor by the Governor's Council on New Jersey Outdoors is based on the testimony and research from citizens; and

WHEREAS, A recommendation made by citizens was to establish a permanent Council on Open Space and Outdoor Recreation;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Council known as the Governor's Council on New Jersey Outdoors (hereinafter referred to as the "Council") is hereby continued to consist of 21 members to be appointed by and serve at the pleasure of the Governor. The makeup of the Council shall be as follows:

- a. Two representatives shall be from the State's urban municipalities;
- b. A representative serving in government at the county level;
- c. A representative from the New Jersey Recreation and Parks Association;
- d. Two public members;
- e. Four members of the Legislature: two Senators, one of each political party, and two Assemblypersons, one of each political party, appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly;
- f. Eleven representatives of the various civic and social organizations, including representatives with a background in finance, business and industry, health and medicine, arts and culture, the en-

vironment, coastal issues, handicapped affairs, and recreational sports.

2. All members shall serve, without compensation, at the pleasure of the Governor. Council vacancies shall be filled by the Governor as necessary.

3. The Governor shall select from among the members of the Council a Chairperson and Vice-Chairperson, who shall have all the powers and duties of the Chairperson.

4. The Council shall be empowered to conduct additional public hearings and to accept additional public testimony to continue its work, particularly to study the open space, urban recreation, recreation, and natural resource preservation needs of the citizens of the State of New Jersey for the future and shall submit to the Governor recommendations it deems necessary for providing high quality open space and recreation resources.

5. The Department of Environmental Protection is authorized and directed, to the extent not inconsistent with law, to cooperate with the Council and to furnish it with such information, personnel, and assistance as necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Issued October 18, 1988.

EXECUTIVE ORDER No. 197

I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. November 25, 1988, 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, preclude such absence on November 25, 1988.

Issued November 14, 1988.

EXECUTIVE ORDER No. 198

WHEREAS, P.L. 1986, c. 112, known as the "Civil Service Act," authorized the establishment within the Executive Branch of State Government of a Senior Executive Service (SES) which is intended to provide additional flexibility in the hiring and personnel practices of managerial, policy-executing and policy-influencing employees; and

WHEREAS, Creation of the SES within the Executive Branch will enable the State to maintain a corps of professional managers upon which the State may rely in responding to the myriad demands placed upon executive administration; and

WHEREAS, The State needs to attract and retain the best public managers possible; and

WHEREAS, A compensation program specifically for the SES needs to be established for this elite group of professional public managers;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Governor's Performance Reward Committee which will be responsible for reviewing and approving compensation for, and any increases to, members of the SES. The Performance Reward Committee shall include the Commissioner of Personnel, the Director of the Office of Budget and Accounting, and the Governor's Chief of Staff, or his designee.

2. Salary increases for SES employees earning less than \$64,999 may be effected by individual personnel actions, unless otherwise agreed upon by the Governor's Performance Reward Committee.

3. Salary increases for SES employees earning \$65,000 or more must be submitted to the Governor's Performance Reward Committee. The Governor's Performance Reward Committee shall have 15 workdays to review and act upon such requests. If the Governor's Performance Reward Committee does not act on any request within the 15 workday review period, the salary increase shall be deemed approved. The salary program for SES members shall be implemented jointly by the Department of Personnel and the Department of the Treasury.

4. This Order shall take effect immediately.

Issued November 16, 1988.

EXECUTIVE ORDER No. 199

WHEREAS, The presence of Acquired Immune Deficiency Syndrome (AIDS) and the Human Immunodeficiency Virus (HIV) presents a serious public health concern for the State of New Jersey; and

WHEREAS, New Jersey presently ranks fifth in the nation with regard to the number of its citizens infected with AIDS and the number of AIDS cases has been steadily increasing; and

WHEREAS, Education and training are the best methods for avoiding the risks of HIV transmission and preventing unlawful discrimination against persons with AIDS or HIV infection; and

WHEREAS, The State of New Jersey, as an employer, has the responsibility to ensure that State employees are trained and educated on issues related to AIDS and HIV; and

WHEREAS, The State of New Jersey, at present, has not established any uniform education and training program for its employees regarding AIDS and HIV;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Commissioner of Health and the Commissioner of Personnel shall be responsible for providing information and education to all State departments and their employees on issues relating to AIDS and HIV.

