

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

CHAPTERS 184-320



New Jersey State Library

1991

CHAPTER 184

AN ACT concerning the taxation of certain public utilities and the payment and prepayment of those taxes, amending and supplementing P.L.1940, c.4 and P.L.1940, c.5, amending the title of P.L.1940, c.5, amending P.L.1963, c.41, P.L.1971, c.109, P.L.1979, c.35, P.L.1971, c.108, P.L.1979, c.36, P.L.1980, c.10, P.L.1980, c.11, P.L.1945, c.162, and R.S.54:50-9 and repealing section 9 of P.L.1963, c.41.

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

1. Section 3 of P.L.1940, c.4 (C.54:30A-18) is amended to read as follows:

C.54:30A-18 Annual excise tax on franchise.

3. (a) Every person, copartnership, association or corporation, other than street railway, traction, sewerage, water, gas and electric light, heat and power corporations, telecommunications carriers other than local exchange telephone companies, municipal corporations and corporations which are taxable under chapter 291 of the laws of 1941, using or occupying public streets, highways, roads or other public places by virtue of a franchise or authority or permission from the State or any municipality thereof, except consent, authority or permission for the operation of autobuses or autocabs commonly called taxicabs, shall, in the year 1941 and annually thereafter, pay for the franchise to use such public streets, highways, roads or other public places in this State an excise tax which shall, except as in this act may be otherwise provided, be in lieu of any and all other tax or taxes upon the franchise or franchises of such taxpayer. The annual excise tax imposed on each taxpayer shall be a sum equal to 5% of such portion of the taxpayer's gross receipts as the length of the lines or mains of such taxpayer in this State along, in or over any public street, highway, road or other public place, exclusive of service connections, bears to the whole length of its lines or mains in this State, exclusive of service connections. In case the gross receipts of any such taxpayer for any calendar year shall not exceed the sum of \$50,000.00 the tax of such taxpayer for such calendar year shall be computed at the rate of 2% instead of at the rate of 5%. Where any taxpayer hereunder owns all of the capital stock of a subsidiary corporation taxable under the Corporation

Business Tax Act (1945), the taxpayer may deduct from the tax otherwise payable under this subsection (a) such proportion, not exceeding 50%, of the franchise tax payable by the subsidiary for the same year as the subsidiary's taxable net worth is to its entire net worth under said act.

(b) In addition to the excise tax imposed in subsection (a) hereof, every taxpayer hereunder shall also pay annually to the State for the franchise to operate and conduct business within the State and to use the public streets, highways, roads or other public places in this State, excise taxes as follows:

(1) A tax computed at the rate of 0.625% of such proportion of the gross receipts of such taxpayer for the preceding calendar year as the length of the lines or mains in this State, located along, in or over any public street, highway, road or other public place, exclusive of service connections, bears to the whole length of its lines or mains in this State, exclusive of service connections. In case the gross receipts of any such taxpayer for any calendar year shall not exceed \$50,000.00 the tax on such taxpayer for such calendar year shall be computed at the rate of 0.25% instead of at the rate of 0.625%.

(2) A tax at the rate of 0.5% upon the gross receipts of such taxpayer for the preceding calendar year from its business over, on, in, through or from its lines or mains in the State of New Jersey.

(c) Notwithstanding the provisions hereinabove, commencing in 1995 and in each calendar year thereafter, a taxpayer subject to this section shall make payment of its estimated annual tax liability for that year on or before April 1 of that year. The payment shall not be less than the amount of taxes paid by the taxpayer under this section in the preceding year. The taxpayer shall, on or before April 1 of the next following year, file a final tax form as shall be prescribed by the director sufficient to demonstrate the taxpayer's liability, if any, for taxes pursuant to this section, and shall pay the amount of any remaining tax liability. The taxpayer shall be entitled to a refund, or a credit against taxes due and payable in the next year, of any amount of the estimated tax payment which is in excess of the total amount payable pursuant to this section. In the calculation of tax liability, a taxpayer shall be entitled to a credit in the amount of any prepayment required pursuant to section 2 of P.L.1991, c.184 (C.54:30A-18.6), section 6 of P.L.1963, c.41 (C.54:30A-18.1), section 2 of P.L.1971, c.109 (C.54:30A-18.1a), and section 1 of P.L.1979, c.35 (C.54:30A-18.4), made in the previous calendar year, and shall be entitled to

the return, or credit against taxes due and payable in the next year, of any amount so paid which is in excess of the total amount payable in accordance with this section.

C.54:30A-18.6 Advance payments of tax liability remitted to State.

2. Every person, copartnership, association or corporation subject to tax under section 3 of P.L.1940, c.4 (C.54:30A-18) shall be required to remit to the State for State use advance payments of tax liability in addition to the tax payable pursuant to section 3 of P.L.1940, c.4 (C.54:30A-18). The sum of advance payments made by a taxpayer over both calendar years 1993 and 1994 pursuant to this section shall not exceed the taxpayer's tax liability pursuant to that section 3 of P.L.1940, c.4 for the 1992 calendar year, after deducting from that 1992 tax liability the amount of any credits extended for prepayments required for that year pursuant to section 2 of P.L.1971, c.109 (C.54:30A-18.1a) and section 1 of P.L.1979, c.35 (C.54:30A-18.4). Such advance payments shall be due and credited as follows:

a. On or before April 1, 1993, 50% of the taxpayer's tax liability in 1993 pursuant to subsection (a) of section 3 of P.L.1940, c.4 (C.54:30A-18). The advance payment required pursuant to this subsection shall be available as a credit only as a partial payment in the preceding calendar year against the advance payment required under subsection b. of this section in the 1994 calendar year, and a taxpayer shall be entitled to the refund, or credit against taxes due and payable in the next year, of any amount so paid which shall be found to be in excess of the total amount payable in accordance with that subsection b. herein.

b. On or before April 1, 1994, and on or before April 1 of each year thereafter, an amount equal to the taxpayer's tax liability in the current year pursuant to subsection (a) of section 3 of P.L.1940, c.4 (C.54:30A-18) for which a prepayment is not required pursuant to P.L.1979, c.35. The advance payment required pursuant to this subsection shall be available as a credit as a partial payment in the preceding year against the tax due pursuant to that subsection (a), and a taxpayer shall be entitled to the refund, or credit against taxes due and payable in the next year, of any amount so paid which shall be found to be in excess of the total amount payable in accordance with subsection (a) of section 3 of P.L.1940, c.4 (C.54:30A-18).

c. On or before April 1, 1993, and on or before April 1 of each year thereafter, an amount equal to the taxpayer's tax liability in

the current year pursuant to subsection (b) of section 3 of P.L.1940, c.4 (C.54:30A-18) for which a prepayment is not required pursuant to P.L.1971, c.109. The advance payment required pursuant to this subsection shall be available as a partial payment in the preceding year against the taxes due pursuant to that subsection (b), and a taxpayer shall be entitled to the refund, or credit against taxes due and payable in the next year, of any amount so paid which shall be found to be in excess of the total amount payable in accordance with subsection (b) of section 3 of P.L.1940, c.4 (C.54:30A-18).

3. Section 6 of P.L.1963, c.41 (C.54:30A-18.1) is amended to read as follows:

C.54:30A-18.1 Annual determination of tax; certification to taxpayers; payment.

6. The director shall annually, on or before April 1, 1964, and April 1 in each year thereafter, compute the excise taxes payable to the State as provided in subsection (b) of section 3 of P.L.1940, c.4 (C.54:30A-18). Within five days after making such computation, the director shall certify such taxes and the taxes provided for in section 2 of P.L.1971, c.109 (C.54:30A-18.1a) as a partial payment to the respective taxpayers who shall make payment thereof to the director on or before May 1 next succeeding, except that commencing in 1992, payment to the director shall be made on or before April 1 next succeeding.

4. Section 2 of P.L.1971, c.109 (C.54:30A-18.1a) is amended to read as follows:

C.54:30A-18.1a Amount and payment of tax.

2. On or before May 1, 1971, except as hereinafter provided and on or before May 1 of each year from 1972 through 1991, and on or before April 1 commencing in 1992 and each year thereafter, every person, copartnership, association or corporation subject to the excise tax imposed by the act of which this act is amendatory shall pay to the director an amount equal to 1/2 of the tax payable under subsection (b) of section 3 of P.L.1940, c.4 (C.54:30A-18) upon its gross receipts determined thereunder for the preceding calendar year. Each such payment shall be in addition to the tax payable under subsection (b) of section 3 of P.L.1940, c.4 (C.54:30A-18) and shall be considered as a partial payment of the tax which will become due under said section, upon the following May 1 or April 1, as appropriate. The addi-

tional taxes due on or before May 1, 1971 shall be payable in two equal installments. With respect to the additional taxes herein, the first installment shall be payable on May 1, 1971 and the second installment thereof shall be payable on or before June 15, 1971. •

In the calculation of the tax due in accordance with subsection (b) of section 3 of P.L.1940, c.4 (C.54:30A-18) in the year 1972 and each year thereafter, every person, co-partnership, association or corporation subject to tax hereunder shall be entitled to a credit in the amount of the tax paid hereunder as a partial payment in the preceding calendar year and shall be entitled to the return, or credit against taxes due and payable in the next year, of any amount so paid which shall be found to be in excess of the total amount payable in accordance with subsection (b) of section 3 of P.L.1940, c.4 (C.54:30A-18).

5. Section 1 of P.L.1979, c.35 (C.54:30A-18.4) is amended to read as follows:

C.54:30A-18.4 Advance payment; computation; due date.

1. a. On or before April 1, 1979 and before May 1 in each year from 1980 through 1991, and on or before April 1 commencing in 1992 and each year thereafter, the director shall compute an advance payment equal in amount to 55% of the increase in taxes due under subsection (a) of section 3 of P.L.1940, c.4 (C.54:30-18) during the preceding calendar year over the taxes due under such subsection in the calendar year immediately preceding that year. The advance payment shall not be considered for the purpose of determining the amount of the increase. Each such payment shall be in addition to the taxes payable under subsections (a) and (b) of section 3 of P.L.1940, c.4 (C.54:30A-18) and section 2 of P.L.1971, c.109 (C.54:30A-18.1a) and shall be considered as a partial payment of the tax to become due and payable in the following year.

b. Every taxpayer subject to tax under the act to which this act is a supplement shall be required to remit to the State for the use of the State as an advance payment, an amount equal to the amount as computed in subsection a. of this section payable in two installments as follows: 60% on May 1, 1979 and 40% on August 1, 1979.

c. In the year 1980 and in each year thereafter an advance payment pursuant to subsection a. of this section shall be paid by every taxpayer to the appropriate municipalities in the manner

provided for by law for payment of the taxes due under subsection (a) of section 3 of P.L.1940, c.4 (C.54:30A-18).

6. Section 9 of P.L.1940, c.4 (C.54:30A-24) is amended to read as follows:

C.54:30A-24 Basis of apportionment.

9. The balance of the excise tax imposed under subsection (a) of section 3 of P.L.1940, c.4 (C.54:30A-18) upon each taxpayer in the year 1940 and each year thereafter is hereby apportioned, subject to the provisions of section 2 of P.L.1980, c.10 (C.54:30A-24.1), to the various municipalities of this State in the proportion that the apportionment value of the scheduled property of such taxpayer located in, on or over any public street, highway, road or other public place in each municipality as of the preceding July 1 bears to the total apportionment value of such scheduled property of such taxpayer in this State as of that date. The Director of the Division of Taxation shall annually, on or before May 1, 1941 and May 1 in each year thereafter, compute and apportion the balance of such excise taxes in the manner herein set forth. Within 5 days after making such computation and apportionment the director shall certify to the State Treasurer the amount of such taxes apportioned to each municipality. At the same time, the director shall issue directly to each taxpayer statements of taxes due, and payments with respect thereto shall be remitted by each taxpayer to the director in the following manner: 35% thereof within 15 days after the date of certification of the apportionment by the director, 35% thereof on or before August 15 and 30% thereof on or before November 15, except that for the calendar years 1992, 1993 and 1994, payment of all taxes due shall be remitted to the director on or before April 1, and for calendar year 1995 and each calendar year thereafter taxes shall be remitted in the following manner: a payment of the estimated tax liability on or before April 1 of that tax year and a payment of the remaining tax liability, if any, on or before April 1 of the next following year. If for any reason, the making and delivery of such certificate of apportionment shall be delayed until after December 1 in any year, then and in that case, all of such taxes for such year affected by such certificate of apportionment shall become due and payable 30 days after the date of such certification of apportionment; and provided that in case of an appeal from any apportionment valuation or apportionment or any review thereof in any court, the portion of any such tax not paid prior to the commencement of such appeal or proceedings for review shall not become payable until 30 days after final determination of such appeal or review and certifica-

tion or recertification, if required. The administration, collection and enforcement of the taxes payable by each taxpayer under subsections (a) and (b) of section 3 of P.L.1940, c.4 (C.54:30A-18) and any advance payment or payment of estimated tax liability required with regard to those taxes shall be subject to the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., to the extent that the provisions of that law are not inconsistent with the provisions of P.L.1940, c.4 (C.54:30A-16 et seq.) or P.L.1991, c.184 (C.54:30A-18.6 et al.).

The director may, by regulation, require that any payment of tax made, on or before the date established pursuant to this section for the payment, shall be by electronic funds transfer to such depositories as the State Treasurer shall designate pursuant to section 1 of P.L.1956, c.174 (C.52:18-16.1). A payment by electronic funds transfer shall be deemed to be made on the date the payment is received by the designated depository. The form and content of the electronic funds transfer message, the circumstances under which an electronic funds transfer shall serve as a substitute for the filing of another form of return, the means by which taxpayers will be provided with acknowledgements of payments, and the classes of taxpayers subject to the electronic funds transfer requirement shall be as prescribed by the director.

For the purposes of this section "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

7. The title of P.L.1940, c.5 is amended to read as follows:

Title amended.

An act for the taxation of the gross receipts of street railway, traction, sewerage, and water corporations, and of the units of electricity and natural gas sold in the business of gas and electric light, heat and power corporations using or occupying the public streets, highways, roads or other public places, for the exemption from taxation of the franchises, stock and certain property of such corporations, and for the taxation of certain of the property of such corporations not so exempted from taxation.

8. Section 2 of P.L.1940, c.5 (C.54:30A-50) is amended to read as follows:

C.54:30A-50 Definitions.

2. Definitions: As used in this act--unless the context otherwise requires:

(a) "Taxpayer" means any corporation subject to taxation under the provisions of this act. A person or business entity owning or operating a cogeneration facility as defined in subsection (j) of this section shall not be deemed a corporation subject to taxation under this act unless it shall be a public utility as specifically enumerated in sections 1 and 6 of P.L.1940, c.5 (C.54:30A-49 and C.54:30A-54).

(b) "Real estate" means lands and buildings, but it does not include railways, tracks, ties, lines, wires, cables, poles, pipes, conduits, bridges, viaducts, dams and reservoirs (except that the lands upon which dams and reservoirs are situated are real estate), machinery, apparatus and equipment, notwithstanding any attachment thereof to lands or buildings.

(c) "Gross receipts" means all receipts from the taxpayer's business over, in, through or from the whole of its lines or mains but does not include any sum or sums of money received by the taxpayer in payment for gas or electrical energy or water sold and furnished to another public utility which is also subject to the payment of a tax based upon its gross receipts, nor any sum or sums of money received by the taxpayer from a cogenerator in payment for cogenerated electrical energy resold by the taxpayer to the producing cogenerator where produced, nor any sum or sums of money received by the taxpayer from a cogenerator in payment for natural gas sold by the taxpayer to the cogenerator and separately metered for use in a cogeneration facility, nor in the case of a street railway or traction corporation, the receipts from the operation of autobuses or vehicles of the character described in R.S.48:15-41 through R.S.48:15-56, inclusive, nor in the case of a sewerage corporation, an amount equal to any sum or sums of money payable by such sewerage corporation to any board, commission, department, branch, agency or authority of the State or of any county or municipality, for the treatment, purification or disposal of sewage or other wastes, nor in the case of a water purveyor, the amount which represents the water tax imposed by section 11 of P.L.1983, c.443 (C.58:12A-21) and which is included in the tariff altered pursuant to section 6 of P.L.1983, c.443 (C.58:12A-17).

(d) "Scheduled property" means only those classes or types of property of a taxpayer set forth in section 10 of this act and which are to be used in computing the apportionment value as herein defined.

(e) "Unit value" means the value set forth in section 10 of this act to be uniformly applied to each of the several classes or types of scheduled property in computing the apportionment value.

(f) "Apportionment value" or "apportionment valuation" means the result obtained by multiplying the quantities of each class or type of scheduled property of a taxpayer by the applicable unit value, and the addition of such results.

(g) "Public street, highway, road or other public place" includes any street, highway, road or other public place which is open and used by the public, even though the same has not been formally accepted as a public street, highway, road, or other public place. However, for purposes of computing the tax in connection with lines or mains installed prior to February 19, 1991, "public street, highway, road or other public place" shall not mean or include non-restricted roadways, such as extended residential, commercial or recreational facility driveways, or dead end streets, cul-de-sacs or alleys which are connected to public roadways and are for access to or the use of supermarkets, shopping malls, planned communities and the connecting roads within or around the above facilities whether these roadways shall be located on public or private property, unless such shall have been determined a "public street, highway, road or other public place" for the purposes of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to February 19, 1991.

(h) "Service connections" means the wires or pipes connecting the building or place where the service or commodity supplied by the taxpayer is used or delivered, or is made available for use or delivery, with a supply line or supply main in the street, highway, road, or other public place, or with such supply line or supply main on private property.

(i) "State Tax Commissioner" or "director" means the Director of the Division of Taxation in the Department of the Treasury.

(j) "Cogenerator" means a person or business entity which owns or operates a cogeneration facility in the State of New Jersey, which facility is a plant, installation or other structure whose primary purpose is the sequential production of electricity and steam or other forms of useful energy which are used for industrial, commercial, heating or cooling purposes; and which is designated by the Federal Energy Regulatory Commission, or its successor, as a

“qualifying facility” pursuant to the provisions of the “Public Utility Regulatory Policies Act of 1978,” Pub.L. 95-617.

(k) “Corresponding therms of gas” or “corresponding kilowatthours of electricity” means all therms of gas or kilowatthours of electricity from the taxpayer’s business over, on, in, through or from the whole of its lines or mains, excluding therefrom, however, (1) any therms of gas or kilowatthours of electricity as may have been sold and furnished to another public utility which is also subject to either the payment of a tax based upon gross receipts or the payment of a unit-based tax applied to therms of gas or kilowatthours of electricity; (2) any kilowatthours of cogenerated electrical energy resold by the taxpayer to a producing cogenerator where produced; and (3) any therms of natural gas sold by the taxpayer to a cogenerator and separately metered for use in a cogeneration facility.

(l) “Class” means any segment, grouping or other division of an electric company’s or gas company’s customers which is established for the purpose of charging rates for electric or gas service. For the purposes of this act, any such class shall be designated to be in the residential class category or non-residential class category.

(m) With respect to electric companies, (1) “residential class category” means any class established by an electric company which generally includes customers taking electric service under rate schedules that are primarily residential in nature; and (2) “non-residential class category” means any class established by an electric company which generally includes customers taking electric service under rate schedules that are primarily non-residential in nature.

(n) With respect to gas companies, (1) “residential class category” means any class established by a gas company which generally includes customers taking natural gas service under rate schedules that are primarily residential in nature; and (2) “non-residential class category” means any class established by a gas company which generally includes customers taking gas service under rate schedules that are primarily non-residential in nature.

9. Section 6 of P.L.1940, c.5 (C.54:30A-54) is amended to read as follows:

C.54:30A-54 Excise tax for franchise on gross receipts.

6. Every street railway, traction, sewerage, and water corporation using or occupying the public streets, highways, roads, or other public places in this State shall, annually, pay excise taxes for

the privilege of exercising its franchises and using the public streets, highways, roads or other public places in this State, as follows:

(a) A tax computed at the rate of 5% of such proportion of the gross receipts of such taxpayer for the preceding calendar year as the length of the lines or mains in this State, located along, in or over any public street, highway, road or other public place, exclusive of service connections, bears to the whole length of its lines or mains, exclusive of service connections. In case the gross receipts of any such taxpayer for any calendar year shall not exceed \$50,000.00 the tax on such taxpayer for such calendar year shall be computed at the rate of 2% instead of at the rate of 5%.

(b) A tax at the rate of 7 $\frac{1}{2}$ % upon the gross receipts of such taxpayer for the preceding calendar year from its business over, on, in, through or from its lines or mains in the State of New Jersey.

(c) In addition to the excise taxes imposed in subsections (a) and (b) hereof, every street railway, traction, sewerage and water corporation which is subject to the taxes imposed thereunder shall also pay to the State excise taxes for the franchise to operate and conduct business within the State and to use the public streets, highways, roads or other public places in the State as follows:

(1) A tax computed at the rate of 0.625% of such proportion of the gross receipts of such taxpayer for the preceding calendar year as the length of the lines or mains in this State, located along, in or over any public street, highway, road or other public place, exclusive of service connections, bears to the whole length of its lines or mains, exclusive of service connections. In case the gross receipts of any such taxpayer for any calendar year shall not exceed \$50,000.00 the tax on such taxpayer for such calendar year shall be computed at the rate of 0.25% instead of at the rate of 0.625%.

(2) A tax at the rate of 0.9375% upon the gross receipts of such taxpayer for the preceding calendar year from its business over, on, in, through or from its lines or mains in the State of New Jersey.

C.54:30A-54.6 Excise tax on units of gas and electricity sold.

10. a. Every gas and electric light, heat and power corporation using or occupying the public streets, highways, roads, or other public places in this State shall, annually, pay an excise tax for the privilege of exercising its franchises and using the public streets, highways, roads or other public places in this State, as follows:

(1) Commencing in 1992, unit-based taxes due upon the corresponding therms of gas and corresponding kilowatthours of

electricity sold by such taxpayers in this State for the classes in the residential class category and the non-residential class category in the preceding year, except that commencing in 1995, unit-based taxes shall be due upon such units so sold in the current year.

(2) The rate of taxation for units sold in each class by each taxpayer shall be separately calculated by the Board of Public Utilities, in consultation with the director, for each class and shall be in 1992 through 1997 the greater of either the effective tax rate or the standard tax rate after a rate adjustment to account for an incremental adjustment to tax liability, as shall be applicable to the taxpayer as determined pursuant to paragraph (3) of this subsection, and in 1998 and in each year thereafter the standard tax rate. Provided however, that in 1992, the rate of taxation for each taxpayer pursuant to this subsection shall be the effective tax rate adjusted by the Board of Public Utilities so that the total tax liability imposed upon each taxpayer for 1992 shall be equal to its relative share of the total tax due from all gas and electric light, heat and power corporation taxpayers pursuant to subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54) for 1991.

(3) As used in this section, "standard tax rate" means for units sold in each class, a rate of tax separately calculated by the Board of Public Utilities for each class which is equal to the lowest effective tax rate applicable to corresponding therms of gas and corresponding kilowatthours of electricity prevailing among taxpayers in 1991 for each class. As used in this section, "effective tax rate" means for units sold in each class for each taxpayer, a rate of taxation determined by dividing the amount of the taxpayer's 1991 tax liability pursuant to subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54) paid in 1992 attributable to units sold in each class, exclusive of any revenue recorded as a result of any adjustment pursuant to section 481 of the Internal Revenue Code of 1986 (26 U.S.C. §481), by the corresponding therms of gas or corresponding kilowatthours of electricity sold by that taxpayer in this State in 1991 in each class.

Commencing in 1993, the Board of Public Utilities shall make incremental adjustments annually to the tax liability of each taxpayer for which the rate of taxation for each unit sold in any class in that year is greater than the standard tax rate for units sold in such class. Such incremental adjustments shall be made in such manner and in such amounts, and be attributed to sales of units in such class or classes, as to assure that commencing in 1998, the rate of taxation for units sold in each class by each taxpayer in

the State shall be equal to the standard tax rate. Such incremental adjustments as made by the Board of Public Utilities shall not in any year reduce the rate of taxation of a taxpayer for units sold in a class by more than 20% of the difference between the effective tax rate of the taxpayer for that class and the standard tax rate for that class, except that in the final year of incremental adjustments a larger reduction may be made.

(4) Each gas and electric light, heat and power corporation shall be liable for unit-based taxes determined for the corresponding therms of gas and corresponding kilowatthours of electricity sold in each class, calculated by multiplying its effective tax rate as adjusted pursuant to paragraph (3) of this subsection or the standard tax rate, as is applicable, for each class as determined in that paragraph (3), by the corresponding therms of gas or corresponding kilowatthours of electricity sold by the taxpayer in this State in each respective class in the preceding year or current year, as may be applicable.

(5) In no year shall the amount of tax attributable to the sale of units to the residential class category of a taxpayer be greater than the tax liability of that taxpayer pursuant to subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54) so attributed to sales of units in the residential class category of that taxpayer in 1991, except for the amount of tax from increased sales of therms of gas or kilowatthours of electricity by that taxpayer in the residential class over those sold in that class in 1991.

b. Commencing in 1992, in addition to the excise taxes imposed in subsection a. of this section, every gas and electric light, heat and power corporation which is subject to the taxes imposed thereunder, annually, shall also pay to the State an excise tax for the franchise to operate and conduct business within the State and to use the public streets, highways, roads or other public places in the State, as follows:

A tax equal to $12\frac{1}{2}\%$ of the amount of the tax computed under subsection a. of this section. If the gross receipts of a taxpayer for a calendar year do not exceed \$50,000.00, the tax on that taxpayer for the calendar year shall be equal to 5% of the amount of the tax computed under that subsection.

c. Commencing in 1995 and in each calendar year thereafter, a gas and electric light, heat and power corporation which is a taxpayer under this section shall make a payment of its estimated tax liability for the current year on or before April 1 of that year. The payment shall not be less than the amount of taxes paid by the tax-

payer under this section in the preceding year. The taxpayer shall, on or before April 1 of the next following year, file a final tax form as shall be prescribed by the director sufficient to demonstrate the taxpayer's liability, if any, for taxes pursuant to this section and shall pay the amount of any remaining tax liability. The taxpayer shall be entitled to the refund, or credit against taxes due and payable in the next year, of any amount of the estimated tax payment which is in excess of the total amount payable pursuant to this section. In the calculation of tax liability, a taxpayer shall be entitled to a credit in the amount of any prepayment required pursuant to section 12 of P.L.1991, c.184 (C.54:30A-54.8), section 2 of P.L.1971, c.108 (C.54:30A-54.1a) or section 1 of P.L.1979, c.36 (C.54:30A-54.4), made in the previous calendar year, and shall be entitled to the return, or credit against taxes due and payable in the next year, of any amount so paid which is in excess of the total amount payable in accordance with this section.

C.54:30A-54.7 Corporations to file amendments to existing tariffs, contracts, schedules of service.

11. Gas and electric light, heat and power corporations subject to tax pursuant to section 10 of P.L.1991, c.184 (C.54:30A-54.6) shall file with the Board of Public Utilities amendments to their existing tariffs, contracts or schedules of service designating the appropriate class in the residential class category or in the non-residential class category for each tariff, contract or schedule of service. The initial designations shall maintain as closely as possible the relative share of gross receipts and franchise taxes paid through each tariff, contract or schedule of service in 1991. Whenever a gas or electric light, heat and power corporation shall file with the Board of Public Utilities a new tariff, contract or schedule of service, such corporation shall include with the filing a designation of the appropriate residential class category or non-residential class category.

The Board of Public Utilities may permit corporations to establish new tariffs, contracts or schedules, or to amend existing tariffs, contracts or schedules, as necessary to comply with the provisions of this amendatory and supplementary act, P.L.1991, c.184 (C.54:30A-18.6 et al.). The Board of Public Utilities may authorize corporations to engage in such deferred accounting of costs resulting from actions on the part of taxpayers as may be necessary to comply with the provisions of this amendatory and supplementary act. Whenever a corporation shall establish in its

tariffs, contracts or schedules a new class, the Board of Public Utilities shall designate it in the residential class category or non-residential class category for the purposes of this amendatory and supplementary act. The Board shall, in consultation with the director, establish a rate of taxation as is appropriate for sales of corresponding therms of gas and corresponding kilowatthours of electricity in that class in such manner as not to alter the amount of the taxpayer's total tax liability for the year in which the new class is implemented, and on the same basis, as nearly as practicable, as established for previously existing classes in the residential class category or non-residential class category, as appropriate. The Board shall assure that that portion of a taxpayer's tax liability attributed within its classes in the residential class category or non-residential class category, as the case may be, shall be distributed in an equitable manner so as to maintain, as nearly as practicable, the distributions made among those classes in the initial attributions of tax liability under this amendatory and supplementary act, subject to any later adjustments made by the board, any changes from the initial attributions necessary to reflect proportional changes in unit sales made among the classes, and any modifications necessary to establish the tax liability to be attributed to, and the unit sales made in, the new class.

C.54:30A-54.8 Corporations to remit advance payments of tax liability to State.

12. Every gas and electric light, heat and power corporation subject to tax pursuant to section 10 of P.L.1991, c.184 (C.54:30A-54.6) shall be required to remit to the State for State use advance payments of tax liability in addition to the tax payable pursuant to section 10 of P.L.1991, c.184 (C.54:30A-54.6). The sum of advance payments made by a taxpayer over both calendar years 1993 and 1994 pursuant to this section shall not exceed the taxpayer's tax liability pursuant to section 10 of P.L.1991, c.184 (C.54:30A-54.6) for the 1992 calendar year, after deducting from that 1992 tax liability the amount of any credits extended for prepayments required for that year pursuant to section 2 of P.L.1971, c.108 (C.54:30A-54.1a) and section 1 of P.L.1979, c.36 (C.54:30A-54.4). Such advance payments shall be due and credited as follows:

a. On or before April 1, 1993, 50% of the taxpayer's tax liability in 1993 pursuant to subsection a. of section 10 of P.L.1991, c.184 (C.54:30A-54.6). The advance payment required pursuant to this subsection shall be available as a credit only as a partial

payment in the preceding calendar year against the advance payment required under subsection b. of this section in the 1994 calendar year, and a taxpayer shall be entitled to the refund, or credit against taxes due and payable in the next year, of any amount so paid which shall be found to be in excess of the total amount payable in accordance with that subsection b.

b. On or before April 1, 1994, and on or before April 1 of each year thereafter, an amount equal to the taxpayer's tax liability in the current year pursuant to subsection a. of section 10 of P.L.1991, c.184 (C.54:30A-54.6) for which a prepayment is not required pursuant to P.L.1979, c.36. The advance payment required pursuant to this subsection shall be available as a credit as a partial payment in the preceding year against the tax due pursuant to that subsection a., and a taxpayer shall be entitled to the refund, or credit against taxes due and payable in the next year, of any amount so paid which shall be found to be in excess of the total amount payable in accordance with that subsection a.

c. On or before April 1, 1993, and on or before April 1 of each year thereafter, an amount equal to the taxpayer's tax liability in the current year pursuant to subsection b. of section 10 of P.L.1991, c.184 (C.54:30A-54.6) for which a prepayment is not required pursuant to P.L.1971, c.108. The advance payment required pursuant to this subsection shall be available as a partial payment in the preceding year against the tax due pursuant to that subsection b., and a taxpayer shall be entitled to the refund, or credit against taxes due and payable in the next year, of any amount so paid which shall be found to be in excess of the total amount payable in accordance with that subsection b.

13. Section 2 of P.L.1971, c.108 (C.54:30A-54.1a) is amended to read as follows:

C.54:30A-54.1a Amount and payment of tax.

2. a. For street railway, traction, sewerage and water corporations, on or before May 1, 1971, except as hereinafter provided, and on or before May 1 of each year thereafter, and for gas and electric light, heat and power corporations, on or before May 1 each year from 1972 through 1991 and on or before April 1, 1992, every person, copartnership, association or corporation subject to the excise tax imposed by section 6 of P.L.1940, c.5 (C.54:30A-54) shall pay to the director an amount equal to 1/2 of the tax payable under section 6 of P.L.1940, c.5 (C.54:30A-54) upon its

gross receipts determined thereunder for the preceding calendar year. Each such payment shall be in addition to the tax payable under section 6 of P.L.1940, c.5 (C.54:30A-54) and shall be considered as a partial payment of the tax which will become due under said section, upon the following May 1 or April 1, as may be applicable. The additional taxes due on or before May 1, 1971 shall be payable in two equal installments. With respect to the additional taxes herein, the first installment shall be payable on May 1, 1971 and the second installment thereof shall be payable on or before June 15, 1971.

In the calculation of the tax due in accordance with section 6 of P.L.1940, c.5 (C.54:30A-54) in the year 1972 and each applicable year thereafter, every person, copartnership, association or corporation subject to tax hereunder shall be entitled to a credit in the amount of the tax paid hereunder as a partial payment in the preceding calendar year and shall be entitled to the return, or credit against taxes due and payable in the next year, of any amount so paid which shall be found to be in excess of the total amount payable in accordance with section 6 of P.L.1940, c.5 (C.54:30A-54).

b. For gas and electric light, heat and power corporations, on or before April 1, 1993, and on or before April 1 of each year thereafter, such corporations subject to the tax imposed pursuant to section 10 of P.L.1991, c.184 (C.54:30A-54.6), shall pay to the director an amount equal to 1/2 of the tax payable pursuant to subsection b. of section 10 of P.L.1991, c.184 (C.54:30A-54.6), for the preceding calendar year. Each such payment shall be in addition to the tax payable pursuant to section 10 of P.L.1991, c.184 (C.54:30A-54.6), and shall be considered as a partial payment of the tax which will become due pursuant to that section. In calculation of the tax due in accordance with section 10 of P.L.1991, c.184 (C.54:30A-54.6) for the year 1992 and for each year thereafter every such corporation subject to this subsection shall be entitled to a credit in the amount of the tax paid hereunder as a partial payment in the preceding calendar year and shall be entitled to the return, or credit against taxes due and payable in the next year, of any amount so paid which shall be found to be in excess of the total amount of tax payable pursuant to subsection b. of section 10 of P.L.1991, c.184 (C.54:30A-54.6).

14. Section 1 of P.L.1979, c.36 (C.54:30A-54.4) is amended to read as follows:

C.54:30A-54.4 Advance payment; computation; due date.

1. a. For street railway, traction, sewerage and water corporations, on or before April 1, 1979 and on or before June 1 in each year thereafter, and for gas and electric light, heat and power corporations, on or before June 1 each year from 1980 through 1991 and on or before April 1, 1992, the director shall compute an advance payment equal in amount to 55% of the increase in taxes due under subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54) during the preceding calendar year over the taxes due under such subsections in the calendar year immediately preceding that year. The advance payment shall not be considered for the purpose of determining the amount of the increase. Each such payment shall be in addition to the taxes payable under section 6 of P.L.1940, c.5 (C.54:30A-54) and section 2 of P.L.1971, c.108 (C.54:30A-54.1a) and shall be considered as a partial payment of the tax to become due and payable in the following year.

b. Every taxpayer subject to tax under section 6 of P.L.1940, c.5 (C.54:30A-54) shall be required to remit to the State for the use of the State as an advance payment, an amount equal to the amount as computed in subsection a. of this section payable in two installments as follows: 60% on May 1, 1979 and 40% on August 1, 1979.

c. In the year 1980 and in each year thereafter an advance payment pursuant to subsection a. of this section shall be paid by each taxpayer subject to subsection a. of this section in the manner provided for by law for payment of the taxes due under section 6 of P.L.1940, c.5 (C.54:30A-54).

d. (1) Each gas and electric light, heat and power corporation, on or before April 1, 1993, shall pay to the director an advance payment as shall be computed by the director equal to 55% of the increase in taxes due from a taxpayer pursuant to subsection a. of section 10 of P.L.1991, c.184 (C.54:30A-54.6) for 1992 over the taxes due from the taxpayer pursuant to subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54) for 1991.

(2) Each gas and electric light, heat and power corporation, on or before April 1, 1994, and on or before April 1 in each year thereafter, shall pay to the director an advance payment as shall be computed by the director equal to 55% of the increase in taxes due from a taxpayer pursuant to subsection a. of section 10 of P.L.1991, c.184 (C.54:30A-54.6) during the preceding calendar year over the taxes due from the taxpayer under such subsection a. of section 10 of P.L.1991, c.184 in the calendar year immediately preceding that year.

(3) In calculating the amount of tax increase for the purposes of paragraphs (1) and (2) of this subsection, advance payments made pursuant to this section shall not be considered. Each advance payment made pursuant to this subsection shall be in addition to the taxes payable pursuant to section 10 of P.L.1991, c.184 (C.54:30A-54.6) and section 2 of P.L.1971, c.108 (C.54:30A-54.1a) and shall be considered as a partial payment of the tax to become due and payable in the following year.

15. Section 14 of P.L.1940, c.5 (C.54:30A-62) is amended to read as follows:

C.54:30A-62 Certification to various collectors; taxpayers notified of amount due; when payable; provisos; taxes a lien.

14. Within five days after making the computation and apportionment of the excise taxes under subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54) and under subsection a. of section 10 of P.L.1991, c.184 (C.54:30A-54.6), the Director of the Division of Taxation shall certify to the State Treasurer the amount of such taxes apportioned to each municipality. At the same time, the director shall issue directly to each taxpayer statements of taxes due, and payments with respect thereto shall be remitted by each taxpayer to the director in the following manner: 35% thereof within 15 days after the date of certification of the apportionment by the director, 35% thereof on or before August 15 and 30% thereof on or before November 15, except that for gas and electric light, heat and power corporations for the calendar years 1992, 1993 and 1994, payment of all taxes due shall be remitted to the director on or before April 1, and for calendar year 1995 and each calendar year thereafter taxes shall be remitted in the following manner: a payment of the estimated tax liability on or before April 1 of the current year and a payment of the remaining tax liability, if any, on or before April 1 of the next following year. If for any reason the making and delivering of a certificate of apportionment shall be delayed until after December 1 in any year then in that case all of the taxes for such year affected by such certificate of apportionment shall become due and payable 30 days after the date of such certification of apportionment; and provided, that in case of an appeal from any apportionment valuation or apportionment or any review thereof in any court, the portion of any such tax not paid prior to the commencement of any such appeal or proceedings for review, shall not become payable until

30 days after final determination of such appeal or review and the certification or recertification of the apportionment required. The administration, collection and enforcement of the taxes payable by each taxpayer under subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54) or under section 10 of P.L.1991, c.184 (C.54:30A-54.6) and any advance payment or payment of estimated tax liability required with regard to those taxes shall be subject to the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., to the extent that the provisions of that law are not inconsistent with the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) or P.L.1991, c.184 (C.54:30A-18.6 et al.).

The director may, by regulation, require that any payment of tax made, on or before the date established pursuant to this section for the payment, shall be by electronic funds transfer to such depositories as the State Treasurer shall designate pursuant to section 1 of P.L.1956, c.174 (C.52:18-16.1). A payment by electronic funds transfer shall be deemed to be made on the date the payment is received by the designated depository. The form and content of the electronic funds transfer message, the circumstances under which an electronic funds transfer shall serve as a substitute for the filing of another form of return, the means by which taxpayers will be provided with acknowledgements of payments, and the classes of taxpayers subject to the electronic funds transfer requirement shall be as prescribed by the director.

For the purposes of this section "electronic funds transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape for the purpose of ordering, instructing or authorizing a financial institution to debit or credit an account.

16. Section 2 of P.L.1940, c.4 (C.54:30A-17) is amended to read as follows:

C.54:30A-17 Definitions.

2. Definitions. As used in this act, unless the context otherwise requires:

(a) "Taxpayer" means any person, copartnership, association or corporation subject to taxation under the provisions of this act.

(b) "Gross receipts" means all intrastate receipts from the taxpayer's business over, on, in, through or from the whole of its lines or mains in this State, excluding therefrom, however, any

sum or sums of money received by any taxpayer in payment for such portion of its products as may have been sold and furnished to another public utility which is also subject to the payment of a tax based upon gross receipts, receipts from the operation of auto-buses, receipts paid by a telecommunications carrier to a local exchange telephone company for connecting fees, switching charges, and carrier access charges, and receipts from the provisioning of inter-LATA telecommunications services.

(c) "Scheduled property" means only those classes or types of property of a taxpayer set forth in section 7 of this act, and which are to be used in computing the apportionment valuation herein defined.

(d) "Unit value" means the value set forth in section 7 of this act, to be uniformly applied to each of the several classes or types of scheduled property in computing the apportionment value.

(e) "Apportionment value" or "apportionment valuation" means the result obtained by multiplying the quantities of each class or type of scheduled property of a taxpayer by the applicable unit value, and the addition of such results.

(f) "Public street, highway, road or other public place" includes any street, highway, road or other public place which is open and used by the public, even though the same has not been formally accepted as a public street, highway, road, or other public place. However, for purposes of computing the tax in connection with lines or mains installed prior to February 19, 1991, "public street, highway, road or other public place" shall not mean or include non-restricted roadways, such as extended residential, commercial or recreational facility driveways, or dead end streets, cul-de-sacs or alleys which are connected to public roadways and are for access to or the use of supermarkets, shopping malls, planned communities and the connecting roads within or around the above facilities whether these roadways shall be located on public or private property, unless such shall have been determined a "public street, highway, road or other public place" for the purposes of P.L.1940, c.4 (C.54:30A-16 et seq.) prior to February 19, 1991.

(g) "Service connections"-

(1) in the case of telephone, telegraph or other wire communications facilities, means the wires connecting the instrument or instruments in the building or at the place where the service supplied by the taxpayer is used or delivered or is made available for use or delivery with a pole line, conduit line or cable line in the street, highway, road or other public place, or with such a pole line, conduit line or cable line on private property;

(2) in the case of facilities of taxpayers subject to this act, other than service connections as defined in paragraph (1) of this subsection, means the wires or pipes connecting the building or place where the service or commodity supplied by the taxpayer is used or delivered, or is made available for use or delivered with a supply line or supply main.

(h) "State Tax Commissioner" or "director" means the Director of the Division of Taxation in the Department of the Treasury.

(i) "Local exchange telephone company" means a telecommunications carrier providing dial tone and access to substantially all of a local telephone exchange.

(j) "LATA" means a local access and transport area within which a local exchange telephone company is permitted to provide telecommunications service.

17. Section 7 of P.L.1940, c.5 (C.54:30A-55) is amended to read as follows:

C.54:30A-55 Various statements by taxpayers.

7. (A) Every taxpayer shall on or before the first day of September, 1941 and on or before the first day of September in each year thereafter return to the Director of the Division of Taxation a statement in such form and detail as the Director of the Division of Taxation shall require, showing, as of the first day of July of such year:

(1) The scheduled property of the taxpayer located in, on or over any public street, highway, road or other public place in each municipality in this State and the scheduled property not so located in each municipality in this State;

(2) The length of the taxpayer's lines and mains along, in, on or over any public street, highway, road or other public place in this State, exclusive of service connections (but not including in the case of a street railway or traction company the length of the lines operated by autobuses or vehicles of the character described in R.S.48:15-41 et seq.); and

(3) The whole length of the taxpayer's lines and mains, exclusive of service connections (but not including in the case of a street railway or traction company the length of the lines operated by autobuses or vehicles of the character described in R.S.48:15-41 et seq.).

(4) Every taxpayer operating both gas and electric facilities shall supply the information required by this subsection (A) in such manner as the Director of the Division of Taxation shall

require so that its gas and electric scheduled property and length of gas and electric lines shall be shown separately.

(B) Every taxpayer shall on or before February 1, 1941, and on or before February 1 in each year thereafter return to the Director of the Division of Taxation a statement showing:

(1) The gross receipts for the preceding calendar year from the business over, on, in, through or from the taxpayer's lines and mains in this State, stated separately for each class of business; and

(2) The gross receipts for the preceding calendar year from the business over, on, in, through or from the whole of the taxpayer's lines and mains. In addition, as to gas and electric light, heat and power corporation taxpayers, commencing with the statement to be returned on or before February 1, 1992, a statement of the corresponding therms of gas and the corresponding kilowatthours of electricity sold in this State in the preceding year itemized separately for classes in the residential class category and the non-residential class category.

(3) Every taxpayer operating both gas and electric facilities shall supply the information required by this subsection (B) in such manner as the Director of the Division of Taxation shall require, separating its gross receipts and sales of units from gas operations from its gross receipts and sales of units from electric operations.

(C) The statements herein provided for shall be subscribed and sworn to by the president, a vice-president or chief officer of the corporation making such return; any taxpayer refusing or neglecting to make the statements herein provided for shall forfeit and pay to the State of New Jersey the sum of one hundred dollars (\$100.00) per day for each day of such refusal or neglect, to be recovered in an action at law in the name of the State and which, when recovered, shall be paid into the State Treasury. It shall be the duty of the Director of the Division of Taxation to certify any such default to the Attorney General of the State who, thereupon, shall prosecute an action at law for such penalty.

(D) The Director of the Division of Taxation shall audit and verify the statements filed by taxpayers whenever and in such respects as he shall deem necessary or advisable. The Director of the Division of Taxation may require any taxpayer to supply additional data and information in such form and detail as he shall request, whenever he may deem it necessary or helpful, for the proper performance of his duties under this act.

18. Section 11 of P.L.1940, c.5 (C.54:30A-59) is amended to read as follows:

C.54:30A-59 Deductions before apportionment; expenses certified.

11. Before making the apportionment of the excise taxes imposed by this act to the several municipalities entitled thereto, the State Tax Commissioner shall deduct from the gross amount of such taxes the expenses of auditing and verifying the statements of each taxpayer and making the respective apportionments of the taxes and a share of any general expenses which cannot be allocated to any one taxpayer in proportion to the amounts of the taxes either payable by the respective taxpayers under subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54) or subsection a. of section 10 of P.L.1991, c.184 (C.54:30A-54.6). The State Tax Commissioner shall certify such expenses to the respective taxpayers who shall make payment thereof to the State Tax Commissioner within 30 days after such certification.

C.54:30A-61.2 Apportionment of balance of excise taxes.

19. The balance of the excise taxes imposed pursuant to subsection a. of section 10 of P.L.1991, c.184 (C.54:30A-54.6) upon each taxpayer in the year 1992 and each year thereafter is hereby apportioned, subject to the provisions of section 4 of P.L.1980, c.11 (C.54:30A-61.1), to the various municipalities in the proportion that the apportionment value of the scheduled property of such taxpayer located in each municipality as of the preceding July 1 bears to the total apportionment value of the scheduled property of such taxpayer in this State as of that date. The Director of the Division of Taxation shall on or before May 1 in each year, compute the balance of such taxes and the apportionment thereof in the manner herein provided.

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

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

4. The director shall annually apportion to each municipality the amount to be apportioned to it pursuant to sections 12 and 13 of P.L.1940, c.5 (C.54:30A-60 and 54:30A-61), section 9 of P.L.1940, c.4 (C.54:30A-24) and section 19 of P.L.1991, c.184 (C.54:30A-61.2), except that: a. no municipality which in the three next preceding tax years had a municipal purposes tax rate of \$0.10 or less

shall receive a total amount pursuant to those sections greater than it received in 1979, plus 50% of the difference between the amount it received pursuant to those sections in that year and the greater amount it would have received pursuant to those sections in the year for which the apportionment and payment is made; and, b. in no year shall any municipality receive an amount pursuant to those sections greater than an amount equal to \$700.00 per capita. Any contiguous municipalities wherein there are located electric generating stations included in the scheduled property of a public utility, both or all of which municipalities would be affected by a. above but would not be limited by b. above, shall not be affected by the apportionment limitations of this section. Any municipality which has had a municipal purposes tax rate of \$0.10 or less for any three tax years affecting its apportionment pursuant to this section shall be required to have a municipal purposes tax rate in excess of \$0.10 for three consecutive tax years before its apportionment shall cease to be affected pursuant to this section.

If in 1980 or any year thereafter the application of the \$700.00 per capita limitation under this section would reduce the amount received by any municipality pursuant to those sections to less than 50% of the amount received pursuant to those sections in 1979, then, notwithstanding that limitation, the municipality shall receive in 1980 an amount equal to 50% of the amount received in 1979, and in any year thereafter such municipality shall annually appropriate and pay to the county in which it is located an amount equal to 35% of the amount received in that year, to be used for county purposes.

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

Amounts apportioned in each year to each municipality shall be annually paid to them by the State Treasurer, 25% thereof on July 5 next following the date of certification of the apportionment by the director; 40% thereof on or before September 1, and 35% thereof on or before December 1 next thereafter. Any portion of the balance set forth in sections 12 and 13 of P.L.1940, c.5 (C.54:30A-60 and 54:30A-61), section 9 of P.L.1940, c.4 (C.54:30A-24) and section 19 of P.L.1991, c.184 (C.54:30A-61.2) remaining after the apportionments and payments are determined pursuant to this section shall be deposited in the "Municipal Purposes Tax Assistance Fund," established pursuant to P.L.1980, c.12 (C.54:1-46 et seq.), to be used exclusively for the purposes of that fund.

Notwithstanding the provisions of the "Local Budget Law" (N.J.S.40A:4-1 et seq.), any county, or municipality affected by the

\$700.00 limitation set forth in this section, to which a payment is made pursuant to this section may anticipate the amount of such payment in its annual budget for the year in which such payment is made, and any municipality which is required to make an annual appropriation pursuant to this section shall make such appropriation in its annual budget for the year in which it shall receive the payment a portion of which it is required to appropriate. The Director of Local Government Services shall establish rules or regulations necessary to effectuate the purposes and provisions of this section.

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

C.54:10A-24.1 Apportionment to municipalities; exceptions; determination of per capita amounts; annual payment; anticipation of amounts in budget; rules and regulations.

2. The director shall annually apportion to each municipality the amount to be apportioned to it pursuant to section 9 of P.L.1940, c.4 (C.54:30A-24), sections 12 and 13 of P.L.1940, c.5 (C.54:30A-60 and 54:30A-61), and section 19 of P.L.1991, c.184 (C.54:30A-61.2), except that: a. no municipality which in the three next preceding tax years had a municipal purposes tax rate of \$0.10 or less shall receive a total amount pursuant to those sections greater than it received in 1979, plus 50% of the difference between the amount it received pursuant to those sections in that year and the greater amount it would have received pursuant to those sections in the year for which the apportionment and payment is made; and, b. in no year shall any municipality receive an amount pursuant to those sections greater than an amount equal to \$700.00 per capita. Any contiguous municipalities wherein there are located electric generating stations included in the scheduled property of a public utility, both or all of which municipalities would be affected by a. above but would not be limited by b. above, shall not be affected by the apportionment limitations of this section. Any municipality which has had a municipal purposes tax rate of \$0.10 or less for any three tax years affecting its apportionment pursuant to this section shall be required to have a municipal purposes tax rate in excess of \$0.10 for three consecutive tax years before its apportionment shall cease to be affected pursuant to this section.

If in 1980 or any year thereafter, the application of the \$700.00 per capita limitation under this section would reduce the amount

received by any municipality pursuant to those sections to less than 50% of the amount received pursuant to those sections in 1979, then, notwithstanding that limitation, the municipality shall receive in 1980 an amount equal to 50% of the amount received in 1979, and in any year thereafter an amount equal to 75% of the amount received in 1979; but in 1981 and each year thereafter such municipality shall annually appropriate and pay to the county in which it is located an amount equal to 35% of the amount received in that year, to be used for county purposes.

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

Amounts apportioned in each year to each municipality shall be annually paid to them by the State Treasurer, 25% thereof on July 5 next following the date of certification of the apportionment by the director; 40% thereof on or before September 1, and 35% thereof on or before December 1 next thereafter. Any portion of the balance set forth in section 9 of P.L.1940, c.4 (C.54:30A-24), sections 12 and 13 of P.L.1940, c.5 (C.54:30A-60 and 54:30A-61), and section 19 of P.L.1991, c.184 (C.54:30A-61.2) remaining after the apportionments and payments are determined pursuant to this section shall be deposited in the "Municipal Purposes Tax Assistance Fund," established pursuant to P.L.1980, c.12 (C.54:1-46 et seq.), to be used exclusively for the purpose of that fund.

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

22. Section 3 of P.L.1945, c.162 (C.54:10A-3) is amended to read as follows:

C.54:10A-3 Corporations exempt.

3. The following corporations shall be exempt from the tax imposed by this act:

New Jersey State Library

(a) Corporations subject to a tax assessed upon the basis of gross receipts other than the Retail Gross Receipts Tax Act, or insurance premiums collected;

(b) Corporations which operate regular route autobus service within this State under operating authority conferred pursuant to R.S.48:4-3, provided, however, that such corporations shall not be exempt from the tax on net income imposed by section 5(c) of P.L.1945, c.162 (C.54:10A-5);

(c) Railroad, canal corporations, savings banks, production credit associations organized under the Farm Credit Act of 1933, agricultural cooperative associations incorporated or domesticated under or subject to chapter 13 of Title 4 of the Revised Statutes and exempt under Subtitle A, Chapter 1F, Part IV, Section 521 of the federal Internal Revenue Code, or building and loan or savings and loan associations;

(d) Cemetery corporations not conducted for pecuniary profit or any private shareholder or individual;

(e) Nonprofit corporations, associations or organizations established, organized or chartered, without capital stock, under the provisions of Titles 15, 16 or 17 of the Revised Statutes, Title 15A of the New Jersey Statutes or under a special charter or under any similar general or special law of this or any other State, and not conducted for pecuniary profit of any private shareholders or individual;

(f) Corporations subject to a tax under the provisions of P.L.1940, c.4, P.L.1940, c.5, or P.L.1991, c.184 (C.54:30A-18.6 et al.) or any statute or law imposing a similar tax or taxes;

(g) Nonstock corporations organized under the laws of this State or of any other state of the United States to provide mutual ownership housing under federal law by tenants, provided, however, that the exemption hereunder shall continue only so long as the corporations remain subject to rules and regulations of the Federal Housing Authority and the Commissioner of the Federal Housing Authority holds membership certificates in the corporations and the corporate property is encumbered by a mortgage deed or deed of trust insured under the National Housing Act (48 Stat. 1246) as amended by subsequent Acts of Congress. In order to be exempted under this subsection, corporations shall annually file a report on or before August 15 with the commissioner, in the form required by the commissioner, to claim such exemption, and shall pay a filing fee of \$25.00;

(h) Corporations not for profit organized under any law of this State where the primary purpose thereof is to provide for its

shareholders or members housing in a retirement community as same as defined under the provisions of the "Retirement Community Full Disclosure Act" (P.L.1969, c.215).

23. R.S.54:50-9 is amended to read as follows:

Certain officers entitled to examine records.

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.

i. The furnishing by the Director of the Division of Taxation to the Board of Public Utilities any information contained in tax information statements, reports or returns or any audit thereof or a report of any investigation made with respect thereto, as may be necessary for the administration of P.L.1991, c.184 (C.54:30A-18.6 et al.).

C.54:30A-18.7 Corporations may establish new, amend existing tariffs, contracts, schedules.

24. The Board of Public Utilities may permit corporations subject to tax pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) to establish new tariffs, contracts or schedules, or to amend existing tariffs, contracts or schedules, as necessary to comply with the provisions of P.L.1991, c.184 (C.54:30A-18.6 et al.). The Board of Public Utilities may authorize such corporations to engage in such deferred accounting of costs resulting from actions on the part of such taxpayers as may be necessary to comply with the provisions of P.L.1991, c.184 (C.54:30A-18.6 et al.).

C.54:30A-24.3 Annual appropriation for apportionment, payment to municipalities.

25. There shall be annually appropriated for apportionment and payment to municipalities pursuant to section 9 of P.L.1940, c.4 (C.54:30A-24), section 2 of P.L.1980, c.10 (C.54:30A-24.1), sections 12 and 13 of P.L.1940, c.5 (C.54:30A-60 and C.54:30A-61), section 4 of P.L.1980, c.11 (C.54:30A-61.1) and section 19 of P.L.1991, c.184 (C.54:30A-61.2), an amount not less than \$685,000,000, notwithstanding any other provision of law to the contrary and notwithstanding the amount of taxes paid by taxpayers pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.), P.L.1940, c.5 (C.54:30A-49 et seq.) and P.L.1991, c.184 (C.54:30A-18.6 et al.).

C.54:30A-61.3 Annual appropriation for apportionment, payment to municipalities.

26. There shall be annually appropriated for apportionment and payment to municipalities pursuant to section 9 of P.L.1940, c.4 (C.54:30A-24), section 2 of P.L.1980, c.10 (C.54:30A-24.1), sections 12 and 13 of P.L.1940, c.5 (C.54:30A-60 and C.54:30A-61), section 4 of P.L.1980, c.11 (C.54:30A-61.1) and section 19 of P.L.1991, c.184 (C.54:30A-61.2), an amount not less than

\$685,000,000, notwithstanding any other provision of law to the contrary and notwithstanding the amount of taxes paid by taxpayers pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.), P.L.1940, c.5 (C.54:30A-49 et seq.) and P.L.1991, c.184 (C.54:30A-18.6 et al.).

C.54:30A-24.4 Amounts retained for State use limited.

27. Commencing with State fiscal year 1993, amounts which annually are not apportioned or distributed for payment to municipalities and which are retained for State government use from the taxes paid pursuant to the provisions of subsection (a) of section 3 of P.L.1940, c.4 (C.54:30A-18), subsections a. and b. of section 2 of P.L.1991, c.184 (C.54:30A-18.6), section 9 of P.L.1940, c.4 (C.54:30A-24), subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54), and taxes paid by gas and electric light, heat and power corporations pursuant to the provisions of subsection a. of section 10 of P.L.1991, c.184 (C.54:30A-54.6), subsections a. and b. of section 12 of P.L.1991, c.184 (C.54:30A-54.8), and section 14 of P.L.1940, c.5 (C.54:30A-62), shall not exceed the amount remaining unapportioned or undistributed and retained for State government use from those revenues in State fiscal year 1992, net of any increase in amounts paid and retained for State use pursuant to subsections a. and b. of section 2 of P.L.1991, c.184 (C.54:30A-18.6) and section 9 of P.L.1940, c.4 (C.54:30A-24) and paid and retained for State use from gas and electric light, heat and power corporations pursuant to subsections a. and b. of section 12 of P.L.1991, c.184 (C.54:30A-54.8) and section 14 of P.L.1940, c.5 (C.54:30A-62). This section shall not apply to taxes paid or prepaid pursuant to provisions of general law identifying such taxes for State use, except for taxes prepaid in 1995 and each year thereafter pursuant to subsection b. of section 2 of P.L.1991, c.184 (C.54:30A-18.6) and subsection b. of section 12 of P.L.1991, c.184 (C.54:30A-54.8).

C.54:30A-61.4 Amounts retained for State use limited.

28. Commencing with State fiscal year 1993, amounts which annually are not apportioned or distributed for payment to municipalities and which are retained for State government use from the taxes paid pursuant to the provisions of subsection (a) of section 3 of P.L.1940, c.4 (C.54:30A-18), subsections a. and b. of section 2 of P.L.1991, c.184 (C.54:30A-18.6), section 9 of P.L.1940, c.4 (C.54:30A-24), subsections (a) and (b) of section 6 of P.L.1940, c.5 (C.54:30A-54), and taxes paid by gas and electric light, heat and power corporations pursuant to the provisions of subsection a. of section 10 of P.L.1991, c.184 (C.54:30A-54.6), subsections a. and b. of section 12 of P.L.1991,

c.184 (C.54:30A-54.8), and section 14 of P.L.1940, c.5 (C.54:30A-62), shall not exceed the amount remaining unapportioned or undistributed and retained for State government use from those revenues in State fiscal year 1992, net of any increase in amounts paid and retained for State use pursuant to subsections a. and b. of section 2 of P.L.1991, c.184 (C.54:30A-18.6) and section 9 of P.L.1940, c.4 (C.54:30A-24) and paid and retained for State use from gas and electric light, heat and power corporations pursuant to subsections a. and b. of section 12 of P.L.1991, c.184 (C.54:30A-54.8) and section 14 of P.L.1940, c.5 (C.54:30A-62). This section shall not apply to taxes paid or prepaid pursuant to provisions of general law identifying such taxes for State use, except for taxes prepaid in 1995 and each year thereafter pursuant to subsection b. of section 2 of P.L.1991, c.184 (C.54:30A-18.6) and subsection b. of section 12 of P.L.1991, c.184 (C.54:30A-54.8).

C.54:30A-30 Rules, regulations.

29. The Director of the Division of Taxation in the Department of the Treasury and the Board of Public Utilities shall promulgate such rules and regulations applicable to taxpayers subject to P.L.1940, c.4 (C.54:30A-16 et seq.) as may be necessary to effectuate the purposes and provisions of P.L.1991, c.184 (C.54:30A-18.6 et al.).

C.54:30A-68 Rules, regulations.

30. The Director of the Division of Taxation in the Department of the Treasury and the Board of Public Utilities shall promulgate such rules and regulations applicable to taxpayers subject to P.L.1940, c.5 (C.54:30A-49 et seq.) as may be necessary to effectuate the purposes and provisions of P.L.1991, c.184 (C.54:30A-18.6 et al.).

Repealer.

31. Section 9 of P.L.1963, c.41 (C.54:30A-18.3) is repealed.

32. This act shall take effect January 1, 1992, except that sections 29 and 30 and this section shall take effect immediately.

Approved June 30, 1991.

CHAPTER 185

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Assembly Bill No. 5100, dated June 30, 1991.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1992 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR
THE FISCAL YEAR 1991-92
GENERAL FUND

Undesignated fund balance, July 1, 1991..... \$1,400,000

Major Taxes

Sales.....	\$4,138,000,000
Corporation business.....	1,090,000,000
Motor fuels.....	392,000,000
Motor vehicle fees.....	355,000,000
Cigarette.....	247,000,000
Transfer inheritance.....	200,000,000
Insurance premiums.....	179,000,000
Petroleum products gross receipts.....	160,000,000
Public utility excise.....	129,000,000
Alcoholic beverage excise.....	81,000,000
Corporation business--Banks and financial institutions.....	46,000,000
Realty transfer.....	33,000,000
Alcoholic beverage wholesale sales.....	10,000,000
Motor fuel use--Motor carrier.....	9,000,000
Pari-mutuel.....	8,000,000
Business personal property.....	10,000,000
Savings institutions.....	5,000,000
Tobacco products wholesale sales.....	<u>4,000,000</u>
Total--Major Taxes.....	<u>\$7,096,000,000</u>

Miscellaneous Taxes, Fees, Revenues

Executive Branch--

Department of Agriculture:

Animal health--laboratory test fees.....	\$35,000
Fertilizer inspection fees.....	179,000
Milk control licenses and fees.....	375,000
Other animal, plant disease and pest control fees.....	7,000

Department of Banking:

Bank assessments.....	3,158,000

Examination fees	6,989,000
New Jersey Cemetery Board.	92,000
Department of Community Affairs:	
Affordable housing and neighborhood preservation--Fair housing	13,500,000
Boarding home fees	473,000
Construction fees	3,096,000
Fire safety	10,400,000
Housing inspection fees	2,400,000
Planned real estate development fees	1,000,000
Truth in renting.....	33,000
Department of Education:	
Academy for the advancement of teaching and administration	495,000
Katzenbach School for the Deaf--Tuition.....	2,630,000
Licensing fees--Miscellaneous	1,573,000
Non-public schools textbook recoveries	400,000
State Board of Examiners	1,479,000
Department of Environmental Protection:	
Air pollution fees.....	4,125,000
Environmental Cleanup Responsibility Act.....	3,500,000
Environmental Services Fund.....	3,882,000
Hazardous waste facilities inspection	3,882,000
Hunters' and Anglers' License Fund	9,767,000
Marina rentals	447,000
Marine lands management--Delineation and title determination	901,000
Miscellaneous revenues	300,000
Morris Canal Fund.....	48,000
New Jersey Pilot Commissioners	73,000
New Jersey Pollutant Discharge Elimination System...	10,000,000
New Jersey Water Supply Authority debt service repayments	770,000
Parks management.....	4,071,000
Pesticide control	255,000
Pesticide fines.....	100,000
Radiation protection	1,460,000
Shellfish and marine fisheries management.....	150,000
Solid waste - fines	620,000
Solid waste management fees	4,045,000
Toxic catastrophe prevention - fines.....	155,000
Water pollution judgments	2,500,000
Department of Health:	
Animal control act	600,000
Consumer health penalties	520,000
Hospital rate setting	2,079,000
Medicare health facility inspection fees	2,685,000
Narcotic fees	720,000
Rabies control	503,000
Vital statistics registration	150,000
Alcohol Education, Rehabilitation and Enforcement fund	570,000
Catastrophic Illness in Children Relief Fund.....	2,350,000
Department of Higher Education:	
Bond interest recoveries	334,000

Higher Education Assistance Authority	1,407,000
Department of Human Services:	
Child care licensing/Adoption law	70,000
Marriage license fees	300,000
Patients' and residents' cost recoveries	
Developmental disability	12,000,000
Psychiatric hospitals	50,000,000
Title XIX health facility rate setting and inspection	300,000
Medicaid Uncompensated Care /Title XIX Reimbursement	220,000,000
Department of Insurance:	
Actuarial services	1,300,000
Licensing and enforcement	11,830,000
Real Estate Commission	3,865,000
Department of Labor:	
Licenses, permits and fines	1,085,000
Special Compensation Fund	1,540,000
Workers' compensation assessment	8,134,000
Department of Law and Public Safety:	
Amusement games control fees	271,000
Athletic control board fees	400,000
Auto body repair shop licensing	492,000
Beverage licenses	3,759,000
Division of Consumer Affairs:	
General revenues:	
Bureau of Securities	93,000
Charities Registration Section	12,000
Legalized Games of Chance Control.....	340,000
Private Employment Agencies	303,000
Weights and Measures - General.....	150,000
Professional examining board fees:	
State Board of Architects	213,000
State Board of Audiology and Speech - Language Pathology Advisory.....	46,000
State Board of Certified Public Accountants.....	432,000
State Board of Chiropractors.....	240,000
State Board of Cosmetology and Hairstyling.....	876,000
State Board of Dentistry.....	327,000
State Board of Electrical Contractors.....	226,000
State Board of Marriage Counselor Examiners.....	58,000
State Board of Master Plumbers.....	117,000
State Board of Medical Examiners.....	1,563,000
State Board of Mortuary Science	131,000
State Board of Nursing.....	1,165,000
State Board of Ophthalmic Dispensers and Ophthalmic Technicians	97,000
State Board of Optometrists	100,000
State Board of Pharmacy.....	535,000
State Board of Physical Therapy	117,000
State Board of Professional Engineers and Land Surveyors	292,000
State Board of Professional Planners	98,000

State Board of Psychological Examiners.....	95,000
State Board of Public Movers and Warehousemen.....	180,000
State Board of Shorthand Reporting.....	24,000
State Board of Veterinary Medical Examiners	110,000
Securities Enforcement Fund.....	3,215,000
Drunk driving fines	1,750,000
Moped enforcement.....	37,000
Motor Vehicle Security--Responsibility Law administration	5,297,000
Motor vehicle surcharge program.....	15,000,000
Other boating fees	3,000
Pleasure boat licenses.....	2,200,000
Salvage Title Program	527,000
State Police - Fingerprint fees	1,114,000
State Police - Other licenses	351,000
State Police - Private detective licenses.....	532,000
Uninsured motorists program	920,000
Violent crime compensation.....	3,000,000
Department of Military and Veterans' Affairs:	
Soldiers' Home - Menlo Park	4,484,000
Soldiers' Home - Paramus	3,400,000
Soldiers' Home - Vineland	3,000,000
Department of the Public Advocate:	
Rate counsel	3,794,000
Department of State:	
Commissions	837,000
General revenue--Fees.....	13,400,000
Department of Transportation:	
Air Safety Fund	1,000,000
Applications and highway permits	600,000
Autonomous transportation authorities.....	24,500,000
Outdoor advertising.....	290,000
Petitions and Motor Carrier Inspections	554,000
Department of the Treasury:	
Assessments--Cable TV	2,603,000
Assessments--Public Utility	20,246,000
Coin-operated telephones	2,000,000
Escrow Interest - Construction Accounts	275,000
Interest on deposits.....	800,000
Investment earnings.....	10,000,000
Municipal Purposes Tax Assistance Fund	60,000,000
Nuclear emergency response assessment	3,500,000
Public Utility Gross Receipts and Franchise	
Taxes (combined)	220,000,000
Public Utility Taxes (combined)-1991 revisions	620,000,000
Public Utility Tax--Administration.....	250,000
Railroad Tax - Class II.....	2,300,000
Railroad Tax - Franchise.....	1,500,000
Sale of assets.....	400,000,000
Surplus property.....	100,000
Vending machine commissions.....	100,000

Other Sources:	
Miscellaneous revenue	2,000,000
Inter-Departmental Accounts:	
Administration and investment of pension funds -Recoveries	23,000,000
Employee maintenance deductions.....	1,000,000
Fringe benefit recoveries from colleges and universities	30,000,000
Fringe benefit recoveries from school districts.....	22,000,000
Health benefits recoveries for federal and other funds ..	32,000,000
Indirect cost recovery - Federal.....	8,000,000
Other fringe benefit recoveries from federal and other funds	2,600,000
Pension recoveries from federal and other funds.....	31,000,000
Rent of State building space.....	1,300,000
Social Security recoveries from federal and other funds	22,500,000
Judicial Branch--	
Increased court fees - 1991 revisions	24,500,000
Court fees	<u>21,000,000</u>
Total--Miscellaneous Taxes, Fees, Revenues	<u>\$2,088,948,000</u>

Interfund Transfers

Beaches and Harbor Fund.....	\$473,000
Clean Communities Account Fund	400,000
Clean Waters Fund	1,260,000
Community Development Bond Fund	45,000
Correctional Facilities Construction Fund	217,000
Correctional Facilities Construction Fund (Act of 1987).....	875,000
Emergency Flood Control Fund	129,000
Energy Conservation Fund	609,000
Farmland Preservation Fund.....	164,000
Farmland Preservation Fund 1989	34,000
Fund for the Support of Free Public Schools	5,200,000
General Trust Fund.....	1,000
Green Trust Fund and Cultural Centers and Historic	
Preservation Fund (1987).....	588,000
Hazardous Discharge Fund.....	778,000
Higher Education Buildings Construction Fund (Act of 1971)	15,000
Housing Assistance Fund	120,000
Human Services Facilities Construction Fund.....	269,000
Institutional Construction Fund	23,000
Institutions Construction Fund	6,000
Jobs, Education and Competitiveness.....	1,448,000
Jobs, Science and Technology Fund	138,000
Medical Education Facilities Fund	45,000
Mortgage Assistance Fund	475,000
Motor Vehicle Security Responsibility Fund.....	12,000
New Jersey Bridge Rehabilitation and Improvement and	
Railroad Right-of-Way Preservation Fund.....	2,010,000
Natural Resources Fund.....	558,000
New Jersey Bridge Rehabilitation and Improvement Fund	478,000
New Jersey Green Acres Fund (1983)	440,000

New Jersey Green Acres Fund (1989)	51,000
New Jersey Green Trust Fund (1989)	85,000
New Jersey Spill Compensation Security Fund	12,129,000
Outstanding Checks (6 years and over)	1,300,000
Outstanding Checks Account.....	1,175,000
Public Buildings Construction Fund.....	168,000
Public Purpose Buildings and Community-Based Facilities Construction Fund	1,662,000
Public Purpose Buildings Construction Fund	480,000
Sanitary Landfill Facility Contingency Fund.....	210,000
Shore Protection Fund	679,000
State Disability Benefit Fund General Account.....	21,370,000
State Land Acquisition and Development Fund.....	180,000
State Lottery Fund	545,000,000
State Lottery Fund Administration	18,585,000
State Recreation and Conservation Land Acquisition Fund (Act of 1971).....	26,000
State Recreation and Conservation Land Acquisition and Development	71,000
State Recycling Fund.....	848,000
State Water Development Fund	1,000
State of New Jersey Cash Management Fund.....	720,000
Stormwater management and combined sewer overflow abatement	496,000
Transportation Rehabilitation and Improvement Fund of 1979	2,197,000
Unclaimed Personal Property Trust Fund	38,000,000
Unemployment Compensation Tax Auxiliary Fund	12,000,000
Unsatisfied Claim and Judgment Fund	1,128,000
Wage and Hour Trust Fund.....	45,000
Water Conservation Fund	86,000
Water Supply Fund.....	5,390,000
Worker and Community Right to Know Fund.....	3,264,000
Total--Interfund Transfers	<u>\$684,156,000</u>
Total Revenues, General Fund	<u>\$9,869,104,000</u>
Total Resources, General Fund	<u>\$9,870,504,000</u>

Property Tax Relief Fund

Undesignated fund balance, July 1, 1991.....	\$0
Gross Income Tax.....	4,600,000,000
Transfer from Transition School Aid Account	115,400,000
Transfer to Transition School Aid Account	<u>(143,000,000)</u>
Total Resources, Property Tax Relief Fund	<u>\$4,572,400,000</u>

Property Tax Relief Fund: Transition School Aid Account

Undesignated fund balance, July 1, 1991.....	\$265,000,000
Transfer to Property Tax Relief Fund	(115,400,000)
Transfer from Property Tax Relief Fund	<u>143,000,000</u>
Total Resources, Transition School Aid Account	<u>\$292,600,000</u>

Gubernatorial Elections Fund

Undesignated fund balance, July 1, 1991	(\$10,000,000)
Taxpayers' Designations	<u>1,500,000</u>
Total Resources, Gubernatorial Elections Fund	<u>(\$8,500,000)</u>

Casino Control Fund

License Fees	<u>\$57,371,000</u>
Total Resources, Casino Control Fund	<u>\$57,371,000</u>

Casino Revenue Fund

Undesignated fund balance, July 1, 1991	\$124,715,000
Gross Revenue Tax	244,000,000
Investment Income	<u>12,000,000</u>
Total Resources, Casino Revenue Fund ..	<u>\$380,715,000</u>
Total Resources, All State Funds	<u>\$15,165,090,000</u>
Grand Total Resources, All Funds	<u>\$15,165,090,000</u>

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

1. The appropriations herein or so much thereof as may be necessary are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and spending agencies and for the several purposes herein specified for the fiscal year ending on June 30, 1992. 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, 1992 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1992 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the director by July 31, 1992. 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, 1991, 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, 1991, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1991.

STATE OPERATIONS

LEGISLATIVE BRANCH

01 Legislature

70 Government Direction, Management and Control

71 Legislative Activities

0001 Senate

01-0001 Senate	<u>\$6,890,000</u>
Total Appropriation, Senate	<u>\$6,890,000</u>

Personal Services:

Senators (40)	(\$1,270,000)
Salaries and wages	(2,326,000)
Members' staff services	(2,800,000)
Materials and Supplies	(135,000)
Services Other Than Personal	(378,000)
Maintenance and Fixed Charges	(30,000)
Additions, Improvements and Equipment	(1,000)

The unexpended balance as of June 30, 1991 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly	<u>\$13,945,000</u>
Total Appropriation, General Assembly	<u>\$13,945,000</u>

Personal Services:

Members (80)	(\$2,812,000)
Salaries and wages	(4,200,000)
Members' staff services	(5,600,000)
Materials and Supplies	(208,000)
Services Other Than Personal	(1,030,000)
Maintenance and Fixed Charges	(90,000)
Additions, Improvements and Equipment	(5,000)

The unexpended balance as of June 30, 1991 in this account is appropriated.

Total Appropriation, Legislature	<u>\$20,835,000</u>

0003 Office of Legislative Services

03-0003 Legislative Support Services	<u>\$19,715,000</u>
Total Appropriation, Office of Legislative Services	<u>\$19,715,000</u>

Personal Services:	
Salaries and wages	(\$13,973,000)
Materials and Supplies	(1,047,000)
Services Other Than Personal	(2,114,000)
Maintenance and Fixed Charges	(2,005,000)
Special Purpose:	
Affirmative action and equal employ- ment opportunity program	(23,000)
Additions, Improvements and Equipment	(553,000)

The unexpended balance as of June 30, 1991 in this account is appropriated.

Such sums as may be required for the cost of information system audits performed by the State Auditor are funded from the departmental data processing accounts of the department in which the audits are performed.

The sums appropriated for the continuation and expansion of data processing systems shall be available for the Legislature in order to plan, acquire and install a comprehensive electronic data processing system, including software acquisition and training in connection with the system, as the Legislative Services Commission shall determine. No funds shall be expended or otherwise made available except upon the approval of the Legislative Information Systems Committee of the Legislative Services Commission and the Commission. The Legislative Services Commission may authorize the expenditure of funds for such capital alterations as may be required to permit the installation of data processing equipment into the State House or State House Annex, including electrical service, climate control, and facility utilization.

Receipts derived from fees and charges for public access to legislative information systems, and the unexpended balances as of June 30, 1991 of such receipts are appropriated and shall be credited to a non-lapsing revolving fund established in and administered by the Office of Legislative Services for the purpose of continuing to modernize, maintain and expand the dissemination and availability of legislative information.

09 Legislative Commissions

0010 Intergovernmental Relations Commission

09-0010 Intergovernmental Relations Commission	<u>\$555,000</u>
Total Appropriation, Intergovernmental Relations Commission	<u>\$555,000</u>
Special Purpose:	
The Council of State Governments	(\$108,000)
Atlantic States Marine Fisheries Commission	(24,000)

National Conference of Commissioners on Uniform State Laws	(18,000)
Education Commission of the States ...	(75,000)
National Governors' Association	(134,000)
National Conference of State Legislatures	(98,000)
Governmental Accounting Standards Board	(20,000)
Northeast-Midwest Research Institute	(37,000)
Coalition of Northeastern Governors ..	(31,000)
Northeast Directors of Employee Relations	(10,000)

The unexpended balance as of June 30, 1991 in this account is appropriated.

0014 Joint Committee on Public Schools

The unexpended balance as of June 30, 1991 in this account is appropriated and \$65,000 of this amount is transferred to the Commission on Business Efficiency in the Public Schools account for the expenses of that commission.

0018 State Commission of Investigation

09-0018 State Commission of Investigation	<u>\$2,555,000</u>
Total Appropriation, State Commission of Investigation..	<u>\$2,555,000</u>
Special Purpose:	
Expenses of Commission	(\$2,555,000)

The unexpended balance as of June 30, 1991 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>\$150,000</u>
Total Appropriation, Commission to Study	
Sex Discrimination in the Statutes	<u>\$150,000</u>
Special Purpose:	
Expenses of Commission	(\$150,000)

The unexpended balance as of June 30, 1991 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

The unexpended balance as of June 30, 1991 in this account is appropriated.

0039 County and Municipal Government Study Commission

09-0039 County and Municipal Government Study Commission	<u>\$150,000</u>
Total Appropriation, County and Municipal	
Government Study Commission	<u>\$150,000</u>

Special Purpose:

Expenses of Commission (\$150,000)

The unexpended balance as of June 30, 1991 in this account is appropriated.

0040 Apportionment Commission

The unexpended balance as of June 30, 1991 in this account is appropriated.

0049 Christopher Columbus Quincentennial Observance Commission

The unexpended balance as of June 30, 1991 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 \$275,000

Total Appropriation, Commission on Legal and Ethical
Problems in the Delivery of Health Care..... \$275,000

Special Purpose:

Expenses of Commission (\$275,000)

The unexpended balance as of June 30, 1991 in this account is appropriated.

*0053 New Jersey Law Revision Commission*09-0053 New Jersey Law Revision Commission \$200,000Total Appropriation, New Jersey Law Revision Commission \$200,000

Special Purpose:

Expenses of Commission (\$200,000)

The unexpended balance as of June 30, 1991 in this account is appropriated.

Total Appropriation, Legislative Commissions \$3,885,000Total Appropriation, Legislative Branch \$44,435,000

EXECUTIVE BRANCH

06 OFFICE OF THE CHIEF EXECUTIVE

*07 Government Direction, Management and Control**76 Management and Administration**0300 Chief Executive's Office*01-0300 Executive Management \$4,879,000Total Appropriation, Chief Executive's Office \$4,879,000

Personal Services:

Salaries and wages (\$3,774,000)

Materials and Supplies (122,000)

Services Other Than Personal	(728,000)
Maintenance and Fixed Charges	(130,000)
Special Purpose:	
Brian Stack intern program	(10,000)
Allowance to the Governor of funds not otherwise appropriated, for official reception on behalf of the State, operation of an official residence and other expenses	(75,000)
Additions, Improvements and Equipment	(40,000)
The unexpended balance as of June 30, 1991 in this account is ap- propriated.	

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

01-3310 Animal Disease Control	\$753,000
02-3320 Plant Pest and Disease Control	1,645,000
03-3330 Resource Development Services	<u>836,000</u>
Total Appropriation, Natural Resource Management.	<u>\$3,234,000</u>
Personal Services:	
Salaries and wages	(\$1,940,000)
Materials and Supplies	(90,000)
Services Other Than Personal	(140,000)
Maintenance and Fixed Charges	(97,000)
Special Purpose:	
Agricultural water use certification ...	(31,000)
Beneficial insect laboratory	(575,000)
Future farmers' youth development ...	(20,000)
State soil conservation program	(275,000)
Gypsy moth control	(50,000)
Additions, Improvements and Equipment	(16,000)

Receipts from laboratory test fees in excess of \$35,000 are appro-
priated to support the animal health laboratory program.

Receipts from the sale or studies of beneficial insects are appro-
priated to support the Beneficial Insect Laboratory.

Receipts from the seed laboratory testing and certification pro-
grams are appropriated for program costs.

Receipts from the nursery inspection program are appropriated
for program costs.

50 Economic Planning, Development and Security

51 Economic Planning and Development

06-3360 Marketing Services	<u>\$1,146,000</u>
Total Appropriation, Economic Planning and Development	<u>\$1,146,000</u>
Personal Services:	
Salaries and wages	(\$589,000)
Materials and Supplies	(7,000)

Services Other Than Personal.....	(50,000)
Maintenance and Fixed Charges.....	(31,000)
Special Purpose:	
Promotion/market development.	(50,000)
Wine promotion program.....	(30,000)
Temporary emergency food assistance program.....	(388,000)
Additions, Improvements and Equipment	(1,000)
Receipts derived from the distribution of commodities, sale of containers and salvage of commodities, in accordance with applicable federal regulations, and the unexpended balance of such receipts as of June 30, 1991 are appropriated for expenses of Commodity Distribution.	
Revenues in excess of those anticipated and due to the Department of Agriculture from the alcoholic beverage excise tax for the preceding calendar year are appropriated for expenses of the Wine promotion program.	

52 Economic Regulation

04-3340 Dairy Industry Regulation.	\$480,000
05-3350 Other Commodity Regulation	<u>711,000</u>
Total Appropriation, Economic Regulation.	<u>\$1,191,000</u>
Personal Services:	
Salaries and wages.	(\$1,049,000)
Materials and Supplies	(37,000)
Services Other Than Personal.....	(74,000)
Maintenance and Fixed Charges.....	(30,000)
Additions, Improvements and Equipment	(1,000)

70 Government Direction, Management and Control

76 Management and Administration

99-3370 Management and Administrative Services	<u>\$1,790,000</u>
Total Appropriation, Management and Administration. ..	<u>\$1,790,000</u>
Personal Services:	
Salaries and wages.	\$1,288,000)
Materials and Supplies.	(24,000)
Services Other Than Personal.....	(133,000)
Maintenance and Fixed Charges.....	(49,000)
Special Purpose:	
Expenses of State Board of Agriculture	(18,000)
Affirmative action and equal employment	
opportunity programs	(28,000)
Additions, Improvements and Equipment	(250,000)
Total Appropriation, Department of Agriculture.	<u><u>\$7,361,000</u></u>

14 DEPARTMENT OF BANKING
50 Economic Planning, Development and Security
52 Economic Regulation

01-3010 Supervision and Enforcement of Financial Institutions.	\$1,225,000
02-3020 Examination and Analysis of Financial Institutions.	3,789,000
99-3040 Management and Administrative Services	<u>1,252,000</u>
Total Appropriation, Economic Regulation.	<u>\$6,266,000</u>
Personal Services:	
Salaries and wages.	(\$5,620,000)
Materials and Supplies.....	(44,000)
Services Other Than Personal.....	(492,000)
Maintenance and Fixed Charges	(25,000)
Special Purpose:	
Affirmative action and equal employment opportunity program.....	(10,000)
Additions, Improvements and Equipment	(75,000)
Total Appropriation, Department of Banking.	<u>\$6,266,000</u>

The unexpended balance as of June 30, 1991 in the Pinelands Development Credit Bank account is appropriated for the same purpose.

The first \$750,000 in revenues from increases in the Department's fee structure is appropriated.

Receipts in excess of the amount anticipated from examination and licensing fees and bank assessments are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

**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>\$8,257,000</u>
Total Appropriation, Cultural and Intellectual Development Services.	<u>\$8,257,000</u>
Personal Services:	
Salaries and wages.	(\$5,746,000)
Materials and Supplies.....	(509,000)
Services Other Than Personal	(1,079,000)
Maintenance and Fixed Charges	(500,000)
Special Purpose:	
Affirmative action and equal employment opportunity program.....	(20,000)
Grant from the State to produce the daily lottery drawing program	(150,000)
Grant to WBGO	(50,000)
Program Development Fund.	(75,000)
Additions, Improvements and Equipment	(128,000)

*50 Economic Planning, Development and Security**51 Economic Planning and Development*

20-2800 Economic Development	\$2,871,000
21-2850 International Trade.	2,056,000
22-2860 Travel and Tourism	6,662,000
23-2880 Economic Research.	253,000
26-2810 Development for Small Businesses and Women and Minority Businesses	1,308,000
99-2910 Management and Administrative Services	<u>1,585,000</u>
Total Appropriation, Economic Planning and Development	<u>\$14,735,000</u>

Personal Services:

Salaries and wages.	(\$5,539,000)
Materials and Supplies.	(155,000)
Services Other Than Personal.....	(867,000)
Maintenance and Fixed Charges.....	(199,000)

Special Purpose:

Economic development, advertising and promotion	(700,000)
Trade shows, missions and promotions	(180,000)
International trade advertising and promotion	(550,000)
International Education Center	(150,000)
Tourist welcome centers	(250,000)
Travel and tourism, advertising and promotion	(5,600,000)
Governor's Commission On Business Tourism Development	(52,000)
Advertising and promotion	(50,000)
Small Business Development Center .	(330,000)
Expand procurement opportunities for minority and women owned businesses	(58,000)
Affirmative action and equal employ- ment opportunity program.	(30,000)
Additions, Improvements and Equipment	(25,000)

The amount necessary to provide employer rebate awards as a result of the "New Jersey Urban Enterprise Zone Act," P.L.1983, c.303 (C.52:27H-60 et seq.), and the administrative costs incurred by the Department of Labor and the Division of Taxation to meet the statutory requirements of this program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology.	<u>\$429,000</u>
Total Appropriation, New Jersey Commission on Science and Technology	<u>\$429,000</u>

Personal Services:

Salaries and wages	(\$355,000)

Materials and Supplies.....	(12,000)	
Services Other Than Personal.....	(45,000)	
Maintenance and Fixed Charges.....	(12,000)	
Additions, Improvements and Equipment	(5,000)	
Total Appropriation, Department of Commerce, Energy and Economic Development.		<u>\$23,421,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

01-8010 Housing Code Enforcement	\$1,380,000
02-8020 Housing Services	4,722,000
04-8030 Local Government Services.	3,489,000
06-8015 Uniform Construction Code.	1,570,000
12-8025 Boarding Home Regulation and Assistance.	1,303,000
17-8017 Fire Safety Program.	1,146,000
18-8017 Fire Safety Inspection Program	<u>1,839,000</u>
Total Appropriation, Community Development Management.	<u>\$15,449,000</u>

Personal Services:

Board members (7@ \$12,000)	(\$84,000)
Salaries and wages.	(10,795,000)
Materials and Supplies.....	(175,000)
Services Other Than Personal.....	(1,224,000)
Maintenance and Fixed Charges.....	(384,000)

Special Purpose:

Prevention of Homelessness, P.L. 1984, c.180 (C.52:27D- 280 et seq.).....	(340,000)
Truth in Renting.....	(40,000)
Neighborhood preservation-fair housing P.L.1985, c.222 (C.52:27D-301 et seq.)	(1,050,000)
Council on Affordable Housing	(1,350,000)
Additions, Improvements and Equipment	(7,000)

Receipts in excess of the amount anticipated for Housing Code Enforcement are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Truth in Renting account is payable out of the revenue derived from the sale of Truth in Renting statements, including fees, fines, and penalties. If receipts are less than the amount anticipated, the appropriation shall be reduced proportionately.

Any receipts in excess of the amount anticipated for Truth in Renting are appropriated.

The unexpended balance as of June 30, 1991 in the Planned Real Estate Development Full Disclosure Act account together

with any receipts in excess of the amount anticipated are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Local government authority audit fees are appropriated for expenses of audits, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be required for the registration of builders and reviewing and paying claims under the "New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), are appropriated from the new home warranty security fund in accordance with section 7 of P.L.1977, c.467 (C.46:3B-7), subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from the New Jersey Housing and Mortgage Finance Agency charges for the Affordable Housing Management Service to municipalities and the unexpended balance of such receipts as of June 30, 1991 are appropriated for the operation of the Affordable Housing Management Service within the Division of Housing.

The unexpended balance as of June 30, 1991 in the Uniform Construction Code fees account, together with any receipts in excess of the amount anticipated, are appropriated for expenses of code enforcement activities subject to the approval of the Director of the Division of Budget and Accounting.

Any receipts and unexpended balances as of June 30, 1991 in excess of \$1,000,000 in the Uniform Construction Code Revolving Fund shall lapse.

The amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of \$0.0006 are dedicated to the general support of the Uniform Construction Code Program, and notwithstanding the provisions of section 2 of P.L.1979, c.121 (C.52:27D-124.1), are available for training and non-training purposes.

Receipts in excess of the amount anticipated for Fire Safety fees are appropriated for the Local Fire Fighters' Training program, subject to the approval of the Director of the Division of Budget and Accounting.

Pursuant to section 15 of P.L.1983, c.530 (C.55:14K-15), the commissioner shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments;

and appropriations made from the General Fund to the "Boarding House Rental Assistance Fund" created pursuant to section 14 of P.L.1983, c.530 (C.55:14K-14) may be used by the commissioner to make payments to the Housing and Mortgage Finance Agency, in the form of rental assistance or otherwise, necessary to meet debt service on Housing and Mortgage Finance Agency Life Safety Improvement Loans.

The unexpended balance as of June 30, 1991 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 these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Council on Affordable Housing and Neighborhood preservation-fair housing accounts are payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1).

Receipts from the Division of Local Government Services are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources.	\$406,000
07-8052 Sports and Recreation.	320,000
08-8060 Programs for the Aging	1,005,000
14-8061 Ombudsman's Office	863,000
15-8051 Women's Programs	757,000
16-8062 Office of the Public Guardian.	<u>917,000</u>
Total Appropriation, Social Services Programs.	<u>\$4,268,000</u>
Personal Services:	
Salaries and wages.	(\$2,796,000)
Materials and Supplies.....	(114,000)
Services Other Than Personal.....	(570,000)
Maintenance and Fixed Charges.....	(101,000)
Special Purpose:	
Sports and Recreation	(320,000)

Federal programs for the aging (State share)	(331,000)
Expenses of the Commission on Aging	(3,000)
Conference on Aging	(15,000)
New program initiatives for women...	(15,000)
Expenses of the New Jersey Commission on Women	(2,000)
Additions, Improvements and Equipment	(1,000)

Receipts from the Office of the Public Guardian are appropriated.

In addition to the amount hereinabove for the Ombudsman's office, there are appropriated additional sums as may be required, if any, equal to the difference between \$288,000 and the amount of federal funds received, whereby the total funds available to the office equals \$1,151,000; such appropriation, if any, is subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management and Control

76 Management and Administration

99-8070 Management and Administrative Services	<u>\$3,039,000</u>
Total Appropriation, Management and Administration. ..	<u>\$3,039,000</u>
Personal Services:	
Salaries and wages.	(\$2,453,000)
Materials and Supplies.	(17,000)
Services Other Than Personal.....	(445,000)
Maintenance and Fixed Charges.....	(63,000)
Special Purpose:	
Affirmative action and equal employment opportunity programs	(60,000)
Additions, Improvements and Equipment	(1,000)
Total Appropriation, Department of Community Affairs	<u>\$22,756,000</u>

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

7025 System-Wide Program Support

07-7025 Institutional Control and Supervision.	\$9,290,000
13-7025 Institutional Program Support.	<u>22,418,000</u>
Total Appropriation, System-Wide Program Support	<u>\$31,708,000</u>
Personal Services:	
Salaries and wages.	(\$14,425,000)
Positions established from lump sum appropriation.....	(373,000)
Materials and Supplies.	(27,000)
Services Other Than Personal.....	(8,650,000)
Special Purpose:	
Central office transportation unit.	(150,000)
Special Operations Group.	(41,000)

Integrated information systems development	(584,000)
Augment medical care at institutions.	(504,000)
Farm operations subsidy	(650,000)
Adult post-secondary and college programs.	(200,000)
Social services block grant support....	(83,000)
Computerized menu planning.	(16,000)
Institutional law libraries	(16,000)
Radio conversion program.	(284,000)
Additional trunk lines.....	(480,000)
Return of escapees and absconders	(196,000)
Emergency facility repairs.	(100,000)
Mutual agreement program.	(350,000)
Recruit screening program	(209,000)
Radio maintenance	(160,000)
Expanded AIDS testing and treatment	(4,000,000)
Computer assisted remote television teaching.	(200,000)
Additions, Improvements and Equipment	(10,000)

The unexpended balance as of June 30, 1991 in the Commission on Vocational and Technical Training account is appropriated for the same purpose.

17 Parole and Community Programs

7010 Office of Parole and Community Programs

03-7010 Parole	\$19,808,000
04-7010 Community Programs	<u>1,582,000</u>
Total Appropriation, Office of Parole and Community Programs.	<u>\$21,390,000</u>
Personal Services:	
Salaries and wages.	(\$15,482,000)
Positions established from lump sum appropriation.....	(137,000)
Food in lieu of cash.....	(8,000)
Materials and Supplies.....	(154,000)
Services Other Than Personal.	(718,000)
Maintenance and Fixed Charges	(631,000)
Special Purpose:	
Payments to inmates discharged from facilities.	(246,000)
Parolee electronic monitoring program	(3,681,000)
Community Service Center, Newark..	(215,000)
Community Service Center, Essex	(98,000)
Additions, Improvements and Equipment	(20,000)

7270 Juvenile Community Programs

12-7270 Juvenile Rehabilitation.	<u>\$14,208,000</u>
Total Appropriation, Juvenile Community Programs.	<u>\$14,208,000</u>
Personal Services:	
Salaries and wages.	(\$8,956,000)

Positions established from lump sum appropriation	(249,000)
Food in lieu of cash.....	(16,000)
Materials and Supplies.	(1,547,000)
Services Other Than Personal.....	(1,008,000)
Maintenance and Fixed Charges.....	(560,000)
Special Purpose:	
Alternatives to juvenile incarceration programs.....	(1,750,000)
Long Pine Residential Treatment Center.....	(81,000)
Additions, Improvements and Equipment	(41,000)
The unexpended balance as of June 30, 1991, not to exceed \$100,000, from the Long Pine Residential Treatment Center account is appropriated for the same purpose.	

7280 State Parole Board

05-7280 State Parole Board	<u>\$6,707,000</u>
Total Appropriation, State Parole Board	<u>\$6,707,000</u>
Personal Services:	
Salaries and wages.	(\$5,961,000)
Materials and Supplies.	(134,000)
Services Other Than Personal.....	(378,000)
Maintenance and Fixed Charges.....	(100,000)
Additions, Improvements and Equipment	(134,000)

*10 Public Safety and Criminal Justice**19 Central Planning, Direction and Management*

01-7000 Planning, Management and General Support	\$1,871,000
02-7000 Program Operations Support	2,776,000
19-7000 Physical Plant and Support Services.....	926,000
99-7000 Management and Administrative Services	<u>30,155,000</u>
Total Appropriation, Central Planning, Direction and Management.	<u>\$35,728,000</u>
Personal Services:	
Salaries and wages.	(\$10,877,000)
Positions established from lump sum appropriation	(50,000)
Materials and Supplies.	(495,000)
Services Other Than Personal.....	(1,749,000)
Maintenance and Fixed Charges.....	(286,000)
Special Purpose:	
Affirmative action and equal employment opportunity program.....	(125,000)
Reserve: Non-contractual overtime.	(22,050,000)
Additions, Improvements and Equipment	(96,000)

The amount hereinabove for the Reserve: Non-contractual overtime account, or so much of the amount as is necessary, shall be allocated by the Commissioner of Corrections to the various institutional salary accounts according to the Commissioner's

determination of overtime needs, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Corrections \$109,741,000

Balances on hand as of June 30, 1991 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L.1969, c.22 (C.30:4-91.4 et seq.).

Of the amount appropriated hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

04-5064 Adult and Continuing Education	\$745,000
05-5066 Bilingual Education.	213,000
06-5066 Programs for At-Risk Pupils.	224,000
07-5065 Special Education.	<u>1,486,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$2,668,000</u>
Personal Services:	
Salaries and wages.	(\$2,488,000)
Materials and Supplies.....	(43,000)
Services Other Than Personal.....	(133,000)
Maintenance and Fixed Charges.....	(4,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational Education	<u>\$1,600,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$1,600,000</u>
Personal Services:	
Salaries and wages.	(\$1,490,000)
Materials and Supplies.....	(32,000)
Services Other Than Personal.....	(77,000)
Additions, Improvements and Equipment	(1,000)

34 Educational Support Services

30-5063 General Academic Education	\$5,987,000
31-5091 Academy for the Advancement of Teaching and Management.	790,000

32-5061 Certification Programs	1,474,000
33-5067 Service to Local Districts	2,409,000
33-5068 Service to Local Districts	500,000
34-5067 Equal Educational Opportunity.	227,000
35-5069 Urban Education.	380,000
36-5120 Pupil Transportation	336,000
37-5120 School Nutrition	171,000
38-5120 Facilities Planning and School Building Aid.	<u>560,000</u>
Total Appropriation, Educational Support Services.	<u>\$12,834,000</u>
Personal Services:	
Salaries and wages.	(\$6,951,000)
Materials and Supplies.	(281,000)
Services Other Than Personal.	(680,000)
Maintenance and Fixed Charges.	(76,000)
Special Purpose:	
Improved basic skills instruction (HSPT).	(95,000)
Pre-kindergarten for urban students ...	(70,000)
Blueprint for a drug-free New Jersey.	(250,000)
Eleventh grade test.	(2,250,000)
High school proficiencies	(100,000)
School improvement/effective schools.	(265,000)
Partners in learning.	(173,000)
Statewide testing program.	(1,000,000)
Advisory Council on Holocaust Education	(125,000)
Regional curriculum service units.	(500,000)
Additions, Improvements and Equipment	(18,000)

In addition to the amount appropriated hereinabove, receipts from services provided by regional curriculum service units, not to exceed \$500,000, are appropriated for the activities of regional curriculum service units.

The unexpended balance as of June 30, 1991 in the Inspection of school construction account, and receipts derived therefrom, are appropriated for the operation of the school construction inspection program.

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended balances of such receipts as of June 30, 1991 are appropriated for the operation of Certification programs.

Receipts derived from charges at the Academy for the Advancement of Teaching and Management in excess of those anticipated and the unexpended balance as of June 30, 1991 of such receipts are appropriated for the costs of operation.

The unexpended balance as of June 30, 1991 in the Governor's Commission on Quality Education in New Jersey expense account is appropriated.

35 Education Administration and Management

42-5120 School Finance	\$1,965,000
43-5092 Compliance and Auditing.	1,426,000
99-5090 Management and Administrative Services	1,679,000
99-5095 Management and Administrative Services	<u>4,676,000</u>
Total Appropriation, Education Administration and Management	<u>\$9,746,000</u>

Personal Services:

Salaries and wages.	(\$7,417,000)
Materials and Supplies.....	(285,000)
Services Other Than Personal.....	(722,000)
Maintenance and Fixed Charges.....	(205,000)

Special Purpose:

Training for GAAP accounting.	(318,000)
Comprehensive compliance audits.....	(360,000)
State Board of Education expenses	(57,000)
Microfilm service charges.....	(37,000)
Affirmative action and equal employment opportunity program.....	(48,000)
Additions, Improvements and Equipment	(297,000)

Additional sums as may be necessary for the Department of Education in preparation for implementation of P.L.1987, c.399 (C.18A:7A-34 et seq.) are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor.

Receipts derived from fees for school district personnel background checks and unexpended balances as of June 30, 1991 of such receipts are appropriated for the cost of operation.

Additional sums as may be necessary for the Department of Education for the cost of the internal audit function in a State-operated school district pursuant to section 8 of P.L.1987, c.399 (C.18A:7A-41) are appropriated subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$3,616,000
54-5010 Support of the Arts.	<u>144,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$3,760,000</u>

Personal Services:

Salaries and wages.	(\$2,752,000)
Materials and Supplies.....	(561,000)
Services Other Than Personal.....	(426,000)
Maintenance and Fixed Charges.....	(21,000)

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1991 of such receipts are appropriated for the costs of operation.

Total Appropriation, Department of Education. \$30,608,000

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 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.	\$2,656,000
11-4870 Forest Resource Management	4,581,000
13-4880 Hunters' and Anglers' License Fund	9,581,000
14-4885 Shellfish and Marine Fisheries Management.	1,181,000
15-4890 Marine Lands Management.	<u>5,096,000</u>
Total Appropriation, Natural Resource Management.	<u>\$23,095,000</u>

Personal Services:

Salaries and wages.	(\$13,442,000)
Materials and Supplies.	(1,854,000)
Services Other Than Personal.....	(1,063,000)
Maintenance and Fixed Charges.....	(856,000)

Special Purpose:

Well permits/Well drillers/ Pump installers licenses.	(222,000)
Excess diversion.	(175,000)
Water allocation.....	(920,000)
Water/Wastewater operators' licenses.	(70,000)
Office of the Rivermaster.....	(58,000)
Microfilm service charges.....	(25,000)
Fire fighting costs	(525,000)
Woodland assessment	(75,000)
Sea clam enforcement.	(63,000)
Oyster propagation and disease control, section 8 of P.L.1945, c.39 (C.50:3-20.17).....	(15,000)
Surf clams research and inventory	(30,000)
Shellfish research and inventory.....	(22,000)
Bayshore Flood Control.....	(230,000)
Dam safety expansion.	(315,000)
Waterfront development program.	(250,000)
Wetlands.	(10,000)
CAFRA Program	(75,000)
Stream encroachment.....	(1,450,000)

Regulation of freshwater wetlands	(450,000)
Delineation and determination of State riparian land	(175,000)
Tidelands Resource Council.....	(25,000)
Additions, Improvements and Equipment	(700,000)

The amounts hereinabove for the Waterfront development program, Wetlands program, CAFRA program, and Stream encroachment accounts are payable out of receipts received through the "Environmental Services Fund," established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-33) and the unexpended balances of the fund as of June 30, 1991, together with any receipts in excess of the amount anticipated are appropriated for those accounts. If the receipts to any of the accounts are less than anticipated, the respective appropriation shall be reduced proportionately.

The amounts hereinabove for the Well permits/Well drillers/Pump installers licenses, Excess diversion, Water allocation, and Water/Wastewater operators' licenses accounts are payable out of receipts received through the "Environmental Services Fund," established pursuant to section 5 of P.L.1975, c.232 (C.13:1D-33) and the unexpended balances of the fund as of June 30, 1991, 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 unexpended balance as of June 30, 1991 in the "hunters' and anglers' license fund" together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the "hunters' and anglers' license fund" is payable out of said fund and any amount remaining therein. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for Delineation and determination of State riparian land shall be provided from receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands, and any receipts in excess of such amounts not to exceed \$45,000 are appropriated for the same purpose; provided however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced shall be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Of the amount hereinabove for Marine Lands Management, \$541,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State-owned riparian lands; provided however, that there is appropriated from any receipts in excess of the amount anticipated, \$1,835,000 to meet peak demands of the marine lands management program.

Receipts received pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.) and the unexpended balances as of June 30, 1991 in the Regulation of freshwater wetlands account are appropriated for the same purposes.

The unexpended balance as of June 30, 1991 in the Watershed Property Review Board account is appropriated.

There are appropriated from the Water Supply Fund, created pursuant to section 14 of the "Water Supply Bond Act of 1981," P.L.1981, c.261, such sums as are necessary for costs attributable to administration of water supply programs including funding for cooperative agreements under the United States Geological Survey (USGS) Program, subject to the approval of the Director of the Division of Budget and Accounting.

43 Environmental Quality

02-4825 Air Pollution Control.	\$6,331,000
07-4850 Water Monitoring and Planning.	963,000
08-4855 Water Enforcement.	300,000
09-4860 Public Wastewater Facilities.	644,000
17-4900 Solid Waste Resource Management.	6,197,000
22-4861 Geological Survey.	<u>10,377,000</u>
Total Appropriation, Environmental Quality.	<u>\$24,812,000</u>
Personal Services:	
Salaries and wages.	(\$6,785,000)
Materials and Supplies.	(374,000)
Services Other Than Personal.	(1,078,000)
Maintenance and Fixed Charges.	(280,000)
Special Purpose:	
Worker and Community Right To Know Act.	(922,000)
Air pollution monitoring and control programs.	(3,600,000)
Expansion of coastal sewage treatment enforcement.	(300,000)
Administration of Wastewater Treatment Fund.	(644,000)
Sanitary Landfill Facility Contingency Fund, Non-site specific administration	(190,000)

Recycling of solid waste.	(748,000)
Clean communities-administration.....	(350,000)
Ground water discharge permits.....	(3,200,000)
Surface water discharge permits	(6,264,000)
Additions, Improvements and Equipment	(77,000)

The amount hereinabove for the Air pollution monitoring and control programs account is payable out of the receipts generated through licensing fees and penalties. Receipts in excess of the amount anticipated from the Air pollution monitoring and control programs and the unexpended balances of such receipts as of June 30, 1991 are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the Ground water discharge permits and the Surface water discharge permits accounts are 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 balances as of June 30, 1991 in the Ground water discharge permits and the Surface water discharge permits accounts, as well as any receipts received in excess of the respective anticipated amounts, are appropriated for such purposes.

Receipts received pursuant to the "Toxic Catastrophe Prevention Act," P.L.1985, c.403 (C.13:1K-19 et seq.), and the unexpended balance of such receipts as of June 30, 1991 are appropriated.

There is allocated from funds previously appropriated from the "Water Conservation Fund" the sum of \$745,000 for costs attributable to planning, engineering, developing and constructing regional wastewater treatment facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Recycling of solid waste account is payable out of the State Recycling Fund, established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96).

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act account is payable out of the "Worker and Community Right to Know Trust Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balances as of June 30, 1991 in the Worker and Community Right to Know Act account together with any re-

ceipts in excess of the amount anticipated, not to exceed \$500,000, are appropriated.

The amount hereinabove for the Clean communities-administration account is payable out of receipts received pursuant to section 7 of P.L.1985, c.533 (C.13:1E-99.2). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Clean communities-administration account are appropriated for Clean communities program administration.

The unexpended balance as of June 30, 1991 in the Mapping of aquifer recharge areas account is appropriated.

Any funds received by the Wastewater Treatment Trust from any State agency to offset the trust's annual operating expenses are appropriated.

There are appropriated from the State Recycling Fund such sums as may be required to carry out the provisions of the "Clean Communities and Recycling Act," P.L.1981, c.278 (C.13:1E-92 et seq.).

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the "Sanitary Landfill Facility Closure and Contingency Fund Act," P.L.1981, c.306 (C.13:1E-100 et seq.).

The amount hereinabove for the Sanitary Landfill Facility Contingency Fund, Non-site specific administration account is payable out of the Sanitary Landfill Facility Contingency Fund.

Receipts in excess of those anticipated for the Sanitary Landfill Facility Contingency Fund, Non-site specific administration account, not to exceed \$40,000, are appropriated.

Receipts deposited to the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

Receipts in excess of the amount anticipated from solid waste fees and the unexpended balance of such receipts as of June 30, 1991 in the Solid Waste Resource Management program classification are appropriated.

The unexpended balances as of June 30, 1991 in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Environmental Protection pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

An amount not to exceed \$3,000,000 is appropriated from the Spill Compensation Fund for the Discharge prevention, containment, and countermeasures program, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1).

There is appropriated an amount not to exceed \$235,000 from the Resource Recovery and Solid Waste Disposal Facility Fund for administrative costs related to the Resource Recovery and Solid Waste Disposal Facility program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1981, c.278 (C.13:1E-92 et seq.), as amended by P.L.1985, c.533 (C.13:1E-92 et seq.), receipts in excess of the amount anticipated for the Recycling of solid waste account, not to exceed \$1,300,000, are appropriated from the State Recycling Fund for Recycling program administration.

Notwithstanding the provisions of any other law, receipts from fines and penalties in excess of those anticipated are appropriated for the Water Enforcement program in an amount not to exceed \$1,171,000, from the water resources program, section 10 of P.L.1977, c.74 (C.58:10A-10), subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$300,000 is appropriated from the New Jersey Spill Compensation Fund for the Emergency Communications Center, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection c. of section 17 of P.L.1986, c.102 (C.58:10A-36), moneys in the State Underground Storage Tank Improvement Fund shall be available for the purpose of making loans pursuant to that section after December 31, 1991.

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection	\$4,249,000
04-4835 Pesticide Control.	277,000
18-4810 Science and Research	3,054,000
19-4815 Spill Prevention, Response and Site Cleanup.	10,971,000
23-4910 Waste Management	3,416,000
27-4815 Hazardous Waste Private Cleanup.	<u>2,202,000</u>
Total Appropriation, Hazardous and Toxic Pollution Control	<u>\$24,169,000</u>
Personal Services:	
Salaries and wages.	(\$12,813,000)
Materials and Supplies.....	(733,000)
Services Other Than Personal.....	(1,471,000)
Maintenance and Fixed Charges.....	(1,148,000)

Special Purpose:

Nuclear emergency response.....	(1,500,000)
Radon program	(900,000)
Hazardous waste research.	(500,000)
Risk assessment	(150,000)
Geographical Information System data	
base development	(48,000)
Environmental health assessment.....	(610,000)
Spill prevention, response and site cleanup,	
Non-site specific administrative costs.	(750,000)
Environmental Cleanup Responsibility Act.	(3,000,000)
Major Hazardous Waste Facilities Siting Act--	
Siting Commission	(250,000)
Major Hazardous Waste Facilities Siting Act--	
Hazardous Waste Advisory Council.	(5,000)
Additions, Improvements and Equipment	(291,000)

The amount hereinabove for the Nuclear emergency response account is payable from receipts received pursuant to the assessments of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.).

The unexpended balances as of June 30, 1991 in the Nuclear emergency response account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from Radiation Protection and the unexpended balances of such receipts as of June 30, 1991 are appropriated.

The unexpended balance as of June 30, 1991 in the Low-Level Radioactive Waste Disposal Facility Siting Act account is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from laboratory certification services are appropriated.

The amount hereinabove for the Spill prevention, response and site cleanup, Non-site specific costs account is payable out of the New Jersey Spill Compensation Fund.

Receipts in excess of those anticipated for the Spill prevention, response and site cleanup, Non-site specific costs account, not to exceed \$546,000, are appropriated, of which an amount not to exceed \$325,000 shall be available for the purchase of protective clothing and safety equipment and the training required for its use.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations,

adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$2,000,000 is appropriated from the New Jersey Spill Compensation Fund for emergency response to toxic releases, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Environmental Cleanup Responsibility Act account is payable out of receipts received pursuant to the provisions of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et al.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1991 in the Environmental Cleanup Responsibility Act account, as well as any receipts received in excess of the anticipated amount, are appropriated.

The amount hereinabove for the Hazardous waste research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects, and improved cleanup criteria and removal operation methods of spills of hazardous substances, as well as methods of hazardous waste source reduction, recycling and detoxification, subject to the approval of the Director of the Division of Budget and Accounting. If the interest earnings are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from the sale of salvaged materials are appropriated to offset costs incurred in the cleanup and removal of hazardous substances.

The unexpended balances as of June 30, 1991 in the Major Hazardous Waste Facilities Siting Act--Siting Commission, the Hazardous Waste Facilities Siting Commission--Review, the Site Review and Evaluation, and the Land Emplacement Facility Site Search accounts are appropriated.

All receipts, including receipts from recoveries for hazardous waste cleanup activities, except for the Spill Compensation Fund, and receipts from consent orders for past and future hazardous waste cleanups shall be deposited in the "Hazardous Discharge Site Cleanup Fund," established pursuant to section 1 of P.L.1985, c.247 (C.58:10-23.34) and are appropriated for hazardous waste cleanup activities, including administrative costs.

Receipts in excess of the amount anticipated from hazardous waste fees and the unexpended balance of such receipts as of June 30, 1991 are appropriated for hazardous waste management program activities, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated for the Hazardous waste research account from interest earned by the New Jersey Spill Compensation Fund, not to exceed \$250,000, are appropriated to coordinate and implement hazardous waste minimization efforts.

In addition to site specific charges, an amount not to exceed \$9,900,000 is appropriated from the New Jersey Spill Compensation Fund, in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), of which \$7,700,000 shall fund appropriations hereinabove for the Spill Prevention, Response and Site Cleanup and Hazardous Waste Private Cleanup programs, subject to the approval of the Director of the Division of Budget and Accounting.

45 Recreational Resource Management

10-4865 Marina Operations.....	\$431,000
12-4875 Parks Management	22,721,000
21-4895 Navigational Aids.....	<u>660,000</u>
Total Appropriation, Recreational Resource Management.	<u>\$23,812,000</u>
Personal Services:	
Salaries and wages	(\$17,476,000)
Materials and Supplies	(1,897,000)
Services Other Than Personal.....	(1,355,000)
Maintenance and Fixed Charges.....	(1,337,000)
Special Purpose:	
Liberty State Park Commission	(22,000)
Expenses of the Delaware and	
Raritan Canal Commission.....	(149,000)
Day trip and camping for youth from lower	
and moderate income families.....	(450,000)
Natural Lands Trust	(90,000)
Natural Areas Council.....	(5,000)
Open lands management program.....	(150,000)
Historic Sites Trust	(20,000)
Morven maintenance.....	(50,000)
Expansion of natural heritage program	(120,000)
Expansion of historic sites and planning.	(180,000)
Dredging of inland waterways, State	
marinas and State-controlled lakes .	(100,000)
Additions, Improvements and Equipment	(411,000)

Receipts in excess of the amount anticipated from Marina operations are appropriated for maintenance and security of marina facilities.

Receipts in excess of the amount anticipated from the Morris Canal and Banking Company are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the rental and/or use of Liberty State Park facilities are appropriated for operation and maintenance of Liberty State Park, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991 in the Expenses of the Delaware and Raritan Canal Commission account is appropriated.

There are appropriated from the "Cultural Centers and Historic Preservation Fund" established pursuant to the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, such sums as may be required for costs attributable to planning, administrative, organizational and operational expenses incident to the historic preservation projects authorized by the bond act, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated from fees and permit receipts from the use of State park facilities, not to exceed \$150,000, are appropriated for Parks Management.

4876 Palisades Interstate Park Commission

24-4876 Parks Management	\$1,664,000
25-4876 Patrol Activities and Crime Control.	<u>1,126,000</u>
Total Appropriation, Palisades Interstate Park Commission	<u>\$2,790,000</u>

Personal Services:

Salaries and wages	(\$2,127,000)
Materials and Supplies	(288,000)
Services other Than Personal	(186,000)
Maintenance and Fixed Charges	(187,000)
Additions, Improvements and Equipment	(2,000)

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, 1991 of such receipts, are appropriated.

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs	\$744,000
99-4800 Management and Administrative Services	<u>6,825,000</u>

Total Appropriation, Environmental Planning and Administration.	<u>\$7,569,000</u>
Personal Services:	
Salaries and wages.	(\$6,170,000)
Materials and Supplies.	(9,000)
Services Other Than Personal.....	(1,176,000)
Maintenance and Fixed Charges.....	(1,000)
Special Purpose:	
Board of New Jersey Pilot Commissioners	(73,000)
Affirmative action and equal employment opportunity program.....	(50,000)
Additions, Improvements and Equipment	(90,000)
The amount in the Board of New Jersey Pilot Commissioners account is payable out of receipts, and any receipts in excess of the amounts specifically set forth above, are appropriated.	
Total Appropriation, Department of Environmental Protection.	<u>\$106,247,000</u>

46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*21 *Health Services*

01-4215 Vital Statistics	\$1,073,000
02-4220 Family Health Services.	2,368,000
03-4230 Epidemiology and Disease Control	7,097,000
04-4240 Alcoholism, Drug Abuse and Addiction Services. .	1,565,000
08-4280 Diagnostic Services.	5,660,000
09-4290 Clinical Laboratory Services	475,000
11-4235 Occupational and Environmental Health Control ...	6,133,000
12-4245 AIDS Services.	<u>5,347,000</u>
Total Appropriation, Health Services.	<u>\$29,718,000</u>
Personal Services:	
Salaries and wages.	(\$20,003,000)
Materials and Supplies.	(3,008,000)
Services Other Than Personal.....	(2,306,000)
Maintenance and Fixed Charges.....	(379,000)
Special Purpose:	
Rabies control program.....	(503,000)
Animal population control program...	(600,000)
Worker and Community Right to Know.	(1,419,000)
AIDS program expansion.....	(1,500,000)

The unexpended balance as of June 30, 1991 in the Rabies control program account, together with any receipts in excess of the amount anticipated are appropriated.

Notwithstanding the provisions of any law to the contrary, there is appropriated from the Animal population control program account an amount not to exceed \$300,000 for the rabies control program.

The unexpended balance as of June 30, 1991 in the Animal popu-

lation control program account, together with any receipts in excess of the amount anticipated, are appropriated.

The amount hereinabove for the Animal population control program account is payable out of the Animal Population Control Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to P.L.1975, c.166 (C.45:9-42.26 et seq.), and blood banks pursuant to P.L.1963, c.33 (C.26:2A-2 et seq.), and the unexpended balance as of June 30, 1991 of the fees are appropriated.

The Division of Alcoholism and Drug Abuse is authorized to bill a patient, a patient's estate, or the person chargeable for a patient's support, or the county of residence for institutional, residential and out-patient support of patients treated for alcoholism or drug abuse, or both. Receipts derived from billings or fees and unexpended balances as of June 30, 1991 from these billings and fees are appropriated to the Department of Health, Division of Alcoholism and Drug Abuse for the support of the alcohol and drug abuse programs.

Any receipts in the Worker and Community Right to Know account, in excess of the amount anticipated, not to exceed \$400,000, are appropriated.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know account is payable out of the "Worker and Community Right to Know Fund." If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P.L.1983, c.531 (C.26:2B-32 et al.).

The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health for diagnostic laboratory services provided to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

The unexpended balance as of June 30, 1991 in the Supplemental Nutrition Assistance Contingency Fund account is appropriated.

The unexpended balance as of June 30, 1991 in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Health pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.) are appropriated.

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation	\$2,356,000
07-4270 Health Planning and Resource Development	5,623,000
10-4265 Health Facilities Inspection Services.	<u>5,835,000</u>
Total Appropriation, Health Planning and Evaluation.	<u>\$13,814,000</u>
Personal Services:	
Salaries and wages.	(\$12,061,000)
Materials and Supplies.	(173,000)
Services Other Than Personal.....	(1,337,000)
Maintenance and Fixed Charges.....	(243,000)

Receipts derived from fees charged for the review of uniform construction code plans for health facilities, and the unexpended balances of such receipts as of June 30, 1991, are appropriated for the costs of this program.

The unexpended balance as of June 30, 1991 in the Hospital rate setting account is payable out of the Hospital Rate Setting Fund. If receipts to this fund are less than anticipated, the appropriation shall be reduced proportionately.

Receipts from Medicare (Title XVIII) and Medicaid (Title XIX) for health facilities inspections, in excess of those anticipated, are appropriated.

The unexpended balance as of June 30, 1991, in the Hospital rate setting account together with any receipts in excess of the amount anticipated are appropriated.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances of such receipts as of June 30, 1991 are appropriated for the cost of this program.

Any receipts from Facility Rate Setting, in excess of the amount anticipated by the Department of Human Services, are appropriated to the Department of Health.

25 Health Administration

99-4210 Management and Administrative Services	\$6,070,000
87-4210 Office of Health Policy and Research	<u>820,000</u>
Total Appropriation, Health Administration.	<u>\$6,890,000</u>

Personal Services:

Salaries and wages	(\$5,563,000)
Materials and Supplies.....	(197,000)
Services Other Than Personal.....	(425,000)
Maintenance and Fixed Charges	(491,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(77,000)
Additions, Improvements and Equipment	(137,000)

Total Appropriation, Department of Health \$50,422,000

Receipts from licenses, permits and fees collected by the Department of Health, in excess of those anticipated, are appropriated for use Department-wide as determined by the Commissioner of Health, and approved by the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

03-5400 New Jersey Educational Opportunity Fund.	\$727,000
05-5400 Student Financial Assistance Administration.	3,519,000
99-5400 Management and Administrative Services	5,982,000
Total Appropriation, Office of the Chancellor.	<u>\$10,228,000</u>

Personal Services:

Salaries and wages	(\$5,689,000)
Materials and Supplies.....	(262,000)
Services Other Than Personal.....	(1,375,000)
Maintenance and Fixed Charges	(180,000)

Special Purpose:

Educational Opportunity Fund board expenses	(4,000)
Management systems development....	(150,000)
Board of Higher Education expenses .	(14,000)
Basic skills assessment program	(1,250,000)
Affirmative action and equal employment opportunity program	(27,000)
Drug and alcohol abuse information clearinghouse.....	(327,000)
Going to college in New Jersey.....	(201,000)
NJCLASS.....	(500,000)
Additions, Improvements and Equipment	(249,000)

Total Appropriation, Department of Higher Education \$10,228,000

Of the amount appropriated hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*23 *Mental Health Services*7700 *Division of Mental Health and Hospitals*

08-7700 Community Services	\$4,563,000
99-7700 Management and Administrative Services	<u>4,401,000</u>
Total Appropriation, Division of Mental Health and Hospitals.	<u>\$8,964,000</u>
Personal Services:	
Salaries and wages	(\$7,511,000)
Materials and Supplies	(84,000)
Services Other Than Personal.....	(920,000)
Maintenance and Fixed Charges.....	(147,000)
Special Purpose:	
Affirmative action and equal employ- ment opportunity program.....	(30,000)
Additions, Improvements and Equipment	(272,000)

24 *Special Health Services*7540 *Division of Medical Assistance and Health Services*

21-7540 Health Services Administration and Management...	\$19,482,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled	<u>2,698,000</u>
Total Appropriation, Division of Medical Assistance and Health Services.....	<u>\$22,180,000</u>
Personal Services:	
Salaries and wages	(\$9,584,000)
Compensation Awards	(15,000)
Materials and Supplies	(239,000)
Services Other Than Personal.....	(2,500,000)
Maintenance and Fixed Charges.....	(141,000)
Special Purpose:	
Payments to fiscal agents	(6,020,000)
Eligibility determination	(2,100,000)
Affirmative action and equal employ- ment opportunity program.....	(12,000)
Design and development-Medicaid management information system...	(450,000)
Payments to fiscal agents (PAA).....	(731,000)
Design and development-Medicaid management information system...	(8,000)
Additions, Improvements and Equipment	(380,000)

Notwithstanding any State law to the contrary, any private health insurance carrier writing health insurance policies in the State shall permit the Division of Medical Assistance and Health Services to match its Medicaid Eligibility file against any private health insurance carrier's policyholder file.

Notwithstanding the provisions of P.L.1981, c.217 (C.30:4D-7.2a) to the contrary, the division is authorized to seek recovery and to file a

lien against the estate of a qualified applicant or eligible person, after his death, for the amount of assistance paid or to be paid on his behalf under the "New Jersey Medical Assistance and Health Services Act," P.L.1968, c.413 (C.30:4D-1 et seq.), if the amount sought to be recovered is \$500 or more, and the estate is \$3,000 or more, and there is no surviving spouse or no surviving child who is under age 21 or is blind or permanently disabled. This recovery authority shall apply to all such recoveries initiated on or after July 20, 1981 from the estates of applicants or recipients who died prior to, on, or after July 20, 1981, the effective date of P.L.1981, c.217.

The unexpended balance as of June 30, 1991 in the Payments to fiscal agents and Design and development - Medicaid management information system accounts are appropriated.

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services, results in a recovery of improperly granted medical assistance from a case generated by the unearned income portion of the Income Eligibility Verification System (IEVS) computer match, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25% of the gross recovery. When in any other case involving an incorrect determination of eligibility, a county welfare agency recovers only medical assistance improperly granted, the Division of Medical Assistance and Health Services is authorized to reimburse the county welfare agency for those case expenses directly related to the recovery, such as filing fees and advertising costs but not including costs such as staff time, supplies, counsel fees or overhead. In addition, the Division of Medical Assistance and Health Services may reimburse the county welfare agencies in the amount of 10% of the gross recovery up to \$250.

A revolving fund is established within the Division of Medical Assistance and Health Services for the operation of the Garden State Health Plan and notwithstanding any provisions herein all appropriations and receipts of federal and other non-State funds shall be deposited into the fund and shall be allotted subject to approval of the Director of the Division of Budget and Accounting.

All receipts from the surcharge for uncompensated care from all general acute care hospitals are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share and non-disproportionate share hospitals for payments of uncompensated care costs.

Additional federal Title XIX revenue generated from the claiming of uncompensated care payments made to disproportionate share hospitals shall be deposited in the General Fund as anticipated revenue.

The Division of Medical Assistance and Health Services in coordination with the county welfare agencies shall establish a program to outstation eligibility workers in disproportionate share hospitals and Federally Qualified Health Centers.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and Administrative Services	<u>\$10,779,000</u>
Total State and Federal Appropriation	<u>\$10,779,000</u>

Less:

Federal Funds

Management and Administrative Services. (\$7,653,000)

<i>Total Federal Funds</i>	<u><i>(\$7,653,000)</i></u>

<i>Total Appropriation, Division of Developmental Disabilities.</i>	<u><i>\$3,126,000</i></u>

Personal Services:

Salaries and wages	(\$7,899,000)

Materials and Supplies	(30,000)

Services Other Than Personal	(499,000)

Maintenance and Fixed Charges	(254,000)

Special Purpose:

Foster grandparents program	(1,479,000)

Developmental Disabilities Council...	(306,000)

Additions, Improvements and Equipment	(312,000)

Less:

<i>Federal Funds</i>	<u><i>(7,653,000)</i></u>

7601 Community Programs

01-7601 Purchased Residential Care	\$887,000

02-7601 Social Supervision and Consultation.	12,114,000

03-7601 Adult Activities	10,636,000

04-7601 Education and Day Training	<u>28,729,000</u>

Total State and Federal Appropriation	<u>\$52,366,000</u>

Less:

Federal Funds

<i>Purchased Residential Care</i>	<u><i>(\$409,000)</i></u>

<i>Social Supervision and Consultation .</i>	<u><i>(8,557,000)</i></u>

<i>Adult Activities</i>	<u><i>(4,885,000)</i></u>

<i>Education and Day Training</i>	<u><i>(624,000)</i></u>

<i>Total Federal Funds</i>	<u><i>(\$14,475,000)</i></u>

All Other Funds

<i>Purchased Residential Care</i>	<u><i>(\$15,000)</i></u>

<i>Education and Day Training</i>	<u><i>(18,247,000)</i></u>

<i>Total All Other Funds</i>	<u><i>(\$18,262,000)</i></u>

Total Appropriation, Community Programs	<u>\$19,629,000</u>
Personal Services:	
Salaries and wages.	(\$42,165,000)
Materials and Supplies.....	(2,272,000)
Services Other Than Personal.....	(1,800,000)
Maintenance and Fixed Charges	(5,619,000)
Special Purpose:	
Guardianship program.....	(35,000)
Homemaker services (State share).	(133,000)
Social services.....	(32,000)
Other special purpose.....	(1,000)
Additions, Improvements and Equipment	(309,000)
Less:	
Federal Funds.....	(14,475,000)
All Other Funds.....	(18,262,000)

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1991 in the tuition receipt accounts established pursuant to P.L.1979, c.207 (C.18A:7B-1 et seq.) in the various departments are appropriated for education-related transportation costs and other day training related costs in the Division of Developmental Disabilities and program administration costs of the Office of Education in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; except that such amounts shall not be in excess of \$1,400,000.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

11-7560 Habilitation and Rehabilitation.	\$3,455,000
12-7560 Instruction, Community Programs and Prevention.	2,606,000
99-7560 Management and Administrative Services	<u>2,189,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$8,250,000</u>

Personal Services:

Salaries and wages.	(\$6,891,000)
Materials and Supplies.....	(226,000)
Services Other Than Personal.....	(759,000)
Maintenance and Fixed Charges	(259,000)
Additions, Improvements and Equipment	(115,000)

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Economic Assistance

15-7550 Income Maintenance	\$4,690,000
99-7550 Management and Administrative Services	<u>12,227,000</u>
Total Appropriation, Division of Economic Assistance. .	<u>\$16,917,000</u>

Personal Services:

Salaries and wages.	(\$9,621,000)
Materials and Supplies.	(235,000)
Services Other Than Personal.....	(3,825,000)
Maintenance and Fixed Charges.....	(205,000)

Special Purpose:

Realizing Economic Achievement (REACH) program	(2,000,000)
General assistance centralized automation.	(325,000)
Affirmative action and equal employ- ment opportunity program.....	(8,000)
Automated child support enforcement program(State share).	(636,000)
Additions, Improvements and Equipment	(62,000)

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1991 are appropriated.

Any federal funds received by the Division of Economic Assistance for the direct or indirect costs incurred by the Department of Labor for the operation of the Wage Reporting System shall be deposited in the General Treasury.

The State appropriation shall be based upon a federal financial participation rate of 48%; but if the federal participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991 not to exceed \$800,000 in the Automated child support enforcement system (State share) account is appropriated.

There is appropriated an amount not to exceed \$1,200,000 for an electronic benefit distribution system for food stamp and AFDC recipients.

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management	\$90,248,000
17-7570 Substitute Care.	8,775,000
18-7570 General Social Services.	10,042,000
99-7570 Management and Administrative Services	<u>28,311,000</u>
Total State and Federal Appropriation	<u>\$137,376,000</u>

Less:

Federal Funds

Initial Response/Case Management..	(\$23,886,000)

<i>Substitute Care</i>	(5,502,000)	
<i>General Social Services</i>	(6,506,000)	
<i>Management and Administrative Services.</i>	<u>(15,467,000)</u>	
<i>Total Federal Funds</i>		<u>(\$51,361,000)</u>
Total Appropriation, Division of Youth and Family Services		<u>\$86,015,000</u>
Personal Services:		
Salaries and wages.	(\$109,610,000)	
Food in lieu of cash.....	(1,000)	
Materials and Supplies.....	(2,725,000)	
Services Other Than Personal.	(11,222,000)	
Maintenance and Fixed Charges.....	(11,601,000)	
Special Purpose:		
Affirmative action and equal employment opportunity program.....	(50,000)	
Additions, Improvements and Equipment	(2,167,000)	
<i>Less:</i>		
<i>Federal Funds</i>	(51,361,000)	

7580 Division of the Deaf and Hard of Hearing

23-7580 Services for the Deaf.		<u>\$338,000</u>
Total Appropriation, Division of the Deaf and Hard of Hearing		<u>\$338,000</u>
Personal Services:		
Salaries and wages.	(\$218,000)	
Materials and Supplies.....	(38,000)	
Services Other Than Personal.	(40,000)	
Maintenance and Fixed Charges.....	(4,000)	
Special Purpose:		
Services to deaf clients.....	(35,000)	
Additions, Improvements and Equipment	(3,000)	

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and Planning.		\$665,000
96-7500 Institutional Security Services.		4,218,000
99-7500 Management and Administrative Services.....		<u>7,156,000</u>
Total Appropriation, Division of Management and Budget		<u>\$12,039,000</u>
Personal Services:		
Salaries and wages.	(\$9,860,000)	
Materials and Supplies.....	(75,000)	
Services Other Than Personal.	(2,800,000)	
Maintenance and Fixed Charges.....	(391,000)	
Special Purpose:		
Office of Prevention.....	(150,000)	
Rehabilitation services scholarships...	(150,000)	
Affirmative action and equal employ- ment opportunity program.....	(67,000)	
Nursing scholarship program	(734,000)	

Transfer to State Police for fingerprinting/ background checks of job applicants	(250,000)
Additions, Improvements and Equipment	(62,000)
<i>Less:</i>	
<i>Savings from system-wide efficiencies.</i>	<i>(\$2,500,000)</i>

In addition to the sum hereinabove for Management and Administrative Services, the Director of the Division of Budget and Accounting shall transfer or credit to this account a sum of up to \$2,500,000 from State Operations and Institutional Programs appropriations for the department wherein savings may be realized from system-wide efficiencies; provided however, that transfers or credits shall not be made from the Salaries and wages accounts.

Revenues representing receipts to the General Fund from charges to Residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for these purposes; except that the total amount herein for these allowances shall not exceed \$1,375,000 and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

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

Notwithstanding the provision of any law to the contrary, the Department of Human Services is authorized to identify opportunities for increased recoveries to the General Fund and to the Department. Such funds collected are appropriated, subject to the approval of the Director of the Division of Budget and Accounting in accordance with a plan approved by the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Human Services.	<u>\$177,458,000</u>

A pro-rata share of all Low Income Energy Assistance Block Grant funds received by the Department of Human Services is to be allocated immediately upon receipt to the Departments of Community Affairs and Health to enable these departments to implement programs funded by this block grant.

Of the amount appropriated hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 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.	\$5,268,000
02-3120 Actuarial Services	3,199,000
03-3130 Regulation of the Real Estate Industry	1,956,000
04-3110 Public and Regulatory Services	1,093,000
05-3160 Unsatisfied Claims.	1,230,000
99-3150 Management and Administrative Services	<u>1,986,000</u>
Total Appropriation, Economic Regulation.	<u>\$14,732,000</u>
Personal Services:	
Real Estate Commissioners.....	(\$78,000)
Salaries and wages.	(12,122,000)
Materials and Supplies.....	(284,000)
Services Other Than Personal.	(2,120,000)
Maintenance and Fixed Charges.....	(76,000)
Special Purpose:	
Affirmative action and equal employment opportunity program.....	(20,000)
Additions, Improvements and Equipment	(32,000)

Receipts from the investigation of out-of-State land sales are appropriated for the conduct of such investigations.

There are appropriated from the Real Estate Guaranty Fund such sums as may be necessary to pay claims.

There is appropriated from receipts a sum in accordance with the limitations of section 1 of P.L.1949, c.248 (C.17:24-13) to defray the expenses of the Committee on Valuation of Securities of the National Association of Insurance Commissioners.

There are appropriated to administer the "New Jersey Insurance Fraud Prevention Act," P.L.1983, c.320 (C.17:33A-1 et seq.) such sums as are prescribed by the act.

The amount hereinabove for Unsatisfied Claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of that fund additional sums as may be necessary for the payment of claims pursuant to section 7 of P.L.1952, c.174 (C.39:6-67), and for such additional costs as may be re-

quired to administer the fund pursuant to P.L.1952, c.174 (C.39:6-61 et seq.).

Receipts derived from financial condition examinations or actuarial certifications of loss reserves are appropriated for the conduct of such examinations or certifications, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examinations associated with issuing certificates of self-insurance for motor vehicles and workers' compensation are appropriated for the conduct of such examinations, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated in the Department of Insurance are appropriated.

The additional taxes paid on the taxable premiums of insurers, pursuant to P.L.1990, c.8 (C.17:33B-1 et seq.), shall be deposited in a dedicated account in the Department of Insurance for the payment of administrative costs related to its statutory duties, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the New Jersey Automobile Insurance Guaranty Fund such sums as may be necessary to satisfy the financial obligations of the New Jersey Automobile Full Insurance Underwriting Association, as set forth in the "Fair Automobile Insurance Reform Act of 1990," P.L.1990, c.8 (C.17:33B-1 et al.), subject to the provisions of subsection e. of section 23 of P.L.1990, c.8 (C.17:33B-5).

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), the receipts otherwise remaining prior to October 1, 1991, derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982-Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) are appropriated to the New Jersey Automobile Full Insurance Underwriting Association. Those receipts otherwise remaining on and after October 1, 1991, are appropriated to the New Jersey Automobile Insurance Guaranty Fund.

Total Appropriation, Department of Insurance.	<u>\$14,732,000</u>

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research.	\$1,063,000

99-4565 Management and Administrative Services.....	2,449,000
Total Appropriation, Economic Planning and Development	<u>\$3,512,000</u>
Personal Services:	
Salaries and wages.	(\$1,847,000)
Materials and Supplies.....	(36,000)
Services Other Than Personal.....	(1,499,000)
Maintenance and Fixed Charges.....	(36,000)
Special Purpose:	
New Jersey Occupational Information	
Coordinating Committee.	(25,000)
Affirmative action and equal employ-	
ment opportunity program.	(62,000)
Additions, Improvements and Equipment	(7,000)

Of the amounts hereinabove for the data processing system-related activities in the Management and Administrative Services program classification, an amount not to exceed \$1,175,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550 Promulgation and Licensing of Workplace Standards	\$477,000
12-4550 Enforcement of Workplace Standards	<u>6,804,000</u>
Total Appropriation, Economic Regulation.	<u>\$7,281,000</u>
Personal Services:	
Salaries and wages.	(\$5,292,000)
Materials and Supplies.....	(108,000)
Services Other Than Personal.....	(492,000)
Maintenance and Fixed Charges.....	(165,000)
Special Purpose:	
Carnival Amusement Ride Safety	
Advisory Board.	(1,000)
Safety Commission	(3,000)
Worker and Community Right To Know Act	(435,000)
Special Task Force on the Apparel Industry.	(500,000)
On-site consultation (State share).	(140,000)
Mine Safety Training Act (State share).	(12,000)
Additions, Improvements and Equipment	(133,000)

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, 1991 in the Worker and Community Right to Know Act account, together with any receipts in excess of the amount anticipated, not to exceed \$67,000, are appropriated.

Notwithstanding the provisions of the "Worker and Community Right to Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.), the amount hereinabove for the Worker and Community Right to Know Act ac-

count 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	\$3,848,000
03-4520 State Disability Insurance Plan.	18,609,000
04-4520 Private Disability Insurance Plan.	2,739,000
05-4525 Workers' Compensation.	8,108,000
06-4530 Special Compensation	<u>1,459,000</u>
Total Appropriation, Economic Assistance and Security.	<u>\$34,763,000</u>
Personal Services:	
Salaries and wages.	(\$20,540,000)
Materials and Supplies.	(232,000)
Services Other Than Personal.....	(4,695,000)
Maintenance and Fixed Charges.....	(208,000)
Special Purpose:	
Wage reporting.	(1,050,000)
Set-off of individual liabilities program	(499,000)
Unemployment Insurance automation	
support.....	(1,783,000)
Reimbursement to Unemployment	
Insurance for joint tax functions....	(5,200,000)
Other special purpose.....	(216,000)
Additions, Improvements and Equipment	(340,000)

The amounts hereinabove for State Disability Insurance Plan and Private Disability Insurance Plan are payable out of the State Disability Benefits Fund and, in addition to the amounts hereinabove, there are appropriated out of the State Disability Benefits Fund such additional sums as may be required to administer the Disability Insurance Program and such sums as may be necessary to pay disability benefits.

The amount hereinabove for Special Compensation shall be payable out of the Special Compensation Fund and, notwithstanding the \$12,500 limitation set forth in R.S.34:15-95, in addition to the amounts hereinabove, there are appropriated out of the Special Compensation Fund such additional sums as may be required for costs of administration and beneficiary payments.

The State Treasurer is directed to transfer to the General Fund the sum of \$50,000 from the excess in the Special Compensation Fund over the sum of \$1,250,000 accumulated as of June 30, 1991, pursuant to R.S.34:15-94.

The amount hereinabove for the Unemployment Insurance program classification shall be appropriated from the Unemployment Compensation Auxiliary Fund.

The Workers' Compensation program is supported by receipts from an assessment against workers' compensation insurance carriers and self-insurers pursuant to R.S.34:15-94.

Amounts to administer the "Uninsured employers' fund" are appropriated from the "Uninsured employers' fund" subject to the approval of the Director of Budget and Accounting.

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$2,777,000
09-4545 Employment Services.	912,000
10-4545 Employment Development Services.	694,000
16-4555 Public Sector Labor Relations.	2,174,000
17-4560 Private Sector Labor Relations	<u>471,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$7,028,000</u>

Personal Services:

Salaries and wages.	(\$5,119,000)
Materials and Supplies.....	(50,000)
Services Other Than Personal.	(390,000)
Maintenance and Fixed Charges	(32,000)

Special Purpose:

State support for employment programs.	(912,000)
State Employment and Training Commission.	(350,000)
Governor's employment and training program: customized training allocation	(150,000)
Additions, Improvements and Equipment	(25,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

The amount hereinabove for the Vocational Rehabilitation Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove for the Employment Development Services program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Notwithstanding the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100, as amended by P.L.1968, c.303 (C.34:13A-1 et seq.), the cost of fact-finding shall be borne equally by the public employer and the exclusive employee representative.

Total Appropriation, Department of Labor.	<u><u>\$52,584,000</u></u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-1110 Revenue and Information Processing Systems	\$23,822,000
02-1110 Licensing, Registration and Inspection Services	45,260,000
03-1110 Driver Control and Regulatory Affairs.	8,345,000
04-1140 Security Responsibility.	4,693,000
89-1110 Revenue Collection Services.	9,403,000
99-1110 Management and Administrative Services	3,574,000
99-1120 Management and Administrative Services	<u>3,844,000</u>
Total Appropriation, Vehicular Safety	<u>\$98,941,000</u>
Personal Services:	
Salaries and wages.	(\$48,606,000)
Materials and Supplies.	(6,343,000)
Services Other Than Personal.....	(19,183,000)
Maintenance and Fixed Charges.....	(1,298,000)
Special Purpose:	
License and registration forms.	(452,000)
Salvage title program	(477,000)
Microfilm service charges.....	(5,000)
Boat certification program.	(74,000)
Service contract-Emission analyzers..	(320,000)
Photo licensing.....	(230,000)
Agency operations	(16,902,000)
Federal highway safety program--	
State match.....	(350,000)
Parking Offenses Adjudication Act....	(150,000)
Uninsured motorist program-phase out.	(920,000)
Implementation of surcharge program	(3,128,000)
Drunk driver fund program	(107,000)
Affirmative action and equal employ-	
ment opportunity	(65,000)
Additions, Improvements and Equipment	(331,000)

Receipts derived pursuant to section 2 of P.L.1989, c.202 (C.39:3-33.9) and the unexpended balance as of June 30, 1991, are appropriated for the preparation and issuance of reflectorized license plates, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991 in the Salvage title program account, together with any receipts in excess of the amount anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove appropriated for the Salvage title program is payable out of receipts derived pursuant to section 5 of P.L.1983, c.323 (C.39:10-35). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

- The amount hereinabove for the Boat certification program is payable out of the Boat Certification Fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.
- Of the amount appropriated hereinabove for the Boat certification program, 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, 1991 in the Boat certification program account, together with any receipts in excess of the amount anticipated, not to exceed \$42,000, are appropriated.
- The unexpended balance as of June 30, 1991 in the Auto Body Licensing and Enforcement program classification, together with any receipts in excess of the amount anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount appropriated hereinabove for the Auto Body Licensing and Enforcement program classification is payable out of receipts from the Auto Body Licensing and Enforcement program pursuant to section 6 of P.L.1983, c.360 (C.39:13-6). If receipts are less than anticipated, the appropriation shall be reduced proportionately.
- Receipts derived from the New Jersey Commercial Driver License Act, P.L.1990, c.103 (C.39:3-10.9 et seq.), are appropriated for the implementation and administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.
- 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.
- Receipts in excess of the amount anticipated for photo licensing, derived pursuant to section 2 of P.L.1979, c.261 (C.39:3-10g), are appropriated to administer the program.
- The unexpended balance in the Federal highway safety program--State match account, including the accounts of the several departments, as of June 30, 1991, is appropriated for such highway safety projects.
- The amount appropriated hereinabove for the Parking Offenses Adjudication Act program is payable from receipts derived from

parking offense adjudication collected pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated for the Parking Offenses Adjudication Act program, derived pursuant to P.L.1985, c.14 (C.39:4-139.2 et seq.) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Uninsured motorist program account is payable from the Uninsured Motorist Prevention Fund. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1991 in the Uninsured motorists program account, together with any receipts in excess of the amount anticipated, are appropriated for the purpose of offsetting the costs of developing a vehicle insurance cancellation notification system, operating regional service centers, inspection lanes, motor vehicle agencies and other Division of Motor Vehicles activities related to licensing, registration or vehicle inspection, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Security Responsibility program classification shall be payable from receipts received from mutual associations and stock companies writing motor vehicle liability insurance within the State under section 2 of P.L.1952, c.176 (C.39:6-59), and any receipts in excess of the amount hereinabove are appropriated to defray additional costs of administration of the security responsibility law.

Notwithstanding the provisions of section 6 of P.L.1983, c.65 (C.17:29A-35), 15% of the receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 -- Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.), shall be retained in the General Fund.

Receipts derived from surcharges levied on drivers in accordance with section 6 of the New Jersey Automobile Insurance Reform Act of 1982 -- Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-35), are appropriated for the administration of the cancellation notification system, subject to the approval of the Director of the Division of Budget and Accounting. Funds appropriated for this purpose shall not exceed 5% of surcharge collections.

The unexpended balance as of June 30, 1991 in the Drunk driver fund program account, together with any receipts in excess of the amount anticipated, not to exceed \$28,500, are appropriated.

The amount appropriated hereinabove for the Drunk driver fund 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 pursuant to P.L.1959, c.56 (C.39:3-33.3 et seq.), not to exceed \$400,000, are appropriated to the Division of Motor Vehicles for agency operations and other purposes, subject to the Director of the Division of Budget and Accounting.

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$99,401,000
07-1200 Police Services and Public Order	18,501,000
08-1200 Emergency Services	3,652,000
09-1020 Criminal Justice	21,362,000
10-1030 Statewide Narcotics Prosecution Program	8,417,000
11-1050 State Medical Examiner	2,333,000
23-1200 State Capitol Complex Security	5,894,000
24-1200 Marine Police Operations	9,005,000
99-1200 Management and Administrative Services	<u>13,199,000</u>
Total Appropriation, Law Enforcement	<u>\$181,764,000</u>
Personal Services:	
Salaries and wages.	(\$129,620,000)
Cash in lieu of maintenance	(13,073,000)
Materials and Supplies	(7,656,000)
Services Other Than Personal	(7,624,000)
Maintenance and Fixed Charges	(6,241,000)
Special Purpose:	
Emergency (911) telephone system....	(1,500,000)
Emergency telecommunications services--	
Commission expenses	(225,000)
Drunk driver fund program	(962,000)
Noncriminal record checks	(1,014,000)
Nuclear emergency response program	(1,988,000)
Expenses of State Grand Jury	(356,000)
Medicaid fraud investigation-- State match	(147,000)
Environmental offense prosecution program	(700,000)
Action grants--State match	(700,000)
JJDP--State match	(97,000)
Boat certification program	(156,000)
Communications operators	(2,468,000)
Affirmative action and equal employment opportunity program	(193,000)
Additions, Improvements and Equipment	(7,044,000)

The unexpended balance as of June 30, 1991 in the revolving fund established under the "New Jersey Antitrust Act," P.L.1970, c.73 (C.56:9-1 et seq.) is appropriated for the administration of the act and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

Such additional amounts as may be required to carry out the provisions of the New Jersey Antitrust Act are appropriated from the General Fund; provided however, that any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991 in the Office of Victim-Witness Advocacy account, together with receipts derived pursuant to P.L.1985, c.407, is appropriated.