2. An education and training program on AIDS and HIV shall be developed and provided to all State employees. The Commissioner of Health shall, in cooperation the Commissioner of Personnel, develop the curriculum and course content. The Department of Personnel shall administer the program to State employees.

3. Each department, office, division or agency of the State is authorized and directed to cooperate with the Commissioner of Health and the Commissioner of Personnel and to furnish them with such data, information, personnel and support services as the commissioners deem necessary to accomplish the purposes of this Order.

4. This Order shall take effect immediately.

Issued November 16, 1988.

EXECUTIVE ORDER No. 200

WHEREAS, On March 14, 1983, Executive Order No. 35 created a Governor's Committee on Children's Services Planning, a body composed of commissioners of various State departments and concerned citizens who have distinguished records in the area of children's services, to review the findings of the Commission on Children's Services to make recommendations to the Administration to improve the quality of services for the children and youth of this State; and

WHEREAS, Executive Order No. 44 and Executive Order No. 91 extended the term of the Committee through January 1, 1986; and

WHEREAS, The Committee was extended and reconstituted pursuant to Executive Orders No. 137 and 141 to continue in existence until such time as terminated by the Governor; and

WHEREAS, The work of these talented individuals has focused attention on the problems of children and youth in New Jersey and has fostered improved planning and coordination of services for children; and

WHEREAS, The Governor's Committee on Children's Services Planning has prepared specific recommendations to improve services for children and youth in the State; and

WHEREAS, There is an ongoing need for the Committee to work with the various State departments and the community in order to facilitate and coordinate efforts to improve the quality of services for children and youth;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Committee on Children's Services Planning shall continue in existence until such time as the Committee is terminated by action of the Governor.

- a. The Committee shall consist of no more than 13 public members appointed by the Governor for a term of two years. The members shall be appointed from among persons who have distinguished records in programming for children in the areas of social services, juvenile justice, developmental disabilities, mental health, education, medicine, employment, substance abuse and health care. The

Governor may consider those public members who have previously served on the Committee when making new appointments.

b. The Commissioners of the Departments of Human Services, Education, Corrections, Health, Labor, Law and Public Safety, Community Affairs and the Public Advocate, or their designees, the Administrative Director of the Courts, or his designee, and a designee from the Governor's office shall also serve on the Committee.

c. Committee vacancies shall be filled by appointment by the Governor for the remainders of the unexpired terms.

d. The Governor shall designate the Chairperson of the Committee from among the members of the Committee, who shall serve at the pleasure of the Governor. The Committee members shall choose a Vice Chairperson from among the members of the Committee.

e. The Committee may further organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Committee.

2. The Committee shall meet formally at least monthly during the life of the Committee.

3. The Committee shall work with the Governor's office, various State departments, the Administrative Office of the Courts, local public and private agencies and community groups to:

a. Continue to foster improved planning and coordination of services for children to include, but not be limited to, the areas of: juvenile justice, mental health, health-related issues, education and social services;

b. Foster increased private sector involvement in developing programs and services to benefit New Jersey's children;

c. Provide such information on children's services issues as the Governor may request; and

d. Make recommendations concerning policy issues consistent with the purpose of this Order.

4. The Committee shall make recommendations to the Governor and work with the Administration in developing legislative initiatives aimed at establishing an ongoing mechanism to cooperatively work with State government agencies and the community in the planning and coordination of services for children.

5. This Order shall take effect immediately.

Issued November 23, 1988.

EXECUTIVE ORDER No. 201

WHEREAS, Title 7 of the federal Housing and Development Act of 1987, Pub. L. 100-242, authorizes the Secretary of the Department of Housing and Urban Development (HUD) to designate federal Urban Enterprise Zones within economically depressed areas throughout the country; and

WHEREAS, HUD by regulation established a process for the designation of federal Urban Enterprise Zones; and

WHEREAS, The State of New Jersey has by its own authority established State Urban Enterprise Zones in economically distressed areas within the State; and

WHEREAS, The New Jersey Urban Enterprise Zone Authority was established to carry out the provisions of the State's Urban Enterprise Zone Act; and