There are appropriated such sums as are collected pursuant to section 19 of P.L.1981, c.279 (C.13:1E-67); section 3 of P.L.1988, c.61 (C.58:10A-49); section 9 of P.L.1970, c.39 (C.13:1E-9); section 2 of P.L.1987, c.158 (C.13:1E-9.2); sections 20 and 24 of P.L.1989, c.34 (C.13:1E-48.20 and 13:1E-48.24); and section 15 of P.L.1987, c.333 (C.13:1E-191) as are required to pay awards authorized by these laws and for public awareness programs, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law, in addition to the amount hereinabove for Action grants-State match, funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law, and the proceeds of the sale of any such confiscated property or goods, are appropriated as required for matching additional federal funds as designated by the Attorney General; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991 in the Action grants-State match account is appropriated for the same purpose.

The unexpended balance as of June 30, 1991 in the JJDP-State match account, including the accounts of the several departments, is appropriated for the same purpose.

Receipts in excess of the amount anticipated from license fees and/or audits conducted to ensure compliance with the "Private Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.), are appropriated to defray the cost of this activity.

Notwithstanding any other provision of this act, receipts derived from the sale of helicopters as well as the unexpended balance of such sum as of June 30, 1991 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991 in the Drunk driver fund program account, together with any receipts in excess of the amount anticipated, is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Drunk driver fund program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1991 in the Emergency telephone system account is appropriated for the same purpose.

Notwithstanding the provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees and penalties pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.) are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Noncriminal record checks is payable out of the dedicated fund designated for this purpose. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1991 in the Noncriminal record checks account, together with any receipts in excess of the amount anticipated, are appropriated to defray the costs of this activity, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Nuclear emergency response program account is payable from receipts received pursuant to the assessment of electrical utility companies under P.L.1981, c.302 (C.26:2D-37 et seq.). The unexpended balance as of June 30, 1991 in the Nuclear emergency response program account is appropriated.

Such sums as may be necessary are appropriated from the Special Fund for Civil Defense Volunteers established pursuant to section 15 of P.L.1952, c.12 (C.App. A:9-57.15).

- The unexpended balance as of June 30, 1991 in the Boat certification program account, together with any receipts in excess of the amount anticipated, are appropriated.
- The amount hereinabove for the Boat certification program is payable out of the dedicated fund designated for this purpose and any amount remaining therein. If receipts to the fund are less than anticipated, the appropriation shall be reduced proportionately.
- The unexpended balance as of June 30, 1991 in the State Police recruit training class account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- 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.
- Of the sums hereinabove appropriated or otherwise made available for the purchase of State Police vehicles, the State Treasurer, in the expenditure of such sums, shall consider the maintenance costs of the vehicles as well as the purchase price of such vehicles.
- Notwithstanding the provisions of section 3 of P.L.1986, c.106 (C.26:2K-37), of the amount hereinabove appropriated for the New Jersey State Police to operate the Air ambulance program, up to \$1,500,000 subject to the approval of the Director of the Division of Budget and Accounting, may be available to subsidize a private entity or public entity other than the New Jersey State Police for the operation of emergency medical helicopter transportation service. The New Jersey State Police need not provide air ambulance service when so provided by such other entity.

13 Special Law Enforcement Activities

17-1420 Election Law Enforcement	\$1,051,000
20-1450 Review and Enforcement of Ethical Standards.	268,000
21-1400 Regulation of Alcoholic Beverages.	1,814,000
22-1410 Regulation of Racing Activities.	3,424,000
27-1480 State Athletic Control Board	<u>849,000</u>
Total Appropriation, Special Law Enforcement Activities.	<u>\$7,406,000</u>

Personal Services:

Salaries and wages.	(\$6,152,000)
Materials and Supplies.....	(268,000)
Services Other Than Personal.	(776,000)
Maintenance and Fixed Charges.....	(195,000)

Special Purpose:

Per diem payment to members of the Election Law Enforcement Commission	(15,000)

In addition to the amount appropriated hereinabove for Regulation of Alcoholic Beverages, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated hereinabove for Regulation of Racing Activities, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, fines, and penalties collected pursuant to P.L.1973, c.83 (C.19:44A-1 et al.) and section 3 of P.L.1981, c.150 (C.52:13C-22.2) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision hereinabove, amounts received pursuant to P.L.1973, c.83 (C.19:44A-1 et seq.) and section 5 of P.L.1971, c.183 (C.52:13C-22) from changes in fee structure or from fee increases are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

Receipts in excess of the amount anticipated are appropriated for additional State Athletic Control Board activities, subject to the approval of the Director of the Division of Budget and Accounting.

19 Central Planning, Direction and Management

88-1000 Central Library Services.....	\$612,000
99-1000 Management and Administrative Services	<u>6,297,000</u>
Total Appropriation, Central Planning, Direction and Management.	<u>6,909,000</u>
Personal Services:	
Salaries and wages.....	(\$5,337,000)
Materials and Supplies	(413,000)
Services Other Than Personal.....	(574,000)
Maintenance and Fixed Charges.....	(105,000)
Special Purpose:	
Affirmative action and equal employ- ment opportunity program.....	(198,000)
Additions, Improvements and Equipment	(282,000)

Receipts derived from fees for the notice of representation and quarterly report required to be filed by legislative agents pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the cost of the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law, any funds obtained through seizure, forfeiture, or abandonment pursuant to any federal or State statutory or common law and the proceeds of the sale of any such confiscated property or goods are appropriated for law enforcement purposes designated by the Attorney General; provided however, that the expenditures thereof shall be subject to the approval of the Director of the Division of Budget and Accounting.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on February 1, 1992 and August 1, 1992, of the use and disposition by State law enforcement agencies of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset mainte-

nance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies.

Penalties, fines, and other fees collected pursuant to N.J.S.2C:35-20 and deposited in the State Forensic Laboratory Fund, together with the unexpended balance as of June 30, 1991, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," P.L.1987, c.106, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated out of the Veterans' Guaranteed Loan Fund created under P.L.1944, c.126 (C.38:23B-1 et seq.) such sums as may be necessary to pay for the administration thereof.

70 Government Direction, Management and Control

74 General Government Services

12-1010 Legal Services	<u>\$30,060,000</u>
Total All Operations	<u>\$30,060,000</u>
<i>Less:</i>	
Reimbursements from other sources ..	(\$11,844,000)
Total Deductions	(\$11,844,000)
Total Appropriation, General Government Services	\$18,216,000
Personal Services:	
Salaries and wages	(\$16,506,000)
Materials and Supplies.....	(213,000)
Services Other Than Personal.....	(1,151,000)
Maintenance and Fixed Charges	(346,000)

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any instrumentality or public authority for direct or indirect costs of legal services furnished thereto, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to credit or transfer to the General Fund from any other department, branch or non-State fund source, out of funds appropriated thereto, such funds as may be required to cover the costs of legal services attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State fund are appropriated for the purpose of such transfer.

Notwithstanding the provisions of section 3 of P.L.1983, c.392 (C.13:1E-128), receipts derived from fees pursuant to the solid and hazardous waste industry disclosure law, P.L.1983, c.392 (C.13:1E-126 et seq.) are appropriated for the cost of the administration of that act, and such appropriation shall be allocated to the Department of Law and Public Safety and the Department of Environmental Protection, subject to the approval of the Director of the Division of Budget and Accounting.

80 Special Government Services

82 Protection of Citizens' Rights

14-1310 Consumer Affairs	\$7,165,000
15-1320 Board of Accountancy	432,000
15-1321 Board of Architects and Certified Landscape Architects.	213,000
15-1322 Board of Dentistry	327,000
15-1323 Board of Mortuary Science.	131,000
15-1324 Board of Professional Engineers and Land Surveyors.	292,000
15-1325 Board of Medical Examiners	1,563,000
15-1326 Board of Nursing	1,165,000
15-1327 Board of Optometrists.	100,000
15-1328 Board of Pharmacy.	535,000
15-1329 Board of Veterinary Medical Examiners.	110,000
15-1330 Board of Shorthand Reporting.....	24,000
15-1331 Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians.....	97,000
15-1332 Board of Cosmetology and Hairstyling	876,000
15-1333 Board of Professional Planners.....	98,000
15-1334 Board of Examiners of Electrical Contractors	226,000
15-1335 Board of Psychological Examiners.....	95,000
15-1336 Board of Examiners of Master Plumbers.	117,000
15-1337 Board of Marriage Counselor Examiners.	58,000
15-1338 Board of Chiropractic Examiners.	240,000
15-1339 Board of Public Movers and Warehousemen.	180,000
15-1340 Board of Physical Therapy.	117,000
15-1341 Audiology and Speech-Language Pathology Advisory Committee.	46,000
16-1350 Protection of Civil Rights.....	3,474,000
19-1440 Violent Crimes Compensation.....	<u>5,377,000</u>
Total Appropriation, Protection of Citizens' Rights.	<u>\$23,058,000</u>
Personal Services:	
Salaries and wages	(\$10,961,000)
Materials and Supplies	(384,000)
Services Other Than Personal.....	(4,198,000)
Maintenance and Fixed Charges.....	(664,000)
Special Purpose:	
Securities Enforcement Fund.....	(3,215,000)
Claims--victims of violent crimes.....	(3,630,000)
Additions, Improvements and Equipment	(6,000)

Receipts derived from the assessment and recovery of costs, fines, and penalties pursuant to the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), are appropriated for additional Consumer Affairs operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

All fees, penalties, and costs collected pursuant to P.L.1988, c.123 (C.56:12-29 et seq.) are appropriated for the purpose of offsetting costs associated with the handling and resolution of consumer automotive complaints.

In addition to the amount appropriated hereinabove for Consumer Affairs, receipts in excess of the amount anticipated, attributable to changes in fee structure or fee increases, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Fees and cost recoveries collected pursuant to P.L.1989, c.331 (C.34:8-43 et al.) are appropriated in an amount not to exceed additional expenses associated with mandated duties, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Securities Enforcement Fund account is payable from receipts from fees and penalties deposited in the Securities Enforcement Fund pursuant to section 15 of P.L.1985, c.405 (C.49:3-66.1). If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated, not to exceed \$200,000, are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated.

Receipts derived from the sale of films, pamphlets, and other educational materials developed or produced by the Division on Civil Rights are appropriated to defray production costs.

Receipts derived from the provision of copies of transcripts and other materials related to officially docketed cases are appropriated.

The sum hereinabove for Claims--victims of violent crimes is available for payment of awards applicable to claims filed in prior fiscal years.

Receipts derived from penalties under section 2 of P.L.1979, c.396 (C.2C:43-3.1) in excess of the amount anticipated and the unexpended balance as of June 30, 1991 are appropriated for payment of claims of victims of violent crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.).

The unexpended balances as of June 30, 1991 in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) are appropriated.

Receipts derived from licensing fees pursuant to section 9 of P.L.1990, c.32 (C.2C:58-5) and registration fees pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12) and the unexpended balance as of June 30, 1991 are appropriated for payment of claims for victims of violent crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991 in the Child advocacy program account is appropriated.

Total Appropriation, Department of Law and Public Safety. \$336,294,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services	\$5,246,000
40-3620 New Jersey National Guard Programs Support Services	883,000
60-3600 Joint Training Center Management and Operations	605,000
99-3600 Management and Administration	<u>4,628,000</u>
Total Appropriation, Military Services	<u>\$11,362,000</u>

Personal Services:

Salaries and wages.	(\$7,153,000)
Materials and Supplies.	(1,616,000)
Services Other Than Personal.....	(867,000)
Maintenance and Fixed Charges.....	(623,000)

Special Purpose:

Joint Federal-State operations and maintenance contracts (State share)	(740,000)
National Guard recruitment enhancement	(15,000)
New Jersey Military Academy	(38,000)

Affirmative action and equal employment opportunity program.	(5,000)
Microfilm service charges	(15,000)
Additions, Improvements and Equipment	(290,000)

Receipts derived from the rental and use of armories and the unexpended balance of such receipts as of June 30, 1991 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, 1991 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

80 Special Government Services

83 Services to Veterans

3610 Veterans' Programs Support

50-3610 Veterans' Outreach and Assistance.	\$2,364,000
70-3660 Burial Services.	<u>1,082,000</u>
Total Appropriation, Veterans' Programs Support.	<u>\$3,446,000</u>

Personal Services:

Salaries and wages.	(\$2,025,000)
Materials and Supplies.....	(354,000)
Services Other Than Personal.	(236,000)
Maintenance and Fixed Charges	(147,000)

Special Purpose:

Agent Orange Commission	(75,000)
Agent Orange Commission - Pointman Study	(575,000)
Additions, Improvements and Equipment	(34,000)

The unexpended balance as of June 30, 1991 in the Temporary Advisory Commission on Women Veterans of New Jersey account is appropriated for the expenses of the commission.

The unexpended balance as of June 30, 1991 in the Agent Orange Commission and Pointman Study accounts are appropriated for the expenses of the Commission.

The unexpended balance as of June 30, 1991 in the Paupers' re-interment account is appropriated for the expenses of paupers' re-interments.

The unexpended balance as of June 30, 1991 in the Desert Storm Family Support account is appropriated for the same purpose.

Funds received for plot interment allowances received from the federal Department of Veterans' Affairs are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General Doyle Veterans' Memorial Cemetery.

Total Appropriation, Department of Military and Veterans' Affairs	<u><u>\$14,808,000</u></u>

Of the amount appropriated hereinabove for the Department of Military and Veteran's Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

68 DEPARTMENT OF PERSONNEL

70 Government Direction, Management and Control

74 General Government Services

01-2710 Personnel Policy Development and General Administration.	\$3,531,000
02-2720 Recruitment and Selection.....	7,480,000
03-2730 Personnel Management Systems	4,790,000
04-2740 Employee Development and Personnel Services.	872,000
05-2750 Equal Employment Opportunity and Affirmative Action.	850,000
06-2760 Local Government Classification and Placement ...	2,582,000
07-2770 Human Resource Development Institute	<u>5,641,000</u>
Total Appropriation, General Government Services.	<u>\$25,746,000</u>
Personal Services:	
Merit System Board.	(\$52,000)
Salaries and wages.	(19,595,000)
Materials and Supplies.	(979,000)
Services Other Than Personal.....	(3,526,000)
Maintenance and Fixed Charges.....	(245,000)
Special Purpose:	
Microfilm service charges.....	(29,000)
Test validation/Police testing.	(464,000)
Affirmative action and equal employment opportunity program.	(80,000)
Additions, Improvements and Equipment	(776,000)

Receipts derived from training services are appropriated.

Funds sufficient to recruit and train a class in the Minority Opportunity Skills Training Program (MOST) shall be transferred from the Office of Telecommunications and Information Systems (OTIS) subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Personnel	<u>\$25,746,000</u>

70 DEPARTMENT OF THE PUBLIC ADVOCATE

70 Government Direction, Management and Control

76 Management and Administration

99-8480 Management and Administrative Services	<u>\$1,767,000</u>
Total Appropriation, Management and Administration. ..	<u>\$1,767,000</u>
Personal Services:	
Salaries and wages.	(\$1,395,000)
Materials and Supplies.	(68,000)

Services Other Than Personal	(171,000)
Maintenance and Fixed Charges	(23,000)
Special Purpose:	
Affirmative action and equal employ-	
ment opportunity program	(64,000)
Federal Energy Regulatory Commission hearings	(46,000)

*80 Special Government Services**82 Protection of Citizens' Rights*

01-8310 Mental Health Advocacy	\$1,987,000
02-8320 Public Interest Advocacy	626,000
03-8330 Citizens' Complaints and Dispute Settlement.	599,000
04-8410 Trial Services to Indigents and Special Programs...	35,395,000
05-8420 Appellate Services to Indigents.	5,766,000
06-8430 Public Defender Management	809,000
07-8340 Rate Counsel	3,744,000
08-8350 Advocacy for the Developmentally Disabled.	526,000
Total Appropriation, Protection of Citizens' Rights.	<u>\$49,452,000</u>
Personal Services:	
Salaries and wages	(\$36,369,000)
Materials and Supplies	(704,000)
Services Other Than Personal.	(8,549,000)
Maintenance and Fixed Charges	(537,000)
Special Purpose:	
Public Defender conflict unit.	(2,587,000)
Other special purpose	(368,000)
Additions, Improvements and Equipment	(338,000)

The amount hereinabove for the Rate Counsel shall be provided from receipts of the Rate Counsel. If receipts are less than anticipated, the appropriation shall be reduced proportionately. If billings exceed the expenses of the Rate Counsel, the excess, not to exceed \$368,000, may be used to defray departmental administrative costs.

Receipts from clients and the unexpended balance as of June 30, 1991 of such receipts are appropriated.

Sums provided for legal and investigative services are available for payment of obligations applicable to prior fiscal years.

The funds appropriated to the Department of the Public Advocate are available for expenses associated with the defense of pool attorneys hired by the Public Advocate for the representation of indigent clients.

In addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate services to indigents, the ex-

penditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provision of section 2 of P.L.1974, c.33 (C.2A:158A-5.1), or any other provision of law, or any other provision of this appropriations act, no State funds are appropriated to fund the expenses associated with the legal representation of persons before the State Parole Board or the Parole Bureau.

Total Appropriation, Department of the Public Advocate \$51,219,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts.	\$596,000
06-2535 Museum Services.	2,198,000
07-2540 Development of Historical Resources.	583,000
Total Appropriation, Cultural and Intellectual Development Services	<u>\$3,377,000</u>

Personal Services:

Salaries and wages.	(\$2,653,000)
Materials and Supplies.	(171,000)
Services Other Than Personal.....	(222,000)
Maintenance and Fixed Charges.....	(61,000)

Special Purpose:

Council member expenses	(3,000)
Walter Edge Foran New Jersey Studies Institute	(204,000)
Additions, Improvements and Equipment	(63,000)

Funds derived from the sale of collections and museum materials, which have been approved by the Secretary of State, are appropriated to and shall be used for the benefit of the State Museum.

The unexpended balance as of June 30, 1991 in the Afro-American curriculum program account is appropriated for the same purpose.

The unexpended balance as of June 30, 1991 in the Black Historic Sites Survey account is appropriated for the same purpose.

The unexpended balance as of June 30, 1991 not to exceed \$70,000 in the Walter Edge Foran New Jersey Studies Institute account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration	\$2,030,000
08-2545 Records Management	1,404,000
09-2506 Commercial Recording	<u>1,840,000</u>

Total Appropriation, Office of the Secretary of State.	<u>\$5,274,000</u>
Personal Services:	
Salaries and wages	(\$3,799,000)
Materials and Supplies.....	(149,000)
Services Other Than Personal.....	(698,000)
Maintenance and Fixed Charges	(57,000)
Special Purpose:	
Voter registration	(275,000)
Voter declaration.....	(4,000)
Affirmative action and equal employ- ment opportunity program	(34,000)
Martin Luther King Jr. Commemorative Commission.....	(215,000)
Additions, Improvements and Equipment	(43,000)
Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1991 of those receipts are appropriated for the costs of mak- ing such examinations.	
The unexpended balance as of June 30, 1991 in this account, not to ex- ceed \$125,000 is appropriated for the purpose of staffing the Records Storage Center, subject to the approval of the Director of the Division of Budget and Accounting.	
Receipts from the over-the-counter service surcharge and the unexpended balance of such charge as of June 30, 1991 are appropriated for the costs of over-the-counter corporate service.	
The Director of the Division of Budget and Accounting is em- powered to transfer or credit to the Microfilm Section any appropriation made to any department for microfilming costs which had been appropriated or allocated to such department for its share of the costs of the Microfilm Section.	
The unexpended balance in the Secretary of State Fund as of June 30, 1991, and notwithstanding the provisions of P.L.1987, c.435, receipts in excess of the amount anticipated from fees, are appropriated.	

2515 Office of Administrative Law

03-2515 Adjudication of Administrative Appeals	<u>\$10,120,000</u>
Less:	
All Other Funds.....	(\$4,459,000)
Total Income Deductions	(\$4,459,000)
Total Appropriation, Office of Administrative Law.....	<u>\$5,661,000</u>
Personal Services:	
Salaries and wages	(\$7,079,000)
Materials and Supplies.....	(1,484,000)

Services Other Than Personal.....	(1,412,000)
Maintenance and Fixed Charges.....	(139,000)
Special Purpose:	
Affirmative action and equal employ- ment opportunity program.....	(6,000)
Less:	
All other funds.....	(4,459,000)

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, 1991 of such receipts are appropriated.

In addition to the amount hereinabove, there are appropriated such sums as may be received or receivable from any department or non-State fund source for administrative hearing costs, 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 as anticipated revenue to the General Fund any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

Total Appropriation, Department of State.	<u>\$14,312,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

06-6100 Maintenance and Operations	\$88,983,000
08-6120 Physical Plant and Support Services.....	9,779,000
71-6200 Transportation Systems Improvements.....	<u>11,713,000</u>
Total Appropriation, State Highway Facilities	<u>\$110,475,000</u>
Personal Services:	
Salaries and wages.	(\$67,661,000)
Materials and Supplies.	(12,155,000)
Services Other Than Personal.	(6,955,000)
Maintenance and Fixed Charges	(16,810,000)
Special Purpose:	
Microfilm service charges.....	(59,000)
Comprehensive highway transportation planning studies.	(52,000)
Metropolitan planning studies.....	(104,000)
Public transportation and aviation planning	(158,000)
Additions, Improvements and Equipment	(6,521,000)

The unexpended balances as of June 30, 1991 in the accounts hereinabove are appropriated.

The department shall be permitted to transfer, in an amount as approved by the Director of the Division of Budget and Accounting, funds previously appropriated for State highway projects, from the "Transportation Rehabilitation and Improvement Fund of 1979," established pursuant to section 15 of P.L.1979, c.165, for planning, engineering, design, right-of-way acquisition, or other costs related to the construction of projects financed from the fund.

Receipts in excess of \$240,000 derived from outdoor advertising application and permit fees are appropriated for the purpose of administering the outdoor advertising permit and regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

64 Planning and General Management Support

05-6070 Access and Use Management.	\$1,844,000
99-6000 Management and Administrative Services.....	<u>16,971,000</u>
Total Appropriation, Planning and General Management Support.	<u>\$18,815,000</u>
Personal Services:	
Salaries and wages.	(\$14,611,000)
Materials and Supplies.....	(237,000)
Services Other Than Personal.....	(2,694,000)
Maintenance and Fixed Charges.....	(81,000)
Special Purpose:	
Airport Safety Fund	(300,000)
Affirmative action and equal employment opportunity program.	(892,000)

The unexpended balance as of June 30, 1991 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the Airport Safety Fund pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1991, and the reimbursements in the department's Stock Purchase Revolving Fund for the purchase of materials and supplies required for the operation of the department are appropriated.

Receipts in excess of \$600,000 derived from highway application and permit fees pursuant to subsection (h) of section 5 of

P.L.1966, c.301 (C.27:1A-5) are appropriated for the purpose of administering the access permit review program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of \$145,000 derived from motorbus petition and inspection fees are appropriated for the purpose of administering the motorbus regulation program, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Transportation. \$129,290,000

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development and Security

52 Economic Regulation

54-2007 Division of Gas	\$1,123,000
54-2008 Division of Electric	1,140,000
54-2009 Division of Water and Sewer.....	1,133,000
54-2012 Division of Telecommunications.....	925,000
54-2013 Division of Solid Waste.....	2,859,000
54-2017 Management Services.....	303,000
55-2004 Regulation of Cable Television	954,000
97-2016 Regulatory Support Services	3,915,000
99-2003 Management and Administrative Services	<u>4,287,000</u>
Total Appropriation, Economic Regulation.	<u>\$16,639,000</u>

Personal Services:

Salaries and wages.	(\$15,361,000)
Materials and Supplies.	(207,000)
Services Other Than Personal.....	(504,000)
Maintenance and Fixed Charges.....	(135,000)

Special Purpose:

Affirmative action and equal employment opportunity program.	(48,000)
Additions, Improvements and Equipment	(384,000)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, shall be considered appropriated on behalf of the Board of Public Utilities under P.L.1968, c.173 (C.48:2-59 et seq.) and P.L.1972, c.186 (C.48:5A-1 et seq.) or other applicable statutes with respect to assessment of public utilities or the cable television industry.

The unexpended balances as of June 30, 1991 in the accounts hereinabove are appropriated.

Receipts derived from fees, fines and penalties are appropriated and the unexpended balance as of June 30, 1991 of such receipts are appropriated; of the amount available from fees, fines and penalties

derived from the solid waste industry, \$175,000 shall be made available to the Environmental Law Clinic at Rutgers University.

Fees received from the "Electric Facility Need Assessment Act," P.L.1983, c.115 (C.48:7-16 et seq.) are appropriated.

70 Government Direction, Management and Control

72 Governmental Review and Oversight

02-2010 Office of State Planning	\$2,178,000
03-2015 Employee Relations and Collective Negotiations...	607,000
05-2030 Budget, Management and Planning	7,385,000
07-2040 Accounting and Financial Reporting	<u>10,291,000</u>
Total Appropriation, Governmental Review and Oversight	<u>\$20,461,000</u>

Personal Services:

Salaries and wages.	(\$13,952,000)
Materials and Supplies.....	(487,000)
Services Other Than Personal.....	(5,113,000)
Maintenance and Fixed Charges.....	(82,000)
Additions, Improvements and Equipment	(827,000)

Such sums as may be necessary for administrative expenses incurred in processing federal benefit payments are appropriated from such sums as may be received or receivable for this purpose.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for an independent audit of the State's general fixed asset account group.

73 Financial Administration

13-2070 Special Procedures and Investigations.	\$12,871,000
14-2075 Tax Audit Services	22,584,000
15-2080 Processing and Administration	43,644,000
16-2090 Administration of State Lottery	18,765,000
19-2120 Management of State Investments	<u>2,573,000</u>
Total Appropriation, Financial Administration.	<u>\$100,437,000</u>

Personal Services:

Salaries and wages.	(\$58,584,000)
Materials and Supplies.....	(3,563,000)
Services Other Than Personal.....	(33,706,000)
Maintenance and Fixed Charges	(2,214,000)
Additions, Improvements and Equipment	(2,370,000)

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.

There are appropriated from funds recovered from audits or other col-

lection activities an amount sufficient to pay vendors fees to compensate the vendors for services provided in order to support these recoveries, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991 in the leased personal property sales tax administration account is appropriated for the same purpose.

Upon certification of the Director of the Division of Taxation, the State Treasurer shall pay, upon warrants of the Director of the Division of Budget and Accounting, such claims for refund as may be necessary under the provisions of Title 54 of the Revised Statutes, as amended and supplemented.

There are appropriated out of the State Lottery Fund such sums as may be necessary for costs required to implement the "State Lottery Law," P.L.1970, c.13 (C.5:9-1 et seq.) and for payment for commissions, prizes and expenses of developing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).

Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from communications fees such sums as may be necessary for telecommunications costs required in the administration of the State Lottery.

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

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the programs, as the case may be. Receipts from such charges, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be deposited in the General Fund and anticipated as revenue thereto. The administrative ex-

penses charged to each pension or health benefit fund shall be included as a liability of the retirement system or employee benefit program maintaining such fund by law, for the purpose of determining future employer contributions or payments to the fund, or the amount of benefits to be paid under the program, as appropriate.

There are appropriated, out of receipts derived from the investments of State funds, such sums as may be necessary for bank service charges, custodial costs, mortgage servicing fees and advertising bank balances under section 1 of P.L.1956, c.174 (C.52:18-16.1).

74 General Government Services

09-2050 Purchasing and Inventory Management.	\$6,068,000
10-2055 Physical Plant Operation and Maintenance.....	24,800,000
11-2060 Other Property Management Services	2,735,000
12-2065 Construction Management Services.....	3,804,000
21-2140 Management of Employee Benefits Programs	19,613,000
24-2061 Real Property Management	462,000
37-2051 Risk Management.	<u>2,394,000</u>
Total Appropriation, General Government Services.	<u>\$59,876,000</u>
Personal Services:	
Salaries and wages.	(\$30,184,000)
Materials and Supplies.....	(12,566,000)
Services Other Than Personal.....	(14,339,000)
Maintenance and Fixed Charges.....	(1,798,000)
Additions, Improvements and Equipment	(989,000)

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Construction Management Services program classification, from appropriations for construction and improvements, a sufficient sum to pay for the cost of architectural work, superintendence and other expert services in connection with such work.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be necessary for independent audits of the State's pension systems, provided that such appropriations shall be reimbursed to the General Fund from the resources available to the various pension funds.

Notwithstanding the provisions of any law to the contrary, the expenses of administration for the various retirement systems and employee benefit programs administered by the Division of Pensions and the Division of Investments shall be charged to the pension and health benefits funds established by law to receive employer contributions or payments or to make benefit payments under the pro-

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

Receipts from employee maintenance charges in excess of \$1,000,000 are appropriated for maintenance of employee housing and associated relocation costs; provided however, that a sum not to exceed \$170,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to any central data processing center any appropriation made to any department for data processing costs which had been appropriated or allocated to such department for its share of costs of such data processing center including the replacement of data processing equipment and the purchase of additional data processing equipment.

There are appropriated, out of receipts derived from service fees billed to authorities for the handling of insurance procurement and risk management services, such sums as may be necessary to administer the above insurance and risk management activities.

A sum not to exceed \$171,000 from proceeds derived from commissions paid to the Travel Services Section is appropriated for administrative expenses of the program.

There are appropriated, out of receipts derived from service fees billed to political subdivisions for the operating costs of the cooperative purchasing program, such sums as may be necessary to administer and operate the above purchasing activity.

There are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for the administrative expenses of the Capital City Redevelopment Corporation, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the State Purchase Fund as of June 30, 1991, and the reimbursements thereto, are appropriated for the purpose

of making payments for purchases under R.S.52:25-1 et seq., and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

The unexpended balances in the State cafeteria accounts as of June 30, 1991, and receipts obtained from cafeteria operations, are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P.L.1951, c.312 (C.52:18A-19.6).

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Capitol Post Office revolving fund from any appropriation made to any department for postage costs appropriated or allocated to such departments for their share of costs of the Capitol Post Office.

A sum, not to exceed \$60,000, is appropriated from receipts derived from the leasing of State surplus real property for the administrative expenses of the program.

Funds sufficient to recruit and train a class for the Minority Opportunity Skills Training Program (MOST) shall be transferred to the Department of Personnel subject to the approval of the Director of the Division of Budget and Accounting.

76 Management and Administration

01-2005 Federal Liaison Activities	\$138,000
98-2006 Public Contracts Affirmative Action Office	821,000
99-2000 Management and Administrative Services.....	<u>4,018,000</u>
Total Appropriation, Management and Administration. ..	<u>\$4,977,000</u>
Personal Services:	
Salaries and wages.	(\$3,670,000)
Materials and Supplies.....	(53,000)
Services Other Than Personal.....	(726,000)
Maintenance and Fixed Charges.....	(66,000)
Special Purpose:	
Federal Liaison Office--Washington, D.C	(138,000)
Maintenance--Old Barracks, Trenton	
(State share).....	(323,000)
Additions, Improvements and Equipment	(1,000)

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.

Fees collected on behalf of the public contracts affirmative action program and the unexpended balance as of June 30, 1991 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, there are appropriated from the "Drug Enforcement and Demand Reduction Fund" such sums as may be required to provide for the administrative expenses of the Governor's Council on Alcoholism and Drug Abuse and for programs and grants to other agencies, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance in the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts account as of June 30, 1991 is appropriated for the same purpose.

There is appropriated from investment earnings of State funds a sum, not to exceed \$500,000, for the administrative costs of the financial management program.

Total Appropriation, Department of the Treasury.	<u>\$202,390,000</u>

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*

43 *Environmental Quality*

9130 *Interstate Sanitation Commission*

03-9130 Interstate Sanitation Commission	<u>\$260,000</u>

Total Appropriation, Interstate Sanitation Commission. ..	<u>\$260,000</u>

Special Purpose:

Expenses of Commission.	(\$260,000)

The amount available to the Interstate Sanitation Commission shall not exceed the amount that is appropriated for the contribution to the commission by the State of New York.

9140 Delaware River Basin Commission

02-9140 Delaware River Basin Commission.	<u>\$510,000</u>
Total Appropriation, Delaware River Basin Commission.	<u>\$510,000</u>
Special Purpose:	
Expenses of Commission.	(\$510,000)

*70 Government Direction, Management and Control**76 Management and Administration**9146 Governor's Management Review Commission*

90-9146 Governor's Management Review Commission.	<u>\$1,000,000</u>
Total Appropriation, Governor's Management Review Commission	<u>\$1,000,000</u>
Special Purpose:	
Expenses of Commission.	(\$1,000,000)
Total Appropriation, Miscellaneous Executive Commissions	<u>\$1,770,000</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	\$177,061,000
02-9400 Insurance and Other Services	<u>37,423,000</u>
Total Appropriation, Property Rentals, Insurance and Other Services.	<u>\$214,484,000</u>

Maintenance and Fixed Charges**Rent:**

Buildings and grounds.	(\$187,814,000)
Richard J. Hughes Justice Complex. ...	(10,851,000)
New Jersey Building Authority.	(17,499,000)

Less:

<i>Direct charges and charges to non- State</i> <i>fund sources.</i>	<i>(\$39,103,000)</i>

Insurance:

Property insurance	(1,816,000)
Casualty insurance	(900,000)
Special insurance policies	(157,000)

Special Purpose:

Tort Claims Liability Fund (N.J.S.59:12-1)	(5,000,000)
Workers' Compensation Self- Insurance Fund	(25,000,000)
Vehicle Claims Liability Fund.	(4,000,000)
Self-Insurance Deductible Fund.....	(450,000)
Self-Insurance Fund-Foster Parents. ..	(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 herein-after provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

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, 1991 in the Excess liability insurance master policy account is appropriated for the same purpose.

The unexpended balance as of June 30, 1991 in the Tort Claims Liability Fund account created by N.J.S.59:12-1 is appropriated for the same purpose.

To the extent that sums appropriated to pay Workers' Compensation claims are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1991 in the Self-Insurance Deductible Fund and in the Workers' Compensation Self-Insurance Fund are appropriated for the same purposes; the unexpended balance as of June 30, 1991 not to exceed \$200,000 in the Self-Insurance Fund-Foster Parents is appropriated for the same purpose.

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, 1991 in the Master Lease Program Fund is appropriated for the same purpose.

- There are appropriated such additional sums as may be required to pay tort claims under N.J.S.59:12-1, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the Tort Claims Liability Fund under N.J.S.59:12-1 is available for the payment of direct costs of outside legal, investigative and medical services related to the investigation and litigation of claims against the fund.
- The amount hereinabove for the Self-Insurance Fund-Foster Parents is available for the payment of direct costs of outside legal, investigative and medical services related to the investigation and litigation of claims against the fund.
- The amount hereinabove for the Vehicle Claims Liability Fund is available for the payment of direct costs of outside legal, investigative and medical services related to the investigation and litigation of claims against the fund.
- The unexpended balance as of June 30, 1991 in the Vehicle Claims Liability Fund is appropriated for the same purpose.
- The sums hereinabove are available for payment of obligations applicable to prior fiscal years.
- The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of pool attorneys engaged by the Public Advocate for the defense of indigents.
- The unexpended balance as of June 30, 1991 in the Newark Performing Arts Center account is appropriated for the same purpose.
- The amount hereinabove for the Newark Performing Arts Center account shall be used to pay the State's obligations pursuant to a lease with the New Jersey Economic Development Authority for the lease of real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the purpose of constructing buildings to comprise a Performing Arts Center. Notwithstanding any other provision of law, the State Treasurer may enter into a lease with the New Jersey Economic Development Authority to lease the real property and infrastructure improvements thereon purchased by the authority for the State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obliga-

tions pursuant to the lease for the real property and infrastructure improvements purchased by the authority, the title to the real property and improvements shall revert to the State. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing ArtsCenter shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor.

The unexpended balances as of June 30, 1991 in the Inter-Departmental accounts for automobile insurance are appropriated as a reserve for payment of vehicular and Division of Motor Vehicle Inspection Station Premises and operations liability claims settlements and judgments, payment of vendored claims, investigative costs, or for the reallocation to departments based on loss experience.

In addition to the sums hereinabove for Vehicle Claims Liability Fund, the Director of the Division of Budget and Accounting shall transfer or credit to this account a sum of \$500,000 from appropriations made to various spending agencies for rent-central motor pool, as determined by the director. This additional sum is appropriated for the Vehicle Claims Liability Fund.

9410 Employee Benefits

03-9410 Employee Benefits.		<u>\$911,194,000</u>
Total Appropriation, Employee Benefits.		<u>\$911,194,000</u>
Special Purpose:		
Heath Act.....	(\$30,000)	
Veterans' Act.....	(112,000)	
Miscellaneous special acts.....	(8,000)	
Judicial Retirement System.....	(9,094,000)	
Prison Officers' Pension Fund	(2,065,000)	
Public Employees' Retirement System	(218,307,000)	
Social Security tax	(244,239,000)	
State Police Retirement System.	(26,193,000)	
Dental care program, shared cost.	(16,000,000)	
State employees' health benefits.....	(435,500,000)	
Prescription drug program	(52,500,000)	
Pension Adjustment Act.....	(10,132,000)	
Minimum Pension Benefit Act.....	(73,000)	
Employer contributions, alternate benefit program	(45,490,000)	
Pension and non-contributory group life insurance benefit payments to Teachers' Pension and Annuity Fund for higher education and State employee members	(10,615,000)	
Temporary disability insurance.....	(7,027,000)	

Police and Firemen's Retirement System (P.L.1979, c.109).	(21,530,000)
Police and Firemen's Retirement System, P.L.1944, c.255 (C.43:16A-1 et seq.).	(26,879,000)
Vision care	(1,400,000)

Less:

<i>Savings from reduction of unclassified employees.</i>	<i>(\$55,000,000)</i>
<i>Savings from early retirement program.</i>	<i>(65,000,000)</i>
<i>Savings from voluntary furlough program.</i>	<i>(6,000,000)</i>
<i>Savings from personnel actions.....</i>	<i>(90,000,000)</i>

In addition to the sum hereinabove for Employee Benefits, the Director of the Division of Budget and Accounting shall transfer or credit to this account a sum of up to \$40,000,000 for the Public Employees' Retirement System account and \$50,000,000 for the Social Security tax account from appropriations made to various spending agencies for salaries to reflect savings from layoffs or other personnel actions, as determined by the Director of the Division of Budget and Accounting.

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, 1992 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, 1991 through the date of such payment.

Such additional sums as may be required for Social Security tax, Unemployment compensation liability and/or State employees' health benefits may be allotted from the various departmental operating appropriations to this account, as the Director of the Division of Budget and Accounting shall determine.

Such additional sums as may be required for Unemployment Compensation liability are appropriated as the Director of Budget and Accounting shall determine.

The amount hereinabove for the Prescription drug program is based upon a co-payment of \$3.50 for each eligible non-generic prescription/refill and a co-payment of \$1.00 for each eligible generic prescription/refill.

Of the amounts hereinabove for the Pension Adjustment Act, such sums as are appropriated in advance for increased retirement benefits for local employee members of State-administered retirement systems shall be repaid to the General Treasury upon reimbursement from local public employers.

Any such interest as may be required to be paid on account of delayed payments to the various retirement systems is appropriated from investment earnings.

In addition to the sums hereinabove for Social Security tax, the Director of the Division of Budget and Accounting shall transfer or credit to this account a sum of up to \$121,000,000 from appropriations made to various spending agencies for salaries to reflect savings from the reduction of unclassified employees (\$55,000,000), an early retirement program (\$65,000,000), and a voluntary furlough program (\$6,000,000), as determined by the director. This additional sum is appropriated for Social Security tax.

In addition to the sums hereinabove for Social Security tax, the Director of the Division of Budget and Accounting shall transfer or credit to this account a sum of \$9,000,000 from appropriations made to various spending agencies as determined by the director. This additional sum is appropriated for Social Security tax.

9420 State Contingency Fund

04-9420 State Contingency Fund	<u>\$6,338,000</u>
Total Appropriation, State Contingency Fund	<u>\$6,338,000</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)

New Jersey State Library

Contingencies-including food and services. (1,500,000)
 Telephone buy-out (2,838,000)

Unless otherwise indicated, the above amounts may be allotted by the Director of the Division of Budget and Accounting to the various departments and agencies.

9430 Salary and Other Benefits

05-9430 Salary and Other Benefits	<u>\$174,544,000</u>
Total Appropriation, Salary and Other Benefits.	<u>\$174,544,000</u>

Special Purpose:

Salary and benefits increases- increments. (\$31,503,000)
 Salary and benefits increases- cost of
 living adjustments. (133,269,000)
 Salary and benefits increases- Deferred cost
 of prior contract (COLA and increments) (43,772,000)
 Unused accumulated sick leave payments. (3,000,000)

Less:

Savings from the attrition program ... (\$37,000,000)

The sums hereinabove appropriated to the various departments, agencies, commissions, or institutions of higher education for the cost of salaries, wages, or other benefits shall be allotted as the Director of the Division of Budget and Accounting shall determine.

Notwithstanding the provisions of any other laws, including R.S.34:15-49 and section 1 of P.L.1981, c.353 (C.34:15-49.1), the State Treasurer, the Commissioner of Personnel, and the Director of the Division of Budget and Accounting shall establish directives governing salary ranges and rates of pay, including salary increases. The implementation of such directives shall be made effective at the first full pay period of Fiscal Year 1992 as determined by such directives, with timely notification of such directives to the Joint Budget Oversight Committee or its successor. Such directives shall not be considered an "administrative rule" or "rule" within the meaning of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), but shall be considered exempt under paragraphs (1) and (2) of subsection (e) of section 2 of P.L.1968, c.410 (C.52:14B-2), and shall not be subject to the "Administrative Procedure Act" P.L.1968, c.410 (C.52:14B-1 et seq.). Nothing herein shall be construed as applicable to the Presidents of the State Colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology.

Any sums appropriated for salaries shall be made available for any person holding State office, position or employment, whose compensation is paid directly or indirectly, in whole or in part, from State funds, including any person holding office, position or employment in any educational institution for which appropriations are made to Rutgers, The State University; the University of Medicine and Dentistry of New Jersey, the State Colleges or to the State Board of Higher Education for the New Jersey Institute of Technology; or holding office, position or employment under the Palisades Interstate Park Commission.

In addition to the amount hereinabove for Unused accumulated sick leave payments, there are appropriated such additional sums as may be necessary for payments of unused accumulated sick leave.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of the Commissioner of Personnel and the Director of the Division of Budget and Accounting. Nothing herein shall be construed as applicable to unclassified personnel of the Legislative Branch, or the unclassified personnel of the Judicial Branch.

The Director of the Division of Budget and Accounting shall transfer or credit to the Salary and benefits increases - Deferred cost of prior contract (COLA and increments) account a sum of \$37,000,000 from appropriations made to various spending agencies for salaries, to reflect savings from an attrition program, as determined by the Director. This additional sum shall be appropriated for the deferred cost of the prior year contract (COLA and increments).

Total Appropriation, Inter-Departmental Accounts.

\$1,306,560,000

JUDICIAL BRANCH

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

01-9710 Supreme Court	\$3,430,000
02-9715 Superior Court--Appellate Division	10,280,000
03-9720 Civil Courts	24,444,000
04-9725 Criminal Courts	13,744,000
05-9730 Family Courts	10,471,000
06-9735 Municipal Courts	890,000
07-9740 Probation Services	4,833,000
08-9745 Court Reporting	9,303,000
09-9750 Legal and Professional Services	1,056,000
10-9755 Information Services	10,186,000
11-9760 Field Operations	1,762,000

12-9765 Management and Administration.	4,594,000
Total Appropriation, Judicial Services.	<u>\$94,693,000</u>
Personal Services:	
Chief Justice.....	(\$120,000)
Associate Justices.....	(690,000)
Judges	(35,440,000)
Salaries and wages	(36,460,000)
Materials and Supplies.....	(2,218,000)
Services Other Than Personal.	(6,734,000)
Maintenance and Fixed Charges	(309,000)
Special Purpose:	
Rules development.....	(155,000)
Automobile arbitration.....	(350,000)
Alternative dispute resolution	(80,000)
Personal injury arbitration.....	(150,000)
New civil court judges	(4,100,000)
Criminal Disposition Commission	(210,000)
Speedy Trial Program, case processing improvement.....	(26,000)
Child support and paternity program (State share).....	(893,000)
Child Placement Review Advisory Council	(75,000)
Juvenile Delinquency Commission	(325,000)
Municipal court assistance	(310,000)
Intensive supervision program	(3,584,000)
Affirmative action and equal employ- ment opportunity program.....	(179,000)
Additions, Improvements and Equipment	(2,285,000)

The unexpended balance as of June 30, 1991 in these respective accounts is appropriated.

Receipts from charges to Special Purpose and Grant accounts listed hereinabove are appropriated for services provided to these funds.

Receipts from charges to the Superior Court Trust Fund, Clients' Security Fund, Ethics Financial Committee, Board of Trial Attorney Certification, Bar Admission Financial Committee and the Automated Traffic System Fund are appropriated for services provided to these funds.

Notwithstanding the provisions of N.J.S.2B:2-4, the salaries of the Associate Justices of the Supreme Court shall be fixed and established at \$115,000 per year.

Total Appropriation, Judiciary	<u>\$94,693,000</u>
Total Appropriation State Operations	<u>\$2,838,220,000</u>

INSTITUTIONAL PROGRAMS
26 DEPARTMENT OF CORRECTIONS
10 Public Safety and Criminal Justice
16 Detention and Rehabilitation
7040 New Jersey State Prison

07-7040 Institutional Control and Supervision	\$34,991,000
08-7040 Institutional Care Program	14,847,000
09-7040 Institutional Treatment Program.....	2,744,000
10-7040 Education Program	1,585,000
19-7040 Physical Plant and Support Services	5,109,000
99-7040 Management and Administrative Services	<u>1,639,000</u>
Total Appropriation, New Jersey State Prison	<u>\$60,915,000</u>
Personal Services:	
Salaries and wages.....	(\$42,321,000)
Positions established from lump	
sum appropriation.....	(962,000)
Food in lieu of cash.....	(275,000)
Materials and Supplies	(8,042,000)
Services Other Than Personal.....	(8,171,000)
Maintenance and Fixed Charges.....	(712,000)
Special Purpose:	
Claims.....	(3,000)
Additions, Improvements and Equipment	(429,000)

7050 East Jersey State Prison

07-7050 Institutional Control and Supervision	\$25,333,000
08-7050 Institutional Care Program	11,416,000
09-7050 Institutional Treatment Program	3,041,000
10-7050 Education Program	1,018,000
19-7050 Physical Plant and Support Services.....	4,306,000
99-7050 Management and Administrative Services	<u>1,056,000</u>
Total Appropriation, East Jersey State Prison	<u>\$46,170,000</u>
Personal Services:	
Salaries and wages.....	(\$30,442,000)
Positions established from lump	
sum appropriation.....	(1,203,000)
Food in lieu of cash.....	(212,000)
Materials and Supplies.....	(7,655,000)
Services Other Than Personal.....	(5,618,000)
Maintenance and Fixed Charges.....	(879,000)
Special Purpose:	
Other special purpose.....	(5,000)
Additions, Improvements and Equipment	(156,000)

7060 Bayside State Prison

07-7060 Institutional Control and Supervision	\$21,919,000
08-7060 Institutional Care Program	7,685,000
09-7060 Institutional Treatment Program	2,153,000

10-7060 Education Program	923,000
19-7060 Physical Plant and Support Services	3,751,000
99-7060 Management and Administrative Services	<u>1,213,000</u>
Total Appropriation, Bayside State Prison	<u>\$37,644,000</u>
Personal Services:	
Salaries and wages	(\$23,818,000)
Positions established from lump sum appropriation	(814,000)
Food in lieu of cash	(162,000)
Materials and Supplies	(5,476,000)
Services Other Than Personal	(2,910,000)
Maintenance and Fixed Charges	(678,000)
Special Purpose:	
Expanded capacity	(2,660,000)
Other additional bedspaces	(441,000)
Sewage hauling and disposal costs	(594,000)
Other special purpose	(3,000)
Additions, Improvements and Equipment	(88,000)

7065 Southern State Correctional Facility

07-7065 Institutional Control and Supervision	\$20,451,000
08-7065 Institutional Care Program	6,359,000
09-7065 Institutional Treatment Program	1,846,000
10-7065 Education Program	1,178,000
19-7065 Physical Plant and Support Services	2,305,000
99-7065 Management and Administrative Services	<u>1,228,000</u>
Total Appropriation, Southern State Correctional Facility	<u>\$33,367,000</u>
Personal Services:	
Salaries and wages	(\$24,532,000)
Food in lieu of cash	(161,000)
Materials and Supplies	(4,071,000)
Services Other Than Personal	(2,937,000)
Maintenance and Fixed Charges	(745,000)
Special Purpose:	
Other additional bedspaces	(873,000)
Additions, Improvements and Equipment	(48,000)

7070 Mid-State Correctional Facility

07-7070 Institutional Control and Supervision	\$8,822,000
08-7070 Institutional Care Program	3,065,000
09-7070 Institutional Treatment Program	1,092,000
10-7070 Education Program	502,000
19-7070 Physical Plant and Support Services	1,187,000
99-7070 Management and Administrative Services	<u>721,000</u>
Total Appropriation, Mid-State Correctional Facility	<u>\$15,389,000</u>
Personal Services:	
Salaries and wages	(\$11,249,000)
Food in lieu of cash	(79,000)
Materials and Supplies	(1,697,000)

Services Other Than Personal.....	(1,318,000)
Maintenance and Fixed Charges.....	(187,000)
Special Purpose:	
Expanded capacity	(780,000)
Additions, Improvements and Equipment	(79,000)

7075 Riverfront State Prison

07-7075 Institutional Control and Supervision	\$13,582,000
08-7075 Institutional Care Program	6,104,000
09-7075 Institutional Treatment Program.....	1,549,000
10-7075 Education Program	613,000
19-7075 Physical Plant and Support Services.....	2,168,000
99-7075 Management and Administrative Services	<u>993,000</u>
Total Appropriation, Riverfront State Prison	<u>\$25,009,000</u>
Personal Services:	
Salaries and wages	(\$12,702,000)
Positions established from lump	
sum appropriation.....	(4,241,000)
Food in lieu of cash.....	(120,000)
Materials and Supplies	(3,659,000)
Services Other Than Personal.....	(2,951,000)
Maintenance and Fixed Charges.....	(339,000)
Special Purpose:	
Other additional bedspaces	(966,000)
Additions, Improvements and Equipment	(31,000)

7080 Edna Mahan Correctional Facility for Women

07-7080 Institutional Control and Supervision	\$10,147,000
08-7080 Institutional Care Program	6,270,000
09-7080 Institutional Treatment Program	1,384,000
10-7080 Education Program	710,000
19-7080 Physical Plant and Support Services	1,962,000
99-7080 Management and Administrative Services	<u>732,000</u>
Total Appropriation, Edna Mahan Correctional Facility	
for Women	<u>\$21,205,000</u>
Personal Services:	
Salaries and wages	(\$15,481,000)
Food in lieu of cash.....	(129,000)
Materials and Supplies	(2,477,000)
Services Other Than Personal.....	(2,744,000)
Maintenance and Fixed Charges.....	(282,000)
Additions, Improvements and Equipment	(92,000)

7085 Northern State Prison

07-7085 Institutional Control and Supervision	\$25,745,000
08-7085 Institutional Care Program	10,608,000
09-7085 Institutional Treatment Program	2,564,000
10-7085 Education Program	1,218,000

19-7085 Physical Plant and Support Services.....	4,132,000
99-7085 Management and Administrative Services	<u>1,635,000</u>
Total Appropriation, Northern State Prison	<u>\$45,902,000</u>
Personal Services:	
Salaries and wages	(\$22,235,000)
Positions established from lump	
sum appropriation.....	(10,244,000)
Food in lieu of cash.....	(244,000)
Materials and Supplies.....	(7,088,000)
Services Other Than Personal.....	(4,668,000)
Maintenance and Fixed Charges	(353,000)
Special Purpose:	
Other additional bedspaces	(962,000)
Other special purpose.....	(2,000)
Additions, Improvements and Equipment	(106,000)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090 Institutional Control and Supervision	\$9,398,000
08-7090 Institutional Care Program	3,825,000
09-7090 Institutional Treatment Program	2,082,000
10-7090 Education Program	339,000
11-7090 Outpatient Diagnostic and Treatment Services.....	225,000
19-7090 Physical Plant and Support Services.....	1,072,000
99-7090 Management and Administrative Services.....	<u>800,000</u>
Total Appropriation, Adult Diagnostic and	
Treatment Center, Avenel.....	<u>\$17,741,000</u>
Personal Services:	
Salaries and wages	(\$13,888,000)
Food in lieu of cash.....	(99,000)
Materials and Supplies.....	(2,099,000)
Services Other Than Personal.....	(1,385,000)
Maintenance and Fixed Charges.....	(253,000)
Additions, Improvements and Equipment	(17,000)

7110 Garden State Reception and Youth Correctional Facility

07-7110 Institutional Control and Supervision	\$18,036,000
08-7110 Institutional Care Program.....	7,151,000
09-7110 Institutional Treatment Program	2,837,000
10-7110 Education Program	849,000
19-7110 Physical Plant and Support Services.....	2,171,000
99-7110 Management and Administrative Services	<u>975,000</u>
Total Appropriation, Garden State Reception and Youth	
Correctional Facility	<u>\$32,019,000</u>
Personal Services:	
Salaries and wages	(\$24,750,000)
Positions established from lump	
sum appropriation.....	(50,000)
Food in lieu of cash.....	(160,000)
Materials and Supplies.....	(4,340,000)

Services Other Than Personal.....	(2,287,000)
Maintenance and Fixed Charges.....	(345,000)
Additions, Improvements and Equipment	(87,000)

Receipts derived from the sales of meals and other food items at the Garden State Reception and Youth Correctional Facility Culinary Arts Training Program, located on the grounds of the Department's Administrative Offices Complex, and the unexpended balance of such receipts as of June 30, 1991 are appropriated.

7120 Albert C. Wagner Youth Correctional Facility

07-7120 Institutional Control and Supervision	\$15,258,000
08-7120 Institutional Care Program	6,259,000
09-7120 Institutional Treatment Program.....	2,166,000
10-7120 Education Program	938,000
19-7120 Physical Plant and Support Services	3,844,000
99-7120 Management and Administrative Services	<u>1,187,000</u>
Total Appropriation, Albert C. Wagner Youth Correctional Facility.....	<u>\$29,652,000</u>
Personal Services:	
Salaries and wages.....	(\$21,250,000)
Positions established from lump sum appropriation.....	(116,000)
Food in lieu of cash.....	(158,000)
Materials and Supplies.	(4,801,000)
Services Other Than Personal.....	(2,034,000)
Maintenance and Fixed Charges.....	(450,000)
Special Purpose:	
Expanded capacity	(144,000)
Sewage hauling and disposal costs.....	(646,000)
Additions, Improvements and Equipment	(53,000)

7130 Mountainview Youth Correctional Facility

07-7130 Institutional Control and Supervision.....	\$16,567,000
08-7130 Institutional Care Program	6,750,000
09-7130 Institutional Treatment Program.....	2,544,000
10-7130 Education Program	423,000
19-7130 Physical Plant and Support Services.....	3,532,000
99-7130 Management and Administrative Services	<u>1,008,000</u>
Total Appropriation, Mountainview Youth Correctional Facility	<u>\$30,824,000</u>
Personal Services:	
Salaries and wages.....	(\$20,358,000)
Positions established from lump sum appropriation.....	(1,361,000)
Food in lieu of cash.....	(146,000)
Materials and Supplies	(4,503,000)
Services Other Than Personal.....	(2,865,000)
Maintenance and Fixed Charges.....	(544,000)

Special Purpose:

Sewage hauling and disposal costs.....	(1,000,000)
Other special purpose.....	(1,000)
Additions, Improvements and Equipment	(46,000)

*18 Juvenile Correctional Services**7210 Lloyd McCorkle Training School for Boys and Girls*

07-7210 Institutional Control and Supervision	\$3,396,000
08-7210 Institutional Care Program	1,117,000
09-7210 Institutional Treatment Program	660,000
19-7210 Physical Plant and Support Services	1,008,000
99-7210 Management and Administrative Services	<u>700,000</u>
Total Appropriation, Lloyd McCorkle Training School for Boys and Girls	<u>\$6,881,000</u>

Personal Services:

Salaries and wages	(\$5,565,000)
Food in lieu of cash	(43,000)
Materials and Supplies	(738,000)
Services Other Than Personal	(362,000)
Maintenance and Fixed Charges	(150,000)

Special Purpose:

Other special purpose	(5,000)
Additions, Improvements and Equipment	(18,000)

7220 New Jersey Training School for Boys

07-7220 Institutional Control and Supervision	\$7,207,000
08-7220 Institutional Care Program	2,306,000
09-7220 Institutional Treatment Program	1,283,000
19-7220 Physical Plant and Support Services	2,355,000
99-7220 Management and Administrative Services	<u>805,000</u>
Total Appropriation, New Jersey Training School for Boys	<u>\$13,956,000</u>

Personal Services:

Salaries and wages	(\$10,940,000)
Food in lieu of cash	(75,000)
Materials and Supplies	(1,690,000)
Services Other Than Personal	(813,000)
Maintenance and Fixed Charges	(380,000)

Special Purpose:

Other special purpose	(2,000)
Additions, Improvements and Equipment	(56,000)

7225 Juvenile Medium Security Center

07-7225 Institutional Control and Supervision	\$3,458,000
08-7225 Institutional Care Program	722,000
09-7225 Institutional Treatment Program	357,000
19-7225 Physical Plant and Support Services	511,000
99-7225 Management and Administrative Services	<u>371,000</u>
Total Appropriation, Juvenile Medium Security Center ..	<u>\$5,419,000</u>

Personal Services:

Salaries and wages	(\$4,739,000)	
Food in lieu of cash.....	(30,000)	
Materials and Supplies	(395,000)	
Services Other Than Personal.....	(157,000)	
Maintenance and Fixed Charges.....	(77,000)	
Additions, Improvements and Equipment	(21,000)	
Total Appropriation, Department of Corrections		<u>\$422,093,000</u>

Balances on hand as of June 30, 1991 of funds held for the benefit of inmates in the several institutions, and such funds as may be received, are appropriated for the use of such inmates.

Payments received by the State from employers of prisoners on their behalf, as part of any work release program, are appropriated for the purposes provided under P.L.1969, c.22 (C.30:4-91.4 et seq.).

Of the amount appropriated hereinabove for the Department of Corrections, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf.....	<u>\$7,249,000</u>
Total Appropriation, Operation and Support of Educational Institutions.....	<u>\$7,249,000</u>

Personal Services:

Salaries and wages	(\$6,023,000)
Materials and Supplies	(756,000)
Services Other Than Personal.....	(174,000)
Maintenance and Fixed Charges.....	(159,000)

Special Purpose:

Transportation expenses for students .	(129,000)
Additions, Improvements and Equipment	(8,000)

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other statute, \$2,630,000 of the amount appropriated hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1991, of such receipts are appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1991 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.

Students attending Project COED shall be supported by tuition paid by the sending school district, calculated for each half-time student enrolled as of October 15, 1991 by multiplying the per pupil foundation amount by 0.5. The foundation amount is to be derived according to the following formula: $((\$6,640 \times 1.33) + (\$6,835 \times 0.26))$. Sending school districts shall be eligible for aid for each half-time student pursuant to section 26 of P.L.1991, c.62 (C.18A:7D-21.1); such aid shall not be included when determining the maximum permissible net budget for any district. The Commissioner of Education shall deduct from the State aid payable to each sending school district the amount of tuition required to be paid for students attending Project COED, provided however, that the difference between the total tuition charged and the aid calculated according to section 26 of P.L.1991, c.62 (C.18A:27D-21.1), not to exceed a total of \$2,000,000, shall be appropriated by the Director of the Division of Budget and Accounting as a loan to the district subject to repayment within one year as agreed upon by the Superintendent of the district, the Commissioner of Education, and the Director of the Division of Budget and Accounting. Such tuition charges and loan shall not be included when determining the maximum permissible net budget for the district.

Total Appropriation, Department of Education

\$7,249,000

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services	\$33,454,000
98-7710 Physical Plant and Support Services.....	7,348,000

99-7710 Management and Administrative Services	7,538,000
Total Appropriation, Greystone Park Psychiatric Hospital	<u>\$48,340,000</u>
Personal Services:	
Salaries and wages	(\$39,750,000)
Food in lieu of cash	(57,000)
Materials and Supplies	(5,098,000)
Services Other Than Personal	(2,341,000)
Maintenance and Fixed Charges	(733,000)
Special Purpose:	
Interim assistance	(28,000)
Affirmative action and equal employment opportunity program	(17,000)
Additions, Improvements and Equipment	(316,000)

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services	\$24,188,000
98-7720 Physical Plant and Support Services	6,065,000
99-7720 Management and Administrative Services	<u>5,212,000</u>
Total Appropriation, Trenton Psychiatric Hospital	<u>\$35,465,000</u>
Personal Services:	
Salaries and wages	(\$28,120,000)
Food in lieu of cash	(28,000)
Materials and Supplies	(4,291,000)
Services Other Than Personal	(1,818,000)
Maintenance and Fixed Charges	(739,000)
Special Purpose:	
Interim assistance	(15,000)
Affirmative action and equal employment opportunity program	(23,000)
Additions, Improvements and Equipment	(431,000)

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services	\$10,412,000
98-7725 Physical Plant and Support Services	993,000
99-7725 Management and Administrative Services	<u>997,000</u>
Total Appropriation, The Forensic Psychiatric Hospital	<u>\$12,402,000</u>
Personal Services:	
Salaries and wages	(\$11,200,000)
Food in lieu of cash	(18,000)
Materials and Supplies	(721,000)
Services Other Than Personal	(328,000)
Maintenance and Fixed Charges	(79,000)
Additions, Improvements and Equipment	(56,000)

7730 Marlboro Psychiatric Hospital

10-7730 Patient Care and Health Services	\$43,732,000
98-7730 Physical Plant and Support Services	8,353,000
99-7730 Management and Administrative Services	<u>8,275,000</u>
Total Appropriation, Marlboro Psychiatric Hospital	<u>\$60,360,000</u>

Personal Services:

Salaries and wages	(\$49,064,000)
Food in lieu of cash	(66,000)
Materials and Supplies	(6,154,000)
Services Other Than Personal	(3,035,000)
Maintenance and Fixed Charges	(1,296,000)
Special Purpose:	
Interim assistance	(105,000)
Affirmative action and equal employment opportunity program	(22,000)
Additions, Improvements and Equipment	(618,000)

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and Health Services	\$35,798,000
98-7740 Physical Plant and Support Services	5,476,000
99-7740 Management and Administrative Services	<u>5,048,000</u>
Total Appropriation, Ancora Psychiatric Hospital	<u>\$46,322,000</u>

Personal Services:

Salaries and wages	(\$38,853,000)
Food in lieu of cash	(69,000)
Materials and Supplies	(3,987,000)
Services Other Than Personal	(1,959,000)
Maintenance and Fixed Charges	(854,000)
Special Purpose:	
Interim assistance	(161,000)
Affirmative action and equal employment opportunity program	(22,000)
Additions, Improvements and Equipment	(417,000)

7750 Arthur Brisbane Child Treatment Center

10-7750 Patient Care and Health Services	\$8,000,000
98-7750 Physical Plant and Support Services	734,000
99-7750 Management and Administrative Services	<u>1,174,000</u>
Total Appropriation, Arthur Brisbane Child Treatment Center	<u>\$9,908,000</u>

Personal Services:

Salaries and wages	(\$8,612,000)
Food in lieu of cash	(9,000)
Materials and Supplies	(490,000)
Services Other Than Personal	(403,000)
Maintenance and Fixed Charges	(143,000)
Additions, Improvements and Equipment	(251,000)

7760 Senator Garrett W. Hagedorn Center for Geriatrics

10-7760 Patient Care and Health Services	\$8,480,000
98-7760 Physical Plant and Support Services	1,637,000
99-7760 Management and Administrative Services	<u>1,676,000</u>
Total Appropriation, Senator Garrett W. Hagedorn Center for Geriatrics	<u>\$11,793,000</u>

Personal Services:

Salaries and wages	(\$9,683,000)
Food in lieu of cash	(24,000)
Materials and Supplies	(1,104,000)
Services Other Than Personal	(644,000)
Maintenance and Fixed Charges	(233,000)
Special Purpose:	
Interim assistance	(6,000)
Additions, Improvements and Equipment	(99,000)

Division of Mental Health and Hospitals

Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 1992 are appropriated for the same purpose.

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7610 Green Brook Regional Center*

05-7610 Residential Care and Habilitation	\$3,104,000
06-7610 Health Services	869,000
07-7610 Education and Training	569,000
98-7610 Physical Plant and Support Services	1,354,000
99-7610 Management and Administrative Services	<u>2,044,000</u>
Total All Operations	<u>\$7,940,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$2,805,000)</i>	
<i>Health Services</i>	<i>(743,000)</i>	
<i>Education and Training</i>	<i>(547,000)</i>	
<i>Physical Plant and Support Services</i>	<i>(811,000)</i>	
<i>Management and Administrative Services</i>	<i>(801,000)</i>	
<i>Total Federal Funds</i>		<i><u>(\$5,707,000)</u></i>
Total Appropriation, Green Brook Regional Center		<u>\$2,233,000</u>

Personal Services:

Salaries and wages	(\$5,575,000)
Materials and Supplies	(815,000)
Services Other Than Personal	(530,000)
Maintenance and Fixed Charges	(220,000)
Special Purpose:	
Green Brook mortgage	(715,000)
Additions, Improvements and Equipment	(85,000)

Less:

<i>Federal Funds</i>	<i>(5,707,000)</i>

7615 Developmental Center at Ancora

05-7615 Residential Care and Habilitation	\$1,802,000
06-7615 Health Services	740,000

98-7615 Physical Plant and Support Services.....	142,000
99-7615 Management and Administrative Services.....	<u>701,000</u>
Total All Operations.....	<u>\$3,385,000</u>

*Less:**Federal Funds*

Residential Care and Habilitation	(\$584,000)	
Health Services	(144,000)	
Management and Administrative Services	(50,000)	
Total Federal Funds		<u>(\$778,000)</u>
Total Appropriation, Developmental Center at Ancora ...		<u>\$2,607,000</u>

Personal Services:

Salaries and wages	(\$2,729,000)
Materials and Supplies.....	(266,000)
Services Other Than Personal.....	(255,000)
Maintenance and Fixed Charges	(48,000)
Additions, Improvements and Equipment	(87,000)

Less:

Federal Funds	(778,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation	\$39,052,000
06-7620 Health Services	11,418,000
07-7620 Education and Training	1,505,000
98-7620 Physical Plant and Support Services.....	6,536,000
99-7620 Management and Administrative Services	<u>6,233,000</u>
Total All Operations.....	<u>\$64,744,000</u>

*Less:**Federal Funds*

Residential Care and Habilitation	(\$13,713,000)	
Health Services	(3,843,000)	
Physical Plant and Support Services..	(1,124,000)	
Management and Administrative Services	<u>(760,000)</u>	
Total Federal Funds		<u>(\$19,440,000)</u>

All Other Funds

Education and Training	(\$463,000)	
Total All Other Funds		<u>(\$463,000)</u>
Total Appropriation, Vineland Developmental Center.....		<u>\$44,841,000</u>

Personal Services:

Salaries and wages	(\$54,536,000)
Food in lieu of cash.....	(64,000)
Materials and Supplies.....	(6,275,000)
Services Other Than Personal.....	(2,161,000)
Maintenance and Fixed Charges.....	(811,000)

Special Purpose:

Family care	(6,000)
Additions, Improvements and Equipment	(891,000)

Less:

Federal Funds	(19,440,000)
All Other Funds.....	(463,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation.....	\$14,261,000
06-7630 Health Services.....	7,046,000
07-7630 Education and Training	1,866,000
98-7630 Physical Plant and Support Services.....	3,352,000
99-7630 Management and Administrative Services	<u>4,285,000</u>
Total All Operations	<u>\$30,810,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$4,206,000)</i>	
<i>Health Services</i>	<i>(2,477,000)</i>	
<i>Physical Plant and Support Services .</i>	<i>(462,000)</i>	
<i>Management and Administrative Services</i>	<i>(895,000)</i>	
Total Federal Funds		<u><i>(\$8,040,000)</i></u>

All Other Funds

<i>Education and Training</i>	<i>(\$1,302,000)</i>	
Total All Other Funds		<u><i>(\$1,302,000)</i></u>

Total Appropriation, North Jersey Developmental Center \$21,468,000

Personal Services:

Salaries and wages	(\$24,371,000)
Food in lieu of cash.....	(21,000)
Materials and Supplies	(3,082,000)
Services Other Than Personal.....	(2,426,000)
Maintenance and Fixed Charges.....	(543,000)
Additions, Improvements and Equipment	(367,000)

Less:

<i>Federal Funds.....</i>	<i>(8,040,000)</i>
<i>All Other Funds</i>	<i>(1,302,000)</i>

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation	\$23,548,000
06-7640 Health Services.....	6,300,000
07-7640 Education and Training	990,000
98-7640 Physical Plant and Support Services.....	4,841,000
99-7640 Management and Administrative Services	<u>5,795,000</u>
Total All Operations	<u>\$41,474,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$8,119,000)</i>	
<i>Health Services</i>	<i>(1,944,000)</i>	
<i>Physical Plant and Support Services .</i>	<i>(1,565,000)</i>	
<i>Management and Administrative Services.</i>	<i>(960,000)</i>	
Total Federal Funds		<u><i>(\$12,588,000)</i></u>

All Other Funds

<i>Education and Training.</i>	<i>(\$594,000)</i>	
Total All Other Funds		<u><i>(\$594,000)</i></u>

Total Appropriation, Woodbine Developmental Center. .. \$28,292,000

Personal Services:

Salaries and wages	(\$33,242,000)
Food in lieu of cash	(16,000)
Materials and Supplies	(4,865,000)
Services Other Than Personal	(2,100,000)
Maintenance and Fixed Charges	(576,000)
Additions, Improvements and Equipment	(675,000)

Less:

Federal Funds	(12,588,000)
All Other Funds	(594,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation	\$25,514,000
06-7650 Health Services	7,832,000
07-7650 Education and Training	1,535,000
98-7650 Physical Plant and Support Services	<u>4,996,000</u>
99-7650 Management and Administrative Services	<u>3,477,000</u>
Total All Operations	<u>\$43,354,000</u>

Less:

Federal Funds

Residential Care and Habilitation	(\$12,342,000)
Health Services	(5,025,000)
Physical Plant and Support Services	(2,039,000)
Management and Administrative Services	<u>(1,006,000)</u>
Total Federal Funds	<u>(\$20,412,000)</u>

All Other Funds

Education and Training	<u>(\$354,000)</u>
Total All Other Funds	<u>(\$354,000)</u>

Total Appropriation, New Lisbon Developmental Center	<u>\$22,588,000</u>

Personal Services:

Salaries and wages	(\$37,371,000)
Food in lieu of cash	(15,000)
Materials and Supplies	(3,458,000)
Services Other Than Personal	(1,436,000)
Maintenance and Fixed Charges	(427,000)
Additions, Improvements and Equipment	(647,000)

Less:

Federal Funds	(20,412,000)
All Other Funds	(354,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation	\$25,379,000
06-7660 Health Services	5,673,000
07-7660 Education and Training	960,000
98-7660 Physical Plant and Support Services	4,140,000
99-7660 Management and Administrative Services	<u>3,796,000</u>
Total All Operations	<u>\$39,948,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$10,640,000)</i>	
<i>Health Services</i>	<i>(751,000)</i>	
<i>Physical Plant and Support Services .</i>	<i>(386,000)</i>	
<i>Management and Administrative Services</i>	<i>(1,556,000)</i>	
<i>Total Federal Funds</i>		<i>(\$13,333,000)</i>

All Other Funds

<i>Education and Training</i>	<i>(\$707,000)</i>	
<i>Total All Other Funds</i>		<i>(\$707,000)</i>

Total Appropriation, Woodbridge Developmental Center \$25,908,000

Personal Services:

Salaries and wages	(\$33,859,000)
Food in lieu of cash	(10,000)
Materials and Supplies	(3,806,000)
Services Other Than Personal	(1,326,000)
Maintenance and Fixed Charges	(442,000)
Additions, Improvements and Equipment	(505,000)

Less:

<i>Federal Funds</i>	<i>(13,333,000)</i>
<i>All Other Funds</i>	<i>(707,000)</i>

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation	\$22,971,000
06-7670 Health Services	7,203,000
07-7670 Education and Training	1,641,000
98-7670 Physical Plant and Support Services	5,606,000
99-7670 Management and Administrative Services	<u>3,978,000</u>
Total All Operations	<u>\$41,399,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$6,189,000)</i>	
<i>Health Services</i>	<i>(1,246,000)</i>	
<i>Physical Plant and Support Services .</i>	<i>(1,716,000)</i>	
<i>Management and Administrative Services.</i>	<i>(1,666,000)</i>	
<i>Total Federal Funds</i>		<i>(\$10,817,000)</i>

All Other Funds

<i>Education and Training</i>	<i>(\$679,000)</i>	
<i>Total All Other Funds</i>		<i>(\$679,000)</i>

Total Appropriation, Hunterdon Developmental Center .. \$29,903,000

Personal Services:

Salaries and wages	(\$35,581,000)
Food in lieu of cash	(1,000)
Materials and Supplies	(3,450,000)
Services Other Than Personal	(1,252,000)
Maintenance and Fixed Charges	(548,000)
Additions, Improvements and Equipment	(567,000)

Less:

<i>Federal Funds</i>	(10,817,000)
<i>All Other Funds</i>	(679,000)

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation	\$3,293,000
06-7680 Health Services	1,492,000
07-7680 Education and Training	1,032,000
98-7680 Physical Plant and Support Services.....	1,928,000
99-7680 Management and Administrative Services.....	<u>980,000</u>
Total All Operations	<u>\$8,725,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	(\$376,000)	
<i>Health Services</i>	(273,000)	
<i>Physical Plant and Support Services..</i>	(40,000)	
<i>Management and Administrative Services.</i>	<u>(93,000)</u>	
Total Federal Funds.		<u>(\$782,000)</u>

All Other Funds

<i>Education and Training</i>	<u>(\$504,000)</u>	
Total All Other Funds.....		<u>(\$504,000)</u>

Total Appropriation, Edward R. Johnstone
Training and Research Center..... \$7,439,000

Personal Services:

Salaries and wages	(\$7,022,000)
Food in lieu of cash.....	(20,000)
Materials and Supplies	(1,188,000)
Services Other Than Personal.	(288,000)
Maintenance and Fixed Charges	(176,000)
Additions, Improvements and Equipment	(31,000)

Less:

<i>Federal Funds</i>	(782,000)
<i>All Other Funds</i>	(504,000)

The Department of Human Services, Division of Developmental Disabilities shall effectuate the phase-out of the E. R. Johnstone Training and Research Center, over a twenty-four month period, commencing July 1, 1991. The phase-out of the facility shall be predicated on the development of a comprehensive phase-out plan. The plan shall describe appropriate alternative living arrangements and support services for Johnstone clients based upon individual needs. The plan shall be reported to the Assembly Appropriations Committee, the Senate Revenue, Finance and Appropriations Committee, the Assembly Health and Human Services Committee and the Senate Institutions, Health and Welfare Committee, or their successors.

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation	\$23,241,000
06-7690 Health Services.....	6,295,000
07-7690 Education and Training	473,000
98-7690 Physical Plant and Support Services.....	6,767,000
99-7690 Management and Administrative Services	<u>2,885,000</u>
Total All Operations	<u>\$39,661,000</u>

*Less:**Federal Funds*

<i>Residential Care and Habilitation</i>	<i>(\$6,768,000)</i>	
<i>Health Services</i>	<i>(1,021,000)</i>	
<i>Physical Plant and Support Services .</i>	<i>(880,000)</i>	
<i>Management and Administrative Services.</i>	<i>(754,000)</i>	
Total Federal Funds.....		<u><i>(\$9,423,000)</i></u>

All Other Funds

<i>Education and Training</i>	<i>(\$40,000)</i>	
Total All Other Funds		<u><i>(\$40,000)</i></u>

Total Appropriation, North Princeton

Developmental Center *\$30,198,000*

Personal Services:

Salaries and wages.	(\$32,681,000)
Food in lieu of cash.....	(15,000)
Materials and Supplies.	(3,277,000)
Services Other Than Personal.....	(2,566,000)
Maintenance and Fixed Charges.....	(621,000)
Additions, Improvements and Equipment	(501,000)

Less:

<i>Federal Funds.....</i>	<i>(9,423,000)</i>
<i>All Other Funds</i>	<i>(40,000)</i>

Division of Developmental Disabilities

In addition to the amount hereinabove appropriated for Operation and Support of Educational Institutions of the Division of Developmental Disabilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in Inter-Departmental Accounts for employee benefits, shall be considered as appropriated on behalf of the developmental centers and available for matching federal funds.

The State appropriation is based on ICF/MR revenues of \$147,000,000; provided that if the ICF/MR revenues exceed \$147,000,000, 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.

Total Appropriation, Department of Human Services \$440,067,000

Balances on hand as of June 30, 1991 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 purchase of additional material and other expenses incidental to the sale or manufacture.

Of the amount appropriated hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

80 Special Government Services

83 Services to Veterans

3630 Menlo Park Veterans' Memorial Home

20-3630 Domiciliary and Treatment Services	\$10,244,000
30-3630 Physical Plant and Support Services.....	1,922,000
99-3630 Management and Administration.....	<u>1,418,000</u>
Total Appropriation, Menlo Park Veterans' Memorial Home	<u>\$13,584,000</u>

Personal Services:

Salaries and wages	(\$11,110,000)
Food in lieu of cash.....	(16,000)
Materials and Supplies.....	(1,176,000)
Services Other Than Personal.....	(1,057,000)
Maintenance and Fixed Charges.....	(94,000)
Additions, Improvements and Equipment	(131,000)

3640 Paramus Veterans' Memorial Home

20-3640 Domiciliary and Treatment Services	\$7,573,000
30-3640 Physical Plant and Support Services.....	1,378,000
99-3640 Management and Administration.....	<u>1,355,000</u>
Total Appropriation, Paramus Veterans' Memorial Home	<u>\$10,306,000</u>

Personal Services:

Salaries and wages	(\$6,429,000)
Food in lieu of cash.....	(53,000)
Materials and Supplies.....	(926,000)
Services Other Than Personal.....	(517,000)
Maintenance and Fixed Charges.....	(135,000)

Special Purpose:

Operating costs-90 Additional Beds...	(2,231,000)
Additions, Improvements and Equipment	(15,000)

3650 Vineland Veterans' Memorial Home

20-3650 Domiciliary and Treatment Services	\$9,135,000

30-3650 Physical Plant and Support Services.....	2,134,000
99-3650 Management and Administration.....	<u>1,135,000</u>
Total Appropriation, Vineland Veterans' Memorial Home	<u>\$12,404,000</u>
Personal Services:	
Salaries and wages.....	(\$9,970,000)
Food in lieu of cash.....	(6,000)
Materials and Supplies.....	(1,511,000)
Services Other Than Personal.....	(671,000)
Maintenance and Fixed Charges.....	(124,000)
Additions, Improvements and Equipment	(122,000)
Total Appropriation, Department of Military and Veterans' Affairs	<u>\$36,294,000</u>

Of the amount hereinabove appropriated for the Department of Military and Veterans' Affairs, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

Balances on hand as of June 30, 1991 of funds held for the benefit of residents in the several veterans' homes, and such funds as may be received, are appropriated for the use of such residents.

Funds received from the sale of articles made in occupational therapy departments of the several veterans' homes are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.

Revenues representing receipts to the General Fund from charges to Residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patients/residents who have no other source of funds for such purposes; provided however, that the allowance shall not exceed \$35 per month for any eligible resident of an institution and provided further, that the total amount herein for such allowances shall not exceed \$100,000, and that any increase in the maximum monthly allowance shall be approved by the Director of the Division of Budget and Accounting.

Total Appropriation, Institutional Programs	<u>\$905,703,000</u>

GRANTS-IN-AID

20 DEPARTMENT OF COMMERCE, ENERGY AND ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development

The unexpended balance as of June 30, 1991, in the Tourist matching grants for counties account is appropriated.

*2890 New Jersey Commission on Science and Technology--
Grants-In-Aid*

24-2890 New Jersey Commission on Science and Technology.	<u>\$21,555,000</u>
Total Appropriation, New Jersey Commission on Science and Technology	<u>\$21,555,000</u>

Grants:

Center for Advanced Food Technology	(\$1,524,000)
Center for Hazardous Substance Management Research.....	(2,948,000)
Fisheries development and aquaculture	(268,000)
Center for Advanced Biotechnology and Medicine	(3,054,000)
TEX Center for Cancer Research.	(268,000)
Center for Biomolecular Agriculture..	(950,000)
Center for Ceramics Research.....	(3,296,000)
TEX Center for Polymer Processing ..	(357,000)
Plastics Recycling Center.....	(552,000)
Center for Photonics and Opto- Electronic Materials	(550,000)
Center for Surface Engineered Materials.....	(500,000)
Center for Computer Aids to Industrial Productivity	(1,044,000)
TEX Center for Information Services.	(264,000)
Center for Manufacturing Engineering Sciences.....	(500,000)
Advanced technology centers - New equipment.....	(5,180,000)
Business development.....	(300,000)

The unexpended balances as of June 30, 1991 from the Science and Technology Grants accounts are appropriated.

Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$21,555,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management--Grants-In-Aid

01-8010 Housing Code Enforcement	\$800,000
02-8020 Housing Services	6,520,000
18-8017 Fire Safety Inspection Program	7,100,000
20-8035 Hackensack Meadowlands Development Commission	<u>2,225,000</u>
Total Appropriation, Community Development Management	<u>\$16,645,000</u>

Grants:

Cooperative housing inspection	(\$800,000)
Shelter assistance	(2,000,000)
Prevention of Homelessness, P.L.1984, c.180 (C.52:27D-280 et seq.)	(4,460,000)
Fire safety inspection and enforcement-LEA rebates	(7,000,000)

Fire safety - continuing education.....	(100,000)
Hackensack Meadowlands Development Commission-Debt service	(315,000)
Hackensack Meadowlands Development Commission-Municipal Committee.	(110,000)
Hackensack Meadowlands Development Commission-Operations.....	(1,675,000)
Hackensack Meadowlands Development Commission-Meadowlands Environmental Center.....	(125,000)
Neighborhood Housing Services of Trenton, Inc.	(60,000)

Receipts in excess of the amount anticipated for Housing Inspection fees are appropriated for the Cooperative housing inspection program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Fire Safety Inspection Program classification is payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1991 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 unexpended balance as of June 30, 1991 in the Shelter assistance account is appropriated.

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, 1992 and March 1, 1992 containing written statistical and financial information on the expenditure of funds from the Shelter assistance account, specifically including the number, location and costs of beds available for occupancy and occupancy rates.

The unexpended balance as of June 30, 1991 in the Prevention of Homelessness account is appropriated.

Such amounts necessary for the payment of principal of and interest on outstanding notes of the Hackensack Meadowlands Development Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

*50 Economic Planning, Development and Security**55 Social Services Programs--Grants-In-Aid*

05-8050 Community Resources.....	\$4,500,000
08-8060 Programs for the Aging	100,000
15-8051 Women's Programs	<u>1,665,000</u>
Total Appropriation, Social Services Programs	<u>\$6,265,000</u>

Grants:

Recreation for the handicapped.....	(\$500,000)	
Special Olympics	(375,000)	
State Legal Services Office.....	(2,000,000)	
Office of Hispanic Affairs.....	(1,375,000)	
Grant to ASPIRA	(100,000)	
Health insurance options for the elderly	(100,000)	
Hispanic women's resource centers ...	(400,000)	
Women's Referral Central	(25,000)	
Job Training Center for Urban Women Act	(315,000)	
Grants to women's shelters	(25,000)	
Grants to displaced homemaker centers	(900,000)	
Garden State Games.....	(150,000)	
Total Appropriation, Department of Community Affairs		<u>\$22,910,000</u>

26 DEPARTMENT OF CORRECTIONS

*10 Public Safety and Criminal Justice**16 Detention and Rehabilitation**7025 System-Wide Program Support--Grants-In-Aid*

13-7025 Institutional Program Support.....	<u>\$75,201,000</u>
Total Appropriation, System-Wide Program Support	<u>\$75,201,000</u>

Grants:

Purchase of service for inmates	
incarcerated in county penal facilities	(\$67,000,000)
Purchase of service for inmates	
incarcerated in out-of-State	
facilities	(200,000)
Purchase of community services	(5,800,000)
Substance abuse treatment	(1,825,000)
Transportation assistance for	
inmate family visitations	(226,000)
Joint connection	(150,000)

A portion of the total amount appropriated for Purchase of service for inmates incarcerated in county penal facilities is available for operational costs of additional State facilities for inmates housing which become ready for occupancy, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991 in the Purchase of service for inmates incarcerated in county penal facilities account is appropriated for the same purpose.

*18 Juvenile Correctional Services**7270 Juvenile Community Programs--Grants-In-Aid*

12-7270 Juvenile Rehabilitation	<u>\$1,456,000</u>
Total Appropriation, Juvenile Community Programs	<u>\$1,456,000</u>
Grants:	
Passaic county day program for county probationers (Probationfields).....	(\$194,000)
Camden juvenile community program	(150,000)
Alternatives to juvenile incarceration programs.....	(750,000)
Explorers Program - Newark YM/WCA juvenile services	(312,000)
Juvenile Resource Center-Camden	(50,000)
Total Appropriation, Department of Corrections	<u>\$76,657,000</u>

34 DEPARTMENT OF EDUCATION*30 Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance--Grants-In-Aid*

03-5120 Miscellaneous Grants-In-Aid	\$132,000
04-5064 Adult and Continuing Education	<u>3,704,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$3,836,000</u>
Grants:	
Teacher recognition program	(\$132,000)
Urban dropout program/Youth Corps	(3,704,000)

The unexpended balance as of June 30, 1991 in the Urban dropout program/Youth corps account is appropriated in an amount not to exceed \$150,000.

34 Educational Support Services--Grants-In-Aid

30-5063 General Academic Education	<u>\$10,150,000</u>
Total Appropriation, Educational Support Services	<u>\$10,150,000</u>
Grants:	
Programs for the gifted and talented ..	(\$150,000)
Math/Science initiative	(1,000,000)
Good Start.....	(2,000,000)
Talent development program	(7,000,000)

The unexpended balance as of June 30, 1991 in the Good Start program account is appropriated.

The unexpended balance as of June 30, 1991 in the Math/Science initiative program account is appropriated.

35 Education Administration and Management--Grants-In-Aid

99-5095 Management and Administrative Services	<u>\$3,250,000</u>
Total Appropriation, Education Administration and Management	<u>\$3,250,000</u>
Grants:	
Governor's teaching scholarships	(\$3,250,000)

37 Cultural and Intellectual Development Services--Grants-In-Aid

54-5010 Support of the Arts	<u>\$100,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$100,000</u>
Grants:	
Teen arts program (\$100,000)	
Total Appropriation, Department of Education.....	<u>\$17,336,000</u>

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

The amount appropriated for the Teen arts program is intended to provide for an integrated program of student artistic development. This program shall be undertaken in coordination with other groups. These groups may include, but need not be limited to, the New Jersey School of the Arts, Westminster Choir College, and Summer Arts Institute.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

43 Environmental Quality

02-4825 Air Pollution Control	<u>\$500,000</u>
Total Appropriation, Environmental Quality	<u>\$500,000</u>
Grants:	
Environmental Occupational Safety and Health Institute equipment..... (\$500,000)	
Total Appropriation, Department of Environmental Protection	<u>\$500,000</u>

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services--Grants-In-Aid

02-4220 Family Health Services.....	\$9,304,000
03-4230 Epidemiology and Disease Control	2,581,000
04-4240 Alcoholism, Drug Abuse and Addiction Services...	5,743,000
11-4235 Occupational and Environmental Health Control ...	463,000
12-4245 AIDS Services	<u>10,491,000</u>
Total Appropriation, Health Services.....	<u>\$28,582,000</u>
Grants:	
Family planning services..... (\$1,610,000)	
Hemophilia services..... (621,000)	

Testing for specific hereditary diseases	(115,000)
Special health services for handicapped children	(2,000,000)
Birth defects registry.....	(25,000)
Lead poisoning program	(395,000)
Infant mortality reduction program	(1,830,000)
Cleft palate programs.....	(350,000)
Newborn screening follow-up and treatment for hemoglobins.....	(133,000)
Fetal alcohol syndrome program.....	(570,000)
SIDS Assistance Act	(150,000)
Tuberculosis services.....	(197,000)
Chronic disease services	(144,000)
Chronic renal disease	(438,000)
New Jersey State Commission on Cancer Research.....	(1,000,000)
Alzheimer's disease program.....	(615,000)
Gerontology program.....	(136,000)
Rape prevention.....	(500,000)
Immunization information program for new parents	(75,000)
Diabetes control program.....	(147,000)
AIDS communicable disease control .	(609,000)
Vocational adjustment center.....	(95,000)
Inmate residential drug treatment.....	(250,000)
Comprehensive drug and alcohol treatment system-development and expansion	(1,850,000)
In-State juvenile residential treatment services-development	(1,810,000)
Alcoholism services.....	(1,033,000)
Compulsive gambling	(260,000)
Parolee rehabilitation project	(370,000)
Medical support services for the homeless.....	(75,000)
Occupational/Environmental disease surveillance program	(50,000)
Worker and community right to know	(413,000)
AIDS continuing grants	(10,491,000)
HealthStart hotline	(25,000)
Urban rodent control.....	(200,000)

From the Family planning services account, \$10,000 is transferred to the Department of Human Services, Division of Medical Assistance and Health Services for family planning services.

The unexpended balance as of June 30, 1991 in the New Jersey State Commission on Cancer Research account is appropriated.

The amount hereinabove for the New Jersey State Commission on Cancer Research is charged to the Cancer Research Fund pursuant to section 5 of P.L.1982, c.40 (C.54:40A-37.1).

The unexpended balance of appropriations, as of June 30, 1991, made to the Department of Health by section 20 of P.L.1989, c.51 for State licensed or approved drug abuse prevention and treatment programs is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from the "Drug Enforcement and Demand Reduction Fund" \$9,012,000 to fund the Community drug programs (State share) account; of this amount \$920,000 is appropriated for 50 licensed drug and alcohol treatment beds at the Meadowview Hospital in Hudson county.

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Trust Fund \$420,000 to fund the Local alcoholism authorities-expansion account.

Notwithstanding the provisions of P.L.1987, c.370 (C.26:2-148 et seq.), the amounts hereinabove appropriated for Special health services for handicapped children and Cleft palate programs are appropriated from the Catastrophic Illness in Children Relief Fund.

The amount hereinabove appropriated for the Fetal alcohol syndrome program is appropriated from the Alcohol Education, Rehabilitation and Enforcement fund.

22 Health Planning and Evaluation--Grants-In-Aid

06-4260 Health Facilities Evaluation.....	<u>\$1,809,900</u>
Total Appropriation, Health Planning and Evaluation	<u>\$1,809,000</u>

Grants:

Emergency medical services	(\$209,000)
New Jersey emergency medical service helicopter response program.....	(1,175,000)
Poison control center.....	(425,000)

The Department of Health shall require its subcontractors under the New Jersey emergency medical service helicopter response program established pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.) to seek reimbursement through third party billings for services rendered.

Receipts from third party billings for the New Jersey emergency medical services helicopter response program shall be retained by subcontractors as program income.

Total Appropriation, Department of Health.....	<u>\$30,391,000</u>

50 DEPARTMENT OF HIGHER EDUCATION
 30 Educational, Cultural and Intellectual Development
 36 Higher Educational Services
 5400 Office of the Chancellor--Grants-In-Aid

02-5400 Support to Independent Institutions	\$26,422,000
03-5400 New Jersey Educational Opportunity Fund	25,892,000
04-5400 Student Financial Support Services	91,796,000
99-5400 Management and Administrative Services	9,044,000
Total Appropriation, Office of the Chancellor	<u>\$153,154,000</u>

Grants:

Veterinary medicine education program	(\$1,427,000)
Aid to independent colleges and universities	(20,120,000)
Schools of professional nursing	(833,000)
Dental school aid--Fairleigh Dickinson University	(2,400,000)
Optometric education	(151,000)
Einstein chair for scholarly studies at the Institute for Advanced Study	(65,000)
Graduate medical education program.	(126,000)
Richard J. Hughes chair for constitutional and public law and service at Seton Hall University	(65,000)
Alfred E. Driscoll chair in pharmaceutical/chemical studies, Fairleigh Dickinson University	(65,000)
Women's Studies chair at Douglass College	(75,000)
Will and Ariel Durant chair in the humanities at St. Peter's College...	(65,000)
Small business and entrepreneurship chair at Rutgers	(65,000)
Raoul Wallenberg visiting professorship in human rights-Rutgers University...	(100,000)
Millicent Fenwick research professorship in education at Monmouth College	(75,000)
Research under contract with the Institute of Medical Research, Camden	(790,000)
Opportunity program grants	(16,271,000)
Supplementary education program grants	(8,819,000)
Martin Luther King Physician-Dentist Scholarship Act of 1986....	(602,000)
C. Clyde Ferguson law scholarships ..	(200,000)
Tuition Aid Grants, P.L.1968, c.429 (C.18A:71-41 et seq.)	(82,300,000)
Garden State scholarships	(3,450,000)
Graduate fellowships	(346,000)
Edward J. Bloustein Distinguished Scholars Program	(4,000,000)

Urban scholarships	(1,300,000)
Part-time tuition aid grants- EOF students	(400,000)
Marine Sciences Consortium	(565,000)
Support for Quality Education Programs	(500,000)
Governor's School	(974,000)
Special Academic Programs:	
Pre-collegiate academic programs .	(3,000,000)
Fund for Improved Retention	(1,420,000)
Learning disabled	(750,000)
Ethnolinguistic-academic preparation	(400,000)
Minority academic careers program	(910,000)
Urban initiative.....	(325,000)
Humanities program	(200,000)

An amount not to exceed \$100,000 in the Aid to independent colleges and universities account is available for administrative expenses.

For the purpose of implementing the "Independent College and University Assistance Act," P.L.1979, c.132 (C.18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at eight State Colleges is 43,643 for fiscal year 1991.

The sums provided hereinabove and the unexpended balances as of June 30, 1991 in the New Jersey Educational Opportunity Fund and Student Financial Support Services are appropriated and available for payment of liabilities applicable to prior fiscal years.

The amount hereinabove for the Minority Academic Careers program is appropriated from funds of the Educational and Administrative Programs for Higher Educational purposes.

An amount not to exceed 5% of the total of the Special Academic Programs accounts is available for the administrative expenses of these programs.

The amounts hereinabove for the Optometric education and Graduate fellowship accounts shall be charged to the Higher Education Assistance Authority.

The unexpended balances as of June 30, 1991 and other income from the federal loan collection and reimbursement program are appropriated.

Public colleges and universities are authorized to provide for the early retirement of staff and tenured faculty, consistent with State law, upon terms and conditions to be set forth by regulations of the Board of Higher Education and approved by the Director of the Division of Budget and Accounting.

The expenditure of the amounts appropriated to each institution of higher education for the implementation of the Board of Higher Education's outcomes assessment programs is subject to the approval of the Chancellor of Higher Education.

Of the amount appropriated hereinabove in the Fund for Improved Retention account, \$810,000 shall be allocated to a grant to the Glassboro State College Basic Skills program.

The amount appropriated hereinabove for the Humanities Program shall be equally divided between Jersey City State College and William Paterson State College, for the Multicultural Studies Project and the Gender Project, respectively.

5450 Thomas A. Edison State College--Grants-In-Aid

17-5450 Institutional Support		<u>\$6,620,000</u>
Sub-Total General Operations.....		<u>\$6,620,000</u>
Total All Operations		<u>\$6,620,000</u>
Less:		
General Services Income	<u>(\$2,914,000)</u>	
Total Income Deductions.....		<u>(\$2,914,000)</u>
Total Appropriation, Thomas A. Edison State College		<u>\$3,706,000</u>
Personal Services:		
Salaries and wages	(\$4,007,000)	
Materials and Supplies	(246,000)	
Services Other Than Personal.....	(1,093,000)	
Maintenance and Fixed Charges.....	(311,000)	
Special Purpose:		
Challenge for excellence/State colleges	(466,000)	
Affirmative action and equal employment opportunity program.....	(14,000)	
Supplementary funding	(284,000)	
Additions, Improvements and Equipment	(199,000)	
Less:		
Income Deductions.....	<u>(2,914,000)</u>	

5500 Glassboro State College--Grants-In-Aid

11-5500 Instruction	\$22,246,000
12-5500 Sponsored Programs and Research.....	80,000
13-5500 Extension and Public Service	427,000
15-5500 Academic Support	1,959,000
16-5500 Student Services	3,082,000
17-5500 Institutional Support.....	4,626,000
19-5500 Physical Plant Support Services	<u>7,426,000</u>
Sub-Total General Operations.....	<u>\$39,846,000</u>
Special Funds Expense	\$3,526,000
Auxiliary Funds Expense.....	<u>\$15,650,000</u>
Total All Operations	<u>\$59,022,000</u>

<i>Less:</i>	
General Services Income	(\$11,222,000)
Special Funds Income	(3,526,000)
Auxiliary Funds Income	(15,650,000)
Total Income Deductions.....	<u>(\$30,398,000)</u>
Total Appropriation, Glassboro State College.....	<u>\$28,624,000</u>
Personal Services:	
Salaries and wages	(\$27,105,000)
Student aides	(300,000)
Materials and Supplies	(2,603,000)
Services Other Than Personal.....	(3,016,000)
Maintenance and Fixed Charge	(1,603,000)
Special Purpose:	
Academic development.....	(100,000)
Challenge for excellence -	
State colleges.....	(1,002,000)
Separately budgeted research.....	(80,000)
Camden Urban Center.....	(427,000)
College work-study program (State share).....	(200,000)
Affirmative action and equal employment opportunity program	(65,000)
Supplementary funding.....	(1,680,000)
Additions, Improvements and Equipment	(1,665,000)
Special Funds Expense	(3,526,000)
Auxiliary Funds Expense.....	(15,650,000)
<i>Less:</i>	
Income Deductions.....	(30,398,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,450 full-time equivalent (FTE) students at Glassboro State College. In the event that actual enrollments exceed 5,668, the amount appropriated hereinabove for Glassboro State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,668, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5510 Jersey City State College--Grants-In-Aid

11-5510 Instruction	\$18,661,000
12-5510 Sponsored Programs and Research.....	70,000
15-5510 Academic Support	1,350,000
16-5510 Student Services	2,292,000
17-5510 Institutional Support	5,226,000
19-5510 Physical Plant Support Services	<u>5,615,000</u>
Sub-Total General Operations.....	<u>\$33,214,000</u>
Special Funds Expense	\$3,130,000
Auxiliary Funds Expense.....	<u>\$4,830,000</u>
Total All Operations	<u>\$41,174,000</u>

<i>Less:</i>		
<i>General Services Income</i>	(\$7,151,000)	
<i>Special Funds Income</i>	(3,130,000)	
<i>Auxiliary Funds Income</i>	<u>(4,830,000)</u>	
<i>Total Income Deductions</i>		<u>(\$15,111,000)</u>
Total Appropriation, Jersey City State College		<u>\$26,063,000</u>
Personal Services:		
Salaries and wages	(\$21,112,000)	
Student aides	(150,000)	
Materials and Supplies.....	(2,352,000)	
Services Other Than Personal.....	(2,372,000)	
Maintenance and Fixed Charges.....	(1,304,000)	
Special Purpose:		
A. Harry Moore Laboratory School ...	(1,078,000)	
Cooperative education.....	(330,000)	
Basic science and technological equipment.....	(35,000)	
Academic development.....	(100,000)	
Challenge grant continuation	(856,000)	
Separately budgeted research.....	(70,000)	
Minority student recruitment.....	(135,000)	
National direct student loan program (State share)	(20,000)	
College work-study program (State share).....	(120,000)	
Affirmative action and equal employ- ment opportunity program	(110,000)	
Tidelands athletic fields	(145,000)	
Supplementary funding	(1,505,000)	
Additions, Improvements and Equipment	(1,420,000)	
Special Funds Expense	(3,130,000)	
Auxiliary Funds Expense.....	(4,830,000)	
<i>Less:</i>		
<i>Income Deductions</i>	(15,111,000)	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 3,400 full-time equivalent (FTE) students at Jersey City State College. In the event that actual enrollments exceed 3,536, the amount appropriated hereinabove for Jersey City State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 3,536, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5520 Kean College of New Jersey--Grants-In-Aid

11-5520 Instruction.....	\$24,116,000
12-5520 Sponsored Programs and Research.....	75,000
15-5520 Academic Support	1,659,000

16-5520 Student Services	3,199,000
17-5520 Institutional Support	5,013,000
19-5520 Physical Plant Support Services	<u>6,614,000</u>
Sub-Total General Operations	<u>\$40,676,000</u>
Special Funds Expense	\$5,400,000
Auxiliary Funds Expense	<u>\$5,540,000</u>
Total All Operations	<u>\$51,616,000</u>
<i>Less:</i>	
General Services Income	(\$12,114,000)
Special Funds Income	(5,400,000)
Auxiliary Funds Income	<u>(5,540,000)</u>
Total Income Deductions	<u>(\$23,054,000)</u>
Total Appropriation, Kean College of New Jersey	<u>\$28,562,000</u>
Personal Services:	
Salaries and wages	(\$29,631,000)
Student aides	(510,000)
Materials and Supplies	(3,165,000)
Services Other Than Personal	(1,849,000)
Maintenance and Fixed Charges	(1,092,000)
Special Purpose:	
Academic development	(120,000)
Challenge for excellence/State colleges	(1,095,000)
Learning assistance program	(350,000)
Separately budgeted research	(75,000)
College work-study program (State share)	(70,000)
Minority recruitment and retention	(165,000)
Affirmative action and equal employment opportunity program	(54,000)
Supplementary funding	(1,671,000)
Additions, Improvements and Equipment	(829,000)
Special Funds Expense	(5,400,000)
Auxiliary Funds Expense	(5,540,000)
<i>Less:</i>	
Income Deductions	(23,054,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 6,550 full-time equivalent (FTE) students at Kean College of New Jersey. In the event that actual enrollments exceed 6,812, the amount appropriated hereinabove for Kean College of New Jersey may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 6,812, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

*5530 The William Paterson College of New Jersey--
Grants-In-Aid*

11-5530 Instruction.....	\$25,155,000
12-5530 Sponsored Programs and Research.....	150,000
15-5530 Academic Support	2,288,000
16-5530 Student Services	4,009,000
17-5530 Institutional Support	6,577,000
19-5530 Physical Plant Support Services	<u>8,155,000</u>
Sub-Total General Operations.....	<u>\$46,334,000</u>
Special Funds Expense	\$1,928,000
Auxiliary Funds Expense	<u>\$6,772,000</u>
Total All Operations.....	<u>\$55,034,000</u>
<i>Less:</i>	
General Services Income.....	(\$14,535,000)
Special Funds Income	(1,928,000)
Auxiliary Funds Income	(6,772,000)
Total Income Deductions.....	<u>(\$23,235,000)</u>
Total Appropriation, The William Paterson College of New Jersey	<u>\$31,799,000</u>
<i>Personal Services:</i>	
Salaries and wages	(\$30,959,000)
Student aides	(275,000)
Materials and Supplies.....	(4,380,000)
Services Other Than Personal.....	(2,582,000)
Maintenance and Fixed Charges	(881,000)
<i>Special Purpose:</i>	
School of science	(362,000)
Academic development.....	(170,000)
Challenge for excellence/State colleges.....	(985,000)
Separately budgeted research	(150,000)
Library systems improvement.....	(100,000)
Minority recruitment and retention	(500,000)
College work-study program (State share).....	(100,000)
Affirmative action and equal employ- ment opportunity program.....	(80,000)
Outcomes assessment.....	(65,000)
Supplementary funding	(1,860,000)
Additions, Improvements and Equipment	(2,885,000) -
Special Funds Expense	(1,928,000)
Auxiliary Funds Expense.....	(6,772,000)
<i>Less:</i>	
Income Deductions.....	(23,235,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,900 full-time equivalent (FTE) students at the William Paterson College of New Jersey. In the event that actual enrollments exceed 6,136, the amount appropriated hereinabove for the William Paterson College of New Jersey may be reduced by a sum equal to the tuition

receipts collected by the College for those full-time equivalent students above 6,136, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5540 Montclair State College--Grants-In-Aid

11-5540 Instruction.....	\$29,503,000
12-5540 Sponsored Programs and Research.....	120,000
13-5540 Extension and Public Service	600,000
15-5540 Academic Support	4,368,000
16-5540 Student Services	3,251,000
17-5540 Institutional Support	7,192,000
19-5540 Physical Plant Support Services	<u>7,165,000</u>
Sub-Total General Operations.....	<u>\$52,199,000</u>
Special Funds Expense	<u>\$4,557,000</u>
Auxiliary Funds Expense.....	<u>\$4,854,000</u>
Total All Operations.....	<u>\$61,610,000</u>
<i>Less:</i>	
General Services Income.....	(\$16,333,000)
Special Funds Income	(4,557,000)
Auxiliary Funds Income	<u>(4,854,000)</u>
Total Income Deductions.....	<u>(\$25,744,000)</u>
Total Appropriation, Montclair State College	<u>\$35,866,000</u>
<i>Personal Services:</i>	
Salaries and wages	(\$36,264,000)
Student aides	(136,000)
Materials and Supplies	(3,700,000)
Services Other Than Personal	(3,694,000)
Maintenance and Fixed Charges	(914,000)
<i>Special Purpose:</i>	
Challenge for excellence/State colleges	(1,091,000)
Academic development.....	(150,000)
Challenge for excellence - critical thinking	(393,000)
Separately budgeted research	(120,000)
New Jersey State School of Conservation.....	(600,000)
Minority recruitment and retention	(300,000)
College work-study program (State share)	(70,000)
Affirmative action and equal employment opportunity program	(102,000)
State college autonomy administration computing augmentation	(118,000)
Supplementary funding.....	(2,098,000)
Additions, Improvements and Equipment	(2,449,000)
Special Funds Expense	4,557,000)
Auxiliary Funds Expense.....	(4,854,000)

Less:

Income Deductions..... (25,744,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 7,100 full-time equivalent (FTE) students at Montclair State College. In the event that actual enrollments exceed 7,384, the amount appropriated hereinabove for Montclair State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 7,384, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove appropriated to Montclair State College, all revenues from lease agreements between Montclair State College and corporations operating satellite relay stations are appropriated.

5550 Trenton State College--Grants-In-Aid

11-5550 Instruction	\$20,386,000
12-5550 Sponsored Programs and Research.....	100,000
15-5550 Academic Support	3,274,000
16-5550 Student Services	4,721,000
17-5550 Institutional Support	6,558,000
19-5550 Physical Plant Support Services	<u>8,750,000</u>
Sub-Total General Operations.....	<u>\$43,789,000</u>
Special Funds Expense	\$3,281,000
Auxiliary Funds Expense.....	<u>\$16,700,000</u>
Total All Operations.....	<u>\$63,770,000</u>
<i>Less:</i>	
<i>General Services Income</i>	(<i>\$13,578,000</i>)
<i>Special Funds Income</i>	(<i>3,281,000</i>)
<i>Auxiliary Funds Income</i>	<u>(<i>16,700,000</i>)</u>
Total Income Deductions.....	<u>(<i>\$33,559,000</i>)</u>
Total Appropriation, Trenton State College	<u>\$30,211,000</u>
Personal Services:	
Salaries and wages	(\$27,347,000)
Student aides	(710,000)
Materials and Supplies.....	(4,119,000)
Services Other Than Personal.....	(3,411,000)
Maintenance and Fixed Charges.....	(705,000)
Special Purpose:	
Improving undergraduate education...	(125,000)
Academic development	(100,000)
Challenge for excellence/State colleges.....	(576,000)

Separately budgeted research	(100,000)
Computer graphics	(230,000)
Minority students' recruitment and scholarships	(250,000)
College work-study program (State share)	(37,000)
Trustee scholarships	(1,015,000)
Affirmative action and equal employ- ment opportunity program	(43,000)
Supplementary funding	(1,768,000)
Additions, Improvements and Equipment	(3,253,000)
Special Funds Expense	(3,281,000)
Auxiliary Funds Expense	(16,700,000)
<i>Less:</i>	
<i>Income Deductions</i>	<i>(33,559,000)</i>

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 5,299 full-time equivalent (FTE) students at Trenton State College. In the event that actual enrollments exceed 5,511, the amount appropriated hereinabove for Trenton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 5,511, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5560 Ramapo College of New Jersey--Grants-In-Aid

11-5560 Instruction	\$9,499,000
12-5560 Sponsored Programs and Research	50,000
15-5560 Academic Support	1,319,000
16-5560 Student Services	2,671,000
17-5560 Institutional Support	3,760,000
19-5560 Physical Plant Support Services	<u>4,225,000</u>
Sub-Total General Operations	<u>\$21,524,000</u>
Special Funds Expense	\$1,544,000
Auxiliary Funds Expense	<u>\$7,904,000</u>
Total All Operations	<u>\$30,972,000</u>
<i>Less:</i>	
<i>General Services Income</i>	<i>(\$5,934,000)</i>
<i>Special Funds Income</i>	<i>(1,544,000)</i>
<i>Auxiliary Funds Income</i>	<i>(7,904,000)</i>
<i>Total Income Deductions</i>	<i><u>(\$15,382,000)</u></i>
Total Appropriation, Ramapo College of New Jersey	<u>\$15,590,000</u>
Personal Services:	
Salaries and wages	(\$13,336,000)
Student aides	250,000)

Materials and Supplies	(2,188,000)
Services Other Than Personal.....	(1,492,000)
Maintenance and Fixed Charges	(549,000)
Special Purpose:	
Challenge grant funding.....	(750,000)
Academic development.....	(50,000)
Separately budgeted research.....	(50,000)
Minority recruitment and retention	(100,000)
College work-study program (State share).....	(70,000)
Grants and fellowships.....	(212,000)
Scholarships and loan assistance.....	(160,000)
Supplementary education program grant-Summer.....	(214,000)
Supplementary education program grant	(148,000)
Affirmative action and equal employment opportunity program.....	(113,000)
Supplementary funding	(912,000)
Additions, Improvements and Equipment	930,000)
Special Funds Expense	(1,544,000)
Auxiliary Funds Expense.....	(7,904,000)
Less:	
Income Deductions.....	(15,382,000)

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 2,800 full-time equivalent (FTE) students at Ramapo College of New Jersey. In the event that actual enrollments exceed 2,912, 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 2,912, 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--Grants-In-Aid

11-5570 Instruction.	\$11,983,000
12-5570 Sponsored Programs and Research.....	70,000
15-5570 Academic Support	1,971,000
16-5570 Student Services	2,080,000
17-5570 Institutional Support	3,597,000
19-5570 Physical Plant Support Services	4,959,000
Sub-Total General Operations.	<u>\$24,660,000</u>
Special Funds Expense	\$1,550,000
Auxiliary Funds Expense	<u>\$7,263,000</u>
Total All Operations.	<u>\$33,473,000</u>

Less:

<i>General Services Income</i>	(\$7,863,000)	
<i>Special Funds Income</i>	(1,550,000)	
<i>Auxiliary Funds Income</i>	<u>(7,263,000)</u>	
<i>Total Income Deductions</i>		<u>(\$16,676,000)</u>
Total Appropriation, Richard Stockton State College		<u>\$16,797,000</u>
Personal Services:		
Salaries and wages	(\$16,032,000)	
Student aides	(160,000)	
Materials and Supplies	(2,321,000)	
Services Other Than Personal	(1,615,000)	
Maintenance and Fixed Charges	(726,000)	
Special Purpose:		
Academic development	(60,000)	
Separately budgeted research	(70,000)	
National direct student loan program (State share)	(28,000)	
College work-study program (State share)	(40,000)	
Scholarship and loan assistance	(150,000)	
Affirmative action and equal employ- ment opportunity program	(48,000)	
Supplementary funding	(982,000)	
Additions, Improvements and Equipment	(2,428,000)	
Special Funds Expense	(1,550,000)	
Auxiliary Funds Expense	(7,263,000)	
<i>Less:</i>		
<i>Income Deductions</i>	(16,676,000)	

Actual full-time and part-time undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs and summer session, shall not exceed 4,300 full-time equivalent (FTE) students at Stockton State College. In the event that actual enrollments exceed 4,472, the amount appropriated hereinabove for Stockton State College may be reduced by a sum equal to the tuition receipts collected by the College for those full-time equivalent students above 4,472, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5600 Rutgers, The State University
Rutgers University Programs--Grants-In-Aid

11-5600 Instruction.	\$184,470,000
12-5600 Sponsored Programs and Research	15,075,000
13-5600 Extension and Public Service	3,791,000
14-5600 Auxiliary Services	5,487,000
15-5600 Academic Support	23,601,000
16-5600 Student Services	36,508,000

17-5600 Institutional Support	61,945,000
19-5600 Physical Plant Support Services	<u>61,533,000</u>
Sub-Total General Operations	<u>\$392,410,000</u>
Special Funds Expense	\$99,255,000
Auxiliary Funds Expense	<u>\$102,000,000</u>
Total All Operations	<u>\$593,665,000</u>
<i>Less:</i>	
General Services Income	(\$157,903,000)
Self-Sustaining Income	(5,487,000)
Special Funds Income	(99,255,000)
Auxiliary Funds Income	<u>(102,000,000)</u>
Total Income Deductions	<u>(\$364,645,000)</u>
Total Appropriation, Rutgers University Programs	<u>\$229,020,000</u>
Personal Services:	
Salaries and wages	(\$239,720,000)
Student aides	(2,223,000)
Materials and Supplies	(38,945,000)
Services Other Than Personal	(18,142,000)
Maintenance and Fixed Charges	(8,916,000)
Special Purpose:	
Forum on policy research and public service, Rutgers--Camden	(75,000)
College work-study (State share)	(550,000)
Affirmative action and equal employment opportunity program	(165,000)
Retirement allowances	(675,000)
Special projects	(6,860,000)
Debt service--High technology initiative	(1,800,000)
In-lieu-of-tax payments to New Brunswick	(700,000)
Assessing outcomes	(400,000)
Excellence initiative	(21,975,000)
Student aid	(11,463,000)
Recruitment and retention of minority students	(2,422,000)
Fund for Distinction debt service	(13,000,000)
Supplementary funding	(13,395,000)
Additions, Improvements and Equipment	(10,984,000)
Special Funds Expense	(99,255,000)
Auxiliary Funds Expense	(102,000,000)
<i>Less:</i>	
Income Deductions	(364,645,000)

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in Extension and Public Service programs, shall not exceed 29,548 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 30,730, the amount hereinabove

for Rutgers, The State University, may be reduced by a sum equal to the tuition receipts collected by the University for those FTE students above 30,730, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

For the amounts hereinabove appropriated for the Fund for Distinction debt service, Rutgers, The State University shall obtain the prior approval of the Board of Higher Education for all capital projects supported in whole, or in part, from these amounts.

5620 Agricultural Experiment Station--Grants-In-Aid

12-5620 Sponsored Programs and Research	\$13,312,000
13-5620 Extension and Public Service	<u>6,745,000</u>
Sub-Total General Operations	<u>\$20,057,000</u>
Federal Research and Extension Funds Expense	\$4,250,000
Special Funds Expense	<u>\$18,500,000</u>
Total All Operations	<u>\$42,807,000</u>

Less:

Federal Research and Extension

<i>Funds Income</i>	<i>(\$4,250,000)</i>	
<i>Special Funds Income</i>	<i>(18,500,000)</i>	
<i>Total Income Deductions</i>		<i>(\$22,750,000)</i>
Total Appropriation, Agricultural Experiment Station		<u>\$20,057,000</u>

Personal Services:

Salaries and wages	(\$15,118,000)
Student aides	(137,000)
Materials and Supplies	(355,000)
Services Other Than Personal	(1,146,000)
Maintenance and Fixed Charges	(115,000)

Special Purpose:

Program enhancement	(200,000)
Renovate laboratories	(350,000)
Snyder farm planning and operation ..	(691,000)
Tomato testing	(6,000)
Cooperative extension service	(125,000)
Blueberry and cranberry research	(250,000)
Urban gardening	(150,000)
Supplementary funding	(1,164,000)
Additions, Improvements and Equipment	(250,000)

Federal Research and Extension Funds

Expense	(4,250,000)
Special Funds Expense	(18,500,000)

Less:

<i>Income Deductions</i>	<i>(22,750,000)</i>

Of the amount appropriated hereinabove in the Urban gardening account, \$150,000 shall be allocated for urban gardening programs in Camden, Newark and Trenton.

From the amounts appropriated in the Supplementary funding special purpose account hereinabove, the Director of the Division of Budget and Accounting shall transfer within the appropriations of the Agricultural Experiment Station such amounts as are necessary from the Sponsored Programs and Research program account, to provide funding to the extent possible for the various program accounts at fiscal year 1991 levels.

Total Appropriation, Rutgers, The State University \$249,077,000

5630 University of Medicine and Dentistry of New Jersey--

Grants-In-Aid

11-5630 Instruction	\$95,709,000
13-5630 Extension and Public Service	203,168,000
15-5630 Academic Support	1,711,000
16-5630 Student Services	7,263,000
17-5630 Institutional Support	24,463,000
19-5630 Physical Plant Support Services	29,383,000
20-5630 Core Affiliates	<u>3,721,000</u>
Sub-Total General Operations	<u>\$365,418,000</u>
Special Funds Expense	\$52,711,000
Auxiliary Funds Expense	\$4,737,000
Robert Wood Johnson Community Mental Health Center Expense	\$20,395,000
New Jersey Medical School Community Mental Health Center Expense	<u>\$8,541,000</u>
Total All Operations	<u>\$451,802,000</u>

Less:

<i>General Services Income</i>	<i>(\$28,501,000)</i>	
<i>Hospital Services Income</i>	<i>(164,530,000)</i>	
<i>Capital Facilities Allowance</i>	<i>(6,529,000)</i>	
<i>Core Affiliates Income</i>	<i>(4,003,000)</i>	
<i>Special Funds Income</i>	<i>(52,711,000)</i>	
<i>Auxiliary Funds Income</i>	<i>(4,737,000)</i>	
<i>Robert Wood Johnson Community Mental Health Center Income</i>	<i>(20,395,000)</i>	
<i>New Jersey Medical School Community Mental Health Center Income</i>	<i>(8,541,000)</i>	
Total Income Deductions		<u><i>(\$289,947,000)</i></u>
Total Appropriation, University of Medicine and Dentistry of New Jersey		<u>\$161,855,000</u>
Personal Services:		
Salaries and wages	(\$209,568,000)	
Materials and Supplies	(48,421,000)	
Services Other Than Personal	(36,961,000)	
Maintenance and Fixed Charges	(6,851,000)	

Special Purpose:

Dental residency program	(750,000)
Area health education center	(290,000)
University Hospital debt service-- equipment and renovations	(1,436,000)
Emergency medical service--Camden	(800,000)
University student aid	(3,483,000)
Debt service--High technology initiative	(1,593,000)
Core affiliate--Robert Wood Johnson Medical School--Piscataway	(2,245,000)
Core affiliate--New Jersey School of Osteopathic Medicine.....	(1,476,000)
Excellence initiative - Leadership in health science	(12,297,000)
Supplementary funding	(9,470,000)
Additions, Improvements and Equipment	(29,777,000)
Special Funds Expense	(52,711,000)
Auxiliary Funds Expense.....	(4,737,000)
Robert Wood Johnson Community Mental Health Center expense	(20,395,000)
New Jersey Medical School Community Mental Health Center expense	(8,541,000)
<i>Less:</i> <i>Income Deductions.....</i>	<i>(289,947,000)</i>

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The appropriations for the University are made to Support Units, Educational Units, University Hospital, and Community Mental Health Centers.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the university and contracted organizations are appropriated.

The unexpended balances as of June 30, 1991 in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

5640 New Jersey Institute of Technology--Grants-In-Aid

11-5640 Instruction.	\$31,155,000
12-5640 Sponsored Programs and Research	994,000
13-5640 Extension and Public Service	1,000,000
15-5640 Academic Support	7,034,000

16-5640 Student Services	6,663,000
17-5640 Institutional Support	12,289,000
19-5640 Physical Plant Support Services	<u>7,894,000</u>
Sub-Total General Operations	<u>\$67,029,000</u>
Special Funds Expense	\$12,000,000
Auxiliary Funds Expense	<u>\$5,920,000</u>
Sub-Total All Operations	<u>\$84,949,000</u>
<i>Less:</i>	
General Services Income	(\$26,488,000)
Special Funds Income	(12,000,000)
Auxiliary Funds Income	<u>(5,920,000)</u>
Total Income Deductions	<u>(\$44,408,000)</u>
Total Appropriation, New Jersey Institute of Technology	<u>\$40,541,000</u>
Personal Services:	
Salaries and wages	(39,908,000)
Student aides	(123,000)
Materials and Supplies	(3,318,000)
Services Other Than Personal	(4,143,000)
Maintenance and Fixed Charges	(392,000)
Special Purpose:	
Academic development	(250,000)
NJIT/Burlington County College engineering program	(100,000)
Separately budgeted research	(586,000)
Continuing education	(1,000,000)
Scholarships, grants, fellowships	(3,483,000)
Student activities	(196,000)
Affirmative action and equal employ- ment opportunity program	(60,000)
Board of Trustees	4,000)
Fringe benefits/retirement allowances	(3,000,000)
Excellence initiative	(5,720,000)
Supplementary funding	(2,371,000)
Additions, Improvements and Equipment	(2,375,000)
Special Funds Expense	12,000,000)
Auxiliary Funds Expense	(5,920,000)
<i>Less:</i>	
Income Deductions	(44,408,000)

Actual full-time and part-time undergraduate enrollments, including summer session undergraduate enrollments, exclusive of enrollment in Extension and Public Service programs, shall not exceed 3,750 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 3,900, the amount appropriated hereinabove for New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the Institute for those full-time equivalent students above 3,900,

any such adjustments to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount hereinabove is made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to subsection q. of N.J.S.18A:3-14.

Total Appropriation, Department of Higher Education ...	<u>\$821,845,000</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 L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

From the amounts appropriated hereinabove for the Supplementary funding accounts of the several State colleges, Rutgers, the State University, the University of Medicine and Dentistry of New Jersey and the New Jersey Institute of Technology, the Director of the Division of Budget and Accounting shall transfer within the appropriations of each public college and university such amounts as are necessary from the Instruction or Institutional Support program accounts, to provide funding to the extent possible for the various program accounts at fiscal year 1991 levels.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals--Grants-In-Aid

08-7700 Community Services	<u>\$116,606,000</u>

Total Appropriation, Division of Mental Health and Hospitals.	<u>\$116,606,000</u>

Grants:

Expansion of Children's Services	
Joint Initiative DMHH/DYFS.....	(\$500,000)
Initiative to expand county-based	
children's mental health services...	(1,500,000)
Full funding for implementation of	
involuntary civil commitment law,	
P.L.1987, c.116 (C.30:4-27.1 et seq.)	(2,000,000)
Community care	(89,367,000)
Community Mental Health Center--	
University of Medicine and	
Dentistry--Newark.....	(5,748,000)

Community Mental Health Center-- University of Medicine and Dentistry--Rutgers	(10,760,000)
Cost of Living Adjustment-- Community Services	(6,731,000)

Federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

Savings made available from the reduction of patient populations in the State psychiatric facilities may be transferred to the Community care account subject to the approval of the Director of the Division of Budget and Accounting.

24 Special Health Services
7540 Division of Medical Assistance and Health Services--
Grants-In-Aid

22-7540 General Medical Services	\$1,235,402,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled	<u>53,886,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$1,289,288,000</u>

Grants:

HealthStart	(\$2,475,000)
Garden State Health Plan	(6,180,000)
Payments for Medical Assistance recipients - Nursing homes	(416,791,000)
Payments for Medical Assistance recipients - Inpatient hospital	(380,628,000)
Payments for Medical Assistance recipients - Prescription drugs	(99,000,000)
Payments for Medical Assistance recipients - Outpatient hospital	(65,544,000)
Payments for Medical Assistance recipients - Physician	(37,300,000)
Payments for Medical Assistance recipients - Home health	(31,584,000)
Payments for Medical Assistance recipients - Medicare B payments ..	(23,161,000)
Payments for Medical Assistance recipients - Dental	(13,688,000)
Payments for Medical Assistance recipients - County psychiatric hospitals	(6,733,000)
Payments for Medical Assistance recipients - Medical supplies	(10,993,000)
Payments for Medical Assistance recipients - Clinic	(13,452,000)

Payments for Medical Assistance recipients - Transportation.....	(10,098,000)
Payments for Medical Assistance recipients - Other services	(46,500,000)
Maternal & child health expansion	(14,028,000)
Medicaid expansion to age 19 and 100% of poverty	(1,447,000)
Home health aides rate increase	(800,000)
Medicaid expansion--SOBRA.....	(55,000,000)
Pharmaceutical Assistance to the Aged--Claims	(53,886,000)

All funds recovered pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 1992 are appropriated.

The amounts hereinabove appropriated for Payments for Medical Assistance recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of Medical Assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of Medical Assistance.

The State appropriation is based on a federal financial participation rate of 48.91%; provided however, that if the federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1962, c.222 (C.44:7-76 et seq.), the Medical Assistance to the Aged program is eliminated; provided however, that necessary medical services shall be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

For the purposes of account balance maintenance, all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no over-spending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

A revolving fund is established within the Division of Medical Assistance and Health Services for the operation of the Garden State Health Plan and notwithstanding any provision herein all appropriations and receipts of federal and other non-State funds related to the operation of the plan shall be deposited into the fund and shall be allotted subject to the Director of the Division of Budget and Accounting.

The amounts hereinabove appropriated for payments for Pharmaceutical Assistance to the Aged, P.L.1975, c.194 (C.30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L.1975, c.194 (C.30:4D-20 et seq.) shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

Notwithstanding the provisions of any State law to the contrary, Medicaid coverage for the hospice program provided by P.L.1989, c.251 is deferred until July 1, 1992.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs--Grants-In-Aid

01-7601 Purchased Residential Care	\$153,578,000
02-7601 Social Supervision and Consultation	15,817,000
03-7601 Adult Activities	52,267,000
04-7601 Education and Day Training.....	<u>5,984,000</u>
Total State and Federal Appropriation	<u>\$227,646,000</u>

Less:

Casino Revenue Fund - Grants-in-Aid

Purchased Residential Care..... (\$14,905,000)

<i>Social Supervision and Consultation .</i>	<i>(1,657,000)</i>	
<i>Adult Activities.....</i>	<i>(7,374,000)</i>	
<i>Education and Day Training.....</i>	<i>(551,000)</i>	
<i>Total Casino Revenue Fund - Grants-in-Aid.....</i>		<i>(\$24,487,000)</i>
<i>Federal Funds</i>		
<i>Purchased Residential Care.....</i>	<i>(\$55,175,000)</i>	
<i>Social Supervision and Consultation .</i>	<i>(2,919,000)</i>	
<i>Adult Activities.....</i>	<i>(18,293,000)</i>	
<i>Total Federal Funds.....</i>		<i>(\$76,387,000)</i>
<i>All Other Funds</i>		
<i>Purchased Residential Care.....</i>	<i>(\$4,034,000)</i>	
<i>Education and Day Training.....</i>	<i>(4,020,000)</i>	
<i>Total All Other Funds.....</i>		<i>(\$8,054,000)</i>
<i>Total Appropriation, Community Programs</i>		<i>\$118,718,000</i>
Grants:		
Dental program for non-institutionalized mentally retarded/handicapped children.....	(\$815,000)	
Private institutional care.....	(44,448,000)	
Skill development homes	(4,253,000)	
Group homes	(80,163,000)	
Family care	1,389,000)	
Community care waiver expansion	(13,827,000)	
Purchased residential care.....	(4,034,000)	
Vineland depopulation plan Phase I and II	(866,000)	
Vineland depopulation plan Phase III and IV	(3,783,000)	
Home assistance.....	(8,538,000)	
Social supervision and consultation ...	(2,980,000)	
Social services.....	(1,380,000)	
Developmental Disabilities Council...	(1,380,000)	
Day care services	(383,000)	
Work-study training program for case workers.....	(852,000)	
Early intervention - Developmental Disabilities Council	(159,000)	
Citizens advocacy program	(145,000)	
Purchase of adult activity services	(52,267,000)	
Purchase of day training services	(5,984,000)	
Less:		
<i>Casino Revenue Fund - Grants-in-Aid</i>	<i>(24,487,000)</i>	
<i>Federal Funds.....</i>	<i>76,387,000)</i>	
<i>All Other Funds.....</i>	<i>(8,054,000)</i>	

The Division of Developmental Disabilities is authorized to transfer funds from the Dental program for non-institutionalized developmentally disabled and handicapped children account to the Division of Medical Assistance, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental program for non-institutionalized developmentally disabled and handicapped children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Group home maintenance recoveries during the fiscal year ending June 30, 1992, not to exceed \$2,500,000, are appropriated.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private institutional care account to the Group homes account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any law to the contrary, amounts that become available as a result of the return of persons from private institutional care placements, including in-State and out-of-State placements, shall be available for transfer to community and community support programs, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of those anticipated from county billings for the cost of maintenance and care of patients and residents in State Developmental Centers and Special Residential Services are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired--Grants-In-Aid

11-7560 Habilitation and Rehabilitation.	\$2,229,000
12-7560 Instruction, Community Programs and Prevention..	<u>2,071,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$4,300,000</u>
Grants:	
Services to rehabilitation clients	(\$1,616,000)
State use law and private industry marketing program by rehabilitation facilities	(250,000)
Psychological counseling services	(121,000)
Educational services for children	(1,910,000)
Cost of living adjustment--	
Habilitation and Rehabilitation	(363,000)
Recording for the Blind, Inc.	(40,000)

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7550 Division of Economic Assistance--Grants-In-Aid*

15-7550 Income Maintenance	<u>\$38,591,000</u>
Total Appropriation, Division of Economic Assistance ...	<u>\$38,591,000</u>

Grants:

Food stamp employment - Transportation	(\$105,000)
Realizing Economic Achievement	
(REACH) program	(31,300,000)
Social services for the homeless	(7,186,000)

The commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Realizing Economic Achievement (REACH) program. The reports shall, at a minimum, include the following: the number of cases participating in the program and the number of cases which are exempt from the program, the type of services provided to program participants and the cost of such services, the number of case managers employed by the program, their associated costs and any other administrative costs incurred by the program, the number of participants who have obtained employment, the average hourly wage and benefits provided by the employer and the length of time participants remain employed.

Notwithstanding any State law to the contrary, client participation in the REACH program should be consistent with the federal Job Opportunities and Basic Skills Training (JOBS) program. Specifically, in priority order, REACH/JOBS funds will be expended on behalf of: 1) federally mandated individuals who satisfy federal JOBS target population definitions and volunteers in target populations; 2) mandatory REACH/JOBS participants not meeting target group definitions; and 3) REACH/JOBS volunteers not in the target populations. Further, except for REACH participants enrolled in an education directed activity as of July 1, 1991, the REACH/JOBS program will only serve AFDC families in which the youngest child is at least three years of age.

*55 Social Services Programs**7570 Division of Youth and Family Services--Grants-In-Aid*

16-7570 Initial Response/Case Management	\$2,531,000
17-7570 Substitute Care	127,745,000
18-7570 General Social Services	121,820,000

99-7570 Management and Administrative Services	6,702,000
Total State and Federal Appropriation	<u>\$258,798,000</u>
Less:	
<i>Casino Revenue Fund - Grants-in-Aid</i>	
General Social Services.....	(\$1,603,000)
Management and Administrative Services	<u>(3,204,000)</u>
Total Casino Revenue Fund - Grants-in-Aid	<u>(\$4,807,000)</u>
<i>Federal Funds</i>	
Initial Response/Case Management ...	(\$2,531,000)
Substitute Care.....	(10,857,000)
General Social Services	(38,780,000)
Management and Administrative Services	<u>(1,001,000)</u>
Total Federal Funds	<u>(\$53,169,000)</u>
Total Appropriation, Division of Youth and Family Services	<u>\$200,822,000</u>
Grants:	
Title IV A/E	(\$391,000)
Initial Response/Case Management ...	(1,254,000)
Family violence prevention and services	(213,000)
Dependent care planning and development	(450,000)
Title XIX.....	(223,000)
Title IV-B child welfare services	(745,000)
Title IV A/E	(5,717,000)
Residential/Group home placements..	(62,500,000)
Foster care	(24,500,000)
Subsidized adoption	(16,489,000)
Special home services providers	(1,590,000)
Establish and maintain shelters and services for victims of domestic violence....	(2,139,000)
Low-income energy assistance.....	(127,000)
Purchase of service contracts	(1,099,000)
Title XIX-children in residential centers	(3,169,000)
Child assault prevention project	(900,000)
Purchase of day care services.....	(43,017,000)
Purchase of social services.....	(21,978,000)
Public awareness and child education programs.....	(200,000)
Child care center equipment and renovation fund	(100,000)
State legalization impact assistance grant	(1,502,000)
Family support services.....	(33,817,000)
Protective services for the elderly and disabled	(1,603,000)
Cuban Haitian entrant program-O.H.D.S. Office of Refugee Resettlement.....	(2,056,000)
Low-income energy assistance- Purchase of Service	(104,000)
County Human Services Advisory Boards--formula funding	(9,176,000)

Fisherman's Mark for child care and support services.....	(113,000)
Title IV A/E	(2,991,000)
Family Day Care Provider Registration Act.....	(397,000)
Pediatric Aids grant project.....	(400,000)
National Center for Child Abuse and Neglect.....	(391,000)
Child abuse and neglect State grant - Disabled infants.....	(210,000)
Personal attendant program.....	(5,304,000)
Cost of living adjustment-- Substitute Care	(9,670,000)
Cost of living adjustment-- General Social Services.....	(4,263,000)
<i>Less:</i>	
<i>Casino Revenue Fund - Grants-in-Aid</i>	<i>(4,807,000)</i>
<i>Federal Funds</i>	<i>(53,169,000)</i>

The Division of Youth and Family Services shall publish an annual report detailing the activities of the County Human Services Advisory Boards during State fiscal year 1991. The report shall indicate the total amount of funds made available to the advisory boards for allocation, listing all providers receiving funds and the amount of funds awarded. The report shall be provided to the Director of the Division of Budget and Accounting on or before September 30, 1991.

Receipts in the Marriage license fee fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Establish and maintain shelters and services for victims of domestic violence account, \$309,000 is payable out of the Marriage license fee fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Funds recovered under P.L.1951, c.138 (C.30:4C-1 et seq.) during the fiscal year ending June 30, 1992, are appropriated.

Of the amount hereinabove appropriated for Foster care and Subsidized adoption, the Division of Youth and Family Services may expend up to \$225,000 for recruitment of foster and adoptive families; provided however, that a plan for recruitment and training first shall be approved by the Director of the Division of Budget and Accounting.

The sums hereinabove for the Residential/Group home placements, Foster care, Subsidized adoption, and Family support services accounts are available for the payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the rates paid for the foster care and adoption subsidy programs shall first be approved by the Director of the Division of Budget and Accounting.

Amounts required to return persons presently residing in out-of-State institutions to community programs within the State may be transferred from the Residential/Group home placements account to the appropriate Substitute Care or General Social Services account subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision of any law to the contrary, amounts that become available as a result of the return of persons from in-State and out-of-State residential placements to community programs within the State are transferred from the Residential Group home placements account to the appropriate Substitute Care or General Social Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from counties for persons under the care and supervision of the Division of Youth and Family Services are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated for Special home services providers may be used as the State match for costs associated with any Medicaid waiver obtained by the Division of Medical Assistance and Health Services for this program. Upon receipt of such waiver and the receipt of federal Medicaid reimbursement, the Director of the Division of Budget and Accounting shall reduce the State appropriation for this program by the amount of such reimbursement and notify the Legislative Budget and Finance Officer of this action and the amount by which the State appropriation is being reduced.

55 Social Services Programs

7580 Division of the Deaf and Hard of Hearing--Grants-In-Aid

23-7580 Services for the Deaf	<u>\$107,000</u>
Total Appropriation, Division of the Deaf and Hard of Hearing	<u>\$107,000</u>
Grants:	
Message relay services operated by	
Deaf Contact Centers	(\$107,000)

*70 Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget--Grants-In-Aid*

87-7500 Research, Policy and Planning	<u>\$8,013,000</u>
Total Appropriation, Division of Management and Budget	<u>\$8,013,000</u>
Grants:	
School based youth services program (\$6,661,000)	
Office of Prevention to Prevent	
Mental Retardation	(642,000)
Case management for homeless families	(410,000)
Mini child care center project grants ..	(300,000)
Total Appropriation, Department of Human Services	<u>\$1,776,445,000</u>

62 DEPARTMENT OF LABOR

*50 Economic Planning, Development and Security**54 Manpower and Employment Services--Grants-In-Aid*

07-4535 Vocational Rehabilitation Services	\$12,932,000
10-4545 Employment Development Services	<u>3,900,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$16,832,000</u>
Grants:	
Services to clients (State share)	(\$3,458,000)
Supported employment services	(450,000)
Sheltered workshop support	(8,100,000)
Sheltered workshop employment	
placement incentive program	(250,000)
Fair Lawn School for the Deaf	(170,000)
Independent living centers	(500,000)
Training (State share)	(4,000)
Customized training	750,000)
Governor's employment and training	
program: service delivery area	
allocation	(2,250,000)
Governor's employment and training	
program: customized training	
allocation	(850,000)
Ten thousand jobs for ten thousand	
graduates	(50,000)

The sum hereinabove for the Vocational Rehabilitation Services program classification is available for the payment of obligations applicable to prior fiscal years.

Of the amount hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed \$3,430,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor	<u>\$16,832,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**12 Law Enforcement--Grants-In-Aid*08-1200 Emergency Services \$265,000Total Appropriation, Law Enforcement--Grants-In-Aid ... \$265,000

Grant:

Nuclear emergency response program (\$265,000)

The unexpended balance as of June 30, 1991 for Action grants-
Local match, including the accounts of the several depart-
ments, is appropriated for the same purposes.

Total Appropriation, Department of Law and Public Safety \$265,000

67 DEPARTMENT OF MILITARY AND

VETERANS' AFFAIRS

*80 Special Government Services**83 Services to Veterans**3610 Veterans' Programs Support--Grants-In-Aid*50-3610 Veterans' Outreach and Assistance \$910,000Total Appropriation, Veterans' Programs Support \$910,000

Grants:

Veterans' transportation (\$300,000)

Veterans' orphans' fund--education grants (17,000)

Blind veterans' allowances (46,000)

Paraplegic and hemiplegic veterans'
allowances (237,000)

Association of Blind Veterans (10,000)

Post-traumatic stress disorder (300,000)

Total Appropriation, Department of Military and Veterans' Affairs \$910,000

74 DEPARTMENT OF STATE

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services--Grants-In-Aid*

05-2530 Support of the Arts \$9,675,000

07-2540 Development of Historical Resources 225,000Total Appropriation, Cultural and Intellectual Development Services \$9,900,000

Grants:

Cultural projects (\$9,175,000)

Cultural projects contingency funds... (500,000)

Grants in New Jersey history (210,000)

Grants in Afro-American history (15,000)

The State Council on the Arts may require of recipient groups,
and in the case of those receiving over \$100,000 shall re-
quire, that those groups must demonstrate a Statewide bene-
fit as a result of the grants.

Of the amount hereinabove for Cultural projects, an amount not to exceed \$75,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1991, not to exceed \$125,000, in the Cultural projects account is appropriated for the audit of cultural projects.

The amount hereinabove for the Cultural projects contingency funds account shall be available, pursuant to applications made to the State Council on the Arts, to those artists and organizations that are not awarded funding from the fiscal year 1992 appropriations for Cultural projects grants, that meet criteria for receiving operating subsidies established by the State Council on the Arts, provided the Council take into consideration the threatened financial condition impairing the continuing operation of each applicant artist or organization.

A sum, not to exceed \$200,000, is appropriated from the "Cultural Centers and Historic Preservation Fund," established pursuant to section 20 of P.L.1987, c.265, for costs attributable to planning and administering the cultural center development State grants, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of State. \$9,900,000

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation--Grants-In-Aid

04-6050 New Jersey Transit Corporation

Bus Operations.....	\$285,500,000
Rail Operations	277,600,000
Corporate Operations	38,100,000
Hudson Waterfront Operations	2,200,000
Purchased Transportation.....	<u>32,600,000</u>
Total All Operations.....	<u>\$636,000,000</u>

Less:

Federal Operating Assistance.....	(\$38,200,000)	
Farebox Revenue.....	(340,300,000)	
Other Resources.....	<u>(39,000,000)</u>	
Total Income Deductions.....		<u>(\$417,500,000)</u>

Total Appropriation, Public Transportation	<u>\$218,500,000</u>

Personal Services:

Salaries and wages	(\$410,000,000)
Materials and Supplies.....	(98,300,000)

Services Other Than Personal.....	(53,200,000)
Special Purpose:	
Leases and rentals	(4,400,000)
Purchased transportation	(32,600,000)
Insurance and claims	(29,400,000)
Tolls, taxes and operating expenses ...	(8,100,000)
Less:	
Federal Operating Assistance	(38,200,000)
Farebox Revenue	(340,300,000)
Other Resources	(39,000,000)

64 Planning and General Management Support--Grants-In-Aid

05-6070 Access and Use Management	<u>\$700,000</u>
Total Appropriation, Planning and General Management Support	<u>\$700,000</u>

Grant:

Airport Safety Fund	(\$700,000)

The unexpended balance as of June 30, 1991 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

The amount hereinabove for the Airport Safety Fund is payable out of the "Airport Safety Fund" pursuant to section 4 of P.L.1983, c.264 (C.6:1-92). If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

Total Appropriation, Department of Transportation	<u>\$219,200,000</u>

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services--Grants-In-Aid

03-9720 Civil Courts	\$720,000
04-9725 Criminal Courts	1,720,000
05-9730 Family Courts	605,000
06-9735 Municipal Courts	<u>243,000</u>
Total Appropriation, Judicial Services	<u>\$3,288,000</u>

Grants:

Alternative dispute resolution	(\$720,000)
Speedy trial program, Case processing improvement	(1,224,000)
Public Defender eligibility review	(496,000)
Family crisis intervention	(225,000)
Child Placement Review Boards	(380,000)
Municipal court assistance	(243,000)

The unexpended balance as of June 30, 1991 in these respective accounts is appropriated.

Receipts from charges to the Grant-In-Aid accounts listed hereinabove are appropriated for services provided to these funds.

Total Appropriation, Judiciary	\$3,288,000
Total Appropriation, Grants-In-Aid	<u>\$3,018,034,000</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	\$4,438,000
Total Appropriation, Economic Planning and Development	<u>\$4,438,000</u>

State Aid:

Property Tax Reserve Fund requirements, section 20 of P.L. 1968, c.60 (C.12:11A-20)	(\$1,850,000)
Debt Service Reserve Fund requirements, section 14 of P.L. 1968, c.60 (C.12:11A-14)	(2,588,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the "South Jersey Port Corporation Reserve Fund" under section 14 of P.L.1968, c.60 (C.12:11A-14) and the "South Jersey Port Corporation Tax Reserve Fund" under section 20 of P.L.1968, c.60 (C.12:11A-20), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Commerce, Energy and Economic Development	<u>\$4,438,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS

*40 Community Development and Environmental Management**41 Community Development Management--State Aid*

02-8020 Housing Services	\$14,575,000
04-8030 Local Government Services	265,209,000
06-8015 Uniform Construction Code	<u>46,000</u>
Total Appropriation, Community Development Management	<u>\$279,830,000</u>

State Aid:

Revolving Housing Development and Demonstration Grant Fund	(\$300,000)
Relocation assistance	(600,000)
Neighborhood preservation (P.L.1975, c.248 and c.249)	(2,750,000)
Neighborhood preservation - Fair Housing (P.L.1985, c.222)	(10,925,000)
Municipal aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)	(40,301,000)
Safe and Clean Neighborhoods	(25,890,000)
Safe and Clean: Expanded police services	(25,000,000)

Supplementary aid for fire services (P.L.1985, c.295)	(8,000,000)
Municipal revitalization program.....	(165,000,000)
Aid to depressed rural centers	(518,000)
Payment to urban centers - Raze vacant buildings.....	(500,000)
Municipal memberships in Building Codes Association	(46,000)

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed \$300,000 may be used for administration and technical assistance of the program, and up to \$300,000 may be used for matching on a 50/50 basis for the administrative costs of the Federal Small Cities block grant.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund, a sum not to exceed \$100,000 may be used for administration and technical assistance.

The unexpended balance as of June 30, 1991 in the Neighborhood preservation-fair housing account is appropriated.

Any receipts in excess of the amount anticipated in the Neighborhood preservation-fair housing account are appropriated.

The amount hereinabove for Neighborhood preservation-fair housing is payable from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1968, c.49 (C.46:15-8) and from the receipts of the portion of the realty transfer tax directed to be credited to the Neighborhood Preservation Nonlapsing Revolving Fund pursuant to section 4 of P.L.1975, c.176 (C.46:15-10.1). If the receipts are less than anticipated, the appropriation shall be reduced proportionately.

Of the amount hereinabove for Neighborhood preservation-fair housing, an amount not to exceed \$1,000,000 shall be used to provide technical assistance grants to nonprofit organizations for creating affordable housing opportunities.

Notwithstanding the provisions of P.L.1979, c.118 (C.52:27D-118.1 et seq.), \$4,500,000 of the amount hereinabove for Safe and Clean Neighborhoods is allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar year 1985; provided further, however, that each recipient municipality match its allocation with an equal amount; and provided further, however, that any increase in assistance to any town be used for law enforcement.

Notwithstanding the provisions of section 4 of P.L.1977, c.260 (C.52:27D-165 et seq.), the amount hereinabove for Aid to depressed rural centers shall be distributed in the same amount and to the same municipalities which received such aid in fiscal year 1990 pursuant to the provisions of P.L.1989, c.122.

Notwithstanding the provisions of P.L.1977, c.260 (C.52:27D-162 et seq.), the amount hereinabove for Aid to depressed rural centers shall be used to provide State aid under the "Depressed Rural Centers Aid Act," P.L.1977, c.260 (C.52:27D-162 et seq.).

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the "Local Government Supervision Act (1947)," P.L.1947, c.151 (C.52:27BB-54 et seq.) are in effect, may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to N.J.S.40A:2-8 and any tax anticipation notes issued pursuant to N.J.S.40A:4-64 by such municipality. Such funds, if so pledged, shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

Notwithstanding any provision of P.L.1979, c.118 (C.52:27D-118.1 et seq.), P.L.1985, c.170 (C.52:27D-118.11 et seq.), or P.L.1985, c.295 (C.52:27D-118.17 et seq.) to the contrary, the Director of the Division of Local Government Services is authorized to issue a single payment per program to each local unit receiving aid for Safe and Clean Neighborhoods, Safe and Clean: Expanded police services or Supplementary aid for fire services; provided that the governing body by resolution shall have accepted the terms and conditions of receiving aid prescribed by law, and that compliance with such terms and conditions shall have been certified by the local unit's chief financial officer for the prior grant period; and provided further that the director may conduct appropriate reviews of program records and operations of any municipality at any time.

Notwithstanding any provision of P.L.1976, c.68 (C.40A:4-45.1 et seq.) to the contrary, any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), may expend municipal funds it appropriates for the local program funded from the Safe and Clean: Expanded police services account in accordance with P.L.1985, c.170 (C.52:27D-118.11 et seq.), in an amount not in excess of 25% of the total amount of State aid it receives from the Safe and Clean: Expanded police services account, as an exception to the spending limitations imposed by P.L.1976, c.68 (C.40A:4-45.1 et seq.).

Any loan repayments made pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) are appropriated to the Municipal revitalization program account. The Director of the Division of Local Government Services may reallocate these funds, subject to the approval of the Director of the Division of Budget and Accounting, for additional loans and grants pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.).

Notwithstanding any provisions of the "Local Budget Law," P.L.1960, c.169 (C.40A:4-1 et seq.) to the contrary, the Director of the Division of Local Government Services may require any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), P.L.1989, c.122 or this act, whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), to anticipate and include in its annual budget any additional item or amount of revenue as the director deems to be appropriate and fiscally prudent.