WHEREAS, The State of New Jersey has the responsibility to ensure that all nominations for federal Urban Enterprise Zones are submitted to HUD in a timely and effective manner; and

WHEREAS, The New Jersey Urban Enterprise Zone Authority through its personnel, experience and skill already performs the task of reviewing, evaluating and analyzing all applications for State designation as an Urban Enterprise Zone and can best perform this same analysis for the Governor to assist him in nominating Economic Zones in New Jersey for federal Urban Enterprise Zone designation;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey Urban Enterprise Zone Authority will secure applications on behalf of the State of New Jersey for federal Urban Enterprise Zone consideration.

2. The Urban Enterprise Zone Authority shall assess each application for federal Urban Enterprise Zone designation and report its

recommendations on the relative merit and worth of each application to the Governor no later than January 6, 1989.

Issued December 22, 1988.

REORGANIZATION PLAN

REORGANIZATION PLAN DEPARTMENT OF TRANSPORTATION

NOTICE OF A PLAN FOR THE REORGANIZATION OF THE DEPARTMENT OF TRANSPORTATION

Take notice that on February 18, 1988 Governor Thomas H. Kean hereby issues the following Reorganization Plan (No. 001-1988) to provide for increased efficiency, coordination and functioning of the Department of Transportation.

General Statement of Purpose

Pursuant to its present statutory authority, it is the duty of the Department of Transportation, among other responsibilities, to solve or assist in the solution of the problems of all modes of transportation; to construct needed transportation systems; to promote an efficient, fully integrated and balanced transportation system for the State; to prepare and implement comprehensive plans and programs for all modes of transportation development in the State; and to coordinate the transportation activities of State agencies, State-created public authorities, and other public agencies with transportation responsibilities within the State.

The Department of Transportation recently contracted with a nationally respected and recognized consultant to conduct an organizational review of the Department, and to suggest ways to more efficiently carry out the Department's role. The conclusions of this analysis are the basis for the reorganization of the Department provided for herein.

Currently, the Commissioner is assisted by a Deputy Commissioner (who also serves as Executive Director), and three Assistant Commissioners; one for Transportation Services and Planning, one for Engineering and Operations (who also serves as State Highway Engineer), and one for Finance and Administration. This Reorganization Plan renames the Assistant Commissioner for Transportation Services and Planning as the Assistant Commissioner for Policy and Planning; abolishes the position of Assistant Commissioner for Engineering and Operations (State Highway Engineer), and creates in its place two Assistant Commissioner positions to more accurately reflect the functions of those positions: one for Design and

Right of Way; and one for Construction and Maintenance. The existing position of Assistant Commissioner for Finance and Administration is retained without change under this Plan. Additionally, although not a part of this Reorganization Plan it is the Commissioner's intention to implement changes simultaneously with the adoption of this Plan which further provide for the consolidation and coordination of certain functions which currently exist in the Department utilizing the Commissioner's existing statutory authority to organize the Department pursuant to section 6 of P.L. 1966, c. 301 (C. 27:1A-6).

In accordance with the provisions of the "Executive Reorganization Act of 1969," P.L. 1969, c. 203 (C. 52:14C-1 et seq.), I find with respect to each proposed reorganization included in this Plan that each is necessary to accomplish the purposes set forth in section 2 of that Act and will do the following:

1. Promote the better and more efficient execution of the law by coordinating and consolidating functions of the Department in a more consistent and practical way according to major purposes;

2. Promote the expeditious administration of the public business by coordinating and consolidating functions of the Department in accordance with a strategic plan designed to increase departmental efficiency;

3. Eliminate some overlapping and duplication within the Department by consolidating and reallocating certain functions and responsibilities and thereby better utilizing the resources of the Department.

The provisions of the Reorganization Plan are as follows:

- I. 1.a. An Office of the Commissioner is hereby created, consisting of the Commissioner of Transportation, a Chief of Staff, an Inspector General, a Director of Communications, a Legislative Liaison, and such other staff members as the Commissioner may deem necessary.

- 1.b. The position of Chief of Staff is hereby formally established. The Chief of Staff shall assist the Commissioner in coordinating the day to day functions of the various areas of the department under the supervision of the Deputy and Assistant Commissioners, and shall have such other responsibilities as may from time to time be delegated by the Commissioner. The Chief of Staff shall be appointed by and shall serve at the pleasure of the Commissioner.