The unexpended balance as of June 30, 1991 in the Municipal aid account is appropriated; and further, notwithstanding the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.), the Director of the Division of Local Government Services may reallocate the unexpended balance to any municipality which is determined to be experiencing fiscal distress pursuant to the provisions of P.L.1987, c.75 (C.52:27D-118.24 et seq.), whether or not the municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26).

Notwithstanding the provisions of P.L.1985, c.379 and any installment agreement specified by the Local Finance Board pursuant thereto, the township of North Bergen shall make annual payments of \$300,000 each during calendar years 1993 and 1994 in repayment of the loan made pursuant to P.L.1985, c.379, in addition to any payments made to discharge the loan pursuant to the provisions of P.L.1989, c.122 and P.L.1990, c.43; and provided further that in repayment of that loan the township of North Bergen shall also pay \$18,000 to the State on or before December 31, 1992, which shall be considered as a payment of 6% simple interest upon the \$300,000 loan principal repayment which would be otherwise due under the installment agreement for calendar year 1992.

The sum hereinabove appropriated for the Municipal revitalization program may be made available, subject to the approval of the Director of the Division of Budget and Accounting, to municipalities experiencing fiscal distress as determined pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) whether or not a municipality is an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26). A municipality which is eligible for assistance pursuant to this provision, but is not an "eligible municipality" as defined in section 3 of P.L.1987, c.75 (C.52:27D-118.26), may make application for assistance to the director and the board, describing the financial condition of the municipality, those circumstances which support a determination of fiscal distress pursuant to P.L.1987, c.75 (C.52:27D-118.24 et seq.) and any other information required by the director.

Of the amount appropriated for the Municipal revitalization program, not more than \$1,000,000 may be used for administration of the program.

50 Economic Planning, Development and Security

55 Social Services Programs - State Aid

08-8060 Programs for the Aging	<u>\$2,245,000</u>
Total Appropriation, Social Services Programs	<u>\$2,245,000</u>
State Aid:	
County Offices on Aging	(\$840,000)
Older Americans Act - State share	(1,405,000)
Total Appropriation, Department of Community Affairs	<u>\$282,075,000</u>

34 DEPARTMENT OF EDUCATION

*30 Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance--State Aid*

01-5120 General Formula Aid.....	\$889,784,000
02-5120 Nonpublic School Aid.....	57,733,000
03-5120 Miscellaneous Grants-in-Aid.....	8,110,000
04-5064 Adult and Continuing Education	2,448,000
07-5065 Special Education.....	<u>13,000,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$971,075,000</u>

State Aid:

Foundation aid-Quality Education Act of 1990	\$880,918,000)
Quality Education Act oversight.....	(8,866,000)
Aid to nonpublic education.....	(7,876,000)
Nonpublic nutrition aid.....	(439,000)
Nonpublic handicapped aid.....	(16,371,000)
Nonpublic auxiliary services aid.....	(19,747,000)
Nonpublic auxiliary services aid-- transportation	(3,300,000)
Nonpublic nursing aid.....	(10,000,000)
Emergency fund.....	(200,000)
Payments for institutionalized children - Unknown district of residence.....	(6,224,000)
Minimum teacher starting salary.....	(1,182,000)
Evening school for the foreign born...	(211,000)
High school equivalency	(1,213,000)
Adult literacy	(1,024,000)
Projects for handicapped infants	(13,000,000)
Educational Information and Resource Center.....	(504,000)

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et 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.

The unexpended balance in the Current expense equalization aid account as of June 30, 1991 is appropriated in an amount equal to the difference between the aid paid in the 1990-1991 school year to a school district operated by the State pursuant to P.L.1987, c.399 (C.18A:7A-34 et seq.) and the aid that the

district would have received had it not appropriated 50 percent of the free balances appropriated in its 1990-1991 school year budget, and, notwithstanding any other law to the contrary, the amount so calculated shall be paid to the district.

The amount appropriated hereinabove for the Quality Education Act oversight account shall be available for the purposes specified in section 38 of P.L.1991, c.62 (C.18A:7D-28.2).

Notwithstanding any other provision of law, the amount of aid appropriated hereinabove for Nonpublic handicapped aid (examination, classification and speech correction services) shall be based on the total district expenditures for the 1989-90 school year multiplied by 1.1548.

In addition to the amounts hereinabove, the Director of the Division of Budget and Accounting may appropriate from balances in the various State aid accounts an amount not to exceed \$3,510,000 to assist any State-operated school district established during State Fiscal Year 1992 pursuant to P.L.1987, c.398 (C.18A:7A-14 et al.) and P.L.1987, c.399 (C.18A:7A-34 et seq.).

33 Supplemental Education and Training Programs--State Aid

20-5062 General Vocational Education Programs	<u>\$6,821,000</u>
Total Appropriation, Supplemental	
Education and Training Programs	<u>\$6,821,000</u>
State Aid:	
Schools of industrial education	(\$21,000)
District and regional vocational	
education	(840,000)
Vocational education.....	(5,460,000)
Work-study program	(500,000)

34 Educational Support Services--State Aid

30-5063 General Academic Education	\$3,075,000
34-5067 Equal Educational Opportunity	14,000,000
37-5120 School Nutrition	6,565,000
38-5120 Facilities Planning and School Building Aid.....	18,463,000
39-5095 Teachers' Pension and Annuity Assistance	<u>41,000</u>
Total Appropriation, Educational Support Services.....	<u>\$42,144,000</u>
State Aid:	
Prekindergarten for urban students.....	(\$2,500,000)
School improvement/ effective schools	(500,000)
Alternative school program for	
disruptive students.....	(75,000)
Desegregation aid.....	(14,000,000)
State school lunch aid	(6,565,000)
School building aid debt service	(18,463,000)
Minimum pension for pre-1955 retirees	(41,000)

The unexpended balance as of June 30, 1991 in the School building aid debt service account is appropriated for the same purpose.

Of the amount hereinabove for Transportation aid, an amount equal to the total earnings of investments of the State Fund for the Support of the Free Public Schools shall first be charged to that fund.

37 Cultural and Intellectual Development Services--State Aid

51-5070 Library Services	<u>\$13,112,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$13,112,000</u>
State Aid:	
Per capita library aid.....	(\$7,665,000)
Emergency aid/incentive grants	(168,000)
Library network	(4,775,000)
Library development aid	(504,000)

The unexpended balance as of June 30, 1991 in the Library construction incentive aid account is appropriated for the same purpose.

Total Appropriation, Department of Education.....	<u>\$1,033,152,000</u>

The unexpended balances as of June 30, 1991 in the State Aid accounts, not to exceed \$650,000, are appropriated except as provided hereinbelow.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

Notwithstanding any other law, contributions to the Teachers' Pension and Annuity Fund shall be paid to the fund not later than June 30, 1992, in amounts and at times as shall be determined by the Director of the Division of Budget and Accounting, along 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, 1991 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 first be charged to investment earnings.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 40 *Community Development and Environmental Management*
 42 *Natural Resource Management--State Aid*

There is appropriated from the "Shore Protection Bond Act of 1983," P.L.1983, c.356, a sum, not to exceed \$500,000, for the costs attributable to planning and administration of the shore protection program.

The unexpended balances as of June 30, 1991 in this account are appropriated.

There is appropriated from interest earnings in the Municipal Stormwater Management and Combined Sewer Overflow Abatement Assistance Fund, such sums as are necessary for costs attributable to the administration of the Clean Shores program, subject to the approval of the Director of the Division of Budget and Accounting.

43 Environmental Quality--State Aid

09-4860 Public Wastewater Facilities	<u>\$3,500,000</u>
Total Appropriation, Environmental Quality	<u>\$3,500,000</u>
State Aid:	
Sewage facility construction- Statewide (\$3,500,000)	

The unexpended balances as of June 30, 1991 in the Environmental Quality-State Aid accounts are appropriated.

The amount appropriated hereinabove for Sewage facility construction-Statewide shall be transferred to the "Wastewater Treatment Fund" established pursuant to section 15 of P.L.1985, c.329 as the match to federal sewerage construction aid.

45 Recreational Resource Management--State Aid

21-4895 Navigational Aids.	<u>\$1,100,000</u>
Total Appropriation, Recreational Resource Management	<u>\$1,100,000</u>
State Aid:	
Dredging of inland waterways--State aid to counties and municipalities, 100% grant (\$1,100,000)	

The unexpended balances as of June 30, 1991 in this account are appropriated.

46 Environmental Planning and Administration--State Aid

99-4800 Management and Administrative Services	<u>\$4,234,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$4,234,000</u>
State Aid:	
Payment of in lieu taxes.....	(\$875,000)

Administration, planning and development activities of the Pinelands Commission	(1,991,000)
County environmental health	(1,000,000)
Mosquito control, research, administration and operations.....	(368,000)

Receipts derived from the rental of property acquired pursuant to P.L.1969, c.138 (C.58:21A-1 et seq.); P.L.1970, c.147 (C.58:21B-1 et seq.); P.L.1971, c.165; P.L.1974, c.102; P.L.1978, c.118; and P.L.1983, c.354, and the unexpended balance as of June 30, 1991 of such receipts, not to exceed \$250,000, are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

Notwithstanding the provisions of any other law, receipts from fines and penalties in excess of those anticipated are appropriated for grants pursuant to the "County Environmental Health Act," P.L.1977, c.443 (C.26:3A2-21 et seq.) in an amount not to exceed \$2,300,000 and for grants to local environmental commissions in an amount not to exceed \$200,000, from the following programs: Air Pollution, P.L.1954, c.212 (C.26:2C-1 et seq.); Coastal Resources, R.S.12:5-6; Pesticides, section 10 of P.L.1971, c.176 (C.13:1F-10); Radiation, section 13 of P.L.1956, c.116 (C.26:2D-13); Water Resources, section 10 of P.L.1977, c.74 (C.58:10A-10); Solid Waste, section 9 of P.L.1970, c.39 (C.13:1E-9); and Hazardous Waste, section 9 of P.L.1970, c.39 (C.13:1E-9).

Such fees, fines and penalties, as deemed appropriate by the Commissioner of Environmental Protection, may be allocated to the Environmental Health Fund as established pursuant to subsection b. of section 11 of P.L.1977, c.443 (C.26:3A2-29) for 100 percent non-matching grants to certified local health agencies for those purposes as specified in P.L.1991, c.99, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Environmental Protection.	<u>\$8,834,000</u>

DEPARTMENT OF HEALTH
20 *Physical and Mental Health*
21 *Health Services--State Aid*

02-4220 Community Health Services.	<u>\$3,000,000</u>
Total Appropriation, Health Services.	<u>\$3,000,000</u>
State Aid:	
Community health services.....	(\$3,000,000)

The capitation is set at 30 cents for the year ending June 30, 1992 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).

Total Appropriation, Department of Health	<u>\$3,000,000</u>

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services--State Aid

06-5400 Aid to County Colleges	<u>\$105,424,000</u>
Total Appropriation, Higher Educational Services	<u>\$105,424,000</u>

State Aid:

Operational costs.....	(\$81,605,000)
Debt service(C.18A:64A-22.1)	(10,141,000)
Employer contributions--alternate benefit program	(11,770,000)
Northern/Central CIM Center	(200,000)
Southern New Jersey CIM Center.....	(200,000)
County College Urban Education.....	(450,000)
Employer contributions--Teachers' Pension and Annuity Fund	(569,000)
Employer contributions--FICA for county college members of TPAF .	(489,000)

Such sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bonds authorized under the provisions of section 1 of P.L.1971, c.12 (C.18A:64A-22.1) are appropriated.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page L-35 in the Governor's Budget Recommendation Document dated January 29, 1991 first shall be charged to the State Lottery Fund.

Total Appropriation, Department of Higher Education....	<u>\$105,424,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services--State Aid

7700 Division of Mental Health and Hospitals

08-7700 Community Services	<u>\$73,786,000</u>
Total Appropriation, Division of Mental Health and Hospitals	<u>\$73,786,000</u>

State Aid:

Support of patients in county mental hospitals.....	(\$73,786,000)

An amount not to exceed \$2,500,000 shall be available for the payment of obligations for outpatient services at county psychiatric hospitals.

Receipts in excess of the county share for the cost of maintenance and care of patients and residents in State psychiatric hospitals are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

53 Economic Assistance and Security--State Aid

7550 Division of Economic Assistance

15-7550 Income Maintenance	<u>\$396,539,000</u>
Total Appropriation, Division of Economic Assistance....	<u>\$396,539,000</u>

State Aid:

Payments to municipalities for cost of General Assistance.....	(\$108,729,000)
Payments for Dependent Children Assistance, Regular segment	(185,283,000)
Payments for Emergency Assistance .	(49,018,000)
Payments for Supplemental Security Income.....	(41,064,000)
Payments for Dependent Children Assistance, Unemployment of father	(7,598,000)
Payments for Dependent Children Assistance, Insufficient employment of parents	(4,847,000)

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under R.S.44:7-14, P.L.1959, c.86 (C.44:10-4 et seq.), P.L.1950, c.166 (C.30:4B-1 et seq.), and P.L.1971, c.209 (C.44:13-1 et seq.), during the fiscal year ending June 30, 1992 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1992 are appropriated.

The sum hereinabove appropriated is available for payment of obligations applicable to prior fiscal years.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

Receipts from counties for persons receiving Old Age Assistance, Disability Assistance, and Assistance for the Blind under the Supplemental Security Income (SSI) program are appropriated for the purpose of providing State aid to the counties, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any provision of State law to the contrary, there will be no further payment for benefits previously provided under the General Assistance Program for the costs of hospitalization for such expenses incurred on or after July 1, 1991.

A portion of the amount hereinabove appropriated for Payments to municipalities appropriated for the cost of general assistance, not to exceed \$1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program established pursuant to P.L.1947 c.156 (C.44:8-107 et seq.). Any funds transferred to the Department of Labor shall be used solely to fund employability teams and other costs to implement this general assistance work program.

In addition to the provisions of section 3 of P.L.1973, c.256, the Department of Human Services shall assess welfare boards at the beginning of each fiscal year in the same proportion that the counties currently participate in the federal categorical assistance programs, in order to obtain the amount of each county's share of the supplementary payments for eligible persons in this State, based upon the number of eligible persons in the county. Welfare boards shall pay the amount assessed.

In addition to the provisions of section 5 of P.L.1959, c.86, for payments that are not eligible for federal financial participation, payment of the State share of expenditures by the county welfare agency for Aid to Families with Dependent children shall be at the rate of 115% during the period July 1 through December 31 of each year and at a rate of 75% during the period January 1 through June 30; provided, that the total payment of the State share of expenditures during the period January 1 through December 31 of each year shall not exceed 95%.

Total Appropriation, Department of Human Services.....	<u>\$470,325,000</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services--State Aid

06-2535 Museum Services.....	<u>\$1,720,000</u>

Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,720,000</u>

State Aid:

Operational grant for Newark Museum	(\$1,720,000)

Total Appropriation, Department of State	<u>\$1,720,000</u>

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*63 *Local Highway Facilities--State Aid*

Capital construction funds are available for allotment by the Commissioner of Transportation subject to the approval of the Director of the Division of Budget and Accounting.

Amounts hereinabove are available for capital construction projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other requirement of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*72 *Governmental Review and Oversight--State Aid*

The unexpended balance as of June 30, 1991 in this account is appropriated.

75 *State Subsidies and Financial Aid--State Aid*

28-2077 County Boards of Taxation.....	\$968,000
29-2088 Locally Provided Services.....	19,110,000
30-2081 Railroad Property Taxes	809,000
31-2082 Business Personal Property Tax Replacement.....	158,704,000
35-2087 Consolidated Police and Firemen's Pension Fund...	6,177,000
36-2081 Municipal Purposes Tax Assistance Fund	30,000,000
27-2085 Other Distributed Tax Replacement Revenues	<u>6,500,000</u>
Total Appropriation, State Subsidies and Financial Aid ...	<u>\$222,268,000</u>
Personal Services:	
County Tax Board members (69).....	(\$968,000)
State Aid:	
Payments to municipalities for	
services to State-owned property...	(19,035,000)
Tuition payments for local assessors..	(75,000)
Payments to municipalities in lieu of	
railroad property tax pursuant	
to P.L.1941, c.291 (C.54:29A-1	
et seq.)	(809,000)
Payments to municipalities to replace	
property tax on business	
personalty	(158,704,000)
State contribution to Consolidated	
Police and Firemen's Pension	
Fund	(6,177,000)

Payments to municipalities pursuant to Municipal Purposes Tax Assistance Program, P.L.1980, c.12 (C.54:1-46 et seq.)	(30,000,000)
Payments to municipalities to replace franchise tax on certain telecommunications carriers	(6,500,000)

Notwithstanding the provisions of P.L.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the Corporation Business Tax Act (1945) and the "Business Personal Property Tax Act," P.L.1966, c.136 (C.54:11A-1 et seq.) shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Financial Business Tax Law (1946)," P.L.1946, c.174 (C.54:10B-1 et seq.), there are appropriated so much of the proceeds derived from the imposition of the financial business tax as may be required for payment to the local taxing districts; provided however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of P.L.1941, c.291 (C.54:29A-1 et seq.), the sum hereinabove appropriated for payments to municipalities in lieu of railroad property tax shall be paid only to those municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located.

There are appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payment to the local taxing districts pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.), and the unexpended balance as of June 30, 1991 shall lapse.

The amount hereinabove appropriated for Payments to municipalities for services to State-owned property shall be apportioned and distributed without regard to the provisions of section 22 of P.L.1981, c.211 (C.54:4-2.2e1).

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to municipalities for State-owned property, the cities of Camden and Newark shall first receive payments for services for new prisons in the same amounts as provided therefor pursuant to P.L.1990, c.43 in fiscal year

1991; that in addition to those payments, the cities of Camden and Newark shall receive payments for services to new prison expansions, derived by applying 40% of the 1989 local purposes tax rate for the taxing district to the actual cost of the expansions.

Notwithstanding the provisions of any other law, of the amount hereinabove for Payments to municipalities for services to State-owned property, municipalities shall first receive payments for services to State Building Authority constructed facilities in the same amounts as provided therefor pursuant to P.L.1990, c.43 in fiscal year 1991.

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; provided however, that the unexpended balance as of June 30, 1991 shall lapse, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1981, c.190, P.L.1981, c.399 and section 22 of P.L.1981, c.211 (C.54:4-2.2e1), the city of Camden shall receive the full prorated share of the in lieu of tax payments in fiscal year 1992.

The unexpended balance as of June 30, 1991 from the taxes collected pursuant to P.L.1940, c.4 (C.54:30A-16 et seq.) and P.L.1940, c.5 (C.54:30A-49 et seq.) shall lapse.

Notwithstanding the provisions of section 2 of P.L.1980, c.10 (C.54:30A-24.1) and section 4 of P.L.1980, c.11 (C.54:30A-61.1), the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during fiscal year 1992 shall be \$685,000,000; provided however, that amounts collected in excess of these sums shall be anticipated as revenue for general State purposes.

The sum appropriated hereinabove for Other Distributed Tax Replacement Revenues shall be distributed not later than November 1, 1991, to eligible municipalities as provided in subsection b. of section 5 of P.L.1989, c.2 (C.54:30A-24.2), except that any amounts remaining undistributed following the application of that subsection shall be allocated and distributed on a proportionate basis to those qualifying and participating municipalities receiving a distribution in calendar year 1991 from the "Municipal Purposes Tax Assistance

Fund" established pursuant to section 3 of P.L.1980, c.12 (C.54:1-48). The Director of the Division of Taxation shall certify the distribution as herein provided.

Of the amount appropriated hereinabove for the Payments to municipalities for State-owned property account, and in addition to payments pursuant to P.L.1977, c.272 (C.54:4-2.2a et seq.), the city of Newark shall receive payments for services to the Department of Transportation building, derived by applying 40 percent of the 1991 local purposes tax rate for the taxing district to the actual cost of the building, but not to exceed \$256,000.

Total Appropriation, Department of the Treasury	\$222,268,000
Total Appropriation, State Aid	<u>\$2,131,236,000</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, 1991, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1992. 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, 1991, 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, 1992 is fixed by law.

If the sum provided hereinabove for a State aid payment pursuant to formula is insufficient to meet the full requirement of the formula, all recipients of State aid shall have their allocation proportionately reduced.

CAPITAL CONSTRUCTION

01 LEGISLATURE

70 Government Direction, Management and Control

71 Legislative Activities

The unexpended balance as of June 30, 1991 in the Legislature is appropriated.

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

50 Economic Planning, Development and Security

51 Economic Planning and Development

The unexpended balance as of June 30, 1991 in this department is appropriated.

20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

2920 New Jersey Public Broadcasting Authority

50 Economic Planning, Development and Security

51 Economic Planning and Development

The unexpended balance as of June 30, 1991 in this department is appropriated.

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

18 Juvenile Correctional Services

19 Central Planning, Direction and Management

The unexpended balance as of June 30, 1991 in this department is appropriated.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

5010 Division of Direct Services

32 Operation and Support of Educational Institutions
5011 Marie H. Katzenbach School for the Deaf

33 Supplemental Education and Training Programs

35 Education Administration and Management

37 Cultural and Intellectual Development Services
5070 Division of State Library

The unexpended balance as of June 30, 1991 in this department is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION
40 Community Development and Environmental Management
42 Natural Resource Management

There is appropriated from the Fish, Game and Wildlife Recreational Development, and the Fish, Game and Wildlife Renovation and Improvements accounts, and from the Shore Protection account such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

44 Hazardous and Toxic Pollution Control

There is appropriated from the Hazardous site mitigation-State-wide site cleanup account, the "Hazardous Discharge Fund" created pursuant to section 14 of the "Hazardous Discharge Bond Act," P.L.1981, c.275, or the "Hazardous Discharge Fund of 1986" created pursuant to section 14 of the "Hazardous Discharge Bond Act of 1986," P.L.1986, c.113, an amount not to exceed \$7,500,000 for costs attributable to planning, contracting, engineering, construction, inspection, laboratory, scientific and administrative services of the Hazardous waste site cleanup program, and to compel potential responsible parties to clean up hazardous waste sites and for related State oversight and inspection of such cleanups, subject to the approval of the Director of the Division of Budget and Accounting; provided that any amounts appropriated in excess of \$5,000,000 are subject to the approval of the Joint Budget Oversight Committee.

The amount appropriated hereinabove for Hazardous site mitigation-Statewide site cleanup shall be credited to the "Hazardous Discharge Site Cleanup Fund" in accordance with P.L.1986, c.144.

45 Recreational Resource Management

Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts for improvements to existing State-owned structures or for the construction of new facilities at Waterloo Village.

There is appropriated from the Development and State land acquisition accounts such sums as are necessary for costs attributable to planning and administration of these programs, subject to the approval of the Director of the Division of Budget and Accounting.

45 Recreational Resource Management

4876 Palisades Interstate Park Commission

46 Environmental Planning and Administration

The unexpended balance as of June 30, 1991 in this department is appropriated.

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

The unexpended balance as of June 30, 1991 in this department is appropriated.

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

5494 State College Construction

5600 Rutgers, The State University

5630 University of Medicine and Dentistry of New Jersey

5640 New Jersey Institute of Technology

The unexpended balance as of June 30, 1991 in this department is appropriated.

54 DEPARTMENT OF HUMAN SERVICES

*20 Physical and Mental Health**23 Mental Health Services**7700 Division of Mental Health and Hospitals**30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7600 Division of Developmental Disabilities**50 Economic Planning, Development and Security**55 Social Services Programs**7570 Division of Youth and Family Services**70 Government Direction, Management and Control**76 Management and Administration*

The unexpended balance as of June 30, 1991 in this department is appropriated.

The Department of Human Services shall prepare by March 1, 1992, a comprehensive plan to guide the expenditure of funds provided pursuant to the "Public Purpose Buildings and Community-Based Facilities Construction Bond Act of 1989," P.L.1989, c.184.

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**11 Vehicular Safety**12 Law Enforcement**19 Central Planning, Direction and Management**80 Special Government Services**82 Protection of Citizens' Rights*

The unexpended balance as of June 30, 1991 in this department is appropriated.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

*10 Public Safety and Criminal Justice**14 Military Services*

80 Special Government Services

83 Services to Veterans

3610 Veterans' Program Support

3630 Menlo Park Veterans' Memorial Home

3640 Paramus Veterans' Memorial Home

3650 Vineland Veterans' Memorial Home

The unexpended balance as of June 30, 1991 in this department is appropriated.

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

70 Government Direction, Management and Control

74 General Government Services

The unexpended balance as of June 30, 1991 in this department is appropriated.

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

Capital Project:

Transportation Trust Fund Account ... (\$331,000,000)

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1991 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

The sum provided hereinabove for the Transportation Trust Fund Account shall be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27 as amended by P.L.1987, c.460, from increases in fees charged for commercial motor vehicles, and from funds received or receivable from the various transportation-oriented authorities.

In addition to the amount hereinabove for State Highway Facilities, such other sums as the Director of the Division of Bud-

get and Accounting shall determine, provided in Inter-Departmental Accounts for employee benefits, shall be considered as appropriated on behalf of State Highway Construction and Transportation Construction Engineering and be available for matching federal funds.

62 Public Transportation

Total Appropriation, Department of Transportation..... \$331,000,000

The unexpended balance as of June 30, 1991 in this department is appropriated.

There is appropriated the sum of \$593,250,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority, pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) for the specific projects identified under the 20 general program headings as follows:

Route	Section	Description	County	Amount
1. BRIDGES				
		North Ninth Street over NJ Transit, Montclair Branch	Essex	(\$912,000)
		Fanny Road over NJ Transit, Boonton Line	Morris	(107,000)
		Cregar Road over NJ Transit, Raritan Valley Line	Hunterdon	(23,000)
4	2Y	Bridge over Kinderkamack Road and Hackensack Ave. over Route 4	Bergen	(413,000)
9/35	1F25C	Edison Bridge over Raritan River	Middlesex	(851,000)
9	15D	Bridge over Nacote Creek	Atlantic	(148,000)
17	2N	Farview Ave. over Route 17	Bergen	(64,000)
23	2N	Southbound Bridge over Route 46	Passaic	(323,000)
23	5D	Two southbound bridges over Pequannock River, vicinity of Clinton Road	Passaic	(84,000)
30	(7)	Bridge over NJ Transit, Atlantic City Line	Camden	(213,000)
46	11H	Bridge over Passaic River	Morris	(720,000)
71	1C	Bridge over Deal Lake	Monmouth	(2,202,000)
72	8D	Bridges over Manahawkin Bay, East Thorofare, West Thorofare, and Hillards Thorofare	Ocean	(2,201,000)
130	(2)	Bridge over Oldmans Creek	Salem	(227,000)
130	(4)	Bridges over Little Timber Creek and south branch of Newton Creek	Camden	(78,000)
156	1A	Bridge over Doctors Creek	Mercer	(93,000)
166	1E	Bridge over Jakes Branch of Toms River	Ocean	(215,000)

202	7D8D	Bridges over south branch of Raritan River, Conrail, and Black River and Western Rail Line	Hunterdon	(1,152,000)
		Bridge inspection	Various	(1,236,000)
		Miscellaneous	Various	(600,000)
		Various local bridge projects sponsored by local jurisdictions	Various	(4,902,000)
2. CONSOLIDATED PRIMARY SYSTEM				
		Highway lighting contract No. 11; Routes 95, 295 and 195	Mercer	(800,000)
		Miscellaneous	Various	(1,682,000)
		Traffic Signal No. 9, computerized traffic signals, Morristown	Morris	(346,000)
		Traffic Signal No. 17, computerized traffic signals, Route 73	Burlington	(586,000)
1	2J3G	Washington Road to Princeton-Plainsboro Rd.	Mercer	(173,000)
1	2K	Alexander Road to Washington Road, "Dinky" railroad overpass	Mercer	(1,163,000)
1	2L	Quaker Bridge Road to Alexander Road, including Alexander Road interchange	Mercer	(5,215,000)
1/295	2M9E	Grovers Mill Road Extension at Motor Vehicle Station	Mercer	(963,000)
1&9/46	1J16P	Overpeck to Broad Ave., Broad Ave. to Fletcher Ave.	Bergen	(4,206,000)
4	(13)	Hackensack Ave. to River Road	Bergen	(258,000)
9	12C	Intersection at Oak Ave.	Atlantic	(107,000)
15/181	(1)	Route 15: Rock Cuts No.2 (MP 4.75-5.00) and No. 4 (MP 10.35); Route 181: Rock Cut No. 5 (MP 80)	Sussex	(305,000)
18	1K6G	Vicinity of Milltown Road to vicinity of Main Street	Middlesex	(309,000)
18	2F7E	Vicinity of Route 1 to vicinity of New Street	Middlesex	(426,000)
18	(2)	Computerized traffic control system	Middlesex	(482,000)
18	(3)	River Road to Route 287	Middlesex	(718,000)
18F	9E10J	Dutchlane Road to Normandy	Monmouth	(1,075,000)
	1E2F	Road and Deal Road to 18th Ave.		
29F/195	10G	Route 29 west of interchange 295 & 195 to Lambertson Street	Mercer	(8,410,000)
30	5G	Vicinity of Chester Ave. to Shore Road	Atlantic	(1,396,000)
31	8L	South of Harrison Street to vicinity of Halstead Street	Hunterdon	(504,000)
46	19D	Old Route 163 and abandoned railroad over Route 46	Warren	(312,000)
47	3A4A	South of Hand Ave. to north of Goshen-Swainton Road	Cape May	(2,450,000)

70/154/41	1G2F3D	Ellisburg Circle	Camden	(2,137,000)
70	1K2H	Route 38 to Route 73	Camden	(1,576,000)
72	8D	Bridges over Manahawkin Bay, East Thorofare, West Thorofare, and Hillards Thorofare	Ocean	(351,000)
130	(11)	Intersections at Cedar Lane and Delaware Ave.	Burlington	(34,000)
202	7D8D	Bridges over south branch of Raritan River, Conrail, and Black River and Western Rail Line	Hunterdon	(392,000)
206/94	1B	Trinity Street to north of Newton-Hampton line	Sussex	(912,000)
208	3S	Route 4 to vicinity of Berdan Ave.	Bergen	(1,213,000)
287	2M	Interchange at South Randolphville Road	Middlesex	(1,816,000)
571		Wallace Road to Clarksville Road	Mercer	(126,000)
3. CORRIDOR SAFETY IMPROVEMENT				
1	5E6S	Adams/Cozzens Lane to Route 130	Middlesex	(67,000)
4. HAZARD ELIMINATION				
9	3K20G	Vicinity of Route 70 Interchange and Dugan Place to north of Church Road	Ocean	(140,000)
46	7G	Route 46 at Drake Ave.	Morris	(251,000)
		Miscellaneous	Various	(488,000)
5. HIGHWAY PLANNING AND RESEARCH				
		Planning and research	Various	(1,233,000)
6. INTERSTATE DEDESIGNATION				
1	2K	Alexander Road to Washington Road, "Dinky" railroad overpass	Mercer	(26,000)
1	5E6S	Adams/Cozzens Lane to Route 130	Middlesex	(1,334,000)
		Miscellaneous	Various	(300,000)
7. INTERSTATE				
29F/195	10G	Route 29 west of interchange of 295 & 195 to Lamberton Street	Mercer	(2,876,000)
295	7J	Route 195 Interchange to north of Crosswicks Creek	Mercer	(4,618,000)
		Miscellaneous	Various	(500,000)
8. INTERSTATE 4R				
78	2AB3T	Eastbound roadway from west of County Route 635 to east of Cowperthwaite Road	Hunterdon	(1,843,000)
78	2Y3R	Westbound roadway from west of County Route 635 to east of Cowperthwaite Road	Hunterdon	(1,728,000)

78	(11)	Truck weigh station	Somerset	(191,000)
80	3AG	East of Troy Road to east of Beverwyck Road	Morris	(113,000)
80	(6)	Truck weigh station	Morris	(241,000)
287	5S4N	South of Route 78 to vicinity of Route 22	Somerset	(94,000)
287	5T6N	South of Route 78 to	Somerset	(131,000)
	7H8M9P	Route 24		
287/206	(13)	Route 206 over I-287	Somerset	(60,000)
295/48	1AN1B	Interchange of Route 295 and Route 48	Salem	(573,000)
295	(2)	Truck weigh station	Salem	(443,000)
		Noise barriers, Statewide	Various	(1,534,000)
		Miscellaneous	Various	(163,000)
9. RAIL HIGHWAY				
		Rail Highway Crossing Program	Various	(618,000)
10. RURAL SECONDARY				
		Local Rural Secondary Program	Various	(1,826,000)
11. STATE				
1/9	(22)	Hackensack River drawbridge repairs	Hudson	(1,579,000)
22		Blue Star Drive landscaping	Union	(340,000)
30	5F4E	Shore Road to East Riverside Drive	Atlantic	(23,984,000)
31	7C	Allerton Road to Route 78	Hunterdon	(3,800,000)
55F		Route 55 freeway extension study	Cumberland	(284,000)
70	14J	Intersection at Cedar Bridge Road	Ocean	(332,000)
78		Martinsville Road	Somerset	(2,000,000)
80/287		High occupancy vehicle study of Route 80 from Route 15 to Route 280; and Route 287 from Route 22 to Route 80	Morris/ Somerset	(750,000)
168		Gloucester/Camden county line to Third Ave.	Camden	(454,000)
27		Municipal Blvd. to Vineyard Road	Middlesex	(254,000)
280/95		Emergency call boxes, Area C (Regions 1 & 2)	Various	(1,707,000)
		Atlantic City International Airport	Atlantic	(12,134,000)
		Advance acquisition of right-of-way	Various	(507,000)
		Betterments	Various	(50,680,000)
		Bridge painting	Various	(8,134,000)
		Corridor planning and preliminary engineering	Various	(1,284,000)
		Equipment purchase	Various	(15,000,000)
		Equipment rental	Various	(3,000,000)
		"MAGIC", traffic management system	Various	(1,134,000)

		Miscellaneous	Various	(7,181,000)
		Miscellaneous environmental costs	Various	(567,000)
		Noise barriers, Statewide	Various	(12,770,000)
		Non-participating	Various	(8,300,000)
		Park and ride program	Various	(2,300,000)
		Physical plant	Various	(14,000,000)
		Rail freight projects	Various	(3,000,000)
		Transportation Management Systems	Various	(1,000,000)
		Strategic highway research program, automatic vehicle classifiers	Various	(813,000)
		South Jersey recreational traffic study	Cape May	(284,000)
		Transportation Management Association program	Various	(1,400,000)
		Traffic signal replacement	Various	(5,670,000)
		Wetlands mitigation bank	Various	(454,000)
12. CAPITAL PROGRAM IMPLEMENTATION				
		Current and previously authorized program implementation costs, DOT and NJT Corp.	Various	(40,203,000)
13. STATE AID				
		State Aid in lieu of federal urban system funds	Various	(35,000,000)
		County Aid	Various	(15,000,000)
		Municipal Aid	Various	(35,000,000)
14. URBAN SYSTEM				
		Local FAUS backlog	Various	(1,401,000)
		Waterfront Blvd. (6), Hillside Road to Gorge Road	Hudson	(260,000)
		Waterfront Blvd. (7), Gorge Road to Route 5	Hudson	(137,000)
1/9/46	1J16P	Overpeck to Broad Ave., Broad Ave. to Fletcher Ave.	Bergen	(1,674,000)
35	(10)	Intersection at Seagirt and Atlantic Aves.	Monmouth	(54,000)
36	4C	Ocean Ave. to Church Street	Monmouth	(1,250,000)
41	1B	Route 47 to Cooper Street	Gloucester	(26,000)
47	10D	G Street to Sharp Street	Cumberland	(53,000)
		Miscellaneous	Various	(750,000)
15. VARIOUS FEDERAL SYSTEMS				
		State force training	Various	(188,000)
16. RAIL				
		• Rail Infrastructure	Various	

	Track rehabilitation		(3,600,000)
	Bridge rehabilitation		(2,700,000)
	Electrical traction system		(780,000)
	Overhead highway bridges		(390,000)
	Centralized traffic control improvements on the Northeast Corridor line		(1,600,000)
	Support facilities/equipment		(6,520,000)
• Rail Rolling Stock		Various	
	Arrow III overhaul and conversion		(21,150,000)
	Locomotive overhaul/remanufacture		(9,430,000)
	Bombardier lease payment for existing coaches		(9,530,000)
	Associated capital maintenance		(2,100,000)
• Rail Passenger Facilities			
	Hoboken Terminal roof replacement	Hudson	(3,270,000)
	Stations/terminals, parking and sign improvements	Various	(10,770,000)
• Rail New Initiatives			
	Penn Station New York/Northeast Corridor signal system	Essex/ Hudson/ PSNY	(10,000,000)
	Penn Station New York/Northeast Corridor electrical traction	Essex/ Hudson/ PSNY	(7,170,000)
	Kearny Connection	Essex/ Hudson	(21,000,000)
	Hunter Connection design	Union/ Essex	(1,070,000)
	Boonton/Montclair alternative	Essex	(1,050,000)
17. BUS			
• Bus Maintenance Facilities and Support Equipment			
	Wayne bus facility	Passaic	(2,570,000)
	Support facilities/equipment	Various	(4,020,000)
• Bus Rolling Stock		Various	
	Buses/vans		(4,250,000)
• Bus Passenger Facilities		Various	
	Passenger amenities/park and ride improvements		(980,000)
18. WATERFRONT			
	Hudson waterfront transitway, Phase I	Hudson	(540,000)
19. CAPITALIZED MAINTENANCE			
		Various	
	Rail maintenance of equipment, heavy repairs		(21,200,000)
	Rail maintenance of way, major repairs		(10,700,000)
	Bus vehicle and facility maintenance		(23,200,000)

20. CORPORATE HEADQUARTERS	Various
Property lease payments	(3,680,000)
Special services match for federal funds, vehicles and ADA compliance	(330,000)
Management information system upgrade	(1,340,000)
Private carrier capital improvement program	(300,000)
Claims support	(3,000,000)
Environmental compliance	(600,000)
Immediate action	(9,720,000)

The unexpended balances as of June 30, 1991 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provision of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations by specific project identified in this act, the commissioner may transfer funds among projects within the same general program heading subject to the approval of the Director of the Division of Budget and Accounting. The commissioner shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different general program headings. If the Director of the Division of Budget and Accounting shall consent thereto, he shall transmit the request to transfer funds among projects within different general program headings to the Legislative Budget and Finance Officer for his approval or disapproval and return to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor is empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any transfer.

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

74 General Government Services

Capital Project:

Life Safety and Emergency

Projects Statewide (\$10,000,000)

76 Management and Administration

Total Appropriation, Department of the Treasury \$10,000,000

The unexpended balance as of June 30, 1991 in this department is appropriated.

Total Appropriation, Capital Construction.....	<u>\$341,000,000</u>

Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1991 in the Capital Construction accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

DEBT SERVICE
10 DEPARTMENT OF AGRICULTURE
70 Government Direction, Management and Control
76 Management and Administration

99-3370 Interest on Bonds.....	\$3,141,000
99-3370 Bond Redemption.....	<u>2,612,000</u>
Total Appropriation, Department of Agriculture	<u>\$5,753,000</u>

Special Purpose:

Interest:

Farmland Preservation Bonds	
(P.L.1981, c.276).....	(\$2,949,000)
Farmland Preservation Refunding	
Bonds (P.L.1985, c.74).....	(86,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183).....	(106,000)

Redemption:

Farmland Preservation Bonds	
(P.L.1981, c.276)	(2,525,000)
Farmland Preservation Refunding	
Bonds (P.L.1985, c.74).....	(11,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183).....	76,000)

20 DEPARTMENT OF COMMERCE, ENERGY
AND ECONOMIC DEVELOPMENT
30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services

99-2920 Interest on Bonds	\$125,000
99-2920 Bond Redemption	<u>240,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$365,000</u>

Special Purpose:

Interest:

Public Buildings Construction

Bonds (P.L.1968, c.128) (\$125,000)

Redemption:

Public Buildings Construction

Bonds (P.L.1968, c.128) (240,000)

*50 Economic Planning, Development and Security**51 Economic Planning and Development*

99-2910 Interest on Bonds	\$5,700,000
99-2910 Bond Redemption	<u>4,351,000</u>
Total Appropriation, Economic Planning and Development	<u>\$10,051,000</u>

Special Purpose:

Interest:

Community Development Bonds

(P.L.1981, c.486) (\$1,748,000)

Jobs, Science and Technology

Bonds (P.L.1984, c.99) (2,860,000)

Community Development Refunding

Bonds (P.L.1985, c.74) (478,000)

Jobs, Science and Technology

Refunding Bonds

(P.L.1985, c.74) (184,000)

Jobs, Education and Competitiveness

Bonds (P.L.1988, c.78) (430,000)

Redemption:

Community Development Bonds

(P.L.1981, c.486) (1,630,000)

Jobs, Science and Technology

Bonds (P.L.1984, c.99) (2,284,000)

Community Development Refunding

Bonds (P.L.1985, c.74) (108,000)

Jobs, Science and Technology

Refunding Bonds

(P.L.1985, c.74) (23,000)

Jobs, Education and Competitiveness

Bonds (P.L.1988, c.78) (306,000)

Total Appropriation, Department of

Commerce, Energy and Economic Development.... \$10,416,000**22 DEPARTMENT OF COMMUNITY AFFAIRS***70 Government Direction, Management and Control**76 Management and Administration*

99-8070 Interest on Bonds	\$1,097,000
99-8070 Bond Redemption	<u>1,774,000</u>
Total Appropriation, Department of Community Affairs..	<u>\$2,871,000</u>

Special Purpose:

Interest:

State Housing Assistance Bonds (P.L.1968, c.127)	(\$136,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(696,000)
State Mortgage Assistance Refund- ing Bonds (P.L.1985, c.74)	(265,000)

Redemption:

State Housing Assistance Bonds (P.L.1968, c.127)	(500,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(950,000)
State Mortgage Assistance Refund- ing Bonds (P.L.1985, c.74)	(324,000)

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-7000 Interest on Bonds	\$25,151,000
99-7000 Bond Redemption	<u>20,624,000</u>
Total Appropriation, Department of Corrections	<u>\$45,775,000</u>

Special Purpose:

Interest:

State Institution Construction Bonds (P.L.1960, c.156)	(\$4,000)
Public Buildings Construction Bonds (P.L.1968, c.128)	(354,000)
Institutions Construction Bonds (P.L.1976, c.93)	(1,146,000)
Institutional Construction Bonds (P.L.1978, c.79)	(455,000)
Public Purpose Buildings Construc- tion Bonds (P.L.1980, c.119)	(1,985,000)
Correctional Facilities Construc- tion Bonds (P.L.1982, c.120)	(6,150,000)
Institutions Construction Refund- ing Bonds (P.L.1985, c.74)	(592,000)
Institutional Construction Refund- ing Bonds (P.L.1985, c.74)	(972,000)
Public Purpose Buildings Construc- tion Refunding Bonds (P.L.1985, c.74)	(1,253,000)
Correctional Facilities Construc- tion Refunding Bonds (P.L.1985, c.74)	(4,051,000)

Correctional Facilities Construction Bonds (P.L.1987, c.178)	(7,953,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184)	(236,000)
Redemption:	
State Institution Construction Bonds (P.L.1960, c.156)	(188,000)
Public Buildings Construction Bonds (P.L.1968, c.128)	(680,000)
Institutions Construction Bonds (P.L.1976, c.93)	(1,401,000)
Institutional Construction Bonds (P.L.1978, c.79)	(713,000)
Public Purpose Buildings Construction Bonds (P.L.1980, c.119)	(3,197,000)
Correctional Facilities Construction Bonds (P.L.1982, c.120)	(5,565,000)
Institutions Construction Refunding Bonds (P.L.1985, c.74)	(636,000)
Institutional Construction Refunding Bonds (P.L.1985, c.74)	(1,056,000)
Public Purpose Buildings Construction Refunding Bonds (P.L.1985, c.74)	(577,000)
Correctional Facilities Construction Refunding Bonds (P.L.1985, c.74)	(692,000)
Correctional Facilities Construction Bonds (P.L.1987, c.178)	(5,750,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L.1989, c.184)	(169,000)

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

35 Education Administration and Management

99-5095 Interest on Bonds	\$768,000
99-5095 Bond Redemption	<u>1,264,000</u>
Total Appropriation, Department of Education	<u><u>\$2,032,000</u></u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$458,000)
Institutional Construction Bonds (P.L.1978, c.79)	(99,000)
Institutional Construction Refunding Bonds (P.L.1985, c.74)	(211,000)

Redemption:

Public Buildings Construction Bonds (P.L. 1968, c. 128)	(880,000)
Institutional Construction Bonds (P.L. 1978, c. 79)	(155,000)
Institutional Construction Refunding Bonds (P.L. 1985, c. 74)	(229,000)

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds	\$72,292,000
99-4800 Bond Redemption	<u>79,116,000</u>
Total Appropriation, Department of Environmental Protection	<u>\$151,408,000</u>

Special Purpose:

Interest:

State Recreation and Conservation Land Acquisition Bonds (P.L. 1961, c. 46)	(\$20,000)
Water Conservation Bonds (P.L. 1969, c. 127)	(4,649,000)
State Recreation and Conservation Land Acquisition Bonds (P.L. 1971, c. 165)	(1,212,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L. 1974, c. 102)	(3,869,000)
Clean Waters Bonds (P.L. 1976, c. 92)	(3,718,000)
Beaches and Harbors Bonds (P.L. 1977, c. 208)	(762,000)
State Land Acquisition and Development Bonds (P.L. 1978, c. 118) ..	(5,265,000)
Emergency Flood Control Bonds (P.L. 1978, c. 78)	(1,128,000)
Natural Resources Bonds (P.L. 1980, c. 70)	(3,185,000)
Water Supply Bonds (P.L. 1981, c. 261)	(11,262,000)
Hazardous Discharge Bonds (P.L. 1981, c. 275)	(3,015,000)
1983 New Jersey Green Acres Bonds (P.L. 1983, c. 354)	(5,499,000)
Shore Protection Bonds (P.L. 1983, c. 356)	(1,767,000)
Water Conservation Refunding Bonds (P.L. 1985, c. 74)	(333,000)

State Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(4,485,000)
Emergency Flood Control Refunding Bonds (P.L.1985, c.74)	(222,000)
Natural Resources Refunding Bonds (P.L.1985, c.74)	(1,317,000)
Water Supply Refunding Bonds (P.L.1985, c.74)	(1,204,000)
1983 New Jersey Green Acres Refunding Bonds (P.L.1985, c.74)	(638,000)
Shore Protection Refunding Bonds (P.L.1985, c.74)	(586,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(3,228,000)
Clean Waters Refunding Bonds (P.L.1985, c.74)	(222,000)
Beaches and Harbors Refunding Bonds (P.L.1985, c.74)	(550,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(686,000)
Wastewater Treatment Bonds (P.L.1985, c.329)	(11,352,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(1,241,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(526,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(351,000)
Redemption:	
State Recreation and Conservation Land Acquisition Bonds (P.L.1961, c.46)	(1,000,000)
Water Conservation Bonds (P.L.1969, c.127)	(10,330,000)
State Recreation and Conservation Land Acquisition Bonds (P.L.1971, c.165)	(5,430,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L.1974, c.102)	(6,030,000)
Clean Waters Bonds (P.L.1976, c.92)	(5,380,000)

Beaches and Harbors Bonds (P.L.1977, c.208)	(1,455,000)
State Land Acquisition and Develop- ment Bonds (P.L.1978, c.118) ..	(6,150,000)
Emergency Flood Control Bonds (P.L.1978, c.78)	(1,200,000)
Natural Resources Bonds (P.L.1980, c.70)	(5,040,000)
Water Supply Bonds (P.L.1981, c.261)	(8,582,000)
Hazardous Discharge Bonds (P.L.1981, c.275)	(2,150,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354)	(4,920,000)
Shore Protection Bonds (P.L.1983, c.356)	(1,625,000)
Water Conservation Refunding Bonds (P.L.1985, c.74)	(90,000)
State Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(4,215,000)
Emergency Flood Control Refunding Bonds (P.L.1985, c.74)	(60,000)
Natural Resources Refunding Bonds (P.L.1985, c.74)	(309,000)
Water Supply Refunding Bonds (P.L.1985, c.74)	(405,000)
1983 New Jersey Green Acres Refunding Bonds (P.L.1985, c.74)	(144,000)
Shore Protection Refunding Bonds (P.L.1985, c.74)	(105,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds (P.L.1985, c.74)	(3,518,000)
Clean Waters Refunding Bonds (P.L.1985, c.74)	(60,000)
Beaches and Harbors Refunding Bonds (P.L.1985, c.74)	(133,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(500,000)
Wastewater Treatment Bonds (P.L.1985, c.329)	(8,775,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(885,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(375,000)

Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(250,000)

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
25 Health Administration

99-4210 Interest on Bonds	\$22,000
99-4210 Bond Redemption	<u>42,000</u>
Total Appropriation, Department of Health	<u><u>\$64,000</u></u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$22,000)

Redemption:

Public Buildings Construction Bonds (P.L.1968, c.128)	(42,000)

50 DEPARTMENT OF HIGHER EDUCATION
30 Educational, Cultural and Intellectual Development
36 Higher Educational Services

99-5400 Interest on Bonds	\$14,444,000
99-5400 Bond Redemption	<u>21,780,000</u>
Total Appropriation, Department of Higher Education	<u><u>\$36,224,000</u></u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$3,371,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(2,256,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(3,882,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(1,680,000)
Jobs, Science and Technology Refund- ing Bonds (P.L.1985, c.74)	(108,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78)	(3,147,000)

Redemption:

Public Buildings Construction Bonds (P.L.1968, c.128)	(6,480,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(7,700,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(4,000,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(1,342,000)

Jobs, Science and Technology Refund- ing Bonds (P.L.1985, c.74).....	(14,000)
Jobs, Education and Competitiveness Bonds (P.L.1988, c.78)	(2,244,000)

54 DEPARTMENT OF HUMAN SERVICES
70 *Government Direction, Management and Control*
76 *Management and Administration*

99-7500 Interest on Bonds.....	\$13,299,000
99-7500 Bond Redemption.....	<u>15,687,000</u>
Total Appropriation, Department of Human Services.....	<u>\$28,986,000</u>

Special Purpose:

Interest:

State Institution Construction Bonds (P.L.1960, c.156)	(\$7,000)
Public Buildings Construction Bonds (P.L.1968, c.128)	(1,290,000)
Institutions Construction Bonds (P.L.1976, c.93)	(1,064,000)
Institutional Construction Bonds (P.L.1978, c.79)	(894,000)
Public Purpose Buildings Construc- tion Bonds (P.L.1980, c.119)	(2,725,000)
Human Services Facilities Construc- tion Bonds (P.L.1984, c.157)	(2,435,000)
Institutions Construction Refund- ing Bonds (P.L.1985, c.74)	(549,000)
Institutional Construction Refund- ing Bonds (P.L.1985, c.74)	(1,911,000)
Public Purpose Buildings Construc- tion Refunding Bonds (P.L.1985, c.74)	(1,721,000)
Human Services Facilities Construction Refunding Bonds (P.L.1985, c.74)	(97,000)
Public Purpose Buildings and Com- munity-Based Facilities Construc- tion Bonds (P.L.1989, c.184)	(606,000)

Redemption:

State Institution Construction Bonds (P.L.1960, c.156)	(313,000)
Public Buildings Construction Bonds (P.L.1968, c.128)	(2,480,000)
Institutions Construction Bonds (P.L.1976, c.93)	(1,300,000)
Institutional Construction Bonds (P.L.1978, c.79)	(1,402,000)
Public Purpose Buildings Construc- tion Bonds (P.L.1980, c.119)	(4,389,000)

Human Services Facilities Construction Bonds (P.L. 1984, c. 157)	(1,900,000)
Institutions Construction Refunding Bonds (P.L. 1985, c. 74)	(590,000)
Institutional Construction Refunding Bonds (P.L. 1985, c. 74)	(2,076,000)
Public Purpose Buildings Construction Refunding Bonds (P.L. 1985, c. 74)	(793,000)
Human Services Facilities Construction Refunding Bonds (P.L. 1985, c. 74)	(12,000)
Public Purpose Buildings and Community-Based Facilities Construction Bonds (P.L. 1989, c. 184)	(432,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-1050 Interest on Bonds	\$215,000
99-1050 Bond Redemption	<u>266,000</u>
Total Appropriation, Department of Law and Public Safety	<u>\$481,000</u>

Special Purpose:

Interest:

Institutional Construction Bonds (P.L. 1978, c. 79)	(\$69,000)
Institutional Construction Refunding Bonds (P.L. 1985, c. 74)	(146,000)

Redemption:

Institutional Construction Bonds (P.L. 1978, c. 79)	(107,000)
Institutional Construction Refunding Bonds (P.L. 1985, c. 74)	(159,000)

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

99-2530 Interest on Bonds	\$828,000
99-2530 Bond Redemption	<u>590,000</u>
Total Appropriation, Department of State	<u>\$1,418,000</u>

Special Purpose:

Interest:

1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L. 1987, c. 265)	(\$828,000)

Redemption:

1987 Green Acres, Cultural Centers
and Historic Preservation Bonds
(P.L.1987, c.265) (590,000)

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

64 Planning and General Management Support

99-6000 Interest on Bonds.....	\$43,170,000
99-6000 Bond Redemption.....	<u>57,249,000</u>
Total Appropriation, Department of Transportation	<u>\$100,419,000</u>

Special Purpose:

Interest:

State Transportation Bonds (P.L.1968, c.126)	(\$10,379,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(14,808,000)
New Jersey Bridge Rehabilitation and Improvement Bonds (P.L.1983, c.363)	(7,746,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(8,860,000)
New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(676,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right- of-way Preservation Bonds (P.L.1989, c.180)	(701,000)

Redemption:

State Transportation Bonds (P.L.1968, c.126)	(23,760,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(19,195,000)
New Jersey Bridge Rehabilitation and Improvement Bonds (P.L.1983, c.363)	(6,680,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(6,949,000)
New Jersey Bridge Rehabilitation and Improvement Refunding Bonds (P.L.1985, c.74)	(165,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right-of- way Preservation Bonds (P.L.1989, c.180)	(500,000)

82 DEPARTMENT OF THE TREASURY
50 Economic Planning, Development and Security
52 Economic Regulation

99-2003 Interest on Bonds	\$2,438,000
99-2003 Bond Redemption	<u>1,983,000</u>
Total Appropriation, Economic Regulation	<u>\$4,421,000</u>

Special Purpose:

Interest:

Energy Conservation Bonds (P.L.1980, c.68)	(\$2,210,000)
Energy Conservation Refunding Bonds (P.L.1985, c.74)	(228,000)

Redemption:

Energy Conservation Bonds (P.L.1980, c.68)	(1,955,000)
Energy Conservation Refunding Bonds (P.L.1985, c.74)	(28,000)

70 Government Direction, Management and Control
73 Financial Administration

99-2070 Interest on Bonds	\$20,000,000
Total Appropriation, Financial Administration	<u>\$20,000,000</u>

Special Purpose:

For payment of interest on current and future bond sales	(\$20,000,000)
Total Appropriation, Department of the Treasury	<u>\$24,421,000</u>
Total Appropriation, Debt Service	<u>\$410,268,000</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.

The unexpended balances as of June 30, 1991 in Debt Service accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, General Fund	<u>\$9,644,461,000</u>

PROPERTY TAX RELIEF FUND
 GRANTS-IN-AID

82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
75 State Subsidies and Financial Aid--Grants-In-Aid

33-2076 Homestead Rebates	<u>\$710,000,000</u>
Total Appropriation, State Subsidies and Financial Aid ...	<u>\$710,000,000</u>
Grants:	
Homestead property tax rebates for homeowners and tenants (P.L.1990, c.61)	(\$710,000,000)
In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners and tenants qualifying for homestead rebates.	
Total Appropriation, Department of the Treasury	<u>\$710,000,000</u>
Total Appropriation, Grants-In-Aid	<u>\$710,000,000</u>

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management--State Aid

04-8030 Local Government Services.....	<u>\$360,000,000</u>
Total Appropriation, Community Development Management.....	<u>\$360,000,000</u>
State Aid:	
Supplemental municipal property tax relief formula aid.....	(\$305,000,000)
Supplemental municipal property tax relief discretionary aid.....	(30,000,000)
Supplemental municipal aid pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.)	(25,000,000)

The amount displayed hereinabove for the Local Government Services program classification is the amount appropriated pursuant to P.L.1991, c.63 (C.52:27D-118.32 et seq.) and represents the full amount appropriated from the Property Tax Relief Fund for these purposes in Fiscal Year 1992.

Notwithstanding the provisions of any other law to the contrary, the amount appropriated for the Supplemental municipal aid account pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) account shall be allocated to provide a uniform percentage increase in the amount otherwise apportioned to eligible municipalities pursuant to P.L.1978, c.14 (C.52:27D-178 et seq.) for Fiscal Year 1992.

Notwithstanding the provisions of any other law to the contrary, distribution of Supplemental municipal property tax relief formula aid pursuant to section 3 of P.L.1991, c.63 (C.52:27D-118.34) shall use the 1990 federal decennial census as certified by the U.S. Bureau of the Census for legislative reapportionment pur-

poses, and shall use the "Per Capita Money Income" table for 1987, issued by the New Jersey State Data Center in the Division of Labor Market and Demographic Research of the New Jersey Department of Labor, for determination of municipal population, municipal and State per capita income, and per capita aid.

If Fiscal Year 1992 receipts from the gross income tax are less than anticipated, such additional sums as necessary are appropriated for the Supplemental municipal aid accounts hereinabove from the Transition School Aid Account.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance--State Aid

01-5120 General Formula Aid	\$1,296,052,000
03-5120 Supplemental Educational Quality Aid.....	25,000,000
05-5120 Bilingual Education	52,688,000
06-5120 Programs for At-Risk Pupils.....	245,829,000
07-5120 Special Education	<u>528,654,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$2,148,223,000</u>
State Aid:	
Foundation aid - Quality Education	
Act of 1990.....	(\$1,180,690,000)
Transition aid - Quality Education	
Act of 1990.....	(115,362,000)
Supplemental educational quality aid.....	(25,000,000)
Bilingual education aid	(52,688,000)
Aid for at-risk pupils.....	(245,829,000)
Special education aid	(528,654,000)

Notwithstanding any other law, the amount of State aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.), to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

The Director of the Division of Budget and Accounting may appropriate such additional sums as may be necessary for Transition Aid from the Transition School Aid Account established pursuant to section 26 of P.L.1990, c.52 (C.18A:7D-34), provided there are sufficient balances in the Transition School Aid Account.

The unexpended balance as of June 30, 1991 in the Current Expense Equalization Aid account is appropriated in an amount equal to the difference between the aid paid in the 1990-1991 school year to a school district operated by the State pursuant to P.L.1987, c.399 (C.18A:7A-34 et seq.) and the aid that the district would have received had it not appropriated 50 percent of the free balances in its 1990-91 school year budget, and, notwithstanding any other law to the contrary, the amount so calculated shall be paid to the district.

In addition to the amounts hereinabove, the Director of the Division of Budget and Accounting may appropriate from balances in the various State aid accounts an amount not to exceed \$3,510,000 to assist any State-operated school district established during State Fiscal Year 1992 pursuant to P.L.1987, c.398 (C.18A:7A-14 et al.) and P.L.1987, c.399 (C.18A:7A-34 et seq.).

*33 Supplemental Education and Training
Programs--State Aid*

20-5120 General Vocational Education Programs.....	<u>\$12,100,000</u>
Total Appropriation, Supplemental Education and Training Programs.....	<u>\$12,100,000</u>
State Aid:	
County vocational program aid.....	(\$11,333,000)
Local area vocational school district aid.....	(767,000)

34 Educational Support Services--State Aid

36-5120 Pupil Transportation	\$247,982,000
38-5120 Facilities Planning and School Building Aid.....	76,352,000
39-5095 Teachers' Pension and Annuity Assistance	<u>941,955,000</u>
Total Appropriation, Educational Support Services.....	<u>\$1,266,289,000</u>
State Aid:	
Transportation aid	(\$247,982,000)
School building aid	(76,352,000)
Teachers' Pension and Annuity Fund	(607,259,000)
Social Security tax	(334,696,000)

The unexpended balance as of June 30, 1991 in the School Building Aid Debt Service account is appropriated for the same purpose.

Total Appropriation, Department of Education..... \$3,426,612,000

The amount hereinabove is appropriated from the Property Tax Relief Fund.

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.

The amount appropriated hereinabove for the Social Security tax account shall be available for the payment of such tax applicable to the prior fiscal year.

In addition to the amount appropriated hereinabove for Social Security tax payments, there are appropriated such additional sums 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.

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--State Aid

29-2088 Locally Provided Services	\$33,000,000
34-2078 Reimbursement--Senior Citizens and Veterans..	<u>42,788,000</u>
Total Appropriation, State Subsidies and Financial Aid ..	<u>\$75,788,000</u>

State Aid:

Aid to densely populated municipalities (P.L.1990, c.85)	(\$33,000,000)
State reimbursement to municipalities for senior/disabled citizens' property tax exemptions	(22,661,000)
State reimbursement for veterans' property tax exemptions	(20,127,000)

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for the senior/disabled citizens' and veterans' property tax exemptions.

Notwithstanding the provisions of any other law to the contrary, only those municipalities eligible for aid under P.L.1978,

c.14 (C.52:27D-178 et seq.) in Fiscal Year 1991 shall be disqualified from receiving Aid to densely populated municipalities in Fiscal Year 1992.

Total Appropriation, Department of the Treasury	<u>\$75,788,000</u>
Total Appropriation, State Aid.....	<u>\$3,862,400,000</u>
Total Appropriation, Property Tax Relief Fund	<u>\$4,572,400,000</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>\$34,296,000</u>
Total Appropriation, Special Law Enforcement Activities	<u>\$34,296,000</u>

Personal Services:

Salaries and wages	(\$19,715,000)
Cash in lieu of maintenance	(527,000)
Employee benefits.....	(5,594,000)
Materials and Supplies	(803,000)
Services Other Than Personal.....	(2,491,000)
Maintenance and Fixed Charges.....	(2,728,000)

Special Purpose:

Indirect costs	(1,801,000)
Additions, Improvements and Equipment.....	(637,000)

In addition to the amount hereinabove for Gaming Enforcement, there are appropriated from the Casino Control Fund such additional sums as may be required for gaming enforcement, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Law and Public Safety	<u>\$34,296,000</u>

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

73 Financial Administration

25-2095 Administration of Casino Gambling	<u>\$23,075,000</u>
Total Appropriation, Financial Administration	<u>\$23,075,000</u>
Personal Services:	
Chairman and Commissioners.....	(\$455,000)
Salaries and wages	(14,268,000)
Employee benefits.....	(4,234,000)
Materials and Supplies.....	(308,000)
Services Other Than Personal.....	(1,852,000)
Maintenance and Fixed Charges.....	(1,565,000)
Special Purpose:	
Other special purpose.....	(363,000)
Additions, Improvements and	
Equipment.....	(30,000)

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 53 of P.L.1977, c.110 (C.5:12-53), each member of the Casino Control Commission shall receive compensation of \$90,000 per annum. The chairman shall receive \$5,000 per annum in addition to his compensation as a member of the commission.

Total Appropriation, Department of the Treasury	<u>\$23,075,000</u>
Total Appropriation, Casino Control Fund.....	<u>\$57,371,000</u>

CASINO REVENUE FUND
STATE OPERATIONS
22 DEPARTMENT OF COMMUNITY AFFAIRS
50 Economic Planning, Development and Security
55 Social Services Programs

08-8060 Programs for the Aging	<u>\$365,000</u>
Total Appropriation, Social Services Programs	<u>\$365,000</u>
Personal Services:	
Salaries and wages	(\$282,000)
Employee benefits.....	(72,000)
Materials and Supplies.....	(5,000)
Services Other Than Personal.....	(6,000)
Total Appropriation, Department of	
Community Affairs.....	<u>\$365,000</u>

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

02-4220 Family Health Services.....	<u>\$233,000</u>
Total Appropriation, Health Services	<u>\$233,000</u>
Personal Services:	
Salaries and wages	(\$182,000)
Employee Benefits	(29,000)
Materials and Supplies	(5,000)
Services Other Than Personal.....	(17,000)
Total Appropriation, Department of Health	<u>\$233,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management...	\$4,301,000
24-7540 Pharmaceutical Assistance to the Aged and Disabled	<u>5,412,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$9,713,000</u>

Personal Services:	
Salaries and wages	(\$4,159,000)
Compensation Awards	(1,000)
Employee benefits.....	(863,000)
Materials and Supplies	(101,000)
Services Other Than Personal.....	(800,000)
Maintenance and Fixed Charges.....	(838,000)
Special Purpose:	
Replacement of fiscal agent functions.....	(6,000)
Payments to fiscal agents	(926,000)
Eligibility determination	(284,000)
Design and development-Medicaid management information system...	(82,000)
Design and development-Medicaid management information system...	(8,000)
Payments to fiscal agents (PAA).....	(1,309,000)
Other special purpose.....	(135,000)
Additions, Improvements and Equipment.....	(201,000)

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs

02-7601 Social Supervision and Consultation	<u>\$32,000</u>
Total Appropriation, Community Programs.....	<u>\$32,000</u>
Special Purpose:	
Homemaker services (State share)	(\$32,000)

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7540 Division of Medical Assistance and Health Services*

28-7540 Lifeline Programs		<u>\$4,696,000</u>
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$4,696,000</u>
Personal Services:		
Salaries and wages	(\$2,879,000)	
Compensation Awards	(5,000)	
Employee benefits	(737,000)	
Materials and Supplies	(42,000)	
Services Other Than Personal	(396,000)	
Maintenance and Fixed Charges	(285,000)	
Special Purpose:		
Other special purpose	(270,000)	
Additions, Improvements and		
Equipment	(82,000)	
Total Appropriation, Department of Human Services		<u>\$14,441,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*80 Special Government Services**82 Protection of Citizens' Rights*

15-1326 Operation of State Professional Boards		<u>\$92,000</u>
Total Appropriation, Protection of Citizens' Rights		<u>\$92,000</u>
Personal Services:		
Salaries and wages	(\$40,000)	
Employee benefits	(8,000)	
Materials and Supplies	(9,000)	
Services Other Than Personal	(31,000)	
Additions, Improvements and		
Equipment	(4,000)	
Total Appropriation, Department of Law and Public Safety		<u>\$92,000</u>
Total Appropriation, State Operations-- Casino Revenue Fund		<u>\$15,131,000</u>

GRANTS-IN-AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

*40 Community Development and Environmental Management**41 Community Development Management--Grants-In-Aid*

12-8025 Boarding Home Regulation and Assistance		<u>-\$3,200,000</u>
Total Appropriation, Community Development Management		<u>\$3,200,000</u>
Grants:		
Boarding House Rental Assistance Fund	(\$3,200,000)	

In addition to the amount hereinabove for the Boarding House Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to section 17 of P.L.1983, c.530 (C.55:14K-17), subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs--Grants-In-Aid

08-8060 Programs for the Aging		<u>\$5,525,000</u>
Total Appropriation, Social Services Programs		<u>\$5,525,000</u>
Grants:		
Home delivered meals expansion.....	(\$950,000)	
Senior citizen housing-safe housing and transportation.....	(2,883,000)	
Congregate housing support services .	(1,652,000)	
Task force study: housing options for seniors	(40,000)	
Total Appropriation, Department of Community Affairs..		<u>\$8,725,000</u>

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services--Grants-In-Aid

02-4220 Family Health Services.....		<u>\$2,147,000</u>
Total Appropriation, Health Services.....		<u>\$2,147,000</u>
Grants:		
Statewide birth defects registry.....	(\$500,000)	
Geriatric Health Assessment Centers .	(600,000)	
Demonstration adult day care- Alzheimer's disease.....	(947,000)	
Family caregivers.....	(100,000)	
Total Appropriation, Department of Health		<u>\$2,147,000</u>

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

*7540 Division of Medical Assistance and Health Services--
Grants-In-Aid*

22-7540 General Medical Services.....		<u>102,696,000</u>
24-7540 Pharmaceutical Assistance to the Aged and Disabled		<u>117,200,000</u>
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$219,896,000</u>
Grants:		
Payments for medical assistance recipients	(\$28,249,000)	

Respite care for the elderly	(2,000,000)
Home health aides rate increase	(3,370,000)
Medicaid expansion-SOBRA	(59,878,000)
Home care expansion	(8,000,000)
Hearing aid assistance for the aged and disabled	(1,199,000)
Pharmaceutical Assistance to the Aged and Disabled - claims P.L.1975, c.194 (C.30:4D-20 et seq.)	(117,200,000)

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund and available federal matching funds such additional sums as may be required for the payment of claims, subject to the approval of the Director of the Division of Budget and Accounting.

All funds recovered under P.L.1968, c.413 (C.30:4D-1 et seq.) and P.L.1975, c.194 (C.30:4D-20 et seq.) during the fiscal year ending June 30, 1992 are appropriated.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program, P.L.1975, c.194 (C.30:4D-20 et seq.), shall be the last resource benefits, notwithstanding any provisions contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of claims to providers of medical services, amounts may be transferred to and from the various items of appropriation within the General Medical Services program classification, subject to the approval of the Director of the Division of Budget and Accounting. Notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. This provision shall apply to all payments made after June 30, 1990.

For the purposes of account balance maintenance all object accounts in the General Medical Services program classification shall be considered as one object. This will allow timely payment of claims to providers of medical services but ensure that no overspending will occur in the program classification. This provision shall apply to all payments made after June 30, 1990.

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7601 Community Programs--Grants-In-Aid*

01-7601 Purchased Residential Care	\$14,905,000
02-7601 Social Supervision and Consultation.....	1,657,000
03-7601 Adult Activities	7,374,000
04-7601 Education and Day Training	<u>551,000</u>
Total Appropriation, Community Programs.....	<u>\$24,487,000</u>

Grants:

Private institutional care	(\$1,311,000)
Skill development homes.....	(1,141,000)
Group homes.....	(12,325,000)
Family care	(128,000)
Home assistance.....	(1,657,000)
Purchase of adult activity services	(7,374,000)
Purchase of day training services.....	(551,000)

Group home maintenance recoveries during the fiscal year ending June 30, 1992, not to exceed \$2,500,000, are appropriated.

Amounts required to return persons with mental retardation or developmental disabilities presently residing in out-of-State institutions to group homes within the State may be transferred from the Private institutional care account to the Group homes account, subject to the approval of the Director of the Division of Budget and Accounting.

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7540 Division of Medical Assistance and Health Services--**Grants-In-Aid*

28-7540 Lifeline Programs	<u>\$64,781,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$64,781,000</u>

Grants:

Payments for lifeline credits	(\$36,751,000)
Payments for tenants' assistance rebates	(28,030,000)

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional funds as may be required for payments to persons qualifying for Lifeline programs.

*50 Economic Planning, Development and Security**55 Social Services Programs**7570 Division of Youth and Family Services--Grants-In-Aid*

18-7570 General Social Services	\$1,603,000
99-7570 Management and Administrative Services	<u>3,204,000</u>

Total Appropriation, Division of Youth and Family	
Services	<u>\$4,807,000</u>
Grants:	
Protective services for the elderly	
and disabled.....	(\$1,603,000)
Personal attendant program.....	(3,204,000)
Total Appropriation, Department of Human Services.....	<u>\$313,971,000</u>

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

54 Manpower and Employment Services--Grants-In-Aid

07-4535 Vocational Rehabilitation Services.....	<u>\$1,440,000</u>
Total Appropriation, Manpower and Employment	
Services	<u>\$1,440,000</u>
Grants:	
Sheltered workshop transportation.....	(\$1,440,000)
Total Appropriation, Department of Labor	<u>\$1,440,000</u>
Total Appropriation, Grants-In-Aid-- Casino	
Revenue Fund.....	<u>\$326,283,000</u>

STATE AID

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation--State Aid

04-6050 Railroad and Bus Operations	<u>\$18,621,000</u>
Total Appropriation, Public Transportation	<u>\$18,621,000</u>
State Aid:	
Transportation assistance for senior	
citizens and disabled residents.....	(\$18,621,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

The unexpended balance as of June 30, 1991 in this account is appropriated.

Total Appropriation, Department of Transportation.....	<u>\$18,621,000</u>

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid--State Aid

34-2076 Reimbursement--Senior Citizens and Veterans	<u>\$17,180,000</u>
Total Appropriation, State Subsidies and Financial Aid .	<u>\$17,180,000</u>
State Aid:	
Reimbursements to municipalities - senior	
and disabled citizens' tax	
exemptions	(\$17,180,000)

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for reimbursements to municipalities qualifying for such payments or reimbursements.