1.c. The position of Inspector General is hereby formally established. The Inspector General shall be responsible for internal auditing, investigation and security matters, and for such other responsibilities as may from time to time be delegated by the Commissioner. The Inspector General shall be appointed by and shall serve at the pleasure of the Commissioner.

1.d. The position of Director of Communications is hereby formally established. The Director of Communications shall be responsible for internal and public communications, and for such other responsibilities as may from time to time be delegated by the Commissioner. The Director of Communications shall be appointed by and shall serve at the pleasure of the Commissioner.

1.e. The position of Legislative Liaison is hereby formally established. The Legislative Liaison shall be responsible for interacting with the Legislature as prescribed by the Commissioner, and for such other responsibilities as may from time to time be delegated by the Commissioner. The Legislative Liaison shall be appointed by and shall serve at the pleasure of the Commissioner.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will assist the Department in enhancing and improving cost controls which will foster the more economical operation of the Department, and will also assist the Commissioner in more efficiently managing the Department and its various divisions, promote the better execution of the laws, and further the expeditious administration of the public business. The Chief of Staff will assist the Commissioner in the more efficient operation of the Department through coordinating the day-to-day management functions between and among the Deputy and Assistant Commissioners. The Inspector General will assist the Commissioner in the more economical and efficient operation of the Department through functioning as an internal auditor of all divisions and offices of the Department. The Director of Communications will assist in the expeditious administration of the public business by coordinating, for the Commissioner, all internal and public communications. The Legislative Liaison will promote the better and more efficient operation of the Department, and execution of the laws, through coordinating the necessary inter-relationships between the Department and the Legislature.

II. 1.a. The position of Deputy Commissioner created pursuant to section 12 of P.L. 1966, c. 301 (C. 27:1A-12), together with all its functions, powers and duties, is continued. The Commissioner may

appoint such additional Deputy Commissioners if the workload of the Department so requires, in order to more efficiently conduct the public business. The Deputy Commissioner(s) shall be appointed by and shall serve at the pleasure of the Commissioner. The responsibilities of Executive Director conferred upon the Deputy Commissioner by C. 27:1A-12 are hereby abolished.

1.b. The position of Deputy Executive Director created pursuant to section 13(b) of P.L. 1966, c. 301 (C. 27:1A-13(b)), and all of its functions, powers, and duties, is hereby abolished.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will promote the expeditious administration of the public business and provide for increased agency efficiency by clarifying that a Deputy Commissioner shall serve as a deputy to the Commissioner, without any ambiguity as to the nature of any additional responsibilities which might concurrently be vested in the title of an Executive Director. The elimination of the Deputy Executive Director is desirable in conformance with elimination of the responsibility of Executive Director, and will serve to promote more streamlined administration and departmental efficiency through clarification of responsibilities and the elimination of unnecessary titles.

III. 1.a. The position of Assistant Commissioner for Transportation Services and Planning created pursuant to section 8(a) and (b) of P.L. 1966, c. 301 (C. 27:1A-8(a) and (b)), is hereby renamed as Assistant Commissioner for Policy and Planning. All of the qualifications for the Assistant Commissioner for Transportation Services and Planning established by C. 27:1A-8(b) continue as qualifications for the Assistant Commissioner for Policy and Planning.

1.b. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Assistant Commissioner for Transportation Services and Planning, the same should mean and refer to the Assistant Commissioner for Policy and Planning.

I find that this reorganization is necessary to accomplish the purposes set forth in sections 2 and 5 of P.L. 1969, c. 203. Specifically, this reorganization will more accurately reflect the functions and responsibilities of this particular Assistant Commissioner, will enhance public understanding of those functions and responsibilities, and hence will aid in the administration of the Department.

IV. 1.a. The position of and the qualifications for Assistant Commissioner for Engineering and Operations created pursuant to C. 27:1A-8(a) and (c), respectively, are hereby abolished. In its place, two Assistant Commissioner positions shall be established: one for Design and Right of Way; and one for Construction and Maintenance.

1.b. There is hereby created an Assistant Commissioner for Design and Right of Way, which person shall be appointed by and shall serve at the pleasure of the Commissioner. The Assistant Commissioner for Design and Right of Way shall be a professional engineer qualified by training and experience in the design of highways, bridges and other transportation facilities, and in the processes of right of way acquisition and disposition.

1.c. There is hereby created an Assistant Commissioner for Construction and Maintenance, which person shall be appointed by and shall serve at the pleasure of the Commissioner. The Assistant Commissioner for Construction and Maintenance shall be a professional engineer qualified by training and experience in the construction and maintenance of highways, bridges and other transportation facilities.

1.d. The position of State Highway Engineer created pursuant to C. 27:1A-8(c) is hereby abolished, and reconstituted as State Transportation Engineer.

1.e. The Commissioner, pursuant to the authority granted by C. 27:1A-6, shall designate an existing department position which shall be held by a professional engineer, and which, in addition to its existing responsibilities, shall serve as the State Transportation Engineer.

1.f. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made either to the Assistant Commissioner for Engineering and Operations, or to the State Highway Engineer (in which title the Assistant Commissioner for Engineering and Operations also served pursuant to C. 27:1A-8(c)), the same shall mean and refer to the State Transportation Engineer.

1.g. The position of Deputy State Highway Engineer, created pursuant to section 10 of P.L. 1966, c. 301 (C. 27:1A-10), is hereby abolished.

1.h. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference

is made to the Deputy State Highway Engineer, the same shall mean and refer to the State Transportation Engineer, created by Section IV.1.d. of this Reorganization Plan.

1.i. The Commissioner, pursuant to the authority granted by C. 27:1A-6, shall designate such existing department positions as may be deemed necessary and expedient, which positions, in addition to their respective responsibilities, shall serve as Deputy State Transportation Engineers, to assist the State Transportation Engineer in the exercise of the duties of that position.

1.j. The positions of Chief Engineer for Design, and Chief Engineer for Construction and Maintenance, created pursuant to C. 27:1A-10, are hereby abolished, and the duties formerly vested in those positions shall be subsumed, respectively, in the responsibilities of the Assistant Commissioner for Design and Right of Way, and the Assistant Commissioner for Construction and Maintenance.

I find that this reorganization is necessary to accomplish the purposes set forth in sections 2 and 5 of P.L. 1969, c. 203. Specifically, this reorganization will create a more balanced level of responsibility between and among the Assistant Commissioners by abolishing the position of Assistant Commissioner for Engineering and Operations, and allocating the responsibilities of that position according to function between two Assistant Commissioner positions; one for Design and Right of Way, and one for Construction and Maintenance.

Additionally, since the former position of Assistant Commissioner for Engineering and Operations also served as State Highway Engineer, it was necessary to reallocate those responsibilities. The name of State Highway Engineer has been changed to State Transportation Engineer to more accurately reflect current responsibilities of that position and of the Department, which is charged with, among other things, the duty to solve or assist in the solution of the problems of all modes of transportation, not only highways. The Commissioner's designation of an existing title which shall also serve as State Transportation Engineer is necessitated by the abolition of the position of Assistant Commissioner for Engineering and Operations, which position was previously designated by law as State Highway Engineer.

The abolition of the position of Deputy State Highway Engineer is desirable, as the functions formerly vested in that position will be distributed according to function, by the Commissioner, to whichever position or positions the Commissioner deems necessary. Addition-

ally, the Commissioner is empowered by virtue of existing statutory authority, and by paragraph IV.1.i. of this Reorganization Plan, to designate such existing Department positions to serve as Deputy State Transportation Engineers as are deemed necessary to assist the State Transportation Engineer. The above changes are necessary and desirable in order to permit the Commissioner to redesignate and reassign duties and responsibilities of the State Highway Engineer and the Deputy State Highway Engineer in accordance with the objectives of this Reorganization Plan.

The abolition of the titles of Chief Engineer for Design, and Chief Engineer for Construction and Maintenance, is desirable as the functions formerly vested in those two positions will be assumed respectively, by the Assistant Commissioner for Design and Right of Way, and the Assistant Commissioner for Construction and Maintenance.