Total Appropriation, Department of the Treasury	<u>\$17,180,000</u>
Total Appropriation, State Aid--Casino Revenue Fund	<u>\$35,801,000</u>
Total Appropriation, Casino Revenue Fund.....	<u>\$377,215,000</u>

Any appropriation or part thereof made from the Casino Revenue Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

Total Appropriation, All State Funds.....	<u>\$14,651,447,000</u>

FEDERAL FUNDS

06 CHIEF EXECUTIVE

70 Government Direction, Management and Control

76 Management and Administration

01-0300 Executive Management	<u>\$85,000</u>
Total Appropriation, Management and Administration	<u>\$85,000</u>
Special Purpose:	
Other special purpose..... (\$85,000)	
Total Appropriation, Chief Executive	<u>\$85,000</u>

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

42 Natural Resource Management

01-3310 Animal Disease Control	\$11,000
02-3320 Plant Pest and Disease Control	759,000
Total Appropriation, Natural Resource Management	<u>\$770,000</u>
Personal Services:	
Salaries and wages	(\$258,000)
Employee benefits.....	(64,000)
Materials and Supplies	(5,000)
Services Other Than Personal.....	(35,000)
Maintenance and Fixed Charges.....	(32,000)
Special Purpose:	
Cooperative gypsy moth suppression.....	(374,000)
Other special purpose.....	(2,000)

*50 Economic Planning, Development and Security**51 Economic Planning and Development*

06-3360 Marketing Services	\$12,000
07-3360 Commodity Distribution	<u>1,328,000</u>
Total Appropriation, Economic Planning and Development	<u>\$1,340,000</u>
Personal Services:	
Salaries and wages	(\$185,000)
Employee benefits	(58,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(234,000)
Maintenance and Fixed Charges	(132,000)
Special Purpose:	
Jobs bills	(720,000)

52 Economic Regulation

05-3350 Other Commodity Regulation	<u>\$200,000</u>
Total Appropriation, Economic Regulation	<u>\$200,000</u>
Personal Services:	
Salaries and wages	(\$135,000)
Employee benefits	(51,000)
Materials and Supplies	(1,000)
Services Other Than Personal	(2,000)
Maintenance and Fixed Charges	(11,000)
Total Appropriation, Department of Agriculture	<u>\$2,310,000</u>

22 DEPARTMENT OF COMMUNITY AFFAIRS*40 Community Development and Environmental Management**41 Community Development Management*

02-8020 Housing Services	\$125,585,000
17-8017 Fire Safety	<u>20,000</u>
Total Appropriation, Community Development Management	<u>\$125,605,000</u>
Personal Services:	
Salaries and wages	(\$6,444,000)
Employee benefits	(1,846,000)
Materials and Supplies	(184,000)
Services Other Than Personal	(997,000)
Maintenance and Fixed Charge	(875,000)
Special Purpose:	
National community volunteer fire prevention	(20,000)
Other special purpose	(613,000)
State Aid and Grants:	
Stewart B. McKinney Homeless Assistance Act	(2,100,000)
Emergency shelter grants program	(2,000,000)

Moderate rehabilitation housing assistance.....	(12,520,000)
Rental rehabilitation assistance program	(5,836,000)
Section 8 existing housing rental assistance.....	(46,673,000)
Section 8 housing voucher Program...	(29,250,000)
Small cities block grant program	(8,203,000)
National affordable housing-HOME investment partnerships.....	(8,000,000)
Additions, Improvements and Equipment	(44,000)

*50 Economic Planning, Development and Security**55 Social Service Programs*

05-8050 Community Resources.....	\$24,224,000
08-8060 Programs for the Aging	31,598,000
15-8051 Women's Programs	<u>45,000</u>
Total Appropriation, Social Service Program	<u>\$55,867,000</u>
Personal Services:	
Salaries and wages	(\$2,221,000)
Employee benefits.....	(602,000)
Materials and Supplies	(35,000)
Services Other Than Personal.....	(152,000)
Maintenance and Fixed Charges.....	(36,000)
Special Purpose:	
Petroleum overcharge reimbursement.....	(21,000)
Low income energy assistance program training and technical assistance	(15,000)
Targeted facilities program administration.....	(2,000)
Liheap heating improvement program	(21,000)
Older Americans' Act Title III.....	(17,000)
Other special purpose.....	(426,000)
State Aid and Grants:	
Community Services Block Grant - HHS.....	(10,274,000)
Emergency Homeless Program	(1,250,000)
Home Energy Assistance Program....	(2,650,000)
Purchase of legal services	(1,382,000)
Weatherization assistance program....	(5,926,000)
Heating improvement program administration.....	(61,000)
Community food and nutrition program	(38,000)
Targeted facilities program administration.....	(24,000)

Liheap heating improvement program	(245,000)	
USDA Older Americans' Act Title III	(3,900,000)	
Older Americans' Act Title III	(26,514,000)	
Child development associate scholarship assistance grant	(45,000)	
Additions, Improvements and Equipment	(10,000)	
Total Appropriation, Department of Community Affairs		<u>\$181,472,000</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>\$545,000</u>
Total Appropriation, New Jersey State Prison		<u>\$545,000</u>
Personal Services:		
Salaries and wages	(\$466,000)	
Materials and Supplies	(79,000)	

7065 Southern State Correctional Facility

10-7065 Education Program		<u>\$193,000</u>
Total Appropriation, Southern State Correctional Facility		<u>\$193,000</u>
Personal Services:		
Salaries and wages	(\$193,000)	

7080 Edna Mahan Correctional Facility For Women

10-7080 Education Program		<u>\$58,000</u>
Total Appropriation, Edna Mahan Correctional Facility For Women		<u>\$58,000</u>
Personal Services:		
Salaries and wages	(\$53,000)	
Employee benefits	(5,000)	

7110 Garden State Reception and Youth Correctional Facility

10-7110 Education Program		<u>\$293,000</u>
Total Appropriation, Garden State Reception and Youth Correctional Facility		<u>\$293,000</u>
Personal Services:		
Salaries and wages	(\$220,000)	
Employee benefits	(73,000)	

7130 Mountainview Youth Correctional Facility

10-7130 Education Program		<u>\$290,000</u>

Total Appropriation, Mountainview Youth Correctional Facility.....		<u>\$290,000</u>
Personal Services:		
Salaries and wages	(\$198,000)	
Employee benefits.....	(34,000)	
Materials and Supplies	(58,000)	

*17 Parole and Community Programs**7010 Office of Parole and Community Programs*

03-7010 Parole		<u>\$603,000</u>
Total Appropriation, Office of Parole and Community Programs.....		<u>\$603,000</u>
Personal Services:		
Salaries and wages	(\$111,000)	
Employee benefits.....	(36,000)	
Special Purpose:		
Intensive supervision surveillance	(450,000)	
Other special purpose.....	(6,000)	

*18 Juvenile Correctional Services**7210 Lloyd McCorkle Training School for Boys and Girls*

10-7210 Education Program		<u>\$318,000</u>
Total Appropriation, Lloyd McCorkle Training School for Boys and Girls		<u>\$318,000</u>
Personal Services:		
Salaries and wages	(\$318,000)	

7220 New Jersey Training School for Boys

10-7220 Education Program		<u>\$349,000</u>
Total Appropriation, New Jersey Training School for Boys.....		<u>\$349,000</u>
Personal Services:		
Salaries and wages	(\$298,000)	
Employee benefits.....	(51,000)	

7225 Juvenile Medium Security Center

10-7225 Education Program		<u>\$159,000</u>
Total Appropriation, Juvenile Medium Security Center ...		<u>\$159,000</u>
Personal Services:		
Salaries and wages	(\$133,000)	
Employee benefits.....	(26,000)	

7270 Juvenile Community Programs

12-7270 Juvenile Rehabilitation		<u>\$1,437,000</u>
Total Appropriation, Juvenile Community Programs		<u>\$1,437,000</u>
Personal Services:		
Salaries and wages	(\$818,000)	

Employee benefits.....	(77,000)
Materials and Supplies.....	(202,000)
Special Purpose:	
The Campus - Substance abuse program	(140,000)
Elizabeth and Union day programs	(200,000)

19 Central Planning, Direction and Management

7000 Division of Management and General Support

01-7000 Planning, Management and General Support	\$985,000
02-7000 Program Operations Support	56,000
99-7000 Management and Administrative Services.....	<u>810,000</u>
Total Appropriation, Division of Management and General Support.....	<u>\$1,851,000</u>

Personal Services:

Salaries and wages	(\$1,426,000)
Employee benefits.....	(163,000)
Services Other Than Personal.....	(30,000)

Special Purpose:

Incarcerated Mariel Cubans reimbursement program	(176,000)
Chapter II block grant	(56,000)
Total Appropriation, Department of Corrections	<u>\$6,096,000</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance

03-5120 Miscellaneous Grants-In-Aid.....	\$9,775,000
04-5064 Adult and Continuing Education	11,872,000
05-5066 Bilingual Education	89,000
05-5120 Bilingual Education	932,000
06-5066 Programs for At-Risk Pupils.....	2,909,000
06-5120 Programs for At-Risk Pupils.....	191,760,000
07-5065 Special Education	20,604,000
07-5120 Special Education	<u>62,973,000</u>

Total Appropriation, Direct Educational Services and Assistance	<u>\$300,914,000</u>

Personal Services:

Salaries and wages	(\$4,974,000)
Employee benefits.....	(1,392,000)
Materials and Supplies.....	(357,000)
Services Other Than Personal.....	(911,000)
Maintenance and Fixed Charges.....	(802,000)

Special Purpose:

Emergency immigrants' education- assistance-administration.....	(14,000)
ESEA, Title VI (handicapped), administration.....	(19,000)

Bilingual and compensatory education-homeless children and youth	(325,000)
Preschool Regional T.A. project LRC North	(365,000)
Preschool Regional T.A. project LRC Central.....	(365,000)
Preschool Regional T.A. project LRC South	(400,000)
Training Personnel - P2R Special Education	(113,000)
Title VI-B LRC South.....	(5,000)
Title VI-B LRC Central	(31,000)
Preschool incentive grant-administration.....	(3,000)
New Jersey Youth Corps - administration.....	(89,000)
Adult basic education-Evaluation and training	(889,000)
Preschool incentive grant-Child find..	(150,000)
Other special purpose.....	(512,000)
State Aid and Grants:	
ECIA, Chapter 2, Block Grant programmatic	(9,775,000)
Adult Education - 353 program discretionary.....	(462,000)
Literacy Training - discretionary	(261,000)
English literacy - discretionary	(300,000)
Emergency immigrants' education-assistance.....	(932,000)
ECIA, Chapter I, Disadvantaged.....	(188,339,000)
ECIA, Chapter I, State institutions, handicapped	(1,665,000)
ECIA, Chapter I, expenses for private school children.....	(2,341,000)
ECIA, Chapter I, State program improvement grants.....	(447,000)
Migrant educational program-administration.....	(1,080,000)
Adult basic education-programmatic .	(3,578,000)
Preschool incentive grant programmatic	(13,074,000)
Workplace literacy partnership-discretionary	(400,000)
State legalization impact assistance grant	(5,000,000)
Services for deaf/blind children	(167,000)
ESEA, Title VI (handicapped), administration.....	(2,415,000)
ESEA, Title VI (handicapped), programmatic	(57,159,000)

Early intervention - Administration ...	(1,734,000)
Additions, Improvements and	
Equipment	(69,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	\$205,000
12-5014 Morris Regional School for the Handicapped	14,000
15-5010 Project COED	<u>115,000</u>
Total Appropriation, Operation and Support of Educational	
Institutions	<u>\$334,000</u>

Personal Services:

Salaries and wages	(\$226,000)
Employee benefits	(65,000)
Materials and Supplies	(2,000)

Special Purpose:

ECIA, Chapter I, State institutions,	
handicapped	(14,000)
Other special purpose	(12,000)
Additions, Improvements and	
Equipment	(15,000)

33 Supplemental Education and Training Programs

20-5062 General Vocational Education	<u>\$19,179,000</u>
Total Appropriation, Supplemental	
Education and Training Programs	<u>\$19,179,000</u>

Personal Services:

Salaries and wages	(\$2,003,000)
Employee benefits	(561,000)
Materials and Supplies	(103,000)
Services Other Than Personal	(244,000)
Maintenance and Fixed Charges	(244,000)

Special Purpose:

Veterans' readjustment benefits	(10,000)
Career education--research and	
development project grant	(1,000)
Vocational education, Title II, B	
leadership activities	(39,000)
Leadership-Consumer and homemaking	
education	(43,000)
Occupational competencies	(87,000)
Other special purpose	(79,000)

State Aid and Grants:

Consumer and useful homemaking-	
discretionary	(831,000)
Vocational education - Title II -	
programmatic	(10,967,000)
Vocational education - Community based	
organizations - administration	(272,000)
Vocational education - single parent	
Title II, A - discretionary	(1,541,000)

Vocational education - sex bias, Title II, A	(633,000)
Vocational education - Technical preparation Title III, E.....	(1,507,000)
Additions, Improvements and Equipment.....	(14,000)

34 Educational Support Services

30-5063 General Academic Education	\$8,292,000
30-5120 General Academic Education	15,900,000
33-5067 Service to Local Districts	966,000
33-5068 Service to Local Districts	1,506,000
34-5067 Equal Educational Opportunity	902,000
35-5069 Urban Education.	400,000
37-5120 School Nutrition	<u>103,029,000</u>
Total Appropriation, Educational Support Services	<u>\$130,995,000</u>
Personal Services:	
Salaries and wages	(\$4,953,000)
Employee benefits.....	(1,389,000)
Materials and Supplies	(175,000)
Services Other Than Personal.....	(2,109,000)
Maintenance and Fixed Charges.....	(6,000)
Special Purpose:	
AIDS prevention education- administration.....	(86,000)
EESA, Title II-Math-science training- dissemination	(23,000)
Drug-free schools and communities- administration.....	(32,000)
Early intervention-child find outreach.....	(83,000)
School breakfast startup- Administration.....	(97,000)
Civil rights - Technical assistance and training	(54,000)
Other special purpose.....	(848,000)
State Aid and Grants:	
AIDS prevention education- administration.....	(57,000)
Substance Abuse Coordinator discretionary.....	(3,600,000)
Education for Economic Security Act (EESA)-Title II-Programmatic	(4,200,000)
EESA, Title II-Math-science training- dissemination	(44,000)
Drug-free schools and communities- Programmatic	(11,700,000)
Child nutrition-Section 11.....	(65,941,000)
Special milk	(1,081,000)

School breakfast	(6,823,000)
School breakfast-Administration.....	(2,115,000)
Child care food.....	(19,411,000)
Child care sponsor administration.....	(824,000)
Cash for commodities.	(927,000)
Innovations in education-	
Administration/discretionary	(100,000)
Summer food.....	(4,002,000)
Summer sponsor-administration.....	(310,000)
Additions, Improvements and	
Equipment	(5,000)

35 Education Administration and Management

42-5120 School Finance	\$306,000
43-5092 Compliance and Auditing.	338,000
99-5095 Management and Administrative Services.....	<u>877,000</u>
Total Appropriation, Education Administration	
and Management	<u>\$1,521,000</u>
Personal Services:	
Salaries and wages.	(\$730,000)
Employee benefits.....	(205,000)
Materials and Supplies	(29,000)
Services Other Than Personal	(156,000)
Special Purpose:	
Chapter 2 - Federal, state and local	
partnership for educational	
improvement act	(43,000)
Other special purpose.....	(82,000)
State Aid and Grants:	
Byrd scholarship program	(266,000)
Additions, Improvements and	
Equipment	(10,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services	<u>\$3,670,000</u>
Total Appropriation, Cultural and Intellectual	
Development Services	<u>\$3,670,000</u>
Personal Services:	
Salaries and wages	(\$988,000)
Employee benefits.....	(247,000)
Materials and Supplies.....	(77,000)
Services Other Than Personal.....	(298,000)
Maintenance and Fixed Charges	(10,000)
Special Purpose:	
LSCA Title I-administration	(108,000)
Other special purpose.....	(126,000)
State Aid and Grants:	
LSCA Title III Interlibrary	
cooperation	(325,000)

LSCA Title I-administration	(849,000)	
LSCA Title II programmatic.....	(600,000)	
Additions, Improvements and		
Equipment.....	(42,000)	
Total Appropriation, Department of Education.....		<u>\$456,613,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

05-4840 Water Supply and Watershed Management.....	\$903,000
11-4870 Forest Resource Management	3,435,000
13-4880 Hunters' and Anglers' License Fund	3,265,000
14-4885 Shellfish and Marine Fisheries Management.....	2,220,000
15-4890 Marine Lands Management	<u>3,055,000</u>
Total Appropriation, Natural Resource Management	<u>\$12,878,000</u>

Personal Services:

Salaries and wages	(\$4,522,000)
Employee benefits.....	(990,000)
Materials and Supplies	(670,000)
Services Other Than Personal.....	(1,641,000)
Maintenance and Fixed Charges.....	(627,000)

Special Purpose:

Safe Drinking Water Act.....	(103,000)
Forest resource management-	
Cooperative fire control.....	(500,000)
Consolidated forest management	(452,000)
Small business administration-	
Tree planting.....	(1,000,000)
Hunter safety training.	(75,000)
Inventory of New Jersey surf	
clam resources	(10,000)
NY/NJ harbor estuary oil pollution....	(130,000)
State wetlands conversation	(150,000)
Other special purpose.....	(1,204,000)

State Aid and Grants:

Rural community fire protection.....	(40,000)
Additions, Improvements and	
Equipment.....	(764,000)

43 Environmental Quality

02-4825 Air Pollution Control.....	\$5,850,000
07-4850 Water Monitoring and Planning	6,355,000
08-4855 Water Enforcement.....	3,250,000
09-4860 Public Waste Water Facilities.....	87,255,000
17-4900 Solid Waste Resource Management	1,750,000
22-4861 Geological Survey	<u>3,300,000</u>
Total Appropriation, Environmental Quality	<u>\$107,760,000</u>

Personal Services:

Salaries and wages	(\$12,926,000)
Positions funded from a special purpose appropriation	(25,000)
Employee benefits	(1,706,000)
Materials and Supplies	(200,000)
Services Other Than Personal	(3,357,000)
Maintenance and Fixed Charges	(580,000)
Special Purpose:	
Air pollution maintenance	(1,800,000)
NY/NJ harbor estuary program	(245,000)
Non-point source implementation	(500,000)
Other special purpose	(846,000)
State Aid and Grants:	
Monitoring and planning-205-J	(300,000)
Construction loan revolving fund	(85,000,000)
Additions, Improvements and Equipment	(275,000)

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection	\$979,000
04-4835 Pesticide Control	486,000
18-4815 Science and Research	306,000
19-4815 Spill Prevention, Response and Site Cleanup	140,000,000
23-4910 Waste Management	<u>11,471,000</u>
Total Appropriation, Hazardous and Toxic Pollution Control	<u>\$153,242,000</u>

Personal Services:

Salaries and wages	(\$10,962,000)
Employee benefits	(2,840,000)
Materials and Supplies	(468,000)
Services Other Than Personal	(132,397,000)
Maintenance and Fixed Charges	(305,000)
Special Purpose:	
Cooperative pesticide enforcement	(45,000)
Pesticides-Endangered species	(1,000)
Pesticides-Groundwater	(6,000)
State/EPA data management study	(150,000)
Department of Defense/State agreement	(1,000,000)
CERCLA hazardous waste	(1,400,000)
Other special purpose	(3,202,000)
Additions, Improvements and Equipment	(466,000)

45 Recreational Resource Management

12-4875 Parks Management	<u>\$2,170,000</u>
Total Appropriation, Recreational Resource Management	<u>\$2,170,000</u>

Personal Services:		
Salaries and wages	(\$549,000)	
Employee benefits.....	(133,000)	
Materials and Supplies	(67,000)	
Services Other Than Personal.....	(34,000)	
Special Purpose:		
Historic preservation-acquisition and development	(900,000)	
Other special purpose.....	(221,000)	
State Aid and Grants:		
Survey and planning operational/ State administration.....	(233,000)	
Additions, Improvements and Equipment.....	(33,000)	
<i>46 Environmental Planning and Administration</i>		
99-4800 Management and Administrative Services		<u>\$11,500,000</u>
Total Appropriation, Environmental Planning and Administration		<u>\$11,500,000</u>
Special Purpose:		
Multi-media permit evaluation.....	(\$250,000)	
Additions, Improvements and Equipment.....	(11,250,000)	
Total Appropriation, Department of Environmental Protection		<u>\$287,550,000</u>

46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

01-4215 Vital Statistics		\$450,000
02-4220 Family Health Services.....		71,643,000
03-4230 Epidemiology and Disease Control		6,524,000
04-4240 Alcoholism, Drug Abuse and Addiction Services ...		59,592,000
08-4280 Diagnostic Services		309,000
11-4235 Occupational and Environmental Health Control ...		1,720,000
12-4245 AIDS Services		<u>18,592,000</u>
Total Appropriation, Health Services		<u>\$158,830,000</u>
Personal Services:		
Salaries and wages	(\$14,230,000)	
Employee benefits.....	(3,913,000)	
Materials and Supplies	(954,000)	
Services Other Than Personal.....	(3,699,000)	
Maintenance and Fixed Charges	(320,000)	
Special Purpose:		
Supplemental food program--W.I.C...	(37,359,000)	
Other special purpose.....	(3,940,000)	
State Aid and Grants:		
Family health services grants.....	(2,890,000)	
Supplemental food program--W.I.C...	(7,668,000)	

Preventive health and health services block grant - Family health services.....	(597,000)
Maternal and child health block grant	(7,026,000)
Comprehensive AIDS Prevention and Surveillance Grant.....	(188,000)
Social services block grant-- family planning.....	(1,930,000)
Family planning program--Title X.....	(1,926,000)
High Risk Infant Follow-up Expansion.....	(578,000)
Epidemiology and disease control grants.....	(785,000)
Parental and child health - energy block grant	(333,000)
Preventive health and health services block grant-Epidemiology and disease control	(260,000)
Patterns of IV Use Among Street Users.....	(90,000)
Alcohol, drug abuse and mental health block grant--Family health services.....	(685,000)
Alcoholism, drug abuse and addictive services grants	(15,109,000)
Alcohol, drug abuse and mental health block grant	(37,582,000)
Social services block grant-- alcohol rehabilitation program.....	(637,000)
Ryan White comprehensive AIDS resources.....	(1,226,000)
AIDS services grants.....	(14,558,000)
Additions, Improvements and Equipment.....	(347,000)

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation	\$1,198,000
07-4270 Health Planning and Resource Development.....	<u>287,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$1,485,000</u>
Personal Services:	
Salaries and wages	(459,000)
Employee benefits.....	(134,000)
Materials and Supplies.....	(10,000)
Services Other Than Personal.....	(55,000)
Maintenance and Fixed Charges	(10,000)
Special Purpose:	
Other special purpose.....	(111,000)
State Aid and Grants:	
Preventive health and health services block grant.....	(91,000)

Emergency medical services training project - Highway safety	(15,000)
Emergency medical services-new initiatives.....	(400,000)
Health Planning and Resource Development	(200,000)

*20 Physical and Mental Health**25 Health Administration*

87-4210 Office of Health Policy and Research	<u>\$150,000</u>
Total Appropriation, Health Administration	<u>\$150,000</u>
Personal Services:	
Salaries and wages	(93,000)
Employee benefits.....	(27,000)
Special Purpose:	
Other special purpose.....	(30,000)
Total Appropriation, Department of Health	<u>\$160,465,000</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	\$2,150,000
05-5400 Student Financial Assistance Administration	12,571,000
99-5400 Management and Administrative Services	<u>5,899,000</u>
Total Appropriation, Office of the Chancellor	<u>\$20,620,000</u>
Personal Services:	
Salaries and wages.	(\$6,298,000)
Employee benefits.....	(1,676,000)
Materials and Supplies	(405,000)
Services Other Than Personal.....	(2,180,000)
Maintenance and Fixed Charges.....	(710,000)
Special Purpose:	
Veterans' programs	(77,000)
Other special purpose.....	(817,000)
State Aid and Grants:	
State student incentive grant program	(1,675,000)
Paul Douglas teaching scholarship.....	(475,000)
Vocational education	(4,060,000)
Education for Economic Security Act Title II	(1,409,000)
Additions, Improvements and Equipment.....	(838,000)
Total Appropriation, Department of Higher Education	<u>\$20,620,000</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>\$13,821,000</u>
Total Appropriation, Division of Mental Health and Hospitals		<u>\$13,821,000</u>
Personal Services:		
Salaries and wages	(\$375,000)	
Employee benefits.....	(110,000)	
Services Other Than Personal.....	(58,000)	
Special Purpose:		
Other special purpose.....	(36,000)	
State Aid and Grants:		
Community mental health services for the homeless	(1,024,000)	
Mental health block grant supplemental.....	(125,000)	
New Jersey consumer movement initiative	(135,000)	
DVRs supported employment grant ..	(508,000)	
Block grant mental health services.....	(11,450,000)	

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management .		\$39,656,000
22-7540 General Medical Services.....		<u>1,320,509,000</u>
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$1,360,165,000</u>
Personal Services:		
Salaries and wages	(\$18,623,000)	
Compensation Awards	(97,000)	
Materials and Supplies.....	(164,000)	
Services Other Than Personal.....	(2,756,000)	
Maintenance and Fixed Charges	(2,211,000)	
Special Purpose:		
Payments to fiscal agents	(10,896,000)	
Replacement of fiscal agent functions.....	(603,000)	
Eligibility determination	(2,671,000)	
Professional standards review organization--utilization review	(40,000)	
Affirmative action and equal employ- ment opportunity program.....	(18,000)	
Design and development-Medicaid management information system...	(1,259,000)	
HealthStart Match	(2,369,000)	
State Aid and Grants:		
Garden State Health Plan	(5,917,000)	

Medical assistance	(1,105,179,000)
Peer grouping.....	(32,946,000)
Payments for medical assistance	
recipients	(28,249,000)
Maternal & Child Health Expansion..	(14,028,000)
Respite care for the elderly	(2,000,000)
Medicaid expansion to age 19 and	
100% of poverty	(1,447,000)
Medicaid expansion to 185% of	
poverty	(8,400,000)
Home health aides rate increase	(3,370,000)
Medicaid expansion SOBRA	(116,604,000)
Additions, Improvements and	
Equipment.....	(318,000)

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and Administrative Services	<u>\$7,653,000</u>
Total Appropriation, Division of Developmental	
Disabilities	<u>\$7,653,000</u>
Personal Services:	
Salaries and wages.....	(\$6,623,000)
Services Other Than Personal.....	(150,000)
Maintenance and Fixed Charges.....	(70,000)
Special Purpose:	
Foster grandparents.....	(810,000)

7601 Community Programs

01-7601 Purchased Residential Care	\$55,584,000
02-7601 Social Supervision and Consultation.....	11,398,000
03-7601 Adult Activities	23,178,000
04-7601 Education and Day Training.....	<u>624,000</u>
Total Appropriation, Community Programs	<u>\$90,784,000</u>
Personal Services:	
Salaries and wages.....	(\$14,345,000)
Services Other Than Personal.....	(130,000)
State Aid and Grants:	
Community care waiver, Title XIX....	(36,755,000)
Community care waiver, expansion ...	(13,827,000)
Developmental Disabilities Council...	(1,461,000)
Day care services	(383,000)
Work-study training program for	
caseworkers	(852,000)
Citizens' advocacy program.....	(145,000)
Adult activities services, Title XX.....	(228,000)
Intermediate care facilities - Mental	
retardation	(22,658,000)

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation	\$2,805,000
06-7610 Health Services.....	743,000
07-7610 Education and Training	547,000
98-7610 Physical Plant and Support Services.....	811,000
99-7610 Management and Administrative Services.....	<u>801,000</u>
Total Appropriation, Green Brook Regional Center....	<u>\$5,707,000</u>
Personal Services:	
Salaries and wages	(\$5,575,000)
Services Other Than Personal.....	(132,000)

7615 Developmental Center At Ancora

05-7615 Residential Care and Habilitation	\$584,000
06-7615 Health Services.....	144,000
99-7615 Management and Administrative Services.....	<u>50,000</u>
Total Appropriation, Developmental Center At Ancora	<u>\$778,000</u>
Personal Services:	
Salaries and wages	(\$759,000)
Services Other Than Personal.....	(19,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation	\$13,713,000
06-7620 Health Services.....	3,843,000
98-7620 Physical Plant and Support Services.....	1,124,000
99-7620 Management and Administrative Services.....	<u>760,000</u>
Total Appropriation, Vineland Developmental Center	<u>\$19,440,000</u>
Personal Services:	
Salaries and wages	(\$19,205,000)
Services Other Than Personal.....	(235,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation	\$4,206,000
06-7630 Health Services.....	2,477,000
98-7630 Physical Plant and Support Services.....	462,000
99-7630 Management and Administrative Services	<u>895,000</u>
Total Appropriation, North Jersey Developmental Center	<u>\$8,040,000</u>
Personal Services:	
Salaries and wages	(\$7,961,000)
Services Other Than Personal.....	(79,000)

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation	\$8,119,000
06-7640 Health Services.....	1,944,000
98-7640 Physical Plant and Support Services.....	1,565,000
99-7640 Management and Administrative Services.....	<u>960,000</u>
Total Appropriation, Woodbine Developmental Center	<u>\$12,588,000</u>

Personal Services:

Salaries and wages	(\$12,370,000)
Services Other Than Personal.....	(218,000)

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation	\$12,342,000
06-7650 Health Services.....	5,025,000
98-7650 Physical Plant and Support Services.....	2,039,000
99-7650 Management and Administration	<u>1,006,000</u>
Total Appropriation, New Lisbon Developmental Center	<u>\$20,412,000</u>

Personal Services:

Salaries and wages	(\$20,129,000)
Services Other Than Personal.....	(283,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation	\$10,640,000
06-7660 Health Services.....	751,000
98-7660 Physical Plant and Support Services.....	386,000
99-7660 Management and Administrative Services	<u>1,556,000</u>
Total Appropriation, Woodbridge Developmental Center	<u>\$13,333,000</u>

Personal Services:

Salaries and wages	(\$13,116,000)
Services Other Than Personal.....	(217,000)

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation	\$6,189,000
06-7670 Health Services.....	1,246,000
98-7670 Physical Plant and Support Services.....	1,716,000
99-7670 Management and Administrative Services	<u>1,666,000</u>
Total Appropriation, Hunterdon Developmental Center	<u>\$10,817,000</u>

Personal Services:

Salaries and wages	(\$10,667,000)
Services Other Than Personal.....	(150,000)

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation	\$376,000
06-7680 Health Services.....	273,000
98-7680 Physical Plant and Support Services.....	40,000
99-7680 Management and Administrative Services	<u>93,000</u>
Total Appropriation, Edward R. Johnstone Training and Research Center	<u>\$782,000</u>

Personal Services:

Salaries and wages	(\$727,000)
Services Other Than Personal.....	(55,000)

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation.....	\$6,768,000
06-7690 Health Services.....	1,021,000

98-7690 Physical Plant and Support Services.....	880,000
99-7690 Management and Administrative Services.....	<u>754,000</u>
Total Appropriation, North Princeton Developmental Center	<u>\$9,423,000</u>
Personal Services:	
Salaries and wages	(\$9,257,000)
Services Other Than Personal.....	(166,000)

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired

11-7560 Habilitation and Rehabilitation.	\$5,632,000
12-7560 Instruction, Community Programs and Prevention ..	344,000
99-7560 Management and Administrative Services.....	<u>1,357,000</u>
Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$7,333,000</u>
Personal Services:	
Salaries and wages	(\$3,053,000)
Materials and Supplies.....	(163,000)
Services Other Than Personal.....	(576,000)
Maintenance and Fixed Charges.....	(190,000)
State Aid and Grants:	
Social security administration reimbursement	(150,000)
Vocational rehabilitation-independent living, Title VII, Part A	(205,000)
Vocational rehabilitation--direct service	(2,216,000)
Social services block grant.....	(319,000)
Additions, Improvements and Equipment.....	(461,000)

50 Economic Planning, Development and Security
53 Economic Assistance and Security
7550 Division of Economic Assistance

15-7550 Income Maintenance	\$529,440,000
99-7550 Management and Administrative Services.....	<u>20,934,000</u>
Total Appropriation, Division of Economic Assistance ..	<u>\$550,374,000</u>
Personal Services:	
Salaries and wage.....	(\$9,015,000)
Materials and Supplies.....	(147,000)
Services Other Than Personal.....	(11,739,000)
Maintenance and Fixed Charges.....	(1,790,000)
Special Purpose:	
Automated Child Support Enforcement Program	(1,359,000)
Realizing economic potential program - Title IV-A	(17,106,000)
REACH Title IV-F.....	(25,277,000)
Child care block grant Title IV-F.....	(8,637,000)

Enhanced county and municipal monitoring	(520,000)
Affirmative action and equal employment opportunity program	(8,000)
State Aid and Grants:	
Supplemental Security Income	(4,000,000)
Refugee resettlement program.	(800,000)
Administration expenses to counties - Assistance programs	(58,000,000)
Energy assistance program	(51,935,000)
County administrative expenses - Title IV-D.....	(15,500,000)
County administrative expenses - Low income energy assistance.....	(4,251,000)
Food stamp program--county administration.....	(37,000,000)
Child care plus - Rockefeller grant	(771,000)
AFDC transitional housing demonstration.....	(995,000)
Food Stamp Employment - Transportation.	(1,350,000)
Title XIX--county administration.	(20,000,000)
Social services block grant--county administration.....	(22,840,000)
County administrative expenses - Refugee resettlement /Cuban- Haitian entrant program	(100,000)
Dependent children assistance	(257,214,000)
Additions, Improvements and Equipment.....	(20,000)

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management	\$26,729,000
17-7570 Substitute Care	16,244,000
18-7570 General Social Services	47,747,000
99-7570 Management and Administrative Services	<u>16,304,000</u>
Total Appropriation, Division of Youth and Family Services	<u>\$107,024,000</u>
Personal Services:	
Salaries and wages	(\$23,531,000)
Materials and Supplies	(2,652,000)
Services Other Than Personal.....	(11,073,000)
Maintenance and Fixed Charges.....	(11,423,000)
Special Purpose:	
State Aid and Grants:	
Initial response/Case management	(1,254,000)
Pediatric AIDS grant project.....	(400,000)
Multi-Purpose Resource Center	(450,000)

Carri crisis nursery project	(147,000)
Targeted assistance disabilities grant ..	(300,000)
Office of Refugee Resettlement	(3,216,000)
Childrens Justice Act	(237,000)
JOB links disability grant.....	(300,000)
Family violence prevention and services	(213,000)
Dependent care planning and development	(450,000)
Title XIX.....	(3,392,000)
Title IV-A/E.....	(9,669,000)
State Legalization Impact Assistance Grant.....	(1,502,000)
Low income energy assistance	(231,000)
Purchase of service contracts	(10,093,000)
Title IV-B child welfare services	(846,000)
General social services	(124,000)
Child care development block grant...	(13,346,000)
National Center For Child Abuse and Neglect	(391,000)
Challenge grant	(158,000)
Child Abuse and Neglect State Grant - Disabled infants.....	(210,000)
LIEAA day care	(459,000)
SSBG day care	(9,378,000)
Additions, Improvements and Equipment	(1,579,000)

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and Planning	\$24,027,000
99-7500 Management and Administrative Services.....	<u>25,600,000</u>
Total Appropriation, Division of Management and Budget	<u>\$49,627,000</u>
Personal Services:	
Salaries and wages	(\$1,604,000)
Employee benefits.....	(10,203,000)
Services Other Than Personal.....	(771,000)
Special Purpose:	
Automated child support enforcement program	(231,000)
Office of prevention.....	(291,000)
Title IV-A, Aid to families with dependent children.....	(336,000)
Title IV-B, Child welfare services	(92,000)
Title IV-E, Foster care	(236,000)
Low income energy assistance block grant	(63,000)
Community care waiver	(28,000)
Title XIX, ICF-MR	(2,980,000)

Title XIX, Medical assistance	(2,368,000)	
Refugee resettlement program.	(12,000)	
Social services block grant.....	(2,188,000)	
Vocational rehabilitation act,		
Section 120.....	(105,000)	
Food stamp program.	(336,000)	
REACH - Title IV-F	(95,000)	
Adult basic education program	(85,000)	
ECIA, Chapter I-State institutions-		
handicapped	(1,534,000)	
ECIA, Chapter I-Neglected and		
delinquent.....	(266,000)	
Vocational education, basic grant,		
section 120 rehab.....	(200,000)	
Chapter 2 block grant.....	(51,000)	
Early intervention compliance	(85,000)	
Other special purpose.....	(3,031,000)	
State Aid and Grants:		
Bridge Fund.....	(22,436,000)	
Total Appropriation, Department of Human Services		<u>\$2,288,101,000</u>

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Research		\$5,707,000
99-4565 Management and Administrative Services		<u>10,927,000</u>
Total Appropriation, Economic Planning and Development		<u>\$16,634,000</u>
Personal Services:		
Salaries and wages	(\$10,208,000)	
Compensation awards	(6,000)	
Employee benefits.....	(2,875,000)	
Materials and Supplies	(182,000)	
Services Other Than Personal.....	(1,974,000)	
Maintenance and Fixed Charges.....	(967,000)	
Special Purpose:		
Career information, military	(5,000)	
Other special purpose.....	(75,000)	
State Aid and Grants:		
Occupational informational coordinating		
program	(2,000)	
Additions, Improvements and Equipment	(340,000)	

52 Economic Regulation

12-4550 Enforcement of Workplace Standards		<u>\$1,348,000</u>
Total Appropriation, Economic Regulation		<u>\$1,348,000</u>
Personal Services:		
Salaries and wages	(\$809,000)	
Employee benefits.....	(232,000)	
Materials and Supplies	(10,000)	

Services Other Than Personal.....	(34,000)
Maintenance and Fixed Charges.....	(43,000)
Special Purpose:	
OSHA on-site consultation.....	(90,000)
Other special purpose.....	(27,000)
Additions, Improvements and Equipment	(103,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance	\$70,716,000
02-4515 Disability Determination	<u>31,000,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$101,716,000</u>
Personal Services:	
Salaries and wages	(\$55,541,000)
Employee benefits.....	(16,760,000)
Materials and Supplies.....	(467,000)
Services Other Than Personal.....	(9,538,000)
Maintenance and Fixed Charges	(6,278,000)
Special Purpose:	
Old age and survivors' insurance--	
Disability determination	(3,500,000)
Other special purpose.....	(375,000)
State Aid and Grants:	
Old age and survivors' insurance--	
Disability determination	(8,420,000)
Additions, Improvements and Equipment	(837,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$31,796,000
09-4545 Employment Services	34,620,000
10-4545 Employment Development Services	<u>66,666,000</u>
Total Appropriation, Manpower and Employment	
Services	<u>\$133,082,000</u>
Personal Services:	
Salaries and wages	(\$29,066,000)
Compensation awards	(303,000)
Employee benefits.....	(8,505,000)
Materials and Supplies.....	(240,000)
Services Other Than Personal.....	(3,836,000)
Maintenance and Fixed Charges	(4,594,000)
Special Purpose:	
Vocational rehabilitation services	(700,000)
Rehabilitation in-service training.....	(48,000)
Rehabilitation of supplemental	
security income beneficiaries	(1,100,000)
Job Training Partnership Act.....	(557,000)
Job Training Partnership Act--	
Title II-A, Training services for	
the disadvantaged	(36,000,000)
Job Training Partnership Act--	

Title II-B, Summer youth employment and training program	(15,080,000)	
Job Training Partnership Act--		
Title III, Dislocated workers	(12,452,000)	
Job Training Partnership Act--Title		
IV, federally administered programs	(200,000)	
Other special purpose.....	(995,000)	
State Aid and Grants:		
DVR independent living program-Part B	(325,000)	
Vocational rehabilitation services	(12,527,000)	
Comprehensive services for independent living	(250,000)	
Supported Employment.....	(680,000)	
Vocational Rehabilitation Services -		
Basic Support Grant	(300,000)	
U.I. Reemployment Demonstration		
Project	(5,000,000)	
Additions, Improvements and Equipment	(324,000)	
Total Appropriation, Department of Labor		<u>\$252,780,000</u>

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

*10 Public Safety and Criminal Justice**11 Vehicular Safety*

02-1110 Licensing, Registration and Inspection Services	\$242,000	
03-1110 Driver Control and Regulatory Affairs.....	<u>8,616,000</u>	
Total Appropriation, Vehicular Safety	<u>\$8,858,000</u>	
Maintenance and Fixed Charges.....	(\$101,000)	
Special Purpose:		
Federal highway safety program-		
State match.....	(8,450,000)	
Fatal accident system reporting		
control	(65,000)	
Federal commission driver license		
program	(143,000)	
Commercial driver license clearing		
house	(99,000)	

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$2,540,000	
08-1200 Emergency Services	3,597,000	
09-1020 Criminal Justice.....	20,803,000	
24-1200 Marine Police Operations	<u>1,037,000</u>	
Total Appropriation, Law Enforcement	<u>\$27,977,000</u>	
Personal Services:		
Salaries and wages	(\$1,842,000)	
Cash in lieu of maintenance	(5,000)	
Employee benefits.....	(418,000)	
Materials and Supplies	(236,000)	

Services Other Than Personal	(1,045,000)
Maintenance and Fixed Charges	(502,000)
Special Purpose:	
Earthquake preparedness grant.....	(100,000)
FEMA State assistance program	(125,000)
Juvenile justice administration and	
grants	(1,420,000)
Victim assistance grants.....	(2,500,000)
JJDP advisory board.....	(18,000)
Recreational boating safety financial	
assistance.....	(1,037,000)
Other special purpose.....	(160,000)
Emergency management training and	
education	(48,000)
Environmental hazardous material	
computerization grant	(97,000)
Clandestine laboratory operations and	
investigations.....	(100,000)
Medicaid fraud	(570,000)
Violent crimes reduction grant.....	(2,500,000)
State Aid and Grants:	
Maintenance and services	(350,000)
Emergency management assistance	
program	(1,900,000)
Drug enforcement administration	
and grants	(12,700,000)
Additions, Improvements and Equipment	(304,000)

19 Central Planning, Direction and Management

09-1000 Office of the Attorney General	<u>\$442,000</u>
Total Appropriation, Office of the Attorney General .	<u>\$442,000</u>
Special Purpose:	
Criminal history information grant.....	(\$442,000)

80 Special Government Services

82 Protection of Citizens' Rights

16-1350 Protection of Civil Rights	\$798,000
19-1440 Violent Crimes Compensation	<u>1,662,000</u>
Total Appropriation, Protection of Citizens' Rights ...	<u>\$2,460,000</u>
Personal Services:	
Salaries and wages	(\$872,000)
Employee benefits.....	(31,000)
Special Purpose:	
Victim compensation award.....	(1,510,000)
Fair housing technical assistance	
program	(43,000)
Other special purpose.....	(4,000)
Total Appropriation, Department of Law	
and Public Safety	<u>\$39,737,000</u>

**67 DEPARTMENT OF MILITARY AND VETERANS'
AFFAIRS**

10 Public Safety and Criminal Justice

14 Military Services

30-3620 Physical Plant and Support Services		\$5,921,000
40-3620 New Jersey National Guard Support Services		<u>1,591,000</u>
Total Appropriation, Military Services		<u>\$7,512,000</u>
Personal Services:		
Salaries and wages	(\$2,669,000)	
Employee benefits	(207,000)	
Materials and Supplies	(2,078,000)	
Services Other Than Personal	(648,000)	
Maintenance and Fixed Charges	(495,000)	
Special Purpose:		
Training and equipment pool sites	(118,000)	
Service contracts	(75,000)	
Provides salary, fringe benefits and workman's compensation	(52,000)	
Army facilities service contract	(239,000)	
McGuire Air Force Base service contract	(100,000)	
Atlantic City Air Base service contract	(50,000)	
National Guard Communications agreement	(26,000)	
Army National Guard Security agreement Atlantic City	(76,000)	
Fire fighter/crash rescue service cooperative funding agreement	(240,000)	
Additions, Improvements and Equipment	(439,000)	
Total Appropriation, Department of Military and Veterans' Affairs		<u>\$7,512,000</u>

70 DEPARTMENT OF THE PUBLIC ADVOCATE

80 Special Government Services

82 Protection of Citizens' Rights

01-8310 Mental Health Advocacy		\$450,000
08-8350 Advocacy for the Developmentally Disabled		<u>693,000</u>
Total Appropriation, Protection of Citizens' Rights		<u>\$1,143,000</u>
Personal Services:		
Salaries and wages	(\$347,000)	
Employee benefits	(100,000)	
Materials and Supplies	(21,000)	
Services Other Than Personal	(58,000)	
Maintenance and Fixed Charges	(22,000)	
Special Purpose:		
Advocacy for the developmentally disabled	(416,000)	

Mental health protection and advocacy	(130,000)	
Other special purpose	(47,000)	
Additions, Improvements and Equipment	(2,000)	
Total Appropriation, Department of the Public Advocate		<u>\$1,143,000</u>

74 DEPARTMENT OF STATE

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

05-2530 Support of the Arts	\$642,000
06-2535 Museum Service	473,000
07-2540 Development of Historical Resources	<u>80,000</u>

Total Appropriation, Cultural and Intellectual Development Services	<u>\$1,195,000</u>

Materials and Supplies	(15,000)
Services Other Than Personal	(222,000)
Maintenance and Fixed Charges	(7,000)

Special Purpose:

NEA Arts: Basic to education	(50,000)
NEA arts expansion.	(50,000)
National Endowment for the Humanities	
Afro American life in New Jersey .	(348,000)
IMS general support	(75,000)
Black migration project	(50,000)
Biographical dictionary of colonial	
New Jersey's legislature	(30,000)

State Aid and Grants:

Basic block grant	(238,000)
Arts in school	(101,000)
Additions, Improvements and Equipment	(9,000)

*70 Central Planning, Direction and Management**74 General Government Services*

08-2545 Records Management	<u>\$168,000</u>
Total Appropriation, General Government Services ...	<u>\$168,000</u>

Special Purpose:

New Jersey newspaper project	(\$168,000)
Total Appropriation, Department of State	<u>\$1,363,000</u>

78 DEPARTMENT OF TRANSPORTATION

*60 Transportation Programs**61 State Highway Facilities*

02-6200 Planning	\$17,000,000
03-6200 TRANSCOM	3,000,000
10-6200 Federal Aid Interstate Highway Projects	255,000,000
20-6200 Federal Aid Urban System Highway Projects	28,000,000
25-6200 Federal Aid Consolidated Primary Highway	
Projects	54,000,000

27-6200 Corridor Demonstration Projects	28,000,000
28-6200 Demonstration Projects	8,000,000
40-6200 Federal Aid Bridge and Highway Safety Projects ...	54,700,000
65-6200 Rail Freight Line	2,000,000
71-6200 Transportation Construction Engineering	<u>250,000</u>
Total Appropriation, State Highway Facilities	<u>\$449,950,000</u>

Special Purpose:

Metropolitan planning funds	(\$2,500,000)
Highway planning and research	(5,700,000)
Interstate highway projects	(255,000,000)
Federal aid urban system highway projects	(28,000,000)
Consolidated primary projects	(54,000,000)
Corridor safety improvements	(28,000,000)
Demonstration projects-transportation	(8,000,000)
Bridge and safety program	(54,700,000)
Rail freight capital projects	(2,000,000)
New Jersey Statewide public transportation grant (NJ 09-8007)	(8,800,000)
TRANSCOM	(3,000,000)
Supportive services highway construction training program	(250,000)

63 Local Highway Facilities

30-6322 Rural Highway	\$6,000,000
40-6322 Bridge and Highway Construction	<u>15,000,000</u>
Total Appropriation, Local Highway Facilities	<u>\$21,000,000</u>

Special Purpose:

Bridge and safety program	(\$15,000,000)
Federal and rural highway projects	(6,000,000)

64 Planning and General Management Support

05-6070 Access and Use Management	<u>\$3,500,000</u>
Total Appropriation, Planning and General Management Support	<u>\$3,500,000</u>

Special Purpose:

Airport Fund	(\$1,000,000)
Motor carrier safety assistance program	(2,500,000)
Total Appropriation, Department of Transportation	<u>\$474,450,000</u>

82 DEPARTMENT OF THE TREASURY

*50 Economic Planning, Development and Security**52 Economic Regulation*

54-2007 Utility Regulation	\$120,000
56-2014 Energy Resource Management	<u>743,000</u>
Total Appropriation, Economic Regulation.	<u>\$863,000</u>

Personal Services:

Salaries and wage	(\$464,000)
Employee benefits	(138,000)

Services Other Than Personal	(9,000)	
Special Purpose:		
Natural gas pipeline safety program...	(120,000)	
HUD solar bank	(70,000)	
Other special purpose	(62,000)	
Total Appropriation, Department of the Treasury		<u>\$863,000</u>

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

03-9720 Civil Courts		\$4,000
04-9725 Criminal Courts		99,000
05-9730 Family Courts		33,105,000
11-9760 Field Operations		<u>55,000</u>
Total Appropriation, Judicial Services		<u>\$33,263,000</u>
Personal Services:		
Salaries and Wages	(\$1,490,000)	
Employee benefits	(427,000)	
Materials and Supplies	(18,000)	
Services Other Than Personal	(103,000)	
Maintenance and Fixed Charges	(7,000)	
State Aid and Grants:		
Child support and paternity program,		
Title IV-D	(31,036,000)	
Court alcohol / drug rapid evaluation		
"CADRE"	(79,000)	
Integrated case management teams	(40,000)	
Court usage patterns	(25,000)	
Expedited drug aid management	(30,000)	
Additions, Improvements and Equipment	(8,000)	
Total Appropriation, The Judiciary		<u>\$33,263,000</u>
Total Appropriation, Federal Funds		<u>\$4,214,423,000</u>

Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to allotment by the Director of the Division of Budget and Accounting and the approval of the Joint Budget Oversight Committee or its successor: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required, the first 25 percent of unanticipated grant awards, and up to 25 percent of increases in previously

anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly activity not related to expansion of course curricula; federal financial aid funds for students attending post secondary educational institutions in excess of the amount specifically appropriated, provided however, that the Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of such grants; and all other grants of \$200,000 or less which have been awarded competitively.

For the purposes of federal funds appropriations, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, regional, county or municipal authorities, or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or the recipient of the allocation; and "grants" refers to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances of federal funds as of June 30, 1991 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, 1991 of accounts receivable balances which are established and reappropriated.

The unexpended balances of federal funds as of June 30, 1991 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, 1991 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.

New Jersey State Library

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, 1992, reports on proposed expenditures during fiscal year 1993 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the job training partnership block grant; the low income energy assistance block grant; the maternal and child health block grant; the preventive health and health services block grant; the small cities block grant; the social services block grant; and the child care block grant. These reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide service under the block grants.

The amounts hereinabove appropriated are available, subject to the approval of the Director of the Division of Budget and Accounting, for the payment of obligations and the reimbursement of expenditures applicable to prior fiscal years.

Grand Total Appropriation, All Funds	<u>\$18,865,870,000</u>

2. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as

of June 30, 1991 of such funds, subject to the approval of the Director of the Division of Budget and Accounting.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1991 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade-in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

6. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

7. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to allotment by the Director of the Division of Budget and Accounting.

8. The unexpended balances as of June 30, 1991 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements and Equipment are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

9. Unless otherwise provided, balances remaining as of June 30, 1991 in accounts of appropriations enacted subsequent to April 1, 1991 are appropriated.

10. a. To permit flexibility in the handling of appropriations, any department or agency that receives an appropriation by law, may, subject to the provisions of this section, or unless otherwise provided in this act, apply to the Director of the Division of Budget

and Accounting for permission to transfer funds from one item of appropriation to a different item of appropriation. For the purposes of this section, "item of appropriation" means the spending authority identified by an organization code, fund code and program code unique to the item. If the director consents to the transfer, the amount transferred shall be credited by the director to the designated item of appropriation and notice thereof shall be provided to the Legislative Budget and Finance Officer on the effective date of the approved transfer. However, the director, after consenting thereto, shall submit the following transfer requests to the Legislative Budget and Finance Officer for legislative approval or disapproval unless otherwise provided in this act:

(1) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$300,000, to or from any item of appropriation;

(2) Requests for the transfer of State funds, in amounts greater than \$300,000, to or from any account within an item of appropriation in which the unexpended balances are reappropriated in this act, or which is otherwise designated as a carry-forward account;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$8,000, to or from any Special Purpose or Grant account within an item of appropriation, from or to a different item of appropriation;

(4) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$8,000, to or from any Special Purpose or Grant account in which the identifying organization code, fund code and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(5) Requests for the transfer of State funds, in amounts greater than \$8,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as State Operations, Institutional Programs, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(6) Requests for the transfer of federal funds, in amounts greater than \$8,000, from one item of appropriation to another item of appropriation, if the amount of the transfer to an item in combination with the amount of the appropriation to that item would result in an amount in excess of the appropriation authority for that item;

(7) Requests for the transfer of federal funds, in amounts greater than \$8,000, to or from any Special Purpose or State Aid and Grants account within an item of appropriation, from or to a different item of appropriation;

(8) Requests for the transfer of federal funds, in amounts greater than \$8,000, to or from any Special Purpose or State Aid and Grants account, in which the identifying organization code, fund code and program code remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations; and

(9) Requests for such other transfers as are appropriate in order to ensure compliance with the legislative intent of this act.

b. The Joint Budget Oversight Committee or its successor may review all transfer requests submitted for legislative approval and may direct the Legislative Budget and Finance Officer to approve or disapprove any such transfer request. Transfers submitted for legislative approval pursuant to paragraph (5) of subsection a. of this section shall be made only if approved by the Legislative Budget and Finance Officer at the direction of the committee.

c. The Legislative Budget and Finance Officer shall approve or disapprove requests for the transfer of funds submitted for legislative approval within 10 working days of the physical receipt thereof and shall return them to the director. If any provision of this act or any supplement thereto requires the Legislative Budget and Finance Officer to approve or disapprove requests for the transfer of funds, the request shall be deemed to be approved by the Legislative Budget and Finance Officer if, within 20 working days of the physical receipt of the request, he has not disapproved the request and so notified the requesting officer. However, this time period shall not pertain to any transfer request under review by the Joint Budget Oversight Committee or its successor, provided notice of such review has been given to the director.

d. No amount appropriated for any capital improvement shall be used for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance. However, an amount from any appropriation for an item of capital improvement may be transferred to any other item of capital improvement subject to the approval of the director, and, if in an amount greater than \$300,000, subject to the approval of the Legislative Budget and Finance Officer.

e. The provisions of subsections a. through d. of this section shall not apply to appropriations made to the Legislative branch of

State government. To permit flexibility in the handling of these appropriations, amounts may be transferred to and from the various items of appropriation by the appropriate officer or his designee with notification given to the director on the effective date thereof.

f. Notwithstanding any provisions of this section to the contrary, transfers to and from the Special Purpose appropriation to the Governor for emergency and necessity under the State Contingency Fund and transfers from the appropriations to the various accounts in the category of Salary and Other Benefits, both in the Inter-Departmental Accounts, shall not be subject to legislative approval or disapproval.

11. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. If such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

12. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased telephone, motor pool, insurance, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, to an Inter-Departmental account, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the Director of the Division of

Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal Insurance Administration requirements.

15. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

16. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

17. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings, it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

18. Unless otherwise provided, federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided however, that a portion of the indirect and administrative cost recoveries received

which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting, who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used, within 10 working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

19. Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJEEN) as if they were State government agencies pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10); provided however, that any expenditure with NJEEN shall be subject to the prior approval of the Director of the Division of Budget and Accounting.

20. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$250 due and owing to the State.

21. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$1,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$1,000, which has been denied or not recommended by the head of such department, shall be precluded from presenting said claim to the Legislature for consideration.

22. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

23. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

24. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document dated January 29, 1991.

25. State agencies shall prepare and submit a copy of their departmental budget requests and spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by October 1, 1991, and updated spending plans on January 1, 1992 and April 1, 1992. The spending plans shall account for any changes in departmental spending which differ from this appropriation act and all supplements to this act. The spending plans shall be submitted on forms specified by the Director of the Division of Budget and Accounting.

26. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

27. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposals or grant applications, with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require

State support after the grant's expiration, prior to the director's approval or disapproval of the application.

28. Notwithstanding the provisions of P.L.1943, c.188 (C.52:14-17.1 et seq.), the rate of reimbursement for mileage allowed for employees traveling by personal automobile on official business shall be \$.25 per mile.

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

30. To the extent that balances as of June 30, 1991 in capital construction accounts which are otherwise appropriated herein, are lapsed in order to provide sufficient resources in fiscal year 1991 to maintain a balanced budget, there is hereby appropriated an amount sufficient to re-establish some or all of these lapsed capital construction accounts, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer.

31. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, from interest earnings of the various bond funds, such sums as may be necessary for the State to comply with the federal "Tax Reform Act of 1986," Pub. L.99-514 (26 U.S.C.§1 et seq.) which requires issuers of tax-exempt debt obligations to rebate any arbitrage earnings to the federal government.

32. In order to provide effective cash flow management for revenues and expenditures of the General Fund and the Property Tax Relief Fund to implement the fiscal year 1992 annual appropriations act, there are appropriated from the General Fund such sums as may be required to pay the principal of and interest on tax and revenue anticipation notes including notes in the form of commercial paper (hereinafter collectively referred to as short-term notes), together with any costs or obligations relating to the issuance thereof or contracts related thereto, according to the terms set forth herein. Provided further that, to the

extent that short-term notes are issued for cash flow management purposes in connection with the Property Tax Relief Fund, there are appropriated from the Property Tax Relief Fund such sums as may be required to pay the principal of those short-term notes.

33. The State Treasurer is authorized to issue in fiscal year 1992 short-term notes, which notes shall not constitute a general obligation of the State or a debt or a liability within the meaning of the State Constitution. Such short-term notes shall mature and be paid in fiscal year 1992 and the State Treasurer is authorized to pay any costs or obligations relating to the issuance of such short-term notes or contracts relating thereto. Such short-term notes shall be issued in such amounts and at such times during fiscal year 1992 as the State Treasurer shall deem necessary for the above stated purposes and for the payment of related costs, and on such terms and conditions, sold in such manner and at such prices, bearing interest at such fixed or variable rate or rates, renewable at such time or times, and entitled to such security, and using such paying agents as shall be determined by the State Treasurer. The State Treasurer is authorized to enter into such contracts and to take such other actions, all as determined by the State Treasurer to be appropriate to carry out the above cash flow management purposes. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Revenue, Finance and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

34. Such sums as may be necessary are appropriated from delinquent tax judgments, delinquent student loans, administrative fines and penalties, unclaimed property, escheats, overpayments of state entitlements and other debts owing to the State or its agencies collected or recovered by the Division of Taxation and the Unclaimed Property/Escheats Unit in the Department of the Treasury or by the Division of Law in the Department of Law and Public Safety or any other unit of State government to fund the cost of auditors, attorneys and other staff and other costs in such divisions or units incurred in order to collect or recover these funds, subject to the approval of the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Joint Budget Oversight Committee or its successor, with written reports on January 1, 1992, March 1, 1992 and July 1, 1992 of the amount of such collections and recoveries itemized by type of debt and the detailed appropriation and expenditure of such sums within each agency.

35. This act shall take effect July 1, 1991.

Approved June 30, 1991.

CHAPTER 186

AN ACT concerning the safety of firefighters and amending
P.L.1983, c.382 and P.L.1983, c.516.

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

1. Section 4 of P.L.1983, c.382 (C.52:27D-25d) is amended to
read as follows:

C.52:27D-25d Additional powers, duties of bureau.

4. In addition to any other powers and duties invested in it by
law or by the commissioner, the bureau shall:

- a. Provide staff support for the work of the fire safety commission and its advisory councils;
- b. Administer and enforce the "Uniform Fire Safety Act," established by P.L.1983, c.383 (C.52:27D-192 et seq.);
- c. Implement training and education programs for the fire service and the public;
- d. Administer a fire incident reporting system;
- e. Conduct research and master planning for fire safety; and
- f. In conjunction with the Department of Labor and Department of Health, conduct investigations of fire incidents in which one or more firefighters suffer death or serious injury and identify those measures which may be required to prevent the future occurrence of deaths and serious injuries under similar circumstances and, in furtherance of any such investigation, the bureau may issue and enforce subpoenas to compel the testimony of any person who might have knowledge of any relevant matters and the production of any relevant documents. If any investigation conducted under this subsection results in the discovery of any violation of the provisions of the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), the bureau, as an enforcing agency, may issue a written notice or order pursuant to that act. Any notice or order issued by the Bureau of Fire Safety pursuant to this subsection may be enforced under section 19 of P.L.1983, c.383 (C.52:27D-210) as a notice or order of the commissioner.

2. Section 17 of P.L.1983, c.516 (C.34:6A-41) is amended to read as follows:

C.34:6A-41 Violations, penalties.

17. a. If the commissioner determines that an employer has violated a provision of this act, or a safety or health standard or regulation promulgated under this act, or if he has received a report from the Bureau of Fire Safety of the Department of Community Affairs, the Department of Labor or the Department of Health, prepared as a result of the investigation of the death or serious injury of one or more firefighters, which indicates the existence of a violation of this act or of a safety standard promulgated under this act, he shall with reasonable promptness issue to the employer a written order to comply which shall describe the nature of the violation, including a reference to the provision of the section, standard, regulation or order alleged to have been violated, the sanction therefor, where appropriate, and shall fix a reasonable time for compliance. Determinations regarding health standards, and written orders issued pursuant thereto, shall be made in consultation with the Commissioner of Health.

b. Where the commissioner issues to an employer an order to comply, the employer shall post such order or a copy thereof at or near each location of the violation cited in the order so that it is clearly visible to affected employees. The commissioner shall make such order available to employee representatives and affected employees.

c. If the time for compliance with an order of the commissioner issued pursuant to this section elapses, and the employer has not made a good faith effort to comply, within its powers and financial resources, the employer shall be liable to a penalty of not more than \$1,000.00 per day to be collected in a civil action commenced by the commissioner by a summary proceeding under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) in the Superior Court or a municipal court, either of which shall have jurisdiction to enforce "the penalty enforcement law" in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given for compliance in accordance with the order of the department shall constitute an additional separate and distinct offense.

d. The commissioner is authorized to compromise and settle any claim for a penalty under this section in such amount as, in the discretion of the commissioner, may appear appropriate and equitable under all of the circumstances, including a rebate of any

such penalty paid up to 90% thereof where such person satisfies the commissioner within one year or such other period as the commissioner may deem reasonable that such violation had been eliminated or removed or that such order or injunction has been met or satisfied, as the case may be. In any claim involving investigations conducted by the Department of Health, the commissioner shall make the determination as to the compromise or settlement of the claim in consultation with the Commissioner of Health.

3. This act shall take effect immediately.

Approved July 1, 1991.

CHAPTER 187

AN ACT concerning health care cost containment and revising parts of statutory law.

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

C.26:2H-18.24 Findings, declarations.

1. The Legislature finds and declares that:

a. Access to quality health care shall not be denied to residents of the State because of their inability to pay for the care; there are many residents of the State, particularly those with incomes below the federal poverty level, who cannot pay for needed hospital care and in order to ensure that these persons have equal access to hospital care it is necessary to maintain a mechanism which will ensure payment of uncompensated hospital care; and to protect the fiscal solvency of the State's general hospitals, as provided for in P.L.1971, c.136 (C.26:2H-1 et al.), it is necessary that all payers of health care services share equally in the payment of uncompensated care on a Statewide basis.

b. The "New Jersey Uncompensated Care Trust Fund," created pursuant to P.L.1986, c.204, and continued pursuant to P.L.1989, c.1 (C.26:2H-18.4 et seq.), which law expired on December 31, 1990, by which hospitals were able to collect their reasonable cost of approved uncompensated care, resulted in unobstructed

access to health care for residents without insurance who otherwise are unable to afford care.

c. Having received and thoroughly reviewed the reports issued by the Commissioner of Health and the Governor's Commission on Health Care Costs on uncompensated care, its economic implications and various means of financing uncompensated care, it is evident that provision for a trust fund is necessary, with modifications, to ensure access to hospital care for those who cannot afford to pay and the fiscal solvency of hospitals. At the same time, the State should take further actions to: provide more comprehensive Medicaid coverage for the medically indigent, reduce the rate of increase in health insurance premiums and explore and implement various initiatives to reduce the amount of uncompensated care in this State without impairing access to care.

C.26:2H-18.25 Definitions.

2. As used in sections 1 through 26 of P.L.1991, c.187 (C.26:2H-18.24 et al.):

"Assessment" means monies that are required to be remitted to the fund by hospitals pursuant to this act.

"Commission" means the Hospital Rate Setting Commission established pursuant to section 5 of P.L.1978, c.83 (C.26:2H-4.1).

"Commissioner" means the Commissioner of Health.

"Department" means the Department of Health.

"Disproportionate share hospital" means a hospital designated by the Commissioner of Human Services pursuant to Pub.L.89-97 (42 U.S.C. §1396a et seq.).

"Fund" means the "New Jersey Health Care Trust Fund" established pursuant to this act.

"Hospital" means a general acute care hospital whose schedule of rates is approved by the commission pursuant to section 11 of P.L.1978, c.83 (C.26:2H-18.1).

"Medicaid" means the New Jersey Medical Assistance and Health Services Program in the Department of Human Services established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

"Payer" means a governmental or nongovernmental third party payer or any purchaser of hospital services whose hospital reimbursement rates are established by the commission pursuant to P.L.1971, c.136 (C.26:2H-1 et al.), but shall not include the Medicaid program and the Medicare program established pursuant to Pub.L.89-97 (42 U.S.C. §1395 et seq.), except as provided for in subsection a. of section 5 of this act.

“Uncompensated care” means inpatient and outpatient care provided to medically indigent persons and bad debts as defined by regulation of the department pursuant to P.L.1971, c.136 (C.26:2H-1 et al.).

C.26:2H-18.26 Approval of hospital’s rates by commission authorized.

3. The commission is authorized to approve a hospital’s rates to achieve an equitable collection and distribution mechanism among hospitals in the State for payment of uncompensated care pursuant to the provisions of this act.

C.26:2H-18.27 “New Jersey Health Care Trust Fund” established.

4. There is established the “New Jersey Health Care Trust Fund” in the Department of Health.

a. The fund shall be comprised of assessments remitted by hospitals pursuant to this act and any other monies appropriated thereto to carry out the purposes of this act.

The fund shall be a nonlapsing fund dedicated for use by the State: (1) to distribute payments for the cost of uncompensated care in the State, (2) to subsidize a pilot health insurance program for small business employees, (3) to fund the reasonable cost of administering the fund, (4) to fund the reasonable cost of preparing and disseminating health insurance information to employers pursuant to section 17 of P.L.1991, c.187 (C.26:2H-18.39) and (5) to fund primary health care provided by community health centers, on a pilot basis, pursuant to section 23 of P.L.1991, c.187 (C.26:2H-18.45); except that, monies remitted by hospitals pursuant to this act shall not be used for the purpose of subsidizing pilot health insurance programs for small business employees. Interest earned on monies deposited in the fund shall be credited to the fund.

b. The fund shall be administered by a person appointed by the commissioner.

The administrator of the fund is responsible for overseeing and coordinating the collection and disbursement of fund monies. The administrator is responsible for promptly informing the commission and the Commissioners of Health and Human Services if monies are not or are not reasonably expected to be collected or disbursed or if the fund’s reserve as established in subsection c. of this section falls below the required level.

c. The fund shall maintain a reserve in an amount not to exceed \$25 million. The commissioner shall adopt rules and regulations to govern the use of the reserve and to ensure the integrity of the fund, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

C.26:2H-18.28 Determination of uniform Statewide uncompensated care add-on.

5. a. For the periods beginning January or July of the hospitals' rate year, the department shall determine a uniform Statewide uncompensated care add-on. The commission shall approve the add-on before it is included in hospital rates.

The add-on shall be determined by dividing the Statewide amount of approved uncompensated care plus an amount adequate to fund the reasonable cost of administering the fund pursuant to subsection a. of section 4 of P.L.1991, c.187 (C.26:2H-18.27) and to maintain the reserve pursuant to subsection c. of section 4 of P.L.1991, c.187 (C.26:2H-18.27), by the Statewide amount of approved revenue for all payers and approved revenue for medically indigent persons less the Statewide amount of approved uncompensated care.

The Medicaid program shall provide its share of the uncompensated care add-on, as determined by the commission, through a direct contribution to the fund of an amount equal to the Medicaid program's State share of the uncompensated care add-on.

The add-on and any increases made to the add-on are an allowable cost and shall be included as part of the hospital's rates as established by the commission.

b. The amount of money raised by the uniform Statewide uncompensated care add-on, as a percentage of all governmental and nongovernmental approved revenue, shall not exceed 13%, except that the add-on shall not exceed 19.7%.

c. The uniform Statewide uncompensated care add-on for patients whose hospital bills are paid by a health maintenance organization or other payer which has negotiated a discounted rate of payment with the hospital shall be based on the full rate of reimbursement for the services provided by the hospital to the patient under the hospital reimbursement system established pursuant to P.L.1978, c.83, rather than on the discounted rate of payment.

d. No provision of this section shall be construed to preclude the commission from approving individual hospital rate increases for uncompensated care in addition to the add-on. Such increases, however, shall not be paid from the moneys in the Health Care Trust Fund.

C.26:2H-18.29 Approval of hospital's reasonable uncompensated care costs.

6. a. The commission shall approve each hospital's reasonable uncompensated care costs and shall ensure that uncompensated care services financed pursuant to this act are provided in the most appropriate and cost-effective manner which the commission determines hospitals can reasonably be required to achieve.

The commission shall reduce a hospital's reasonable uncompensated care costs by the amount of overpayment for patient care services, if any, by the Medicare program established pursuant to Pub.L.89-97 (42 U.S.C. § 1395 et seq.), the Medicaid program, or any payer or purchaser of hospital services whose hospital reimbursement rates are not established by the commission pursuant to P.L.1971, c.136 (C.26:2H-1 et al.). For the purposes of this section, "overpayment" means reimbursement in excess of that allowed by section 5 of P.L.1978, c.83 (C.26:2H-4.1).

The commission shall require a hospital which engages in inefficient or inappropriate provision of uncompensated care services to submit to the commission a cost reduction plan. The commission may prospectively reduce the hospital's uncompensated care payments for failure to submit or implement a cost reduction plan that has been approved by the commission.

b. The hospital mandatory assessment shall be funded by the uniform Statewide uncompensated care add-on determined pursuant to section 5 of P.L.1991, c.187 (C.26:2H-18.28) which is charged by the hospital to all payers.

A hospital shall collect all monies received from the uncompensated care add-on pursuant to subsection a. of section 5 of P.L.1991, c.187 (C.26:2H-18.28) and remit all such monies to the fund as the hospital's mandatory assessment.

Such funds as may be necessary from the assessment shall be appropriated from the fund to the Division of Medical Assistance and Health Services in the Department of Human Services for payment to disproportionate share and non-disproportionate share hospitals for payments of approved uncompensated care costs.

The commission shall determine the amount that the Division of Medical Assistance and Health Services in the Department of Human Services shall pay to each hospital.

The Commissioner of Human Services shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the provisions of this subsection.

C.26:2H-18.30 Remission of mandatory assessment to fund by hospital.

7. a. A hospital shall remit the mandatory assessment to the fund at the end of every month, for 12 months, except that, a hospital shall remit the first payment under this act by August 30, 1991.

b. If a hospital is delinquent in its payment of the mandatory assessment to the fund, the commission may, pursuant to rules and regulations adopted by the commissioner, remove from that hospi-

tal's schedule of rates the uniform Statewide uncompensated care add-on or levy a reasonable penalty on the hospital. The penalty shall be recovered in a summary civil proceeding brought in the name of the State in the Superior Court pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Penalties collected pursuant to this section shall be deposited in the fund established pursuant to this act.

c. A hospital authorized to receive payments from the Division of Medical Assistance and Health Services in the Department of Human Services pursuant to subsection b. of section 6 of P.L.1991, c.187 (C.26:2H-18.29), shall receive the payments on a monthly basis. A hospital shall receive 12 monthly payments and the first payment shall be made within 45 days of the effective date of this section.

C.26:2H-18.31 Reimbursement to hospital of uncompensated care cost.

8. a. A hospital shall not be reimbursed for the cost of uncompensated care unless the commissioner certifies to the commission that the hospital has followed the procedures pursuant to this section and section 11 of P.L.1991, c.187 (C.26:2H-18.33). For the purposes of this section and section 11 of P.L.1991, c.187 (C.26:2H-18.33), "designated hospital employee" means an employee of the hospital who has received training in the collection of patient financial data and identification of third party coverage and in assessing a patient's eligibility for public assistance; and "responsible party" means any person who is responsible for paying a patient's hospital bill.

b. A designated hospital employee shall interview a patient upon the patient's initial request for care. If the emergent nature of the patient's required health care makes the immediate patient interview impractical, the designated hospital employee shall interview the patient's family member, responsible party or guardian, as appropriate, but if there is no family member, responsible party or guardian, the designated hospital employee shall interview the patient within five working days of the patient's admission into the hospital or prior to discharge, whichever date is sooner.

c. A patient interview shall, at a minimum, include the following inquiries, except as provided in paragraph (5) of this subsection:

(1) The designated hospital employee shall obtain documentation of proper identification of the patient. Documentation of proper identification may include, but shall not be limited to, a driver's license, a voter registration card, an alien registry card, a birth certificate, an employee identification card, a union membership card, an insurance or welfare plan identification card or a

Social Security card. Proper identification of the patient may also be provided by personal recognition by a person not associated with the patient. For the purposes of this paragraph, "proper identification" means the patient's name, mailing address, residence telephone number, date of birth, Social Security number, and place and type of employment, employment address and employment telephone number, as applicable.

(2) The designated hospital employee shall inquire of the patient, family member, responsible party or guardian, as appropriate, whether the patient is covered by health insurance, and if so, shall request documentation of the evidence of health insurance coverage. Documentation may include, but shall not be limited to, a government sponsored health plan card or number, a group sponsored or direct subscription health plan card or number, a commercial insurance identification card or claim form or a union welfare plan identification card or claim form.

(3) If evidence of health insurance coverage for the patient is not documented or if evidence of health insurance coverage is documented but the patient's health insurance coverage is unlikely to provide payment in full for the patient's account at the hospital, the designated hospital employee shall make an initial determination of whether the patient is eligible for participation in a public assistance program. If the employee concludes that the patient may be eligible for a public assistance program, the employee shall so advise the patient, family member, responsible party or guardian, as appropriate. The employee, either directly or through the hospital's social services office, shall give the patient, family member, responsible party or guardian, as appropriate, the name, address and phone number of the public assistance office that can assist in enrolling the patient in the program. The employee, or the social services office of the hospital, shall also advise the public assistance office of the patient's possible eligibility, including possible retroactive or presumptive eligibility, for the program.

Notwithstanding the provisions of this paragraph to the contrary, if a county welfare agency employee is assigned to the hospital pursuant to section 9 of P.L.1991, c.187 (C.26:2H-18.32) the designated hospital employee shall refer the patient, family member, responsible party or guardian, as appropriate, to the county welfare agency employee who shall determine if the patient is eligible for Medicaid.

(4) If evidence of health insurance coverage for the patient is not documented or if evidence of health insurance coverage is docu-

mented but the patient's health insurance coverage is unlikely to provide payment in full for the patient's account at the hospital, and the patient does not appear to be eligible for public assistance, the designated hospital employee shall determine if the patient is eligible for charity care pursuant to regulations adopted by the commissioner. If the patient does not qualify for charity care, the designated hospital employee shall request from the patient, family member, responsible party or guardian, as appropriate, the patient's or responsible party's place of employment, income, real property and durable personal property owned by the patient or responsible party and bank accounts possessed by the patient or responsible party, along with account numbers and the name and location of the bank.