V. 1.a. The position of Assistant Commissioner for Finance and Administration and the qualifications for that position, created pursuant to C. 27:1A-8, are continued. The Commissioner may appoint such additional Assistant Commissioners as may be deemed necessary and expedient in order to more efficiently conduct the public business. All Assistant Commissioners shall be appointed by and shall serve at the pleasure of the Commissioner.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will serve to contribute to a more balanced level of responsibility between and among the assistant commissioners, which will result in the more expeditious administration of the Department, provide for increased departmental efficiency, and promote the better and more efficient execution of the law.

VI. 1.a. Any divisions created by the Commissioner, pursuant to C. 27:1A-6, shall be headed by a division director, who shall administer the work of the division, and perform such other functions as may be assigned by the Commissioner. All division directors shall be supervised by an Assistant Commissioner, and shall be appointed by and serve at the pleasure of the Commissioner.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will serve to increase departmental efficiency and promote the more expeditious administration of the public business through standardizing and clarifying the names of the major departmental sections as divisions, which shall be under the direct

supervision of a division director, who, in turn, shall be under the supervision of an Assistant Commissioner.

VII. 1.a. The position of Director of Planning and Research, created by C. 27:1A-13(a), is hereby abolished.

1.b. The position of Director of Modal Transportation Services, created by C. 27:1A-13(c), is hereby abolished.

1.c. The position of Director of Aeronautics, created by C. 27:1A-13(d), is hereby abolished.

1.d. The position of Director of Waterborne Transportation, created by C. 27:1A-13(g), is hereby abolished.

1.e. The position of Director of Regulatory Affairs, created by C. 27:1A-13(e), is hereby abolished.

1.f. The position of Director of Policy Analysis and Governmental Affairs, created by C. 27:1A-13(f), is hereby abolished.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c. 203. Specifically, this reorganization will remove from codification, six positions, which are provided for by statute. (The Department currently employs over 5,700 employees, and the vast majority of those positions are not established pursuant to legislation.) This reorganization will not abolish any of the responsibilities of the noted positions, but will permit the Commissioner to redistribute certain functions in an organized, strategic and comprehensive manner, which will serve to enhance the efficiency of operation of the Department.

All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies. A copy of this Reorganization Plan was filed on February 18, 1988 with the Secretary of State and the Office of Administrative Law. This Plan shall become effective in 60 days, on April 18, 1988, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or on a date later than April 18, 1988 should the Governor establish a later date by Executive Order.

Take notice that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the pamphlet laws under a heading of "Reorganization Plans."

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"Home Care Expansion Act," C. 30:4E-5 et seq., Ch. 92.

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Convention on the Prevention of Marine Pollution from Ships (MARPOL), Congress memorialized to expedite regulations implementing, J.R. 10.

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Medical waste management, training program; Congress memorialized to establish, J.R. 6.

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Rental Housing Study Commission, reconstituted, J.R. 16.

Solid waste, U.S. Environmental Protection Agency memorialized to develop stringent permit standards for hauling in coastal waters, J.R. 8.

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Taiwan, province-state relationship; establishment, called for, J.R. 18.

JOINT RESOLUTIONS (Continued)

U.S.S. Ling Naval Museum, designated New Jersey Naval Museum, C. 28:2-25, J.R. 17.

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 Driver's license; failure to endorse, notify of name change; penalties, clarified, amends C. 39:3-9a and R.S. 39:3-10, Ch. 8.
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Bayshore Flood Control Project; State, municipal shared responsibility, Ch. 181.
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 "Cap" law exemption; libraries, privately owned, certain, amends C. 40A:4-45.3, Ch. 66.
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 Finance officer certification program, revised, C. 40A:9-140.10 et seq., amends C. 40A:9-140.1 et al., Ch. 110.
 Golf courses; reduced rates; senior citizens, certain, C. 40:61-22.11a and 40:32-7.18, Ch. 178.
 "Local Tax Authorization Act," 2-year extension, amends C. 40:48C-19 et al., Ch. 3.
 "New Jersey Urban Enterprise Zones Act," revised, C. 52:27H-80.2, amends C. 52:27H-62 et al., Ch. 93.
 Town form of government, organization, revision, N.J.S. 40A:62-1 et seq., amends R.S. 40:141-1(1), repeals C. 40:123-6.1 et al., Ch. 7.
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License denial, revocation; disclosure required on application, C. 26:2H-13.1, amends C. 55:13B-7, Ch. 113.
 Medicaid; preadmission screening program, established, C. 30:4D-17.10 et seq., Ch. 97.

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PROFESSIONS AND OCCUPATIONS

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County colleges; insurance, group; 3-year term permitted, amends C. 18A:64A-25.28, Ch. 144.

Education, boards of; insurance, group; 3-year term permitted, amends N.J.S. 18A:18A-42, Ch. 143.

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PUBLIC EMPLOYEES (Continued)

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"Cable Subscriber Privacy Protection Act," C. 48:5A-54 et seq., Ch. 121.

Cable television; discount rates, permitted; for disabled citizens, amends C. 48:5A-11.1 and 48:5A-11.2, Ch. 81.

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RACING

Simulcast horse races; parimutuel pool distribution, altered, amends C. 5:5-117, Ch. 27.

RAILROADS

Railroad and Transportation Museum Study Commission, extended; amends P.L. 1987, Ch. 41, ss. 6 and 8; Ch. 5.

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REORGANIZATION PLAN

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Boards of education; set-aside programs; small, women's, minority businesses; terminology conformed to State, federal agencies, amends C. 18A:18A-51 et al., Ch. 37.

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District designation:

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Regional, certain; formation, financial incentives, amends N.J.S. 18A:58-7 et al., Ch. 141.

SCHOOLS (Continued)

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Special Education Week; May 8-14, 1988, J.R. 2.

State Board of Examiners; business administrator, added, amends N.J.S. 18A:6-34, Ch. 124.

Sunday fund-raising events, certain; educational organizations, permitted, C. 2A:171-5.26 et seq., Ch. 162.

SENIOR CITIZENS

Aging, Policy Center on; established, at Rutgers, The State University, C. 52:27D-23.23 et seq., Ch. 139.

Alzheimer's disease, adult day care; grant program, established, C. 26:2M-9 et seq., Ch. 114.

Golf courses; municipal, county; reduced rates; nonresidents, certain, C. 40:61-22.11a and 40:32-7.18, Ch. 178.

"Home Care Expansion Act," C. 30:4E-5 et seq., Ch. 92.

School property, real; lease permitted, to nonprofit organization, amends C. 18A:20-8.2, Ch. 161.

STATE GOVERNMENT

P.O.W.-M.I.A. flag display; public buildings, certain, C. 52:3-9 and 52:3-10, Ch. 16.

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State, Department; Division of Commercial Recording, services; terminology revised, amends C. 52:16A-37 and 52:16A-38, Ch. 95.

State flag, flying at half-staff; public buildings; deaths, medalists, certain, C. 52:3-11, Ch. 43.

Trenton War Memorial, ownership transfer, C. 52:18A-212 et seq., repeals R.S. 40:10-2 et al., Ch. 116.

Urban Development Corporation; loan repayments, to investment fund, amends C. 55:19-18, Ch. 120.

TAXATION

Child Support Enforcement; information, certain, authorized, amends R.S. 54:50-9, Ch. 175.

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“Local Tax Authorization Act,” 2-year extension, amends C. 40:48C-19 et al., Ch. 3.

Sales, use, exemption:

Housing projects, subsidized, certain, amends C. 54:32B-8.22, Ch. 83.

Marine terminal services, equipment, certain, amends C. 54:32B-8.12, Ch. 53.

Transfer inheritance, waiver requirement eliminated; assets, certain, amends R.S. 54:35-19, Ch. 103.

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Statute of limitations, special, for prisoners; repealed, repeals N.J.S. 59:5-3, Ch. 55.

TRANSPORTATION

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Railroad and Transportation Museum Study Commission, extended; amends P.L. 1987, Ch. 42, ss. 6 and 8; Ch. 5.

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WORKERS' COMPENSATION

Second Injury Fund, financing through insurance policy surcharges, amends R.S. 34:15-94 et al., Ch. 26.

Uninsured employer's fund; financing, benefits revised, C. 34:15-120.9 et seq., amends C. 34:15-120.1 et al., Ch. 25.