(5) In the case of a patient seeking outpatient services, the designated hospital employee shall make the inquiries and obtain the documentation required pursuant to paragraphs (1) and (2) of this subsection. If the patient provides the required documentation, the designated hospital employee is not required to make further inquiries, but if the patient cannot provide the required documentation, the designated hospital employee shall follow the procedures required pursuant to paragraphs (3) and (4) of this subsection.

d. The provisions of this section shall not apply to a patient who is investigated by a county adjuster and found to be indigent by a court of competent jurisdiction pursuant to the provisions of chapter 4 of Title 30 of the Revised Statutes. A patient so found shall qualify for charity care under rules and regulations adopted by the commissioner.

C.26:2H-18.32 Designation of hospitals where county welfare agency employee will be stationed to determine patient Medicaid eligibility.

9. The Commissioner of Health, in consultation with the Commissioner of Human Services, shall designate those hospitals at which an employee from the county welfare agency shall be stationed, on either a full or part-time basis, as appropriate, to perform eligibility determinations for the Medicaid program pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

A designated hospital shall reimburse the county welfare agency for the nonfederal share of costs associated with the county welfare agency employee, as certified by the Commissioner of Human Services. The Commissioner of Human Services shall bill the hospital quarterly for the nonfederal share of costs and reimburse the county welfare agency upon receipt of payment from the hospital.

A hospital shall be fully reimbursed for the nonfederal share of costs associated with a county welfare agency employee stationed

at the hospital through the reimbursement rates of the hospital, as established by the commission.

C.30:4D-7a County welfare agency to provide adequate employees to determine Medicaid eligibility.

10. The Commissioner of Human Services shall require that a county welfare agency provide adequate employees to determine Medicaid eligibility to any hospital in the county that has been designated by the Commissioner of Health pursuant to section 9 of P.L.1991, c.187 (C.26:2H-18.32).

The Commissioner of Human Services shall bill the designated hospital quarterly for the nonfederal share of costs associated with a county welfare agency employee stationed at the hospital, and reimburse the county welfare agency upon receipt of payment from the hospital.

C.26:2H-18.33 Collection procedure followed by hospital after discharge of patient.

11. a. If, upon the discharge of a patient from the hospital, the patient's account has not been paid in full by the patient or responsible party or by health insurance, or it is unlikely that the patient's account will be paid in full by the patient or responsible party or by health insurance, as identified pursuant to paragraphs (2) and (3) of subsection c. of section 8 of P.L.1991, c.187 (C.26:2H-18.31), and the patient or responsible party is likely to have assets such as those identified pursuant to paragraph (4) of subsection c. of section 8 of P.L.1991, c.187 (C.26:2H-18.31), a hospital shall follow the collection procedure pursuant to this section unless the patient's aggregate outstanding balance is less than \$250 or unless and until the cost of collecting the account exceeds the patient's outstanding balance.

b. The hospital shall commence the collection procedure within two weeks after a patient's discharge from the hospital or date of service at the hospital.

The collection procedure shall include:

(1) At least three billing statements, each sent at intervals of no longer than four weeks, shall be sent to the patient's or responsible party's mailing address.

At least two collection follow-up letters shall follow the three billing statements. The collection follow-up letters shall be sent to the patient's or responsible party's mailing address at an interval of no longer than three weeks. Each collection follow-up letter shall state the amount due and owing, the collection history on the account and the hospital's intention to proceed with legal

action if the outstanding balance is not paid in full or, in the alternative, the patient or responsible party fails to enter into payment arrangements with the hospital. Each collection follow-up letter shall request a partial payment of the outstanding balance in the patient's account as the minimum amount due and shall offer to establish a payment schedule for the remainder of the outstanding balance in the patient's account based upon the patient's or responsible party's ability to pay. The letter shall clearly indicate the name of a person for the patient or responsible party to contact, and a telephone number for the patient or responsible party to call, in order to arrange such a payment schedule.

A hospital is not required to comply with the requirements of sending a third billing statement or two collection follow-up letters if mail has twice been returned to the hospital, and hospital personnel, despite reasonable efforts, are unable to determine a new mailing address for the patient or responsible party;

(2) At least three attempts to reach the patient or responsible party by telephone shall be made if hospital personnel have determined a residence or business telephone number for the patient or responsible party. If hospital personnel are not able to make telephone contact with the patient or responsible party after three attempts, the hospital shall send a collection telegram;

(3) Legal action to collect the amount due and owing on the patient's account shall be taken; and

(4) The hospital shall request the department, on behalf of the fund, to request the Department of the Treasury to apply or cause to be applied the income tax refund or homestead rebate due the patient or responsible party, or both the income tax refund and homestead rebate, or so much of either or both as is necessary to recover the amount due and owing on the patient's account, pursuant to section 1 of P.L.1981, c.239 (C.54A:9-8.1), for which purpose the patient's outstanding balance shall be considered a debt to the fund and the fund shall be considered an agency of State government.

c. Unless the cost of completing the procedure, in part or in its entirety, exceeds the outstanding balance on a patient's account, a hospital shall complete the procedures in paragraphs (1) and (2) of subsection b. of this section before submitting appropriate documentation and requesting from the commissioner that the hospital be reimbursed on a delinquent account from the fund.

If any payment on a delinquent account is received as a result of compliance with the procedures in subsection b. of this section and the hospital has already received payment from the fund, the amount

of money the hospital is entitled to receive from the fund shall be adjusted pursuant to procedures established by the commission.

d. This section shall not apply to a patient who: qualifies for charity care pursuant to rules and regulations adopted by the commissioner; is found to be indigent by a court of competent jurisdiction pursuant to the provisions of chapter 4 of Title 30 of the Revised Statutes; or qualifies for care under the federal Hill-Burton program pursuant to 42 U.S.C. § 291 et seq.

e. The commissioner shall adopt rules and regulations to effectuate the purposes of this section and section 8 of P.L.1991, c.187 (C.26:2H-18.31); except that nothing in this section or section 8 of P.L.1991, c.187 (C.26:2H-18.31) shall be construed to prohibit the commissioner from adopting rules and regulations that are more stringent than the provisions of this section and section 8 of P.L.1991, c.187 (C.26:2H-18.31).

C.26:2H-18.34 Annual audit of hospital's uncompensated care.

12. a. The department shall annually provide for an audit of each hospital's uncompensated care within a time frame established by rules and regulations adopted by the commissioner.

b. Prior to the department's final approval of the audit, the results of the audit shall be reviewed with the hospital. If a hospital disputes an audit adjustment, the hospital may appeal the adjustment to the commission. The commission shall resolve the dispute within 90 calendar days of the date on which the hospital appealed the adjustment.

c. Upon receipt and acceptance of the final audit, the commission, within 90 calendar days, shall adjust a hospital's schedule of rates so that the rates reflect the audit adjustment.

C.26:2H-18.35 Reporting by hospitals of patient accounts referred to collection agency.

13. The department shall, for the purpose of developing patient profiles, require a hospital to report the following information about any patient who was served on an inpatient basis or on any patient served on an outpatient basis with an account balance greater than \$125, whose account has been referred to a collection agency or for legal action pursuant to paragraph (3) of subsection b. of section 10 of P.L.1989, c.1 (C.26:2H-18.13) or to paragraph (3) of subsection b. of section 11 of P.L.1991, c.187 (C.26:2H-18.33): the patient's age; sex; marital status; employment status and if employed, whether the employment is full or part-time; type of health insurance coverage, and if the patient is a child under 18 years of age who does not have health insurance cover-

age or a married person who does not have health insurance coverage, whether the child's parent or the married person's spouse, as the case may be, has health insurance coverage.

The hospital shall also include a copy of any billing information about the patient's account, at the point of write-off as a bad debt, which is provided to a collection agency or any other person for legal action, including whether the amount due and owing represents the patient or responsible party's failure to pay a full hospital bill, a partial hospital bill, or an insurance copayment or deductible.

The hospital shall provide the information to the department on a quarterly basis, on a form developed by the department, in consultation with the New Jersey Hospital Association.

C.26:2H-18.36 Submission of information about income of persons whose income tax refund, homestead rebate was applied to patient account.

14. The Department of the Treasury shall compile and submit to the Department of Health information about the income of persons whose income tax refund or homestead rebate was applied to recover the amount due and owing on a patient's account pursuant to paragraph (4) of subsection b. of section 10 of P.L.1989, c.1 (C.26:2H-18.13) or to paragraph (4) of subsection b. of section 11 of P.L.1991, c.187 (C.26:2H-18.33).

The information compiled by the department shall identify the number of persons whose annual income for 1990 is: below \$10,000; between \$10,000 and \$20,000; between \$20,001 and \$40,000; between \$40,001 and \$60,000; between \$60,001 and \$80,000; and greater than \$80,000.

C.26:2H-18.37 Quality control reviews of audits of hospital uncompensated care.

15. The State Auditor shall conduct quality control reviews of the audits of hospital uncompensated care for calendar years 1989 and 1990 that are required pursuant to section 11 of P.L.1989, c.1 (C.26:2H-18.14). The State Auditor shall select a representative sample of hospital audits to complete the reviews, except that each year's review shall include, at a minimum, the audits from the 20 hospitals with the highest uncompensated care costs in the State.

The State Auditor shall report to the chairmen of the Senate Institutions, Health and Welfare and General Assembly Health and Human Services Committees and the Commissioner of Health on the results of the reviews and make any recommendations necessary to improve the system for monitoring compliance with the patient interview and collection procedures required pursuant to this act.

The Department of Health shall promptly provide the State Auditor with a copy of the completed audits of each hospital's uncompensated care for 1989, and the completed audits for 1990, as soon as they are available, for the purpose of conducting the reviews.

C.26:2H-18.38 Adjustment of hospital's rate schedule to reflect services provided to certain emergency room patients.

16. The commission shall adjust a hospital's schedule of rates to ensure that services which are provided to emergency room patients who do not require those services on an emergency basis are reimbursed at a rate appropriate for primary care, according to regulations adopted by the commissioner. Nothing in this section shall be construed to restrict the right of the commission to increase a hospital's schedule of rates for required emergency services, except that the increase shall not be solely to offset a reduction in hospital revenue as a result of reduced rates for primary care provided in the emergency room.

Nothing in this section shall be construed to permit a hospital to refuse to provide emergency room services to a patient who does not require the services on an emergency basis.

C.26:2H-18.39 Employers not providing health insurance required to provide employer assistance.

17. Any employer in this State who does not provide health insurance coverage to its employees is required to provide employer assistance and to inform all of its current and prospective employees about the importance of having health insurance coverage. The employer shall also make a good faith effort to assist any employee who wishes to purchase health insurance from a health insurance carrier.

For the purposes of this section, "employer assistance" means the dissemination to all current and prospective employees of information obtained from the department on health insurance products available in the State for employees and their dependents.

The department, in consultation with the Department of Insurance, shall prepare and have ready for dissemination to employers information on health insurance products available in the State.

C.26:2H-18.40 Monies remaining in "Uncompensated Care Reduction - Pilot Program" account to subsidize pilot program for small business employees.

18. The monies remaining in the "Uncompensated Care Reduction--Pilot Program" account of the New Jersey Uncompensated Care Trust Fund established pursuant to P.L.1989, c.1 (C.26:2H-18.4 et seq.) on December 31, 1990 shall be used to subsidize or otherwise provide financial assistance for a health insurance pilot program for small business employees; except that the monies,

and any interest earned thereon, shall remain in the account until such time as a law is enacted which establishes the health insurance pilot program for small business employees and which appropriates the monies in the account.

C.26:2H-18.41 Hospital shall not advertise availability of uncompensated care.

19. A hospital shall not advertise by any means the availability of uncompensated care that is provided at the hospital pursuant to this act. Nothing in this section shall be construed to prohibit a hospital from advertising its requirement to provide charity care under the federal Hill-Burton program pursuant to 42 U.S.C. § 291 et seq.

C.26:2H-18.42 Hospital not claiming deduction for bad debt eligible for reimbursement for charity care.

20. A hospital that does not claim any deduction for bad debt for the purpose of the department's determination of that hospital's uncompensated care factor pursuant to N.J.A.C.8:31B-4.39, is eligible for full reimbursement for charity care, as provided pursuant to N.J.A.C.8:31B-4.37, for all eligible patients regardless of a patient's state of residence; except that this section shall not apply in the case of a patient who is not a resident of the United States.

C.26:2H-18.43 Compensation provided for cost of advanced life support services.

21. a. The cost of advanced life support services provided pursuant to P.L.1984, c.146 (C.26:2K-7 et seq.) to medically indigent persons incurred through a hospital's provision of advanced life support services shall be compensated pursuant to this act. The commission shall, by regulation, establish a schedule of reimbursement rates for advanced life support services. Reimbursement for mobile intensive care unit uncompensated care shall only include those uninsured patients who are classified as charity care pursuant to regulations promulgated by the commissioner. Reimbursement shall exclude bad debt, the difference in a contractual allowance, or any medical denials for a service.

b. The cost of advanced life support services provided by the University of Medicine and Dentistry of New Jersey University Hospital to uninsured patients who are classified as charity care shall be uncompensated care, except that such uncompensated care shall be exempt from any reimbursement limitations for uncompensated care that apply to University Hospital. Reimbursement for advanced life support services uncompensated care for University Hospital shall not be paid from the fund, but shall be paid through the reimbursement rates of University Hospital as established by the commission.

C.26:2H-18.44 Determination of eligibility for uncompensated care not applicable to patient found indigent.

22. For all periods for which an audit for reimbursement for uncompensated care through the Uncompensated Care Trust Fund established pursuant to P.L.1989, c.1 (C.26:2H-18.4 et seq.) shall be conducted, the requirements regarding the determination of eligibility for charity care pursuant to sections 9 and 10 of P.L.1989, c.1 (C.26:2H-18.12 and 18.13) shall not apply to a patient who is investigated by a county adjuster and found to be indigent by a court of competent jurisdiction pursuant to the provisions of chapter 4 of Title 30 of the Revised Statutes. A patient so found shall qualify for charity care.

C.26:2H-18.45 Pilot program to create partnership between urban hospitals and community health centers.

23. a. The commissioner shall establish a pilot program to create a partnership between urban hospitals with high uncompensated care costs and community health centers in order to provide primary health care in the most appropriate community setting. The commissioner shall select one hospital with high uncompensated care costs in the northern, central and southern regions of the State, respectively, to participate in the program. The commissioner shall establish the program by September 1, 1991.

b. Each hospital selected to participate in the program shall establish a formal agreement with a community health center located near the hospital, in which the hospital agrees to refer emergency room patients who are not in need of emergency care, but require primary care, to the community health center for the needed medical services. The agreement shall stipulate that if the patient who is referred to the community health center cannot afford to pay for the health care services provided at the center and qualifies for charity care pursuant to requirements established by the commissioner, the center shall submit the bill to the referring hospital and the hospital shall include the amount of the bill in its uncompensated care costs. The hospital shall reimburse the center for the approved charity care provided pursuant to this pilot program. The agreement shall also stipulate that the community health center shall operate at hours that reflect the needs of the community and shall provide an emergency contact during nonoperating hours.

C.26:2H-18.46 Report on status of fund.

24. The commissioner shall report to the Governor, the presiding officers of the Senate and the General Assembly, and the chairmen of the Senate Institutions, Health and Welfare Commit-

tee and the General Assembly Health and Human Services Committee, six and 11 months after the effective date of this act on the status of the fund.

a. The commissioner shall include in the first report a summary of the findings of the 1990 annual audit of each hospital's uncompensated care conducted pursuant to section 12 of P.L.1991, c.187 (C.26:2H-18.34). The summary shall include the percentage of uncompensated care for each hospital that is classified as charity care and as bad debt, respectively. The report shall also include a compilation of the information collected pursuant to section 13 of P.L.1991, c.187 (C.26:2H-18.35).

b. The commissioner shall include in the second report a compilation of the information collected pursuant to section 13 of P.L.1991, c.187 (C.26:2H-18.35) and provided by the Department of the Treasury pursuant to section 14 of P.L.1991, c.187 (C.26:2H-18.36).

C.26:2H-18.47 "Health Care Cost Reduction Fund" established.

25. a. There is established in the Department of Health a special fund to be known as the "Health Care Cost Reduction Fund."

The monies in the Health Care Cost Reduction Fund are hereby appropriated for the purposes and in amounts not to exceed the amounts specified in this subsection:

- (1) Local health planning - \$3 million per year;
- (2) Demographic study of hospital patients whose accounts are classified as bad debts - \$50,000;
- (3) Primary Care Physician and Dentist Loan Redemption Program - \$1 million per year;
- (4) Provision of funds to community health centers funded under sections 329 or 330 of the "Public Health Service Act," (42 U.S.C. § 254b, 254c) or which have been designated by the Health Resources and Services Administration in the United States Public Health Service as a Federally Qualified Health Center, to enable these centers to expand their hours of operation to evenings and weekends, and to enhance and advertise their primary health care services as an alternative to hospital emergency rooms - \$10 million per year;
- (5) Expansion of eligibility for the Medicaid program to 185% of the poverty level for pregnant women and infants up to one year of age;
- (6) Establishment of a "HealthStart Plus" program for pregnant women and infants up to age one whose income is between 185% and 300% of the poverty level - \$8 million per year;

(7) Establishment of the "Competitive Initiatives Fund" to strengthen relationships between hospitals and community health centers - \$6 million per year; and

(8) Other reform measures established by law which are designed to contain the cost of uncompensated care.

The department shall maintain a separate account for each of the reform measures funded by the Health Care Cost Reduction Fund.

b. Notwithstanding any law to the contrary, each hospital whose rates are established by the commission pursuant to P.L.1978, c.83 (C.26:2H-1 et al.) shall pay .53% of its approved revenue base for 1991 to the Department of Health for deposit in the Health Care Cost Reduction Fund. The hospital shall make monthly payments to the department for a period of 24 months beginning on the first month following the date of enactment of this act, except that the total amount paid into the Health Care Cost Reduction Fund plus interest shall not exceed \$40 million per year. The commissioner shall determine the manner in which the payments shall be made.

c. The commissioner shall report to the Senate Institutions, Health and Welfare Committee and the General Assembly Health and Human Services Committee quarterly on the status of the Health Care Cost Reduction Fund. The report shall specify the amount of revenues received by the fund and the specific expenditures made, and proposed to be made, from the fund.

C.26:2H-18.48 Transfer of employees, appropriations etc. to the "New Jersey Health Care Trust Fund."

26. The employees, appropriations and other moneys, files, books, papers, records, equipment and other property of the "New Jersey Uncompensated Care Trust Fund" and the "Uncompensated Care Trust Fund Advisory Committee," established pursuant to P.L.1986, c.204, and continued pursuant to P.L.1989, c.1 (C.26:2H-18.4 et seq.), which law expired on December 31, 1990, are transferred, pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.) to the "New Jersey Health Care Trust Fund" established pursuant to this act.

27. Section 1 of P.L.1971, c.136 (C.26:2H-1) is amended to read as follows:

C.26:2H-1 Declaration of policy.

1. It is hereby declared to be the public policy of the State that hospital and related health care services of the highest quality, of demonstrated need, efficiently provided and properly utilized at a

reasonable cost are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the State, promote the financial solvency of hospitals and similar health care facilities and contain the rising cost of health care services, the State Department of Health shall have the central, comprehensive responsibility for the development and administration of the State's policy with respect to health planning, hospital and related health care services and health care facility cost containment programs, and all public and private institutions, whether State, county, municipal, incorporated or not incorporated, serving principally as residential health care facilities, nursing or maternity homes or as facilities for the prevention, diagnosis, or treatment of human disease, pain, injury, deformity or physical condition, shall be subject to the provisions of this act.

28. Section 2 of P.L.1971, c.136 (C.26:2H-2) is amended to read as follows:

C.26:2H-2 Definitions.

2. The following words or phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

a. "Health care facility" means the facility or institution whether public or private, engaged principally in providing services for health maintenance organizations, diagnosis of treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health care agency, residential health care facility and bioanalytical laboratory (except as specifically excluded hereunder) or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer and excluding such bioanalytical laboratories as are independently owned and operated, and are not owned, operated, managed or controlled, in whole or in part, directly or indirectly by any one or more health care facilities, and the predominant source of business of which is not by contract with health care facilities within the State of New Jersey and which solicit or accept specimens and operate predominantly in interstate commerce.

b. "Health care service" means the preadmission, outpatient, inpatient and postdischarge care provided in or by a health care facility, and such other items or services as are necessary for such care, which are provided by or under the supervision of a physician for the purpose of health maintenance organizations, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, including, but not limited to, nursing service, home care nursing and other paramedical service, ambulance service, service provided by an intern, resident in training or physician whose compensation is provided through agreement with a health care facility, laboratory service, medical social service, drugs, biologicals, supplies, appliances, equipment, bed and board, but excluding services provided by a physician in his private practice, except as provided in section 7 of P.L.1971, c.136 (C.26:2H-7), or by practitioners of healing solely by prayer, and services provided first aid, rescue and ambulance squads as defined in the "New Jersey Highway Safety Act of 1971," P.L.1971, c.351 (C.27:5F-1 et seq.).

c. "Construction" means the erection, building, or substantial acquisition, alteration, reconstruction, improvement, renovation, extension or modification of a health care facility, including its equipment, the inspection and supervision thereof; and the studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary thereto.

d. "Board" means the Health Care Administration Board established pursuant to this act.

e. "Commission" means the Hospital Rate Setting Commission established pursuant to this act.

f. "Government agency" means a department, board, bureau, division, office, agency, public benefit or other corporation, or any other unit, however described, of the State or political subdivision thereof.

g. (Deleted by amendment, P.L.1991, c.187).

h. (Deleted by amendment, P.L.1991, c.187).

i. "Department" means the State Department of Health.

j. "Commissioner" means the State Commissioner of Health.

k. "Preliminary cost base" means that proportion of a hospital's current cost which may reasonably be required to be reimbursed to a properly utilized hospital for the efficient and effective delivery of appropriate and necessary health care services of high quality required by such hospital's mix of patients. The preliminary cost base initially may include costs identified by the commissioner and approved or adjusted by the commission as being in excess of that proportion of a hospital's current costs identified above, which

excess costs shall be eliminated in a timely and reasonable manner prior to certification of the revenue base. The preliminary cost base shall be established in accordance with regulations proposed by the commissioner and approved by the board.

l. "Certified revenue base" means the preliminary cost base adjusted by the commission, as appropriate and necessary pursuant to regulations proposed by the commissioner and approved by the board, to provide for the financial solvency of a hospital which is properly utilized and which delivers, effectively and efficiently, appropriate and necessary health care services of a high quality required by its mix of patients.

m. "Provider of health care" means an individual (1) who is a direct provider of health care service in that the individual's primary activity is the provision of health care services to individuals or the administration of health care facilities in which such care is provided and, when required by State law, the individual has received professional training in the provision of such services or in such administration and is licensed or certified for such provision or administration; or (2) who is an indirect provider of health care in that the individual (a) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subparagraph b(ii) or subparagraph b(iv); provided, however, that a member of the governing body of a county or any elected official shall not be deemed to be a provider of health care unless he is a member of the board of trustees of a health care facility or a member of a board, committee or body with authority similar to that of a board of trustees, or unless he participates in the direct administration of a health care facility; or (b) received, either directly or through his spouse, more than one-tenth of his gross annual income for any one or more of the following:

(i) Fees or other compensation for research into or instruction in the provision of health care services;

(ii) Entities engaged in the provision of health care services or in research or instruction in the provision of health care services;

(iii) Producing or supplying drugs or other articles for individuals or entities for use in the provision of or in research into or instruction in the provision of health care services;

(iv) Entities engaged in producing drugs or such other articles.

n. "Private long-term health care facility" means a nursing home, skilled nursing home or intermediate care facility presently in operation and licensed as such prior to the adoption of the 1967 Life Safety Code by the State Department of Health in 1972 and

which has a maximum 50-bed capacity and which does not accommodate Medicare or Medicaid patients.

o. "Local advisory board" means an independent, private non-profit corporation which is not a health care facility, a subsidiary thereof or an affiliated corporation of a health care facility, that is designated by the Commissioner of Health to serve as the regional health planning agency for a designated region in the State.

p. "State Health Planning Board" means the board established pursuant to section 33 of P.L.1991, c.187 (C.26:2H-5.7) to prepare and review the State Health Plan and to conduct certificate of need review activities.

29. Section 5 of P.L.1978, c.83 (C.26:2H-4.1) is amended to read as follows:

C.26:2H-4.1 Hospital Rate Setting Commission established.

5. a. There is hereby established in the State Department of Health a Hospital Rate Setting Commission which shall consist of five members who shall be appointed by the Governor with the advice and consent of the Senate for terms of four years. Of the appointees added pursuant to P.L.1991, c.187 (C.26:2H-18.24 et al.), one shall serve for a term of two years and one for a term of three years. No member shall be eligible for appointment for more than two full consecutive terms. Three of the members appointed by the Governor shall be consumers of health care services who are not providers of health care services, one shall represent either business or organized labor as a purchaser of health care services and one shall have experience in hospital administration or finance, but shall not be an employee of a hospital. The commission shall annually select a chairman from among its members. Three members of the commission shall constitute a quorum and no action of the commission shall be taken except upon the affirmative vote of a majority of its members.

The members of the commission shall each receive compensation at \$150.00 per day. The commission members shall also be entitled to reasonable expenses incurred in the performance of their duties. Any such member may be removed from office by the Governor, for good cause shown. Any vacancy occurring in the membership of the commission for any cause shall be filled in the same manner as the original appointment but for the unexpired term only. A member shall otherwise continue to serve after expiration of his term until a new appointment is made.

The commission shall select an executive secretary and the commissioner shall provide to the commission such clerical staff, supplies and equipment as may be necessary for it to faithfully discharge its duties.

The commission shall be established and its members appointed by January 1, 1979.

b. The commissioner shall determine the order in which hospitals shall have their preliminary cost base and appropriate schedule of rates approved by the commission. The commissioner shall propose and the commission approve or adjust the preliminary cost base, and the commission shall approve an appropriate schedule of rates for all hospitals by January 1, 1983. The schedule of rates shall be reasonable and sufficient to provide the revenue requirements of the preliminary cost base and shall be adjusted from time to time, as appropriate, to reach the certified revenue base.

The commission shall certify the revenue base, provided the conditions described in subsections k. and l. of section 2 of this act have been met, and shall perform such other duties as are specified elsewhere in this act.

A hospital shall continue to be reimbursed under the rate setting system in effect on the day preceding the effective date of this act, except as said system is amended by regulation, until the commission approves the hospital's preliminary cost base.

30. Section 7 of P.L.1971, c.136 (C.26:2H-7) is amended to read as follows:

C.26:2H-7 Construction or expansion of health care facilities; limitations.

7. No health care facility shall be constructed or expanded, and no new health care service shall be instituted after the effective date of P.L.1971, c.136 (C.26:2H-1 et seq.) except upon application for and receipt of a certificate of need as provided by P.L.1971, c.136 (C.26:2H-1 et seq.). No agency of the State or of any county or municipal government shall approve any grant of funds for, or issue any license to, a health care facility which is constructed or expanded, or which institutes a new health care service, in violation of the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.).

The provisions of this section shall apply to:

a. The initiation of any health care service as provided in section 2 of P.L.1971, c.136 (C.26:2H-2);

b. The initiation by any person of a health care service which is the subject of a health planning regulation adopted by the Department of Health;

c. The purchase by any person of major moveable equipment whose total cost is over \$1 million;

d. The expenditure by a licensed health care facility of over \$1 million for modernization or renovation of its physical plant, or for construction of a new health care facility; and

e. The modernization, renovation or construction of a facility by any person, whose total project cost exceeds \$1 million, if the facility-type is the subject of a health planning regulation adopted by the Department of Health.

The commissioner may periodically increase the monetary thresholds established in this section, by regulation, to reflect inflationary increases in the costs of health care equipment or construction.

For the purposes of this section, "health care service" shall include any service which is the subject of a health planning regulation adopted by the Department of Health, and "person" shall include a corporation, company, association, society, firm, partnership and joint stock company, as well as an individual.

A physician who initiates a health care service which is the subject of a health planning regulation or purchases major moveable equipment pursuant to subsection b. or c. of this section, may apply to the commissioner for a waiver of the certificate of need requirement if: the equipment or health care service is such an essential, fundamental and integral component of the physician's practice specialty, that the physician would be unable to practice his specialty according to the acceptable medical standards of that specialty without the health care service or equipment; the physician bills at least 75% of his total amount of charges in the practice specialty which uses the health care service or equipment; and the health care service or equipment is not otherwise available and accessible to patients, pursuant to standards established by the commissioner, by regulation. The commissioner shall make a determination about whether to grant or deny the waiver, within 120 days from the date the request for the waiver is received by the commissioner and shall so notify the physician who requested the waiver. If the request is denied, the commissioner shall include in that notification the reason for the denial. If the request is denied, the initiation of a health care service or the purchase of major moveable equipment shall be subject to the certificate of need requirements pursuant to this section.

A health maintenance organization which furnishes at least basic comprehensive care health services on a prepaid basis to enrollees either through providers employed by the health maintenance organi-

zation or through a medical group or groups which contract directly with the health maintenance organization, which initiates a health care service, or modernizes, renovates or constructs a health care facility pursuant to subsection a., b., d. or e. of this section, may apply to the commissioner for a waiver of the certificate of need requirement if: the initiation of the health care service or the modernization, renovation or construction is in the best interests of State health planning; and the health maintenance organization is in compliance with the provisions of P.L.1973, c.337 (C.26:2J-1 et seq.) and complies with the provisions of subsection d. of section 3 of P.L.1973, c.337 (C.26:2J-3) regarding notification to the commissioner. The commissioner shall make a determination about whether to grant or deny the waiver within 45 days from the date the request for the waiver is received by the commissioner and shall so notify the health maintenance organization. If the request for a waiver is denied on the basis that the request would not be in the best interests of State health planning, the commissioner shall state in that notification the reason why the request would not be in the best interests of State health planning. If the request for a waiver is denied, the health maintenance organization's initiation of a health care service or modernization, renovation or construction project shall be subject to the certificate of need requirements pursuant to this section.

The requirement to obtain a certificate of need for major moveable equipment pursuant to subsection c. of this section shall not apply if a contract to purchase that equipment was entered into prior to July 1, 1991.

31. Section 8 of P.L.1971, c.136 (C.26:2H-8) is amended to read as follows:

C.26:2H-8 Requirements for certificate of need.

3. No certificate of need shall be issued unless the action proposed in the application for such certificate is consistent with the health care needs identified in the State Health Plan and the action is necessary to provide required health care in the area to be served, can be economically accomplished and maintained, will not have an adverse economic or financial impact on the delivery of health care services in the region or Statewide, and will contribute to the orderly development of adequate and effective health care services. In making such determinations there shall be taken into consideration (a) the availability of facilities or services which may serve as alternatives or substitutes, (b) the

need for special equipment and services in the area, (c) the possible economies and improvement in services to be anticipated from the operation of joint central services, (d) the adequacy of financial resources and sources of present and future revenues, (e) the availability of sufficient manpower in the several professional disciplines, and (f) such other factors as may be established by regulation.

In the case of an application by a health care facility established or operated by any recognized religious body or denomination the needs of the members of such religious body or denomination for care and treatment in accordance with their religious or ethical convictions may be considered to be public need.

32. Section 9 of P.L.1971, c.136 (C.26:2H-9) is amended to read as follows:

C.26:2H-9 Issuance of certificate of need.

9. Certificates of need shall be issued by the commissioner in accordance with the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.) and the State Health Plan and based upon criteria and standards therefor promulgated by the commissioner. The commissioner may approve or deny an application for a certificate of need if the approval or denial is consistent with the State Health Plan. If an application is denied, the applicant may appeal the decision to the board. No decision shall be made by the commissioner contrary to the recommendations of the State Health Planning Board or the local advisory board concerning a certificate of need application or any other matter, unless the State Health Planning Board and the applicant shall have been granted opportunity for hearing. Requests for a fair hearing shall be made to the Department of Health within 30 days of receipt of notification of the commissioner's action. The department shall arrange within 60 days of a request, for fair hearings on all such cases and after such hearing the commissioner or his designee shall furnish the board, the State Health Planning Board and the applicant in writing the hearing examiner's recommendations and reasons therefor. The board within 30 days of receiving all appropriate hearing records or, in the absence of a request for a hearing within 30 days of receiving the denial recommendations of the commissioner, shall make its determination.

For the three-year period beginning January 1, 1992 through December 31, 1994, the commissioner shall limit approval of certificates of need for capital construction projects for hospitals that would be financed by the New Jersey Health Care Facilities

Financing Authority pursuant to P.L.1972, c.29 (C.26:2I-1 et seq.), to a Statewide total of \$225 million per year for all projects, exclusive of the refinancing of approved projects.

For the purposes of this section, capital construction project shall include the purchase of any major moveable equipment as well as any modernization, construction, or renovation project.

If the commissioner intends to approve or deny an application for a certificate of need contrary to the State Health Plan, the commissioner shall submit to the board the entire record of the application, including the recommendations of the local advisory board and the State Health Planning Board and the commissioner's specific reasons for his intention to act contrary to the State Health Plan. If the board agrees with the commissioner, it shall request the commissioner to hold the affected application and direct the State Health Planning Board to amend the State Health Plan to reflect its determination. Upon the effective date of the amendment to the State Health Plan, the commissioner shall reconsider the application.

C.26:2H-5.7 State Health Planning Board established.

33. There is established in the Department of Health a State Health Planning Board. The members of the board shall include: the Commissioners of Health and Human Services, or their designees, who shall serve as ex officio, nonvoting members; the chairmen of the Health Care Administration Board, the Hospital Rate Setting Commission and the Public Health Council, or their designees, who shall serve as ex officio members; one representative from each of the local advisory boards; and five public members appointed by the Governor with the advice and consent of the Senate, three of whom are consumers of health care services who are neither providers of health care services or persons with a fiduciary interest in a health care service.

Of the public members first appointed, two shall serve for a term of two years, two shall serve for a term of three years and one shall serve for a term of four years. Following the expiration of the original terms, the public members shall serve for a term of four years and are eligible for reappointment. Any vacancy shall be filled in the same manner as the original appointment, for the unexpired term. Public members shall continue to serve until their successors are appointed. The public members shall serve without compensation but may be reimbursed for reasonable expenses incurred in the performance of their duties, within the limits of funds available to the board.

a. A member or employee of the State Health Planning Board shall not, by reason of his performance of any duty, function or activity required of, or authorized to be undertaken by the board, be held civilly or criminally liable if that person acted within the scope of his duty, function or activity as a member or employee of the board, without gross negligence or malice toward any person affected thereby.

b. A member of the State Health Planning Board shall not vote on any matter before the board concerning an individual or entity with which the member has, or within the last 12 months has had, any substantial ownership, employment, medical staff, fiduciary, contractual, creditor or consultative relationship. A member who has or has had such a relationship with an individual or entity involved in any matter before the board shall make a written disclosure of the relationship before any action is taken by the board with respect to the matter and shall make the relationship public in any meeting in which action on the matter is to be taken.

C.26:2H-5.8 State Health Planning Board shall prepare, revise State Health Plan.

34. a. The State Health Planning Board shall prepare and revise annually, a State Health Plan. The State Health Plan shall identify the unmet health care needs in an area by service and location and it shall serve as the basis upon which all certificate of need applications shall be approved. The plan shall be effective beginning January 1, 1992.

The State Health Planning Board shall consider the recommendations of the local advisory boards in preparing and revising the plan to incorporate specific regional and geographic considerations of access to, and delivery of, health care services at a reasonable cost. The State Health Planning Board shall incorporate the recommendations of the local advisory boards into the plan unless the recommendations are in conflict with the best interests of Statewide health planning.

For each unmet health care service identified in the plan, the plan shall specify the period of time for which a certificate of need for that service shall be valid.

The plan shall be adopted by the Commissioner of Health pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), subject to the approval of the Health Care Administration Board.

b. The State Health Planning Board shall review applications for certificates of need and make recommendations to the Commissioner of Health in accordance with the State Health Plan.

C.26:2H-5.9 Local health planning program established.

35. There is established a program to provide local health planning on a Statewide basis in a minimum of five specific geographic

regions to be designated by the Governor, in consultation with the Commissioner of Health. Each region shall, to the extent possible, include sufficient resources to provide a comprehensive range of health care facilities and services and the designation of each region shall take into account the compatibility of social, economic, transportation and geographic characteristics.

a. Local health planning in each region shall be conducted by a local advisory board approved by the Commissioner of Health, which shall be organized as a nonprofit corporation.

The commissioner shall establish requirements for the composition of the governing body of each corporation and shall specify, under the terms of an agreement with the corporation for the awarding of a grant pursuant to this section, those functions which the board, at a minimum, shall perform. The commissioner shall award to each corporation a grant of such monies as shall be determined by the commissioner.

The membership of the governing body of the corporation approved as a local advisory board shall be composed of consumers and providers of health care who reside or have their principal place of business within the geographic region designated by the commissioner, except that no less than 51% but no more than 60% of the members shall be persons who are not providers of health care.

b. The local advisory board shall conduct local health planning for its designated region and make recommendations at least annually to the State Health Planning Board for incorporation into the State Health Plan. The local advisory board shall also review certificate of need applications for any proposed project in its region and make recommendations to the Commissioner of Health in accordance with the State Health Plan.

c. A member of the governing body or employee of the corporation shall not, by reason of his performance of any duty, function or activity required of, or authorized to be undertaken by the corporation, be held civilly or criminally liable if that person acted within the scope of his duty, function or activity as a member of the governing body or employee of the corporation and without gross negligence or malice toward any person affected thereby.

A corporation shall not, by reason of the performance of any duty, function or activity required of, or authorized to be undertaken by the corporation, be held civilly or criminally liable if the member of the governing body or the employee of the corporation who acted on behalf of the corporation in the performance of that duty, function, or activity acted within the scope of his duty, func-

tion or activity as a member of the governing body or employee of the corporation, exercised due care and acted without gross negligence or malice toward any person affected thereby.

36. Section 10 of P.L.1971, c.136 (C.26:2H-10) is amended to read as follows:

C.26:2H-10 Application for certificate of need; fee.

10. Application for a certificate of need shall be made to the department, and shall be in such form and contain such information as the department may prescribe. The department shall charge a nonreturnable fee for the filing of an application for a certificate of need. The minimum fee for the filing of an application shall be \$5,000. For a project whose total cost is greater than \$1 million but less than \$10 million, the fee shall be \$5,000 plus .05% of the total project cost, and for a project whose total cost is \$10 million or more, the fee shall be \$5,000 plus 1.0% of the total project cost, except that, the maximum fee for the filing of an application shall be \$100,000. Upon receipt of an application, copies thereof shall be referred by the department to the appropriate local advisory board and the State Health Planning Board for review.

These appropriate boards shall provide adequate mechanisms for full consideration of each application submitted to them and for developing recommendations thereon. Such recommendations, whether favorable or unfavorable, shall be forwarded to the commissioner within 90 days of the date of referral of the application. A copy of the recommendations made shall be forwarded to the applicant.

Recommendations concerning certificates of need shall be governed and based upon the principles and considerations set forth in section 8 of P.L.1971, c.136 (C.26:2H-8).

No member, officer or employee of any planning body shall be subject to civil action in any court as the result of any act done or failure to act, or of any statement made or opinion given, while discharging his duties under this act as such member, officer, or employee, provided he acted in good faith with reasonable care and upon proper cause.

C.26:2H-10.1 Approval of certificate of need application.

37. a. Notwithstanding the provisions of section 10 of P.L.1971, c.136 (C.26:2H-10) to the contrary:

(1) If at least 25% of the quorum of voting members at a meeting of a local advisory board votes affirmatively to approve a certificate of need application, regardless of whether the local

advisory board's recommendation is to approve or deny the application, the application shall be forwarded to the State Health Planning Board for its review of the application. If the application does not receive the required minimum number of affirmative votes, the application shall not be submitted to the State Health Planning Board or the Commissioner of Health for their reviews, respectively.

(2) If at least 25% of the quorum of voting members at a meeting of the State Health Planning Board votes affirmatively to approve a certificate of need application, regardless of whether the State Health Planning Board's recommendation is to approve or deny the application, the application shall be forwarded to the Commissioner of Health for his review of the application. If the application does not receive the required minimum number of affirmative votes, the application shall not be submitted to the commissioner for his review.

b. If an application which is consistent with the State Health Plan does not receive the required minimum number of affirmative votes by either a local advisory board or the State Health Planning Board, respectively, the applicant may request a fair hearing to permit the application to move to the next level for review. The request for a fair hearing shall be made to the Commissioner of Health within 30 days of the vote by the local advisory board or State Health Planning Board, as applicable. The fair hearing shall be held within 60 days of the request. If the hearing examiner determines that the application should be reviewed by the next level for review, the applicant shall be so notified and the State Health Planning Board or the commissioner, as applicable, shall review the application in the manner provided pursuant to section 10 of P.L.1971, c.136 (C.26:2H-10).

38. Section 12 of P.L.1971, c.136 (C.26:2H-12) is amended to read as follows:

C.26:2H-12 Operational requirements for health care facility; application for license; fee.

12. a. No health care facility shall be operated unless it shall: (1) possess a valid license issued pursuant to this act, which license shall specify the kind or kinds of health care services the facility is authorized to provide; (2) establish and maintain a uniform system of cost accounting approved by the commissioner; (3) establish and maintain a uniform system of reports and audits meeting the requirements of the commissioner; (4) prepare and review annually

a long range plan for the provision of health care services, which plan shall be compatible with the State Health Plan as related to medical health services, health care services, and health manpower; and (5) establish and maintain a centralized, coordinated system of discharge planning which assures every patient a planned program of continuing care and which meets the requirements of the commissioner which requirements shall, where feasible, equal or exceed those standards and regulations established by the federal Government for all federally-funded health care facilities but shall not require any person who is not in receipt of State or federal assistance to be discharged against his will.

b. (1) Application for a license for a health care facility shall be made upon forms prescribed by the department. The department shall charge such nonrefundable fees for the filing of an application for a license and any renewal thereof, as it shall from time to time fix in rules or regulations; provided, however, that no such fee shall exceed \$2,000.00. The application shall contain the name of the health care facility, the kind or kinds of health care service to be provided, the location and physical description of the institution, and such other information as the department may require. (2) A license shall be issued by the department upon its findings that the premises, equipment, personnel, including principals and management, finances, rules and bylaws, and standards of health care service are fit and adequate and there is reasonable assurance the health care facility will be operated in the manner required by this act and rules and regulations thereunder.

c. A license issued before the effective date of this act to a health care facility for its operation, upon the first renewal date thereafter, may be extended for a one-year period of time, provided the facility then meets the requirements for licensure at the time said license was issued and submits an acceptable plan to meet current requirements at the end of said period of time.

d. The commissioner may amend a facility's license to reduce that facility's licensed bed capacity to reflect actual utilization at the facility if the commissioner determines that 10 or more licensed beds in the health care facility have not been used for at least the last two succeeding years. For the purposes of this subsection, the commissioner may retroactively review utilization at a facility for a two-year period beginning on January 1, 1990.

C.26:2H-18.1a Notification of hospital agreement with health care benefits provider.

39. a. If a hospital enters into a contract or any other form of agreement with a health care benefits provider, insurance plan or

any other third party to charge a discounted or reduced rate for health care services rendered at the hospital for that provider's, insurance plan's or third party's subscribers, enrollees, members or beneficiaries, as the case may be, the hospital shall notify the Hospital Rate Setting Commission in writing within 30 days of the date that the contract or agreement is entered into.

A hospital shall not be entitled to recover through its schedule of rates the loss in revenue incurred by the hospital as a result of the discounted or reduced rate.

b. Upon request of the commission and in a manner specified by the commission, the hospital shall provide the commission with information about the number of patients whose rates were discounted or reduced and the loss in revenue incurred by the hospital as a result of the contract or agreement.

40. Section 11 of P.L.1978, c.83 (C.26:2H-18.1) is amended to read as follows:

C.26:2H-18.1 Determinations and hearings; regulations.

11. a. The commission shall make the determinations and hear appeals provided for in this act in a timely manner pursuant to regulations proposed by the commissioner and approved by the board. Such regulations shall be presented to the Standing Legislative Committees on Institutions, Health and Welfare for final approval within one year following establishment of the commission pursuant to the provisions of this act, and shall remain in effect in the form proposed by the commissioner and approved by the board until the provisions of such regulations are enacted into law as amendments to this act. Such regulations shall require that in the event the commission does not perform its duties within the time period specified therein the commission may permit a hospital to make a temporary reasonable change in rates which shall be effective immediately, when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedure set forth in this section shall be conducted by the commission as soon thereafter as is possible.

b. Pursuant to regulations proposed by the commissioner and approved by the board, the commissioner shall propose and the commission shall make automatic periodic adjustments to each preliminary cost base or certified revenue base for changes in economic factors reasonably calculated to provide for the effects of general economic inflation or deflation; for industrywide changes

in the efficiency of delivering health care services; and for each hospital's actual changes in volume and case-mix, which are necessary and appropriate. The commission shall approve an appropriate change in the schedule of rates to reflect these adjustments.

c. Pursuant to regulations proposed by the commissioner and approved by the board, the commission shall consider adjustments to the certified revenue bases and schedules of rates, provided such adjustments: (1) result from changes in statutes or regulations affecting the delivery of health care; and (2) may affect one or more hospitals. Such adjustments shall take into account the effectiveness and efficiency of the health care delivery system as a whole. Where appropriate the commission may sit en banc and hold public hearings in order to obtain the evidence required to support its conclusions and determinations. In the case of such hearings the commission shall provide actual notice to the affected planning and licensing authorities and hospitals, and to the commissioner and the Public Advocate.

d. Pursuant to regulations proposed by the commissioner and approved by the board, all changes in a hospital's preliminary cost base or certified revenue base and schedule of rates other than those provided for in subsections b. and c. of this section, shall require a review by the commission in a public hearing of the entire preliminary cost base or certified revenue base and schedule of rates. Determinations of the commission may be appealed by hospitals, the commissioner, the Public Advocate, affected planning, licensing or inspection agencies and payors, and other affected parties, and shall be conducted as contested proceedings under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). During the pendency of any appeal, the schedule of rates approved by the commission pursuant to section 5 of P.L.1978, c.83 (C.26:2H-4.1) and section 18 of P.L.1971, c.136 (C.26:2H-18) shall remain in effect.

In all appeals, the burden of proof shall be on the petitioner. All determinations rendered hereunder shall be consistent with regulations and shall set forth in detail the commission's reasoning and conclusions regarding the parties and considerations specified in this act.

41. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read as follows:

C.30:4D-3 Definitions.

3. Definitions. As used in this act, and unless the context otherwise requires:

a. "Applicant" means any person who has made application for purposes of becoming a "qualified applicant."

b. "Commissioner" means the Commissioner of Human Services.

c. "Department" means the Department of Human Services, which is herein designated as the single State agency to administer the provisions of this act.

d. "Director" means the Director of the Division of Medical Assistance and Health Services.

e. "Division" means the Division of Medical Assistance and Health Services.

f. "Medicaid" means the New Jersey Medical Assistance and Health Services Program.

g. "Medical assistance" means payments on behalf of recipients to providers for medical care and services authorized under this act.

h. "Provider" means any person, public or private institution, agency or business concern approved by the division lawfully providing medical care, services, goods and supplies authorized under this act, holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies.

i. "Qualified applicant" means a person who is a resident of this State and is determined to need medical care and services as provided under this act, and who:

(1) Is a recipient of Aid to Families with Dependent Children;

(2) Is a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act;

(3) Is an "ineligible spouse" of a recipient of Supplemental Security Income for the Aged, Blind and Disabled under Title XVI of the Social Security Act, as defined by the federal Social Security Administration;

(4) Would be eligible to receive public assistance under a categorical assistance program except for failure to meet an eligibility condition or requirement imposed under such State program which is prohibited under Title XIX of the federal Social Security Act such as a durational residency requirement, relative responsibility, consent to imposition of a lien;

(5) Is a child between 18 and 21 years of age who would be eligible for Aid to Families with Dependent Children, living in the family group except for lack of school attendance or pursuit of formalized vocational or technical training;

(6) Is an individual under 21 years of age who qualifies for categorical assistance on the basis of financial eligibility, but does not qualify as a dependent child under the State's program of Aid

to Families with Dependent Children (AFDC), or groups of such individuals, including but not limited to, children in foster placement under supervision of the Division of Youth and Family Services whose maintenance is being paid in whole or in part from public funds, children placed in a foster home or institution by a private adoption agency in New Jersey or children in intermediate care facilities, including institutions for the mentally retarded, or in psychiatric hospitals;

(7) Meets the standard of need applicable to his circumstances under a categorical assistance program or Supplemental Security Income program, but is not receiving such assistance and applies for medical assistance only.

(8) Is determined to be medically needy and meets all the eligibility requirements described below:

(a) The following individuals are eligible for services, if they are determined to be medically needy:

- (i) Pregnant women;
- (ii) Dependent children under the age of 21;
- (iii) Individuals who are 65 years of age and older; and
- (iv) Individuals who are blind or disabled pursuant to either 42 C.F.R. 435.530 et seq. or 42 C.F.R. 435.540 et seq., respectively.

(b) The following income standard shall be used to determine medically needy eligibility:

(i) For one person and two person households, the income standard shall be the maximum allowable under federal law, but shall not exceed 133 1/3% of the State's payment level to two person households eligible to receive assistance pursuant to P.L.1959, c.86 (C.44:10-1 et seq.); and

(ii) For households of three or more persons, the income standard shall be set at 133 1/3% of the State's payment level to similar size households eligible to receive assistance pursuant to P.L.1959, c.86 (C.44:10-1 et seq.).

(c) The following resource standard shall be used to determine medically needy eligibility:

(i) For one person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C. § 1382(1)(B);

(ii) For two person households, the resource standard shall be 200% of the resource standard for recipients of Supplemental Security Income pursuant to 42 U.S.C. § 1382(2)(B);

(iii) For households of three or more persons, the resource standard in subparagraph (c)(ii) above shall be increased by \$100.00 for each additional person; and

(iv) The resource standards established in (i), (ii), and (iii) are subject to federal approval and the resource standard may be lower if required by the federal Department of Health and Human Services.

(d) Individuals whose income exceeds those established in subparagraph (b) of paragraph (8) of this subsection may become medically needy by incurring medical expenses as defined in 42 C.F.R. 435.831(c) which will reduce their income to the applicable medically needy income established in subparagraph (b) of paragraph (8) of this subsection.

(e) A six-month period shall be used to determine whether an individual is medically needy.

(f) Eligibility determinations for the medically needy program shall be administered as follows:

(i) County welfare agencies are responsible for determining and certifying the eligibility of pregnant women and dependent children. The division shall reimburse county welfare agencies for 100% of the reasonable costs of administration which are not reimbursed by the federal government for the first 12 months of this program's operation. Thereafter, 75% of the administrative costs incurred by county welfare agencies which are not reimbursed by the federal government shall be reimbursed by the division;

(ii) The division is responsible for certifying the eligibility of individuals who are 65 years of age and older and individuals who are blind or disabled. The division may enter into contracts with county welfare agencies to determine certain aspects of eligibility. In such instances the division shall provide county welfare agencies with all information the division may have available on the individual.

The division shall notify all eligible recipients of the Pharmaceutical Assistance to the Aged and Disabled program, P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the medically needy program and the program's general requirements. The division shall take all reasonable administrative actions to ensure that Pharmaceutical Assistance to the Aged and Disabled recipients, who notify the division that they may be eligible for the program, have their applications processed expeditiously, at times and locations convenient to the recipients; and

(iii) The division is responsible for certifying incurred medical expenses for all eligible persons who attempt to qualify for the program pursuant to subparagraph (d) of paragraph (8) of this subsection;

(9)(a) Is a child who is at least one year of age and under six years of age; and

(b) Is a member of a family whose income does not exceed 133% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L. 99-509 (42 U.S.C. § 1396a);

(10) Is a pregnant woman who is determined by a provider to be presumptively eligible for medical assistance based on criteria established by the commissioner, pursuant to section 9407 of Pub.L. 99-509 (42 U.S.C. § 1396a(a));

(11) Is an individual 65 years of age and older, or an individual who is blind or disabled pursuant to section 301 of Pub.L. 92-603 (42 U.S.C. § 1382c), whose income does not exceed 100% of the poverty level, adjusted for family size, and whose resources do not exceed 100% of the resource standard used to determine medically needy eligibility pursuant to paragraph (8) of this subsection;

(12) Is a qualified disabled and working individual pursuant to section 6408 of Pub.L. 101-239 (42 U.S.C. § 1396d) whose income does not exceed 200% of the poverty level and whose resources do not exceed 200% of the resource standard used to determine eligibility under the Supplemental Security Income Program, P.L. 1973, c. 256 (C. 44:7-85 et seq.); or

(13) Is a pregnant woman or is a child who is under one year of age and is a member of a family whose income does not exceed 185% of the poverty level and who meets the federal Medicaid eligibility requirements set forth in section 9401 of Pub.L. 99-509 (42 U.S.C. § 1396a), except that a pregnant woman who is determined to be a qualified applicant shall, notwithstanding any change in the income of the family of which she is a member, continue to be deemed a qualified applicant until the end of the 60-day period beginning on the last day of her pregnancy.

An individual who has, within 30 months of applying to be a qualified applicant for Medicaid services in a nursing facility or a medical institution, or for home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. § 1396n(c)), disposed of resources for less than fair market value shall be ineligible for assistance for nursing facility services, an equivalent level of services in a medical institution, or home or community-based services under section 1915(c) of the federal Social Security Act (42 U.S.C. § 1396n(c)). The period of the ineligibility

shall be the lesser of 30 months or the number of months resulting from dividing the uncompensated value of the transferred resources by the average monthly private payment rate for nursing facility services in the State as determined annually by the commissioner.

j. "Recipient" means any qualified applicant receiving benefits under this act.

k. "Resident" means a person who is living in the State voluntarily with the intention of making his home here and not for a temporary purpose. Temporary absences from the State, with subsequent returns to the State or intent to return when the purposes of the absences have been accomplished, do not interrupt continuity of residence.

l. "State Medicaid Commission" means the Governor, the Commissioner of Human Services, the President of the Senate and the Speaker of the General Assembly, hereby constituted a commission to approve and direct the means and method for the payment of claims pursuant to this act.

m. "Third party" means any person, institution, corporation, insurance company, public, private or governmental entity who is or may be liable in contract, tort, or otherwise by law or equity to pay all or part of the medical cost of injury, disease or disability of an applicant for or recipient of medical assistance payable under this act.

n. "Governmental peer grouping system" means a separate class of skilled nursing and intermediate care facilities administered by the State or county governments, established for the purpose of screening their reported costs and setting reimbursement rates under the Medicaid program that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated State or county skilled nursing and intermediate care facilities.

o. "Comprehensive maternity or pediatric care provider" means any person or public or private health care facility that is a provider and that is approved by the commissioner to provide comprehensive maternity care or comprehensive pediatric care as defined in subsection b. (18) and (19) of section 6 of P.L.1968, c.413 (C.30:4D-6).

p. "Poverty level" means the official poverty level based on family size established and adjusted under Section 673(2) of Subtitle B, the "Community Services Block Grant Act," of Pub.L.97-35 (42 U.S.C. § 9902(2)).

C.30:4D-7b Preparation of five-year plan for developing Statewide network of managed care providers.

42. The Commissioner of Human Services shall prepare a five-year plan to develop a Statewide network of managed care pro-

viders for Medicaid recipients pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.). A managed care plan may include, but is not limited to, the Garden State Health Plan, or its successor, any other State approved or federally qualified health maintenance organization, or any other cost effective health plan, prepaid or otherwise, that is under contract with the Division of Medical Assistance and Health Services in the Department of Human Services to provide managed care services to Medicaid recipients.

The commissioner shall prepare the plan within one year of the effective date of P.L.1991, c.187 (C.26:2H-18.24 et al.) and submit the plan to the Governor and the Chairmen of the Senate Institutions, Health and Welfare and General Assembly Health and Human Services Committees.

C.30:4D-7c Submission of plan to enroll Medicaid recipients by health maintenance organizations.

43. Within one year of the effective date of P.L.1991, c.187 (C.26:2H-18.24 et al.), every State approved or federally qualified health maintenance organization in the State shall submit a plan to the Commissioner of Human Services to enroll Medicaid recipients pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.). The plan shall include the terms and conditions for enrolling Medicaid recipients, including the number of recipients that can reasonably be enrolled, the health care services that will be offered, and an estimate of the per capita cost for enrollment of these persons.

The commissioner shall provide a health maintenance organization, upon written request, with any nonidentifying information about Medicaid recipients that is necessary to assist the health maintenance organization in preparing its plan.

C.30:4D-7d Report by commissioner.

44. Within six months of the effective date of P.L.1991, c.187 (C.26:2H-18.24 et al.), the Commissioner of Human Services shall report to the Governor and the Chairmen of the Senate Institutions, Health and Welfare and General Assembly Health and Human Services Committees on ways: to increase the number of providers in the Medicaid program pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.); to improve Medicaid provider relations with the Medicaid program; to reduce administrative burdens encountered by Medicaid providers; and to streamline Statewide administration of the Medicaid program.

C.30:4D-6e Uninsured, ineligible persons may purchase health care coverage.

45. a. Any person who is not eligible for medical assistance pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) who is employed full-

time or part-time and does not have health insurance coverage provided by his employer or by his spouse's employer, if any, or who cannot afford to purchase health insurance coverage that may be offered by his employer or his spouse's employer, if any, shall be eligible to purchase health care coverage through the Garden State Health Plan operated by the Division of Medical Assistance and Health Services in the Department of Human Services.

b. A small employer, as defined by the Commissioner of Human Services, who has not provided or offered to provide health insurance coverage anytime during the 12-month period immediately preceding the effective date of coverage pursuant to this section, shall be eligible to purchase health care coverage for its employees through the Garden State Health Plan operated by the Division of Medical Assistance and Health Services in the Department of Human Services.

c. The Commissioner of Human Services shall design one or more plans of benefits for employees and small employers who wish to purchase health care coverage through the Garden State Health Plan. The commissioner shall establish a schedule of premiums for enrollment in the plan, which shall ensure that the premiums charged are adequate to fund the costs of the benefits provided by the plan to persons not otherwise eligible for medical assistance under P.L.1968, c.413 (C.30:4D-1 et seq.).

d. The commissioner shall make the purchase of health care coverage through the Garden State Health Plan available to employees and small employers within one year of the effective date of P.L.1991, c.187 (C.26:2H-18.24 et al.).

e. Nothing in this section shall be construed to include the Garden State Health Plan as a health maintenance organization in any other provision of law regarding the offering or availability of coverage by a health maintenance organization.

C.45:9-22.11 Dispensing of drugs, medicines to patient limited.

46. A physician shall not dispense more than a seven-day supply of drugs or medicines to any patient. The drugs or medicines shall be dispensed at or below the cost the physician has paid for the particular drug or medicine, plus an administrative cost not to exceed 10% of the cost of the drug or medicine.

The provisions of this section shall not apply to a physician:

a. who dispenses drugs or medicines in a hospital emergency room, a student health center at an institution of higher education, or a publicly subsidized community health center, family planning

clinic or prenatal clinic, if the drugs or medicines that are dispensed are directly related to the services provided at the facility;

b. whose practice is situated 10 miles or more from a licensed pharmacy;

c. when he dispenses allergenic extracts and injectables;

d. when he dispenses drugs pursuant to an oncological or AIDS protocol; or

e. when he dispenses salves, ointments or drops.

47. Section 2 of P.L.1989, c.19 (C.45:9-22.5) is amended to read as follows:

C.45:9-22.5 Referral of patient by practitioner regulated.

2. a. A practitioner shall not refer a patient or direct an employee of the practitioner to refer a patient to a health care service in which the practitioner, or the practitioner's immediate family, or the practitioner in combination with practitioner's immediate family has a significant beneficial interest; except that, in the case of a practitioner, a practitioner's immediate family or a practitioner in combination with the practitioner's immediate family who had the significant beneficial interest prior to the effective date of P.L.1991, c.187 (C.26:2H-18.24 et al.), the practitioner may continue to refer a patient or direct an employee to do so if that practitioner discloses the significant beneficial interest to the patient.

b. If a practitioner is permitted to refer a patient to a health care service pursuant to subsection a. of this section, the practitioner shall provide the patient with a written disclosure form, prepared pursuant to section 3 of P.L.1989, c.19 (C.45:9-22.6), and post a copy of this disclosure form in a conspicuous public place in the practitioner's office.

c. The restrictions on referral of patients established in this section shall not apply to:

(1) a health care service that is provided at the practitioner's medical office and for which the patient is billed directly by the practitioner; and

(2) radiation therapy pursuant to an oncological protocol, lithotripsy and renal dialysis.

48. Section 2 of P.L.1959, c.90 (C.2A:53A-8) is amended to read as follows:

C.2A:53A-8 Liability of nonprofit hospital corporation.

2. Notwithstanding the provisions of the foregoing paragraph, any nonprofit corporation, society or association organized exclu-

sively for hospital purposes shall be liable to respond in damages to such beneficiary who shall suffer damage from the negligence of such corporation, society or association or of its agents or servants to an amount not exceeding \$250,000, together with interest and costs of suit, as the result of any one accident and to the extent to which such damage, together with interest and costs of suit, shall exceed the sum of \$250,000 such nonprofit corporation, society or association organized exclusively for hospital purposes shall not be liable therefor.

49. The Legislature finds that many residents of New Jersey either cannot afford health insurance coverage at the levels currently offered in the marketplace, or cannot afford it at all. Sections 50 through 59 of P.L.1991, c.187 (C.17:48-6.13 et al.) provide affordable health insurance coverage as to the amount and cost of coverage by requiring health insurers and health maintenance organizations to offer health care coverage with minimal basic benefits or services at the lowest possible cost as determined by the Commissioner of Insurance.

C.17:48-6.13 Hospital service corporation to offer basic health care contracts.

50. Every hospital service corporation authorized to do business in this State shall offer for sale individual and group basic health care contracts in accordance with accepted underwriting standards for payment of benefits to each person covered thereunder.

C.17:48-6.14 Provisions of basic health care contract.

51. a. A basic health care contract offered pursuant to section 50 of P.L.1991, c.187 (C.17:48-6.13) shall provide:

(1) Basic hospital expense coverage for a period of 21 days in a benefit year for each covered person for expenses incurred for medically necessary treatment and services rendered as a result of injury or sickness, including:

(a) Daily hospital room and board, including general nursing care and special diets;

(b) Miscellaneous hospital services, including expenses incurred for charges made by the hospital for services and supplies which are customarily rendered by the hospital and provided for use only during any period of confinement;

(c) Hospital outpatient services consisting of hospital services on the day surgery is performed; hospital services rendered within 72 hours after accidental injury; and X-ray and laboratory tests to

the extent that benefits for such services would have been provided if rendered to an inpatient of the hospital;

(2) Basic medical-surgical expense coverage for each covered person for expenses incurred for medically necessary services for treatment of injury or sickness for the following:

(a) Surgical services;

(b) Anesthesia services consisting of administration of necessary general anesthesia and related procedures in connection with covered surgical services rendered by a physician other than the physician performing the surgical services;

(c) In-hospital services rendered to a person who is confined to a hospital for treatment of injury or sickness other than that for which surgical care is required;

(3) Maternity benefits, including cost of delivery and prenatal care;

(4) Out-of-hospital physical examination, including related X-rays and diagnostic tests, on the following basis:

(a) For covered minors of less than two years of age, up to six examinations during the first two years of life; for covered minors of two years of age or older, one examination at age 3, 6, 9, 12, 15 and 18 years;

(b) For covered adults of less than 40 years of age, one examination every five years; for covered adults 40 or more years of age but less than 60 years of age, one examination every three years; and for covered adults 60 years of age or older, one examination every two years.

Notwithstanding the provisions of this section to the contrary, a hospital service corporation may provide alternative benefits or services from those required by this subsection if they are approved by the Commissioner of Insurance and are within the intent of this act.

b. (1) No person who is eligible for coverage under Medicare pursuant to Pub. L. 89-97 (42 U.S.C. §1395 et seq.) shall be a covered person under a contract required to be offered pursuant to section 50 of P.L.1991, c.187 (C.17:48-6.13).

(2) A hospital service corporation shall not sell a contract required to be offered pursuant to section 50 of P.L.1991, c.187 (C.17:48-6.13) to a group which was covered by health benefits or health insurance any time during the 12-month period immediately preceding the effective date of coverage.

c. (1) Contracts required to be offered pursuant to section 50 of P.L.1991, c.187 (C.17:48-6.13) may contain or provide for coinsurance or deductibles, or both; except that no deductible shall be payable in excess of a total of \$250 by an individual or family

unit during any benefit year, no coinsurance shall be payable in excess of a total of \$500 by an individual or family unit during any benefit year, and neither coinsurance nor deductibles shall apply to physical examinations or maternity benefits covered pursuant to paragraphs (3) or (4) of subsection a. of this section.

(2) Managed care systems may be utilized for coverages required to be offered pursuant to this section, subject to the review and approval of the Commissioner of Insurance.

d. Notwithstanding any other law to the contrary, a hospital service corporation shall file copies of all forms of contracts required to be offered pursuant to section 50 of P.L.1991, c.187 (C.17:48-6.13) for approval with the Commissioner of Insurance at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to its effective date specifying in what respects the form is not in compliance with the standards set forth in this subsection, any such contract form filed with the commissioner shall be deemed approved as of its effective date, provided, however, that contract forms shall be effective only with respect to those contract form filings which are accompanied by an explanation and identification of the changes being made on a form prescribed by the commissioner. In his discretion, the commissioner may waive the 60-day waiting period or any portion thereof.

Contract forms shall not be unfair, inequitable, misleading or contrary to law, nor shall they produce rates that are excessive, inadequate or unfairly discriminatory.

e. Notwithstanding any other law to the contrary, a hospital service corporation shall file all rates and supplementary rate information and all changes and amendments thereof for the contracts required to be offered pursuant to section 50 of P.L.1991, c.187 (C.17:48-6.13) for approval with the commissioner at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to their effective date specifying in what respects the filing is not in compliance with the standards set forth in this subsection, any such rates, supplementary rate information, changes or amendments filed with the commissioner shall be deemed approved as of their effective date. In his discretion, the commissioner may waive the 60-day waiting period or any portion thereof.

Rates shall not be excessive, inadequate or unfairly discriminatory.

f. The commissioner shall issue regulations to establish minimum standards for loss ratios under contracts required to be offered pursuant to section 50 of P.L.1991, c.187 (C.17:48-6.13).

g. Notwithstanding any provision of law to the contrary, a hospital service corporation shall not be required, in regard to contracts required to be offered pursuant to section 50 of P.L.1991, c.187 (C.17:48-6.13), to provide mandatory health care benefits or provide benefits for services rendered by providers of health care services as otherwise required by law.

h. The commissioner shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this section and section 50 of P.L.1991, c.187 (C.17:48-6.13), including standards for terms and conditions of contracts required to be offered pursuant to this section and section 50 of P.L.1991, c.187 (C.17:48-6.13) and schedules of benefits for coverages provided for in subsection a. of this section.

i. Every hospital service corporation shall report annually on or before March 1 to the Department of Insurance the number of individual and group contracts required to be offered pursuant to section 50 of P.L.1991, c.187 (C.17:48-6.13) that were sold in the preceding calendar year and the number of persons covered under each type of contract. The department shall compile and analyze this information and shall report annually on or before July 1 its findings and any recommendations it may have to the Governor and the Legislature.

C.17:48A-6.8 Medical service corporations to offer basic health care contracts.

52. Every medical service corporation authorized to do business in this State shall offer for sale individual and group basic health care contracts in accordance with accepted underwriting standards for payment of benefits to each person covered thereunder.

C.17:48A-6.9 Provisions of basic health care contract.

53. a. A basic health care contract offered pursuant to section 52 of P.L.1991, c.187 (C.17:48A-6.8) shall provide:

(1) Basic hospital expense coverage for a period of 21 days in a benefit year for each covered person for expenses incurred for medically necessary treatment and services rendered as a result of injury or sickness, including:

(a) Daily hospital room and board, including general nursing care and special diets;

(b) Miscellaneous hospital services, including expenses incurred for charges made by the hospital for services and supplies which are customarily rendered by the hospital and provided for use only during any period of confinement;

(c) Hospital outpatient services consisting of hospital services on the day surgery is performed; hospital services rendered within 72 hours after accidental injury; and X-ray and laboratory tests to the extent that benefits for such services would have been provided if rendered to an inpatient of the hospital;

(2) Basic medical-surgical expense coverage for each covered person for expenses incurred for medically necessary services for treatment of injury or sickness for the following:

(a) Surgical services;

(b) Anesthesia services consisting of administration of necessary general anesthesia and related procedures in connection with covered surgical services rendered by a physician other than the physician performing the surgical services;

(c) In-hospital services rendered to a person who is confined to a hospital for treatment of injury or sickness other than that for which surgical care is required;

(3) Maternity benefits, including cost of delivery and prenatal care;

(4) Out-of-hospital physical examination, including related X-rays and diagnostic tests, on the following basis:

(a) For covered minors of less than two years of age, up to six examinations during the first two years of life; for covered minors of two years of age or older, one examination at age 3, 6, 9, 12, 15 and 18 years;

(b) For covered adults of less than 40 years of age, one examination every five years; for covered adults 40 or more years of age but less than 60 years of age, one examination every three years; and for covered adults 60 years of age or older, one examination every two years.

Notwithstanding the provisions of this section to the contrary, a medical service corporation may provide alternative benefits or services from those required by this subsection if they are approved by the Commissioner of Insurance and are within the intent of this amendatory and supplementary act.

b. (1) No person who is eligible for coverage under Medicare pursuant to Pub. L. 89-97 (42 U.S.C. §1395 et seq.) shall be a covered person under a contract required to be offered pursuant to section 52 of P.L.1991, c.187 (C.17:48A-6.8).

(2) A medical service corporation shall not sell a contract required to be offered pursuant to section 52 of P.L.1991, c.187 (C.17:48A-6.8) to a group which was covered by health benefits or health insurance anytime during the 12-month period immediately preceding the effective date of coverage.

c. (1) Contracts required to be offered pursuant to section 52 of P.L.1991, c.187 (C.17:48A-6.8) may contain or provide for coinsurance or deductibles, or both; except that no deductible shall be payable in excess of a total of \$250 by an individual or family unit during any benefit year, no coinsurance shall be payable in excess of a total of \$500 by an individual or family unit during any benefit year, and neither coinsurance nor deductibles shall apply to physical examinations or maternity benefits covered pursuant to paragraphs (3) or (4) of subsection a. of this section.

(2) Managed care systems may be utilized for coverages required to be offered pursuant to this section, subject to the review and approval of the Commissioner of Insurance.

d. Notwithstanding any other law to the contrary, a medical service corporation shall file copies of all forms of contracts required to be offered pursuant to section 52 of P.L.1991, c.187 (C.17:48A-6.8) for approval with the Commissioner of Insurance at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to its effective date specifying in what respects the form is not in compliance with the standards set forth in this subsection, any such contract form filed with the commissioner shall be deemed approved as of its effective date, provided, however, that contract forms shall be effective only with respect to those contract form filings which are accompanied by an explanation and identification of the changes being made on a form prescribed by the commissioner. In his discretion, the commissioner may waive the 60-day waiting period or any portion thereof.

Contract forms shall not be unfair, inequitable, misleading or contrary to law, nor shall they produce rates that are excessive, inadequate or unfairly discriminatory.

e. Notwithstanding any other law to the contrary, a medical service corporation shall file all rates and supplementary rate information and all changes and amendments thereof for the contracts required to be offered pursuant to section 52 of P.L.1991, c.187 (C.17:48A-6.8) for approval with the commissioner at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to their effective date specifying in what respects the filing is not in compliance with the standards set forth in this subsection, any such rates, supplementary rate information, changes or amendments filed with the commissioner shall be deemed approved as of their effective date. In his discretion, the commissioner may waive the 60-day waiting period or any portion thereof.

Rates shall not be excessive, inadequate or unfairly discriminatory.

f. The commissioner shall issue regulations to establish minimum standards for loss ratios under contracts required to be offered pursuant to section 52 of P.L.1991, c.187 (C.17:48A-6.8).

g. Notwithstanding any provision of law to the contrary, a medical service corporation shall not be required, in regard to contracts required to be offered pursuant to section 52 of P.L.1991, c.187 (C.17:48A-6.8), to provide mandatory health care benefits or provide benefits for services rendered by providers of health care services as otherwise required by law.

h. The commissioner shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this section and section 52 of P.L.1991, c.187 (C.17:48A-6.8), including standards for terms and conditions of contracts required to be offered pursuant to this section and section 52 of P.L.1991, c.187 (C.17:48A-6.8) and schedules of benefits for coverages provided for in subsection a. of this section.

i. Every medical service corporation shall report annually on or before March 1 to the Department of Insurance the number of individual and group contracts required to be offered pursuant to section 52 of P.L.1991, c.187 (C.17:48A-6.8) that were sold in the preceding calendar year and the number of persons covered under each type of contract. The department shall compile and analyze this information and shall report annually on or before July 1 its findings and any recommendations it may have to the Governor and the Legislature.

C.17:48E-22.1 Health service corporations to offer basic health care contracts.

54. Every health service corporation authorized to do business in this State shall offer for sale individual and group basic health care contracts in accordance with accepted underwriting standards for payment of benefits to each person covered thereunder.

C.17:48E-22.2 Provisions of basic health care contract.

55. a. A basic health care contract offered pursuant to section 54 of P.L.1991, c.187 (C.17:48E-22.1) shall provide:

(1) Basic hospital expense coverage for a period of 21 days in a benefit year for each covered person for expenses incurred for medically necessary treatment and services rendered as a result of injury or sickness, including:

(a) Daily hospital room and board, including general nursing care and special diets;

(b) Miscellaneous hospital services, including expenses incurred for charges made by the hospital for services and supplies which are customarily rendered by the hospital and provided for use only during any period of confinement;

(c) Hospital outpatient services consisting of hospital services on the day surgery is performed; hospital services rendered within 72 hours after accidental injury; and X-ray and laboratory tests to the extent that benefits for such services would have been provided if rendered to an inpatient of the hospital;

(2) Basic medical-surgical expense coverage for each covered person for expenses incurred for medically necessary services for treatment of injury or sickness for the following:

(a) Surgical services;

(b) Anesthesia services consisting of administration of necessary general anesthesia and related procedures in connection with covered surgical services rendered by a physician other than the physician performing the surgical services;

(c) In-hospital services rendered to a person who is confined to a hospital for treatment of injury or sickness other than that for which surgical care is required;

(3) Maternity benefits, including cost of delivery and prenatal care;

(4) Out-of-hospital physical examination, including related X-rays and diagnostic tests, on the following basis:

(a) For covered minors of less than two years of age, up to six examinations during the first two years of life; for covered minors of two years of age or older, one examination at age 3, 6, 9, 12, 15 and 18 years;

(b) For covered adults of less than 40 years of age, one examination every five years; for covered adults 40 or more years of age but less than 60 years of age, one examination every three years; and for covered adults 60 years of age or older, one examination every two years.

Notwithstanding the provisions of this section to the contrary, a health service corporation may provide alternative benefits or services from those required by this subsection if they are approved by the Commissioner of Insurance and are within the intent of this amendatory and supplementary act.

b. (1) No person who is eligible for coverage under Medicare pursuant to Pub. L. 89-97 (42 U.S.C. §1395 et seq.) shall be a covered person under a contract required to be offered pursuant to section 54 of P.L.1991, c.187 (C.17:48E-22.1).

(2) A health service corporation shall not sell a contract required to be offered pursuant to section 54 of P.L.1991, c.187 (C.17:48E-22.1) to a group which was covered by health benefits or health insurance any time during the 12-month period immediately preceding the effective date of coverage.

c. (1) Contracts required to be offered pursuant to section 54 of P.L.1991, c.187 (C.17:48E-22.1) may contain or provide for coinsurance or deductibles, or both; except that no deductible shall be payable in excess of a total of \$250 by an individual or family unit during any benefit year, no coinsurance shall be payable in excess of a total of \$500 by an individual or family unit during any benefit year, and neither coinsurance nor deductibles shall apply to physical examinations or maternity benefits covered pursuant to paragraphs (3) or (4) of subsection a. of this section.

(2) Managed care systems may be utilized for coverages required to be offered pursuant to this section, subject to the review and approval of the Commissioner of Insurance.

d. Notwithstanding any other law to the contrary, a health service corporation shall file copies of all forms of contracts required to be offered pursuant to section 54 of P.L.1991, c.187 (C.17:48E-22.1) for approval with the Commissioner of Insurance at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to its effective date specifying in what respects the form is not in compliance with the standards set forth in this subsection, any such contract form filed with the commissioner shall be deemed approved as of its effective date, provided, however, that contract forms shall be effective only with respect to those contract form filings which are accompanied by an explanation and identification of the changes being made on a form prescribed by the commissioner. In his discretion, the commissioner may waive the 60-day waiting period or any portion thereof.

Contract forms shall not be unfair, inequitable, misleading or contrary to law, nor shall they produce rates that are excessive, inadequate or unfairly discriminatory.

e. Notwithstanding any other law to the contrary, a health service corporation shall file all rates and supplementary rate information and all changes and amendments thereof for the contracts required to be offered pursuant to section 54 of P.L.1991, c.187 (C.17:48E-22.1) for approval with the commissioner at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to their effective date specifying in what respects the filing is not in compliance with the standards set forth in this subsection, any such rates,

supplementary rate information, changes or amendments filed with the commissioner shall be deemed approved as of their effective date. In his discretion, the commissioner may waive the 60-day waiting period or any portion thereof.

Rates shall not be excessive, inadequate or unfairly discriminatory.

f. The commissioner shall issue regulations to establish minimum standards for loss ratios under contracts required to be offered pursuant to section 54 of P.L.1991, c.187 (C.17:48E-22.1).

g. Notwithstanding any provision of law to the contrary, a health service corporation shall not be required, in regard to contracts required to be offered pursuant to section 54 of P.L.1991, c.187 (C.17:48E-22.1), to provide mandatory health care benefits or provide benefits for services rendered by providers of health care services as otherwise required by law.

h. The commissioner shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this section and section 54 of P.L.1991, c.187 (C.17:48E-22.1), including standards for terms and conditions of contracts required to be offered pursuant to this section and section 54 of P.L.1991, c.187 (C.17:48E-22.1) and schedules of benefits for coverages provided for in subsection a. of this section.

i. Every health service corporation shall report annually on or before March 1 to the Department of Insurance the number of individual and group contracts required to be offered pursuant to section 54 of P.L.1991, c.187 (C.17:48E-22.1) that were sold in the preceding calendar year and the number of persons covered under each type of contract. The department shall compile and analyze this information and shall report annually on or before July 1 its findings and any recommendations it may have to the Governor and the Legislature.

C.17B:26B-1 Health insurers to offer basic health care policies.

56. Every health insurer authorized to do business in this State which delivers or issues for delivery policies in accordance with the provisions of chapter 26 of Title 17B of the New Jersey Statutes shall offer for sale individual basic health care policies in accordance with accepted underwriting standards for payment of benefits to each person covered thereunder.

Every health insurer authorized to do business in this State which delivers or issues for delivery policies in accordance with the provisions of chapter 27 of Title 17B of the New Jersey Statutes shall offer for sale group basic health care policies in

accordance with accepted underwriting standards for payment of benefits to each person covered thereunder.

C.17B:26B-2 Provisions of basic health care policy.

57. a. A basic health care policy offered pursuant to section 56 of P.L.1991, c.187 (C.17B:26B-1) shall provide:

(1) Basic hospital expense coverage for a period of 21 days in a benefit year for each covered person for expenses incurred for medically necessary treatment and services rendered as a result of injury or sickness, including:

(a) Daily hospital room and board, including general nursing care and special diets;

(b) Miscellaneous hospital services, including expenses incurred for charges made by the hospital for services and supplies which are customarily rendered by the hospital and provided for use only during any period of confinement;

(c) Hospital outpatient services consisting of hospital services on the day surgery is performed; hospital services rendered within 72 hours after accidental injury; and X-ray and laboratory tests to the extent that benefits for such services would have been provided if rendered to an inpatient of the hospital;

(2) Basic medical-surgical expense coverage for each covered person for expenses incurred for medically necessary services for treatment of injury or sickness for the following:

(a) Surgical services;

(b) Anesthesia services consisting of administration of necessary general anesthesia and related procedures in connection with covered surgical services rendered by a physician other than the physician performing the surgical services;

(c) In-hospital services rendered to a person who is confined to a hospital for treatment of injury or sickness other than that for which surgical care is required;

(3) Maternity benefits, including cost of delivery and prenatal care;

(4) Out-of-hospital physical examination, including related X-rays and diagnostic tests, on the following basis:

(a) For covered minors of less than two years of age, up to six examinations during the first two years of life; for covered minors of two years of age or older, one examination at age 3, 6, 9, 12, 15 and 18 years;

(b) For covered adults of less than 40 years of age, one examination every five years; for covered adults 40 or more years of age but less than 60 years of age, one examination every three

years; and for covered adults 60 years of age or older, one examination every two years.

Notwithstanding the provisions of this section to the contrary, a health insurer may provide alternative benefits or services from those required by this subsection if they are approved by the Commissioner of Insurance and are within the intent of this amendatory and supplementary act.

b. (1) No person who is eligible for coverage under Medicare pursuant to Pub. L. 89-97 (42 U.S.C. §1395 et seq.) shall be a covered person under a policy required to be offered pursuant to section 56 of P.L.1991, c.187 (C.17B:26B-1).

(2) A health insurer shall not sell a policy required to be offered pursuant to section 56 of P.L.1991, c.187 (C.17B:26B-1) to a group which was covered by health benefits or health insurance anytime during the 12-month period immediately preceding the effective date of coverage.

c. (1) Policies required to be offered pursuant to section 56 of P.L.1991, c.187 (C.17B:26B-1) may contain or provide for coinsurance or deductibles, or both; except that no deductible shall be payable in excess of a total of \$250 by an individual or family unit during any benefit year, no coinsurance shall be payable in excess of a total of \$500 by an individual or family unit during any benefit year, and neither coinsurance nor deductibles shall apply to physical examinations or maternity benefits covered pursuant to paragraphs (3) or (4) of subsection a. of this section.

(2) Managed care systems may be utilized for coverages required to be offered pursuant to this section, subject to the review and approval of the Commissioner of Insurance.

d. Notwithstanding any other law to the contrary, a health insurer shall file copies of all forms of policies required to be offered pursuant to section 56 of P.L.1991, c.187 (C.17B:26B-1) for approval with the Commissioner of Insurance at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to its effective date specifying in what respects the form is not in compliance with the standards set forth in this subsection, any such policy form filed with the commissioner shall be deemed approved as of its effective date, provided, however, that policy forms shall be effective only with respect to those policy form filings which are accompanied by an explanation and identification of the changes being made on a form prescribed by the commissioner. In his discretion, the commissioner may waive the 60-day waiting period or any portion thereof.

Policy forms shall not be unfair, inequitable, misleading or contrary to law, nor shall they produce rates that are excessive, inadequate or unfairly discriminatory.

e. Notwithstanding any other law to the contrary, a health insurer shall file all rates and supplementary rate information and all changes and amendments thereof for the policies required to be offered pursuant to section 56 of P.L.1991, c.187 (C.17B:26B-1) for approval with the commissioner at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to their effective date specifying in what respects the filing is not in compliance with the standards set forth in this subsection, any such rates, supplementary rate information, changes or amendments filed with the commissioner shall be deemed approved as of their effective date. In his discretion, the commissioner may waive the 60-day waiting period or any portion thereof.

Rates shall not be excessive, inadequate or unfairly discriminatory.

f. The commissioner shall issue regulations to establish minimum standards for loss ratios under policies required to be offered pursuant to section 56 of P.L.1991, c.187 (C.17B:26B-1).

g. Notwithstanding any provision of law to the contrary, a health insurer shall not be required, in regard to policies required to be offered pursuant to section 56 of P.L.1991, c.187 (C.17B:26B-1), to provide mandatory health care benefits or provide benefits for services rendered by providers of health care services as otherwise required by law.

h. The commissioner shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this section and section 56 of P.L.1991, c.187 (C.17B:26B-1), including standards for terms and conditions of policies required to be offered pursuant to this section and section 56 of P.L.1991, c.187 (C.17B:26B-1) and schedules of benefits for coverages provided for in subsection a. of this section.

i. Every health insurer shall report annually on or before March 1 to the Department of Insurance the number of individual and group policies required to be offered pursuant to section 56 of P.L.1991, c.187 (C.17B:26B-1) that were sold in the preceding calendar year and the number of persons covered under each type of policy. The department shall compile and analyze this information and shall report annually on or before July 1 its findings and any recommendations it may have to the Governor and the Legislature.

C.26:2J-4.2 Health maintenance organization to offer basic health services coverage.

58. Notwithstanding any provision of law to the contrary, a certificate of authority to establish and operate a health maintenance organization in this State shall not be issued or continued by the Commissioner of Health on or after the effective date of this section unless the health maintenance organization offers for sale, on an individual and group basis, and in accordance with accepted underwriting standards, coverages for basic health services for each enrollee covered thereunder.

C.26:2J-4.3 Limitations on basic health care services.

59. a. The coverages for basic health care services offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2) shall be limited to the following services:

(1) Basic hospital expense coverage for a period of 21 days in a benefit year for each enrollee for services provided for medically necessary treatment and services rendered as a result of injury or sickness, including:

(a) Daily hospital room and board, including general nursing care and special diets;

(b) Miscellaneous hospital services, including services and supplies which are customarily rendered by the hospital and provided for use only during any period of confinement;

(c) Hospital outpatient services consisting of hospital services on the day surgery is performed; hospital services rendered within 72 hours after accidental injury; and X-ray and laboratory tests to the extent that benefits for such services would have been provided if rendered to an inpatient of the hospital;

(2) Basic medical-surgical services for each enrollee for medically necessary services for treatment of injury or sickness for the following:

(a) Surgical services;

(b) Anesthesia services consisting of administration of necessary general anesthesia and related procedures in connection with covered surgical services rendered by a physician other than the physician performing the surgical services;

(c) In-hospital services rendered to a person who is confined to a hospital for treatment of injury or sickness other than that for which surgical care is required;

(3) Maternity services, including delivery and prenatal care;

(4) Out-of-hospital physical examination, including related X-rays and diagnostic tests, on the following basis:

(a) For enrollees who are less than two years of age, up to six examinations during the first two years of life; for enrollees who are minors of two years of age or older, one examination at age 3, 6, 9, 12, 15 and 18 years;

(b) For enrollees who are adults less than 40 years of age, one examination every five years; for enrollees who are 40 or more years of age but less than 60 years of age, one examination every three years; and for enrollees who are 60 years of age or older, one examination every two years.

Notwithstanding the provisions of this section to the contrary, a health maintenance organization may provide alternative coverage for services from those required by this subsection if they are approved by the Commissioner of Insurance and are within the intent of this amendatory and supplementary act.

b. (1) No person who is eligible for coverage under Medicare pursuant to Pub. L. 89-97 (42 U.S.C. §1395 et seq.) shall be an enrollee under coverage required to be offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2).

(2) A health maintenance organization shall not provide coverage for services required to be offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2) to a group which was covered by health benefits or health insurance anytime during the 12-month period immediately preceding the effective date of coverage.

c. (1) Coverage for services required to be offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2) may contain or provide coinsurance or deductibles, or both; except that no deductible shall be payable in excess of a total of \$250 by an individual or family unit during any benefit year, no coinsurance shall be payable in excess of a total of \$500 by an individual or family unit during any benefit year, and neither coinsurance nor deductibles shall apply to physical examinations or maternity services covered pursuant to paragraphs (3) or (4) of subsection a. of this section.

(2) Managed care systems may be utilized for coverage of services required to be offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2), subject to the review and approval of the Commissioner of Insurance.

d. Notwithstanding any other law to the contrary, a health maintenance organization shall file copies of all forms for coverages required to be offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2) for approval with the Commissioner of Insurance at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to its effective date speci-

fy in what respects the form is not in compliance with the standards set forth in this subsection, any such coverage form filed with the commissioner shall be deemed approved as of its effective date, provided, however, that coverage forms shall be effective only with respect to those coverage form filings which are accompanied by an explanation and identification of the changes being made on a form prescribed by the commissioner. In his discretion, the commissioner may waive the 60-day waiting period or any portion thereof.

These forms shall not be unfair, inequitable, misleading or contrary to law, nor shall they produce rates that are excessive, inadequate or unfairly discriminatory.

e. Notwithstanding any other law to the contrary, a health maintenance organization shall file all rates and supplementary rate information and all changes and amendments thereof for the coverages required to be offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2) for approval with the Commissioner of Insurance at least 60 days prior to becoming effective. Unless disapproved by the commissioner prior to their effective date specifying in what respects the filing is not in compliance with the standards set forth in this subsection, any such rates, supplementary rate information, changes or amendments filed with the commissioner shall be deemed approved as of their effective date. In his discretion, the commissioner may waive such 60-day waiting period or any portion thereof.

Rates shall not be excessive, inadequate or unfairly discriminatory.

f. The Commissioner of Insurance shall issue regulations to establish minimum standards for loss ratios under coverages required to be offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2).

g. Notwithstanding any provision of law to the contrary, a health maintenance organization shall not be required, in regard to coverages required to be offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2), to provide mandatory health care benefits or services or provide benefits for services rendered by providers of health care services as otherwise required by law.

h. The Commissioner of Insurance and the Commissioner of Health shall, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to effectuate the purposes of this section and section 58 of P.L.1991, c.187 (C.26:2J-4.2), including standards for terms and conditions of health care service coverages required to be offered pursuant to this section and section 58

of P.L.1991, c.187 (C.26:2J-4.2) and schedules of benefits for coverage of services provided for in subsection a. of this section.

i. Every health maintenance organization shall report annually on or before March 1 to the Department of Insurance the number of individual and group coverages required to be offered pursuant to section 58 of P.L.1991, c.187 (C.26:2J-4.2) that were sold in the preceding calendar year and the number of enrollees under each type of coverage. The department shall compile and analyze this information and shall report annually on or before July 1 its findings and any recommendations it may have to the Governor and the Legislature.

j. A health maintenance organization which complies with the basic health benefits, underwriting and rating standards established by the federal government pursuant to subchapter XI of Pub.L. 93-222 (42 U.S.C. §300e et seq.), shall be deemed in compliance with this section and section 58 of P.L.1991, c.187 (C.26:2J-4.2).

C.18A:72D-12 Definitions.

60. As used in sections 60 through 76 of P.L.1991, c.187 (C.18A:72D-12 et seq.):

“Eligible student loan expenses” means the cumulative total of the annual student loans covering the cost of attendance at an undergraduate institution of medical or dental education. Interest paid or due on student loans that an applicant has taken out for use in paying the costs of undergraduate medical or dental education shall be considered eligible for reimbursement under the program. The Chancellor of Higher Education may establish a limit on the total amount of student loans which may be redeemed for participants under the program, provided that the total redemption of student loans does not exceed \$70,000.

“Medically underserved area” means an urban or rural area which need not conform to the geographic boundaries of a political subdivision within the State but which shall be defined in terms of census tracts, if possible, which is a rational area for the delivery of health services and which has a medical or dental manpower shortage as determined by the Commissioner of Health; or a population group which the commissioner determines has a medical or dental manpower shortage; or a public or nonprofit private health care facility or other facility which is so designated.

“Primary care” includes the practice of family medicine, general internal medicine, general pediatrics, general obstetrics, gynecology, and any other areas of medicine which the Commis-

sioner of Health may define as primary care. Primary care also includes the practice of general dentistry and pedodontics.

“Primary Care Physician and Dentist Loan Redemption Program” means a program which provides for the redemption of the eligible student loan expenses of its participants.

“Undergraduate medical or dental education” means the period of time between entry into medical or dental school and the award of the medical (M.D., D.O.) degree or dental (D.M.D., D.D.S.) degree, respectively.

C.18A:72D-13 Primary Care Physician and Dentist Loan Redemption Program established.

61. There is established a Primary Care Physician and Dentist Loan Redemption Program within the Department of Higher Education. The program shall provide for the redemption of a portion of the eligible student loan expenses of program participants for each year of service in a medically underserved area of the State as designated by the Commissioner of Health.

C.18A:72D-14 Eligibility for participation in the Program.

62. To be eligible to participate in the Primary Care Physician and Dentist Loan Redemption Program, an applicant shall:

- a. Be a resident of the State;
- b. Be a graduate of a medical school approved by the State Board of Medical Examiners for the purpose of licensure and receive a recommendation from the school’s medical staff concerning participation in the loan redemption program in the case of a physician, or be a graduate of a dental school approved by the New Jersey State Board of Dentistry for the purpose of licensure and receive a recommendation from the school’s dental staff concerning participation in the loan redemption program in the case of a dentist;
- c. In the case of a physician, have completed a professional residency training program and received a recommendation from the medical staff of the training program concerning participation in the loan redemption program; and
- d. Agree to practice medicine or dentistry, as appropriate, in a medically underserved area of the State.

C.18A:72D-15 Designation of medically underserved areas.

63. The Commissioner of Health, after consultation with the Commissioner of Corrections and the Commissioner of Human Services, shall designate and establish a ranking of medically underserved areas of the State. The criteria used by the Commis-

sioner of Health in designating underserved areas shall include, but not be limited to:

- a. the ratio of the supply of primary care physicians and dentists by relative specialty to the population under consideration with a goal of meeting current standards for physician and dentist to population ratios in primary care medical and dental specialties;
- b. the financial resources of the population under consideration;
- c. the population's access to medical and dental services; and
- d. appropriate physician and dentist staffing ratios in State, county, municipal and private nonprofit health care facilities.

The commissioner shall annually transmit the list of medically underserved areas and the number of positions needed in each area to the Chancellor of Higher Education.

C.18A:72D-16 Agreement for participation in loan redemption program.

64. A medical or dental student who is eligible and interested in participating in the loan redemption program shall sign a non-binding agreement with the Department of Higher Education upon completion of the final year of undergraduate medical or dental training, as appropriate. At the end of the final year of residency training in the case of a physician, and at the end of the final year of undergraduate dental training or residency training if such training is required in a primary care dental specialty in the case of a dentist, the applicant shall sign a contractual agreement with the Department of Higher Education. The agreement shall specify the applicant's length of required service and the total amount of eligible student loan expenses to be redeemed by the State in return for service. The agreement shall also stipulate that the applicant has knowledge of and agrees to the six-month probationary period required prior to final acceptance into the program pursuant to section 66 of P.L.1991, c.187 (C.18A:72D-18).

C.18A:72D-17 Reduction of loans under loan redemption program.

65. Maximum redemption of loans under the loan redemption program shall amount to 15% of principal and interest of eligible student loan expenses in return for one full year of service in a designated medically underserved area of the State, an additional 20% for a second full year of service, an additional 25% for a third full year of service and an additional 40% for a fourth full year of service for a total redemption of eligible student loan expenses of up to, but not to exceed, \$70,000. Service in a medically underserved area shall begin immediately upon completion of the medical residency training program in the case of a physi-

cian, and immediately upon completion of undergraduate dental training or residency training if such training is required in a primary care dental specialty in the case of a dentist.

C.18A:72D-18 Probationary period for program participants.

66. Each program participant shall serve a six-month probationary period upon initial placement in a service site within the medically underserved area. During that period, the medical or dental staff of the service site, as appropriate, shall evaluate the suitability of the placement for the participant. At the end of the probationary period, the medical or dental staff shall recommend the continuation of the program participant's present placement, a change in placement, or its determination that the participant is an unsuitable candidate for the loan redemption program. If the medical or dental staff of the service site recommends a change in placement, then the Chancellor of Higher Education shall place the program participant in an alternate placement within a medically underserved area. If the medical or dental staff determines that the program participant is not a suitable candidate for the program, then the chancellor shall take this recommendation into consideration in regard to the participant's final acceptance into the program. No loan redemption payment shall be made during the six-month probationary period, however, a program participant shall receive credit for this six-month period in calculating the first year of required service under the loan redemption contract.

C.18A:72D-19 Matching of participants to underserved areas.

67. The Chancellor of Higher Education, in consultation with the Commissioner of Health, shall match program participants to medically underserved areas based upon the ranking of the underserved areas established by the commissioner and on the basis of participant preference.

C.18A:72D-20 Annual determination of program positions available, priority of applicants.

68. The Chancellor of Higher Education shall annually determine the number of program positions available on the basis of the need for primary care physicians and dentists in medically underserved areas of the State as determined by the Commissioner of Health and the State and federal funds available for the program. Once the number of program positions has been determined, the chancellor shall select the program participants from among those students who have applied to the program and who meet the criteria established pursuant to section 62 of P.L.1991, c.187 (C.18A:72D-14).

In selecting program participants, the Chancellor of Higher Education shall accord priority to applicants in the following manner:

- a. First, to any applicant who is completing a fourth, third or second year of a loan redemption contract;
- b. Second, to any applicant whose residence in the State at the time of entry into post secondary education was within a medically underserved area; and
- c. Third, to any applicant according to the severity of the physician or dentist shortage in the area selected by the applicant.

In the event that there are more applicants who have the same priority than there are program positions, the Chancellor of Higher Education shall select participants by means of a lottery or other form of random selection.

C.18A:72D-21 Nullification of agreement.

69. A physician or dentist who has previously entered into a contract with the Department of Higher Education may nullify the agreement by notifying the Department of Higher Education in writing and assuming full responsibility for repayment of principal and interest at the appropriate market rate of the full amount of the eligible student loan expenses or that portion of the loan which has not been redeemed by the State in return for partial fulfillment of the contract. In no event shall service in a medically underserved area for less than the full calendar year of each period of service entitle the participant to any benefits under the loan redemption program. A participant seeking to nullify the contract shall be required to pay the unredeemed portion of indebtedness in not more than 10 years following termination of the contract minus the years of service already served under the contract.

C.18A:72D-22 Nullification of contract due to death, disability of participant.

70. In case of a program participant's death or total or permanent disability, the Chancellor of Higher Education shall nullify the service obligation of the student thereby terminating the student's obligation to repay the unpaid balance of the redeemable portion of the loan and the accrued interest thereon, or where continued enforcement of the contract may result in extreme hardship, the chancellor may nullify or suspend the service obligation of the student.

C.18A:72D-23 Termination of participant's service in program.

71. In case of a program participant's conviction of a felony or misdemeanor or an act of gross negligence in the performance of service obligations or where the license to practice has been suspended or revoked, the Chancellor of Higher Education shall have

the authority to terminate the participant's service in the program and request repayment of the outstanding debt.

C.18A:72D-24 Noneligibility of students participating in similar federal program.

72. A student who is participating in a federal program of a similar nature, which provides financial support for students in return for service in underserved areas of the nation, shall not be eligible for participation in the Primary Care Physician and Dentist Loan Redemption Program unless after review and consideration the Chancellor of Higher Education finds that the student has extraordinary financial responsibilities making it essential for the student to use the loan resources of both federal and State programs. These cases shall be reviewed and approved by the chancellor on an individual basis. In these cases, the period of service to the State of New Jersey may be served simultaneously with the federal service obligation if that obligation is being discharged by service within this State.

C.18A:72D-25 Provision of information prior to repayment.

73. Prior to repayment of the annual amount eligible for redemption, each program participant shall report to the Department of Higher Education, in such manner and form as it shall prescribe, information on the participant's performance of service in the medically underserved area as required under the contract.

C.18A:72D-26 Procedure for recruitment of program applicants.

74. The Chancellor of Higher Education and the Commissioner of Health shall jointly establish a procedure for the recruitment of program applicants at medical and dental schools and health centers. The procedure shall provide for the participation of the medical and dental staff, as appropriate, of those facilities in the selection of appropriate applicants for the program.

C.18A:72D-27 Application for federal funds.

75. The Department of Higher Education shall annually apply for any federal funds which may be available to implement the provisions of this act.

C.18A:72D-28 Rules, regulations.

76. The State Board of Higher Education shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as may be necessary to implement the provisions of sections 60 through 75 of P.L.1991, c.187 (C.18A:72D-12 et seq.).

C.18A:62-15 Health insurance coverage required for full-time students at institutions of higher education.

77. a. Every student enrolled as a full-time student at a public or private institution of higher education in this State shall maintain health insurance coverage which provides basic hospital benefits. The coverage shall be maintained throughout the period of the student's enrollment.

b. Every student enrolled as a full-time student shall present evidence of the health insurance coverage required by subsection a. of this section to the institution at least annually, in a manner prescribed by the institution.

c. The State Board of Higher Education shall require all public and private institutions of higher education in this State to offer health insurance coverage on a group or individual basis for purchase by students who are required to maintain the coverage pursuant to this section.

d. The State Board of Higher Education shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the purposes of subsections a., b. and c. of this section.

e. The Student Assistance Board in the Department of Higher Education shall adopt rules and regulations to require that a public or private institution of higher education in this State consider the coverage required pursuant to this section as an educational cost for purposes of determining a student's eligibility for financial aid.

f. Nothing in this section shall be construed to permit a hospital in this State to deny access to hospital care to a full-time student whose health insurance coverage required by this section lapses for any reason.

g. The provisions of this section shall not apply to a person who is a participant in the REACH program established pursuant to P.L.1987, c.282 (C.44:10-9 et seq.).

C.17B:26-12.1 Individual health insurer to reimburse claims within 60 days.

78. a. A health insurer shall reimburse all claims or any portion of any claim from an insured or an insured's assignee, for payment under a health insurance policy, within 60 days after receipt of the claim by the health insurer. If a claim or a portion of a claim is contested by the health insurer, the insured or the insured's assignee shall be notified in writing within 45 days after receipt of the claim by the health insurer, that the claim is contested or denied; except that, the uncontested portion of the claim shall be paid within 60 days after receipt of the claim by the health insurer.

The notice that a claim is contested shall identify the contested portion of the claim and the reasons for contesting the claim.

A health insurer, upon receipt of the additional information requested from the insured or the insured's assignee shall pay or deny the contested claim or portion of the contested claim, within 90 days.

Payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not so posted, on the date of delivery.

b. An overdue payment shall bear simple interest at the rate of 10% per year.

c. For the purposes of this section, "health insurer" means an insurer authorized to provide health insurance on an individual basis pursuant to chapter 26 of Title 17B of the New Jersey Statutes.

d. The Department of Insurance shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the provisions of this section.

C.17B:27-44.1 Group health insurer to reimburse claims within 60 days.

79. a. A health insurer shall reimburse all claims or any portion of any claim from an insured or an insured's assignee, for payment under a health insurance policy, within 60 days after receipt of the claim by the health insurer. If a claim or a portion of a claim is contested by the health insurer, the insured or the insured's assignee shall be notified in writing within 45 days after receipt of the claim by the health insurer, that the claim is contested or denied; except that, the uncontested portion of the claim shall be paid within 60 days after receipt of the claim by the health insurer. The notice that a claim is contested shall identify the contested portion of the claim and the reasons for contesting the claim.

A health insurer, upon receipt of the additional information requested from the insured or the insured's assignee shall pay or deny the contested claim or portion of the contested claim, within 90 days.

Payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not so posted, on the date of delivery.

b. An overdue payment shall bear simple interest at the rate of 10% per year.

c. For the purposes of this section, "health insurer" means an insurer authorized to provide health insurance on a group basis pursuant to chapter 27 of Title 17B of the New Jersey Statutes.

d. The Department of Insurance shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the provisions of this section.

C.26:2J-5.1 Health maintenance organization to reimburse claims within 60 days.

80. a. A health maintenance organization shall reimburse all claims or any portion of any claim from an enrollee or an enrollee's assignee, for payment under health maintenance organization coverage, within 60 days after receipt of the claim by the health maintenance organization. If a claim or a portion of a claim is contested by the health maintenance organization, the enrollee or the enrollee's assignee shall be notified in writing within 45 days after receipt of the claim by the health maintenance organization, that the claim is contested or denied; except that, the uncontested portion of the claim shall be paid within 60 days after receipt of the claim by the health maintenance organization. The notice that a claim is contested shall identify the contested portion of the claim and the reasons for contesting the claim.

A health maintenance organization, upon receipt of the additional information requested from the enrollee or the enrollee's assignee shall pay or deny the contested claim or portion of the contested claim, within 90 days.

Payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope or, if not so posted, on the date of delivery.

b. An overdue payment shall bear simple interest at the rate of 10% per year.

c. For the purposes of this section, "health maintenance organization" means a health maintenance organization authorized pursuant to the provisions of P.L.1973, c.337 (C.26:2J-1 et seq.).

d. The Department of Health shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to carry out the provisions of this section.

C.26:2H-5a Coordination of hospital inspections.

81. The Commissioner of Health shall, to the extent possible and reasonable within the Department of Health's responsibilities under P.L.1971, c.136 (C.26:2H-1 et seq.), coordinate its annual inspection of a hospital with the triennial inspection conducted by the Joint Commission for the Accreditation of Healthcare Organizations to prevent duplication during the inspection process.

C.26:2H-18.49 Health Care Cost Reduction Advisory Committee created.

82. a. There is created a Health Care Cost Reduction Advisory Committee. The members shall include: the Commissioners of Health, Human Services and Insurance and the Public Advocate, or their designees who shall serve ex officio; two members of the Senate to be appointed by the President thereof, no more than one of whom shall be of the same political party, and two members of the General Assembly to be appointed by the Speaker thereof, no more than one of whom shall be of the same political party; two public members who have professional expertise in the area of health care financing, one each to be appointed by the President of the Senate and the Speaker of the General Assembly; and nine members appointed by the Governor as follows: one person who represents the Office of the Governor who shall serve ex officio and eight public members who include three persons who represent payers, one to be appointed upon the recommendation of Blue Cross and Blue Shield of New Jersey, Inc., one upon the recommendation of the Health Insurance Association of America and one upon the recommendation of the New Jersey Health Maintenance Association; one person who represents hospitals in the State, to be appointed upon the recommendation of the New Jersey Hospital Association; one person who represents business and industry in this State, to be appointed upon the recommendation of the New Jersey Business and Industry Association; one person who represents organized labor in this State, to be appointed upon the recommendation of the New Jersey State AFL-CIO; and two persons who are consumers of health care.

The public members shall serve for a term of two years and be eligible for reappointment for an additional two-year term, except that of the public members first appointed, four shall be appointed for a term of two years and four for a term of one year. Vacancies in the advisory committee shall be filled in the same manner as the original appointments were made for the unexpired term.

The advisory committee shall organize as soon as practicable after the appointment of its members and shall select a chairperson from among its public members. Members of the advisory committee shall serve without compensation but shall be reimbursed for the necessary expenses incurred in the performance of their duties as members of the advisory committee.

b. The advisory committee shall:

(1) Review and assess the effectiveness of the health care reform initiatives provided for in this act which are designed to reduce uncompensated care and health care costs, and expand

health insurance coverage in the State, and make such recommendations to the Governor and the Legislature as the advisory committee deems necessary;

(2) Make recommendations to the Commissioner of Health on the procedures that shall be used to audit uncompensated care at the hospitals, including methods of indigent care cost recovery and bad debt collection by the hospitals; and

(3) Make recommendations to the Governor and the Legislature on additional methods of funding uncompensated care that may be used to supplement or replace funding methods already implemented.

c. There is created within the advisory committee a five-member subcommittee to review the existing funding and technical support for the Hospital Rate Setting Commission.

The subcommittee members shall be appointed by the Governor and shall include: one person who represents hospitals in the State, to be appointed upon the recommendation of the New Jersey Hospital Association; one person who represents business and industry in this State, to be appointed upon the recommendation of the New Jersey Business and Industry Association; one person who represents organized labor in this State, to be appointed upon the recommendation of the New Jersey State AFL-CIO; and two persons who are consumers of health care.

The members of the subcommittee may be members of the advisory committee. The members of the subcommittee shall serve for a term of 12 months. Vacancies in the subcommittee shall be filled in the same manner as the original appointments were made for the unexpired term.

The subcommittee shall organize as soon as practicable after the appointment of its members and shall select a chairperson from among its members. Members of the subcommittee shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties as members of the subcommittee.

The subcommittee shall report its findings and recommendations to the Commissioner of Health and the chairmen of the Senate Institutions, Health and Welfare Committee and the Assembly Health and Human Services Committee no later than three months after the effective date of this act.

83. Section 1 of P.L.1989, c.19 (C.45:9-22.4) is amended to read as follows:

C.45:9-22.4 Definitions.

1. For the purposes of this act:

“Health care service” means a business entity which provides on an inpatient or outpatient basis: testing for or diagnosis or treatment of human disease or dysfunction; or dispensing of drugs or medical devices for the treatment of human disease or dysfunction. Health care service includes, but is not limited to, a bioanalytical laboratory, pharmacy, home health care agency, rehabilitation facility, nursing home, hospital, or a facility which provides radiological or other diagnostic imagery services, physical therapy, ambulatory surgery, or ophthalmic services.

“Immediate family” means the practitioner’s spouse and children, the practitioner’s siblings and parents, the practitioner’s spouse’s siblings and parents, and the spouses of the practitioner’s children.

“Practitioner” means a physician, chiropractor or podiatrist licensed pursuant to Title 45 of the Revised Statutes.

“Significant beneficial interest” means any financial interest; but does not include ownership of a building wherein the space is leased to a person at the prevailing rate under a straight lease agreement, or any interest held in publicly traded securities.

Repealer.

84. The following are repealed:

Sections 3, 6 and 11 of P.L.1971, c.136 (C.26:2H-3, C.26:2H-6 and C.26:2H-11);

P.L.1987, c.118 (C.26:2H-5.2 through 5.6, inclusive);

P.L.1979, c.272 (C.18A:72D-1 through 18A:72D-11, inclusive); and P.L.1989, c.1 (C.26:2H-18.4 et al.).

C.26:2H-18.50 Short title.

85. This amendatory and supplementary act shall be known and may be cited as the “Health Care Cost Reduction Act.”

86. This act shall take effect on the 30th day after enactment, except that sections 1 through 26, inclusive, shall take effect on July 1, 1991, sections 1 through 8 and 11 through 24, inclusive, and section 26 shall expire on June 30, 1992, section 29 shall take effect on the 120th day after enactment, sections 31 and 32 shall take effect on January 1, 1992 and sections 50, 52, 54, 56 and 58 shall take effect on the 90th day after enactment.

Approved July 1, 1991.

CHAPTER 188

AN ACT requiring the placement of certain emblems on certain buildings and supplementing chapter 27D of Title 52 of the Revised Statutes.

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

C.52:27D-198.4 Identifying emblem to be affixed to front of structures with truss construction.

1. a. The Commissioner of Community Affairs shall, pursuant to the authority under the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.), promulgate rules and regulations to require that an identifying emblem be affixed to the front of structures with truss construction.

The emblem shall be of a bright and reflective color, or made of reflective material. The shape of the emblem shall be an isosceles triangle and the size shall be 12 inches horizontally by 6 inches vertically. The following letters, of a size and color to make them conspicuous, shall be printed on the emblem: "F" to signify a floor with truss construction; "R" to signify a roof with truss construction; or "F/R" to signify both a floor and roof with truss construction.

The emblem shall be permanently affixed to the left of the main entrance door at a height between four to six feet above the ground and shall be installed and maintained by the owner of the building.

The act shall be enforced in accordance with enforcement procedures set forth in P.L.1983, c.383 (C.52:27D-192 et seq.).

b. Detached one and two family residential structures with truss construction which are not part of a planned real estate development shall be exempt from the provisions of this act; however, the governing body of a municipality may require by ordinance that emblems be affixed on structures with truss construction.

Individual structures and dwelling units with truss construction which are part of a planned real estate development as defined in section 3 of P.L.1977, c.419 (C.45:22A-23) shall not be required to have an identifying emblem if there is an emblem affixed at each entranceway to the development.

2. This act shall take effect on the first day of the sixth month after enactment.

Approved July 2, 1991.

CHAPTER 189

AN ACT concerning the regulation of the apparel industry and amending and supplementing P.L.1987, c.458.

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

C.34:6-151 Additional penalties.

1. a. The commissioner may, in addition to seeking civil, administrative, or criminal penalties pursuant to P.L.1987, c.458 (C.34:6-144 et seq.), order the apparel industry unit to confiscate any partially or completely assembled articles of apparel and any equipment used in the assembly of apparel from any manufacturer or contractor who is violating any provision of P.L.1987, c.458 (C.34:6-144 et seq.) and has previously been found liable for a civil or administrative penalty for two or more separate violations of P.L.1987, c.458 (C.34:6-144 et seq.) during the immediately preceding three-year period. All items confiscated shall be placed in the custody of the apparel industry unit until the confiscation order becomes final and until the final resolution of any appeal of the final confiscation order pursuant to subsection b. of this section.

b. Prior to the time that the confiscation order becomes final, the commissioner or his designee shall provide the manufacturer or contractor with notification of the violation and confiscation by certified mail and an opportunity to request from the commissioner or his designee, by certified mail, a hearing before the commissioner or his designee within 15 days following receipt of the notice. If a hearing is requested, the commissioner or his designee shall hold the hearing within 10 days following receipt of the request and may issue a final confiscation order upon such hearing and a finding that a violation has occurred. If a hearing is not requested, the commissioner or his designee shall issue a final confiscation order upon the expiration of the 15-day period. The manufacturer or contractor may appeal the final confiscation order to the Appellate Division of the Superior Court within 30 days following the issuing of the final confiscation order. Upon issuance of a final confiscation order or, if an appeal is made to the Appellate Division, upon the final resolution of that appeal, title to the confiscated goods shall vest in the State, and the apparel industry unit shall dispose of them pursuant to regulations adopted by the commissioner.

C.34:6-152 List of violators made public.

2. The commissioner or his designee shall make public a list of all manufacturers and contractors which have been found

guilty of violations of P.L.1987, c.458 (C.34:6-144 et seq.) or any other act for which a manufacturer or contractor may, pursuant to P.L.1987, c.458 (C.34:6-144 et seq.), be subject to a revocation of registration or confiscation of items of apparel or equipment for a subsequent violation. The commissioner or his designee shall update that public list in a timely manner. The commissioner shall make the list and any updates of the list available upon the request to any requesting manufacturer, contractor, or organization representing manufacturers or contractors.

C.34:6-153 Manufacturer, contractor to keep records on production employees.

3. Each manufacturer and contractor shall keep accurate records regarding all of its production employees during the preceding three years and make those records available to the apparel industry unit upon request. The records shall include:

- a. The name and address of each production employee and the age of each production employee who is a minor;
- b. The number of hours of work and the time of day that work begins and ends for each production employee;
- c. The wages, wage rates, and piece rates paid during each payroll period; and
- d. Contract worksheets indicating the price per unit agreed upon between manufacturer and contractor.

4. Section 2 of P.L.1987, c.458 is amended to read as follows:

C.34:6-145 Definitions.

2. As used in this act:

- a. "Apparel industry" means the making, cutting, sewing, finishing, assembling, pressing or otherwise producing of apparel, designed or intended to be worn by any individual and sold or offered for sale for that purpose, but does not include cleaning, pressing or tailoring services performed upon apparel sold or offered for sale at retail;
- b. "Commissioner" means the Commissioner of Labor;
- c. "Contractor" means any person who contracts to perform in this State the cutting, sewing, finishing, assembling, pressing or otherwise producing of any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose. "Contractor" shall include, but not be limited to, a subcontractor, jobber or wholesaler, but shall not include a production employee employed for wages who does not employ others;

- d. "Department" means the State Department of Labor;
- e. "Manufacturer" means any person who contracts with a contractor to perform in this State the cutting, sewing, finishing, assembling, pressing or producing of any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose, or who cuts, sews, finishes, assembles, presses or otherwise produces in this State any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose. "Manufacturer" shall not include a production employee employed for wages who does not employ others;
- f. "Production employee" means any person who is employed by a contractor or manufacturer directly to perform the cutting, sewing, finishing, assembling, pressing or otherwise producing of any apparel, or a section or component of apparel, designed or intended to be worn by any individual and sold or offered for sale, except at retail, for that purpose;
- g. "Apparel industry unit" means the Special Task Force on the Apparel Industry created by section 4 of this act and reestablished as the apparel industry unit by this 1991 amendatory and supplementary act.

5. Section 3 of P.L.1987, c.458 is amended to read as follows:

C.34:6-146 Registration of manufacturers, contractors.

3. a. No manufacturer or contractor shall engage in the apparel industry in this State unless the manufacturer or contractor is registered as a manufacturer or contractor with the department, in writing, on a form provided by the commissioner. That form shall contain the following information: whether the manufacturer or contractor is a sole proprietorship, partnership, or corporation; the manufacturer's or contractor's name and principal business address in the State; the name and address of each person with a financial interest in the manufacturer's or contractor's business and the amount of that interest, except that if the manufacturer or contractor is a publicly-traded corporation, only the names and addresses of the corporation officers shall be required; the manufacturer's or contractor's tax identification number; and, if the registrant is a contractor, whether that contractor subcontracts the cutting or sewing of apparel or sections or components thereof. Divisions, subsidiary corporations, or related companies may, at the option of the manufacturer or contractor, be named and included under one omnibus registration.

b. The commissioner shall issue pursuant to the provisions of this act, a certificate of registration upon receipt of a manufacturer's or contractor's completed registration form and documentation that the manufacturer or contractor has paid any surety bond required pursuant to subsection h. of section 7 of P.L.1987, c.458 (C.34:6-150) and provides workers' compensation coverage for the manufacturer's or contractor's production employees working in this State. The initial fee for each registration shall be \$300. Each subsequent annual registration fee shall be \$300. The commissioner may prorate the initial annual registration fee if the certificate of registration is for a period of less than 12 months. Registrations shall be renewed on or before January 15th of each year, and all fees shall be payable to the Division of Workplace Standards. With respect to manufacturers or contractors operating prior to or on the effective date of this act, the initial registration shall be filed on or before the first day of the sixth month following the effective date of this act and shall be effective until the following January 15th. With respect to new manufacturers or contractors, the initial registration shall be filed upon the commencement of manufacturing or contracting in the apparel industry and shall be effective until the following January 15th. The commissioner may, by order, compel registration pursuant to this subsection.

6. Section 4 of P.L.1987, c.458 is amended to read as follows:

C.34:6-147 Special Task Force on the Apparel Industry reestablished as apparel industry unit.

4. The commissioner shall establish, within 120 days of the effective date of this act, a Special Task Force on the Apparel Industry to enforce State labor laws affecting the employment of production employees in the apparel industry and to exercise the special duties and powers set forth in sections 5 and 6 of this act. The special task force shall include personnel from the department who shall be charged with ensuring compliance with the State's wage and hour, unemployment compensation, temporary disability, workers' compensation, and industrial homework laws. Upon the effective date of this 1991 amendatory and supplementary act, the special task force shall be reestablished as the apparel industry unit.

7. Section 5 of P.L.1987, c.458 is amended to read as follows:

C.34:6-148 Duties of apparel industry unit.

5. The apparel industry unit is charged with the following duties:

- a. To inspect manufacturers and contractors, with respect to their production employees, for compliance with the registration requirements of section 3 of this act;
- b. To inspect manufacturers and contractors, with respect to their production employees, for compliance with other labor and payroll tax laws of this State that affect the employment of production employees; and
- c. To ensure, with respect to their production employees, compliance by manufacturers and contractors with the orders of, and assessments of civil penalties by, the commissioner pursuant to this act and other labor laws of this State applicable to the employment of production employees.

8. Section 6 of P.L.1987, c.458 is amended to read as follows:

C.34:6-149 Powers of apparel industry unit.

- 6. The apparel industry unit shall have the following powers:
 - a. To investigate and conduct inspections at locations where an apparel industry manufacturer or contractor is operating to ensure compliance with this act;
 - b. To inspect books, records and premises of manufacturers and contractors, with respect to their production employees, to determine compliance with the State's labor laws, including but not limited to, laws concerning wages, overtime compensation, unemployment compensation and temporary disability insurance, workers' compensation coverage, child labor, and industrial home-work laws, and, if the apparel industry unit determines that a manufacturer or contractor has violated a provision of any of those laws with respect to its production employees, to assess and collect, on behalf of the commissioner, any administrative penalty authorized by law. If the violation is of a provision of a labor law for which the assessment and collection of an administrative penalty is not otherwise authorized, the apparel industry unit is hereby authorized to assess and collect an administrative penalty, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). No administrative penalty shall be levied pursuant to this subsection unless the commissioner or his designee provides the violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing within 15 days

following the receipt of the notice. If a hearing is requested, the commissioner, or his designee, may issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon the expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed under this subsection may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any penalty imposed under this subsection shall be paid to the Division of Workplace Standards and applied to enforcement and administrative costs of the division; and

c. To serve as the designee of the commissioner for the purpose of taking any action authorized by this act necessary to implement its provisions.

9. Section 7 of P.L.1987, c.458 is amended to read as follows:

C.34:6-150 Violations, penalties.

7. a. Any manufacturer or contractor who has failed to comply with the registration requirements of section 3 of this act shall be deemed to have violated this act.

b. Any manufacturer or contractor who has failed to comply, for the second time within any three-year period, with an order issued by the commissioner to comply with the registration requirements of section 3 of this act shall be deemed to have violated this act.

c. Any manufacturer or contractor who contracts for the performance of any apparel industry service, as identified in subsection a. of section 2 of this act, with any other manufacturer or contractor whom the manufacturer or contractor knows does not hold a valid registration shall be deemed to have violated this act. A contractor or manufacturer who knowingly violates this subsection c. within three years after having been found liable for a civil or administrative penalty for violating this subsection c. is guilty of a crime of the fourth degree.

d. No manufacturer or contractor shall perform services or hold himself out as being able to perform services as a registered manufacturer or contractor unless he holds a valid registration pursuant to this act. A contractor or manufacturer who knowingly violates this subsection d. within three years after having been found liable for a civil or administrative penalty for violating this subsection d. is guilty of a crime of the fourth degree.

e. If the commissioner or his designee determines that any manufacturer or contractor commits a violation as provided in subsection a., b., or c. of this section, or violates subsection d. of this section, the commissioner or his designee may impose a civil penalty, and such penalty shall be made with due consideration of the size and past experience of the manufacturer or contractor and the seriousness of the violation, upon the manufacturer or contractor up to \$1,000.00 for an initial violation and up to \$2,000.00 for each subsequent violation, and, as an alternative or in addition to the civil penalty, the commissioner or his designee is authorized to assess and collect an administrative penalty, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). No administrative penalty shall be levied pursuant to this subsection unless the commissioner or his designee provides the violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing within 15 days following the receipt of the notice. If a hearing is requested, the commissioner, or his designee, may issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon the expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed under this subsection may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The civil or administrative penalties shall be paid to the Division of Workplace Standards and applied to enforcement and administrative costs of the division, except as provided in subsection b. of section 11 of this act. Any civil penalty imposed pursuant to this section shall be enforceable in a summary manner pursuant to Rule 4:70 of the Rules Governing the Courts of the State of New Jersey.

f. If any manufacturer or contractor fails to comply with an order by the commissioner to register or renew registration, the commissioner may seek and obtain in a summary action in Superior Court an injunction prohibiting such unlawful activity.

g. An intentional failure to comply with the registration requirements of section 3 of this act shall be a crime of the fourth degree.

h. The commissioner or his designee may, after a hearing thereon, and after due consideration of the size and past experience of the manufacturer or contractor and the seriousness of the violation, require as a condition of continued registration, the

payment of a surety bond or may revoke, by order, the registration of any manufacturer or contractor for any period ranging from 30 days to one year upon being found guilty of:

(1) A second violation of the same provision of this act within any three-year period; or

(2) A second violation within any three-year period of the same provision of any other labor law applicable to the employment of production employees.

The surety bond shall be payable to the State and shall be for the benefit of production employees damaged by any failure of the manufacturer or contractor to pay wages or benefits or otherwise comply with the provisions of law. The surety bond shall be in the sum and form that the commissioner deems necessary for the protection of the production employees, but shall not exceed \$2,500 per production employee.

i. Any manufacturer or contractor who contracts, for the second time within any three-year period, for the performance of any apparel industry service with any other manufacturer or contractor whom the manufacturer or contractor knows has failed to comply with the registration requirements of section 3 of this act, shall, if the other manufacturer or contractor has failed to pay any civil penalty assessed under subsection e. of this section, be liable to pay a civil penalty equal to the civil penalty that the other manufacturer or contractor has been assessed.

j. Nothing herein shall affect either the authority of the department to enforce the industrial homework laws of this State or the right of any manufacturer to possess or repossess any apparel, or sections or components of apparel, that are located at any contractor with whom it has contracted.

10. Section 8 of P.L.1987, c.458 is amended to read as follows:

C.34:6-154 Information, confidential, use by apparel industry unit.

8. Information obtained or collected by the department pursuant to this act shall be exempt from P.L.1963, c.73 (C.47:1A-1 et seq.), and shall be used exclusively by the apparel industry unit in effectuating the purposes of this act.

11. Section 10 of P.L.1987, c.458 is amended to read as follows:

C.34:6-156 Training for apparel industry unit.

10. The apparel industry unit shall receive training to be provided by the State in each of the areas of the State's labor laws

and other applicable State laws necessary to carry out the duties and powers of section 5 and section 6 of this act.

12. Section 12 of P.L.1987, c.458 is amended to read as follows:

12. This act shall take effect immediately.

13. This act shall take effect immediately.

Approved July 2, 1991.

CHAPTER 190

AN ACT concerning employee contributions to political action committees and amending and supplementing P.L.1965, c.173.

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

1. Section 4 of P.L.1965, c.173 (C.34:11-4.4) is amended to read as follows:

C.34:11-4.4 Withholding from wages.

4. No employer may withhold or divert any portion of an employee's wages unless:

a. The employer is required or empowered to do so by New Jersey or United States law; or

b. The amounts withheld or diverted are for:

(1) Contributions authorized either in writing by employees, or under a collective bargaining agreement, to employee welfare, insurance, hospitalization, medical or surgical or both, pension, retirement, and profit-sharing plans, and to plans establishing individual retirement annuities on a group or individual basis, as defined by section 408 (b) of the federal Internal Revenue Code of 1954 as amended (26 U.S.C.§408(b)), or individual retirement accounts at any State or federally chartered bank, savings bank, or savings and loan association, as defined by section 408 (a) of the federal Internal Revenue Code of 1954, as amended (26 U.S.C.§408(a)), for the employee, his spouse or both.

(2) Contributions authorized either in writing by employees, or under a collective bargaining agreement, for payment into company-operated thrift plans; or security option or security purchase

plans to buy securities of the employing corporation, an affiliated corporation, or other corporations at market price or less, provided such securities are listed on a stock exchange or are marketable over the counter.

(3) Payments authorized by employees for payment into employee personal savings accounts, such as payments to a credit union, savings fund society, savings and loan or building and loan association; and payments to banks for Christmas, vacation, or other savings funds; provided all such deductions are approved by the employer.

(4) Payments for company products purchased in accordance with a periodic payment schedule contained in the original purchase agreement; payments for employer loans to employees, in accordance with a periodic payment schedule contained in the original loan agreement; payments for safety equipment; payments for the purchase of United States Government bonds; and payments to correct payroll errors; provided all such deductions are approved by the employer.

(5) Contributions authorized by employees for organized and generally recognized charities; provided the deductions for such contributions are approved by the employer.

(6) Payments authorized by employees or their collective bargaining agents for the rental of work clothing or uniforms or for the laundering or dry cleaning of work clothing or uniforms; provided the deductions for such payments are approved by the employer.

(7) Labor organization dues and initiation fees, and such other labor organization charges permitted by law.

(8) Contributions authorized in writing by employees, pursuant to a collective bargaining agreement, to a political committee, continuing political committee, or both, as defined in section 3 of P.L.1973, c.83 (C.19:44A-3), established by the employees' labor union for the purpose of making contributions to aid or promote the nomination, election or defeat of any candidate for a public office of the State or of a county, municipality or school district or the passage or defeat of any public question, subject to the conditions specified in section 2 of P.L.1991, c.190 (C.34:11-4.4a).

(9) Contributions authorized in writing by employees to any political committee or continuing political committee, other than a committee provided for in paragraph (8) of this subsection, for the purpose of making contributions to aid or promote the nomination, election or defeat of any candidate for a public office of the State or of a county, municipality or school district or the passage or defeat of any public question, subject to the conditions specified in section 2 of P.L.1991, c.190 (C.34:11-4.4a); in mak-

ing a payroll deduction pursuant to this paragraph the administrative expenses incurred by the employer shall be borne by such committee, at the option of the employer.

(10) Such other contributions, deductions and payments as the Commissioner of Labor may authorize by regulation as proper and in conformity with the intent and purpose of this act, if such deductions are approved by the employer.

C.34:11-4.4a Contributions withheld, diverted; conditions.

2. In the case of contributions withheld or diverted pursuant to paragraph (8) or (9) of subsection b. of section 4 of P.L.1965, c.173 (C.34:11-4.4), the contribution shall be withheld or diverted only after compliance with the following conditions:

a. The payroll deduction authorization must be signed by the employee and contain the following explanatory statement:

I recognize that my/any contribution through payroll deduction is completely voluntary and in compliance with State law. It shall be unlawful for any person soliciting an employee for contribution to such a fund to fail to inform such employee of his or her right to refuse to contribute without reprisal.

Any questions relative to compliance with election law may be directed to the Election Law Enforcement Commission, 28 West State Street, Trenton, New Jersey 08625, (609) 292-8700.

b. Any political action committee or continuing political committee which elects to solicit employees under the provisions of section 4 of P.L.1965, c.173 (C.34:11-4.4) shall file with the Election Law Enforcement Commission a statement of registration which identifies the title of the committee and the general category of entity or entities, including, but not limited to, business organizations, labor organizations, professional or trade associations, candidates for or holders of public offices, political parties, ideological groups, or civic associations, the interests of which are shared by the leadership, members or financial supporters of the committee.

The statement of registration shall include: (1) the names and mailing addresses of the persons having control over the management of the affairs of the committee; (2) in the case of any person identified under paragraph (1) of this subsection b. who is an individual, the occupation of that individual, and the name and mailing address of the individual's employer, or, in the case of any such entity which is a corporation, partnership, unincorporated association or other organization, the name and mailing address of the organiza-

tion; and (3) an explanatory statement as to the process utilized for the selection of recipients of funds raised by committee.

c. The political action committee or continuing political committee shall provide space on the payroll deduction authorization document to allow the employee to direct his or her contributions to specific candidates.

d. No employee may elect to contribute more than \$5 per week by means of payroll deduction. No employee may have wages withheld or diverted for more than one political action committee or continuing political committee.

e. No solicitation shall be made for employee contributions on the job or at the workplace.

f. Any political action committee or continuing political committee which elects to solicit employees under the provisions of this act shall annually provide each employee participant with a financial statement indicating disbursement of funds including administrative charges.

3. This act shall take effect immediately.

Approved July 3, 1991.

CHAPTER 191

AN ACT concerning the use of the State Seal and amending P.L.1955, c.155.

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

1. Section 1 of P.L.1955, c.155 (C.52:2-3) is amended to read as follows:

C.52:2-3 Persons authorized to use the Great Seal.

1. The Governor of the State, the head of any principal executive department of the State, the members of the Legislature of the State, the Justices of the Supreme Court, the judges of the Superior Court, the county prosecutors, sheriffs, the Secretary of the Senate, the Clerk of the General Assembly and members of the Congress of the United States and each of them, are authorized to use, exhibit and display the Great Seal of the State of

New Jersey, in whole or in part, including such use, exhibition and display on their motor vehicle license plates.

2. This act shall take effect immediately.

Approved July 3, 1991.

CHAPTER 192

AN ACT enacting a uniform rule against perpetuities and supplementing Title 46 of the Revised Statutes.

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

C.46:2F-1 Nonvested property interest, power of appointment, conditions for validity.

1. a. A nonvested property interest is invalid unless:

(1) When the interest is created, it is certain to vest or terminate no later than 21 years after the death of an individual then alive; or

(2) The interest either vests or terminates within 90 years after its creation.

b. A general power of appointment not presently exercisable because of a condition precedent is invalid unless:

(1) When the power is created, the condition precedent is certain to be satisfied or become impossible to satisfy no later than 21 years after the death of an individual then alive; or

(2) The condition precedent either is satisfied or becomes impossible to satisfy within 90 years after its creation.

c. A nongeneral power of appointment or a general testamentary power of appointment is invalid unless:

(1) When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of an individual then alive; or

(2) The power is irrevocably exercised or otherwise terminates within 90 years after its creation.

d. In determining whether a nonvested property interest or a power of appointment is valid under subsections a.(1), b.(1), or c.(1) of this section, the possibility that a child will be born to an individual after the individual's death is disregarded.

e. If, in measuring a period from the creation of a trust or other property arrangement, language in a governing instrument (1) seeks to disallow the vesting or termination of any interest or trust beyond, (2) seeks to postpone the vesting or termination of any interest or trust until, or (3) seeks to operate in effect in any similar fashion upon, the later of (a) the expiration of a period of time not exceeding 21 years after the death of the survivor of specified lives in being at the creation of the trust or other property arrangement or (b) the expiration of a period of time that exceeds or might exceed 21 years after the death of the survivor of lives in being at the creation of the trust or other property arrangement, that language is inoperative to the extent it produces a period of time that exceeds 21 years after the death of the survivor of the specified lives.

C.46:2F-2 Time of creation of nonvested property interest, power of appointment.

2. a. Except as provided in subsections b. and c. of this section and in subsection a. of section 5, the time of creation of a nonvested property interest or a power of appointment is determined under general principles of property law.

b. For purposes of this act, if there is a person who alone can exercise a power created by a governing instrument to become the unqualified beneficial owner of (1) a nonvested property interest or (2) a property interest subject to a power of appointment described in subsections b. or c. of section 1, the nonvested property interest or power of appointment is created when the power to become the unqualified beneficial owner terminates.

c. For purposes of this act, a nonvested property interest or a power of appointment arising from a transfer of property to a previously funded trust or other existing property arrangement is created when the nonvested property interest or power of appointment in the original contribution was created.

C.46:2F-3 Reform of disposition upon petition of interested person.

3. Upon the petition of an interested person, a court shall reform a disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the 90 years allowed by paragraph (2) of subsection a., subsection b. or subsection c. of section 1 if:

a. A nonvested property interest or a power of appointment becomes invalid under section 1;

b. A class gift is not but might become invalid under section 1 and the time has arrived when the share of any class member is to take effect in possession or enjoyment; or

c. A nonvested property interest that is not validated by paragraph (1) of subsection a. of section 1 can vest but not within 90 years after its creation.

C.46:2F-4 Nonapplicability of act.

4. This act shall not apply to:

a. A nonvested property interest or a power of appointment arising out of a nondonative transfer, except a nonvested property interest or a power of appointment arising out of (1) a premarital or postmarital agreement; (2) a separation or divorce settlement; (3) a spouse's election; (4) a similar arrangement arising out of a prospective, existing, or previous marital relationship between the parties; (5) a contract to make or not to revoke a will or trust; (6) a contract to exercise or not to exercise a power of appointment; (7) a transfer in satisfaction of a duty of support; or (8) a reciprocal transfer;

b. A fiduciary's power relating to the administration or management of assets, including the power of a fiduciary to sell, lease, or mortgage property, and the power of a fiduciary to determine principal and income;

c. A power to appoint a fiduciary;

d. A discretionary power of a trustee to distribute principal before termination of a trust to a beneficiary having an indefeasibly vested interest in the income and principal;

e. A nonvested property interest held by a charity, government, or governmental agency or subdivision, if the nonvested property interest is preceded by an interest held by another charity, government, or governmental agency or subdivision;

f. A nonvested property interest in or a power of appointment with respect to a trust or other property arrangement forming part of a pension, profit-sharing, stock bonus, health, disability, death benefit, income deferral, or other current or deferred benefit plan for one or more employees, independent contractors, or their beneficiaries or spouses, to which contributions are made for the purpose of distributing to or for the benefit of the participants or their beneficiaries or spouses the property, income, or principal in the trust or other property arrangement, except a nonvested property interest or a power of appointment that is created by an election of a participant or a beneficiary or spouse; or

g. A property interest, power of appointment, or arrangement that was not subject to the common-law rule against perpetuities or is excluded by another statute of this State.

C.46:2F-5 Act applies to nonvested property interest, power of appointment created on, after effective date.

5. a. Except as extended in subsection b. of this section, this act applies to a nonvested property interest or a power of appointment that is created on or after the effective date of this act. For purposes of this section only, a nonvested property interest or a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable.

b. With respect to a nonvested property interest, or a power of appointment, created before the effective date of this act which is determined in a judicial proceeding, commenced on or after the effective date of this act, to violate this State's rule against perpetuities as that rule existed before the effective date of this act, a court upon the petition of an interested person may reform the disposition in the manner that most closely approximates the transferor's manifested plan of distribution and is within the limits of the rule against perpetuities applicable when the nonvested property interest or power of appointment was created.

C.46:2F-6 Short title.

6. This act shall be known and may be cited as the Uniform Statutory Rule Against Perpetuities.

C.46:2F-7 Application, construction of act.

7. This act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

C.46:2F-8 Supersedure of rule against perpetuities.

8. This act supersedes the rule of the common law known as the rule against perpetuities.

9. This act shall take effect immediately.

Approved July 3, 1991.

CHAPTER 193

AN ACT creating the New Jersey Commission on Holocaust Education.

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

C.18A:4A-1 Findings, declarations.

1. The Legislature finds and declares that:

a. During the period from 1933 to 1945, six million Jews and millions of other Europeans were murdered in Nazi concentration camps as part of a carefully orchestrated program of cultural, social and political genocide known as the Holocaust;

b. All people should remember the horrible atrocities committed at that time and other times in human history as the result of bigotry and tyranny and, therefore, should continually rededicate themselves to the principles of human rights and equal protection under the laws of a democratic society;

c. It is desirable to educate our citizens about the events leading up to the Holocaust and about the organizations and facilities that were created and used purposefully for the systematic destruction of human beings;

d. It is the policy of the State of New Jersey that Holocaust history is the proper concern of all people, particularly students enrolled in the schools of the State of New Jersey;

e. The New Jersey Department of Education, in conjunction with the Anti-Defamation League of B'nai B'rith, the New Jersey Education Association, and the New Jersey Council for Social Studies, has developed a curriculum, entitled "The Holocaust and Genocide: A Search for Conscience," which has been implemented in courses of study on a trial basis in Vineland and Teaneck and, subsequently, in other communities;

f. Programs, workshops, institutes, seminars, and other teacher-training activities for the study of the Holocaust have taken place during recent years at various high schools and colleges in the State of New Jersey; and

g. It is desirable to create a State-level commission, which as an organized body, on a continuous basis, will survey, design, encourage, and promote implementation of Holocaust education and awareness programs in New Jersey and shall be responsible for the coordination of events that will provide appropriate memorialization of the Holocaust, on a regular basis, throughout the State.

C.18A:4A-2 New Jersey Commission on Holocaust Education created.

2. a. The New Jersey Commission on Holocaust Education is created and established in the Executive Branch of the State Government. For the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated within the Department of Education, but notwithstanding this allocation, the commission shall be independent of any supervision or control by the department or any board or officer thereof.

The commission shall consist of 21 members, including the Commissioner of Education and the Chancellor of Higher Education, serving ex officio, and 19 public members.

Public members shall be appointed as follows: three public members shall be appointed by the President of the Senate; three public members shall be appointed by the Speaker of the General Assembly; and 13 public members shall be appointed by the Governor, no less than six of whom shall at the time of their appointment be members of the New Jersey Advisory Council on Holocaust Education, created pursuant to Executive Order No. 17 of 1982 and continued pursuant to Executive Order No. 87 of 1984, Executive Order No. 168 of 1987 and Executive Order No. 225 of 1990, and further continued pursuant to Executive Order No. 14 of 1990. The public members shall be residents of this State, chosen with due regard to broad geographic representation and ethnic diversity, who have served prominently as spokespersons for, or as leaders of organizations which serve members of religious, ethnic, national heritage or social groups which were subjected to genocide, torture, wrongful deprivation of liberty or property, officially imposed or sanctioned violence, and other forms of human rights violations and persecution at the hands of the Nazis and their collaborators during the Nazi era, or they shall be residents who are experienced in the field of Holocaust education.

b. Each public member of the commission shall serve for a term of three years, except that of the initial members so appointed: one member appointed by the President of the Senate, one member appointed by the Speaker of the General Assembly, and four members appointed by the Governor shall serve for terms of one year; one member appointed by the President of the Senate, one member appointed by the Speaker of the General Assembly, and four members appointed by the Governor shall serve for terms of two years; and one member appointed by the President of the Senate, one member appointed by the Speaker of the General Assembly, and five members appointed by the Governor

shall serve for terms of three years. Public members shall be eligible for reappointment. They shall serve until their successors are appointed and qualified, and the term of the successor of any incumbent shall be calculated from the expiration of the term of that incumbent. A vacancy 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 members of the commission shall serve without compensation, but they shall be entitled to reimbursement for all necessary expenses incurred in the performance of their duties.

d. The commission shall annually elect a chairman from among its members. It shall meet upon the call of the chairman or of a majority of the commission members. The presence of a majority of the authorized membership of the commission shall be required for the conduct of official business.

e. The commission shall appoint an executive director, who shall serve at its pleasure and shall be a person qualified by training and experience to perform the duties of the office.

C.18A:4A-3 Responsibilities, duties of the commission.

3. The commission shall have the following responsibilities and duties:

a. To provide, based upon the collective knowledge and experience of its members, assistance and advice to the public and private schools with respect to the implementation of Holocaust education and awareness programs;

b. To meet with county and local school officials and other interested public and private organizations, including service organizations, for the purpose of assisting with the planning, coordination or modification of courses of study dealing with the subject of the Holocaust;

c. To survey and catalog the extent and breadth of Holocaust and genocide education presently being incorporated into the curricula and taught in the school systems of the State, to inventory those Holocaust memorials, exhibits and resources which could be incorporated in courses of study at various locations throughout the State, and, upon request, to assist the State Department of Education and other educational agencies in the development and implementation of Holocaust and genocide education programs. In furtherance of this responsibility, the commission shall be authorized to contact and cooperate with existing Holocaust and genocide public or private nonprofit resource organizations and may act as a liaison concerning Holocaust and geno-

cide education to members of the United States Senate and House of Representatives and the New Jersey Senate and General Assembly;

d. To compile a roster of individual volunteers who are willing to share their knowledge and experience in classrooms, seminars and workshops on the subject of the Holocaust. These volunteers may be survivors of the Holocaust, liberators of concentration camps, scholars, clergymen, community relations professionals and other persons who, by virtue of their experience or interest, have acquired personal or academic knowledge of the Holocaust and who are willing to share that knowledge with students and teachers;

e. To coordinate events memorializing the Holocaust and to seek volunteers who are willing and able to participate in commemorative events that will enhance student awareness of the significance of the Holocaust; and

f. To prepare reports for the Governor and the Legislature regarding its findings and recommendations to facilitate the inclusion of Holocaust studies and special programs memorializing the Holocaust in educational systems in the State.

C.18A:4A-4 Commission assistance, cooperation.

4. a. The commission is authorized to call upon any department, office, division or agency of the State, or of any county, municipality or school district of the State, to supply such data, program reports and other information, personnel and assistance as it deems necessary to discharge its responsibilities under this act.

b. These departments, offices, divisions and agencies shall, to the extent possible and not inconsistent with any other law of this State, cooperate with the commission and shall furnish it with such information, personnel and assistance as may be necessary or helpful to accomplish the purposes of this act.

5. This act shall take effect on July 1, 1991.

Approved July 3, 1991.

CHAPTER 194

AN ACT concerning the public safety of certain storm water facilities and the development of storm water management plans by the municipalities of the State, amending P.L.1981, c.32, P.L.1975, c.291, and supplementing Title 40 of the Revised Statutes.

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

1. Section 3 of P.L.1981, c.32 (C.40:55D-95) is amended to read as follows:

C.40:55D-95 Storm water management plan, ordinance; requirements.

3. A storm water management plan and a storm water management ordinance or ordinances shall conform to all relevant federal and State statutes, rules and regulations concerning storm water management or flood control and shall be designed: a. to reduce flood damage, including damage to life and property; b. to minimize storm water runoff from any new land development where such runoff will increase flood damage; c. to reduce soil erosion from any development or construction project; d. to assure the adequacy of existing and proposed culverts and bridges; e. to induce water recharge into the ground where practical; f. to prevent, to the greatest extent feasible, an increase in nonpoint pollution; g. to maintain the integrity of stream channels for their biological functions, as well as for drainage; and h. to minimize public safety hazards at any storm water detention facilities constructed as part of a subdivision or pursuant to a site plan. A storm water management plan shall also include such structural changes and such additional nonstructural measures and practices as may be necessary to manage storm water. For purposes of this act "nonpoint pollution" means pollution from any source other than from any discernible, confined and discrete conveyance, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

2. Section 4 of P.L.1981, c.32 (C.40:55D-96) is amended to read as follows:

C.40:55D-96 Exceptions, permitted.

4. The Commissioner of Environmental Protection may, upon application by any municipality, grant an exception from any requirement of section 3 of P.L.1981, c.32 (C.40:55D-95), provided that the commissioner shall determine that such exception will not increase flood damage or nonpoint pollution, or constitute a threat to the public safety, within or without the municipality.

3. Section 5 of P.L.1981, c.32 (C.40:55D-97) is amended to read as follows:

C.40:55D-97 Submission of storm water management plan, ordinances, approval.

5. Every municipality shall submit a storm water management plan and implementing ordinances adopted pursuant to this act to the county planning agency or county water resources association, as appropriate. No plan or ordinances shall take effect without approval by said agency or association. Said agency or association shall approve, conditionally approve, or disapprove said plan or ordinances in regard to their compatibility with applicable municipal, county, regional or State storm water management plans. No storm water management plan or ordinances shall be approved that are contrary to recognized storm water management principles or public safety regulations adopted pursuant to section 5 of P.L.1991, c.194 (C.40:55D-95.1). The agency or association shall set forth in writing its reasons for disapproval of any plan or ordinance, or in the case of the issuance of a conditional approval, the agency or association shall specify the necessary amendments to the plan or ordinances. Any plan or ordinance approved pursuant to this section shall take effect immediately. Any plan or ordinance conditionally approved according to this section shall take effect upon the adoption by the governing body of the amendments proposed by the agency or association. Where the agency or association fails to approve, conditionally approve, or disapprove a plan or ordinance within 60 days of receipt of the plan or ordinance, the plan or ordinance shall be considered approved.

4. Section 29 of P.L.1975, c.291 (C.40:55D-38) is amended to read as follows:

C.40:55D-38 Contents of ordinance.

29. Contents of ordinance. An ordinance requiring approval by the planning board of either subdivisions or site plans, or both, shall include the following:

a. Provisions, not inconsistent with other provisions of this act, for submission and processing of applications for development, including standards for preliminary and final approval and provisions for processing of final approval by stages or sections of development;

b. Provisions ensuring:

(1) Consistency of the layout or arrangement of the subdivision or land development with the requirements of the zoning ordinance;

(2) Streets in the subdivision or land development of sufficient width and suitable grade and suitably located to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings and coordinated so as to com-

pose a convenient system consistent with the official map, if any, and the circulation element of the master plan, if any, and so oriented as to permit, consistent with the reasonable utilization of land, the buildings constructed thereon to maximize solar gain; provided that no street of a width greater than 50 feet within the right-of-way lines shall be required unless said street constitutes an extension of an existing street of the greater width, or already has been shown on the master plan at the greater width, or already has been shown in greater width on the official map;

(3) Adequate water supply, drainage, shade trees, sewerage facilities and other utilities necessary for essential services to residents and occupants;

(4) Suitable size, shape and location for any area reserved for public use pursuant to section 32 of this act;

(5) Reservation pursuant to section 31 of this act of any open space to be set aside for use and benefit of the residents of planned development, resulting from the application of standards of density or intensity of land use, contained in the zoning ordinance, pursuant to subsection c. of section 52 of this act;

(6) Regulation of land designated as subject to flooding, pursuant to subsection e. of section 52 of this act, to avoid danger to life or property;

(7) Protection and conservation of soil from erosion by wind or water or from excavation or grading;

(8) Conformity with standards promulgated by the Commissioner of Transportation, pursuant to the "Air Safety and Hazardous Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.), for any airport hazard areas delineated under that act;

(9) Conformity with a municipal recycling ordinance required pursuant to section 6 of P.L.1987, c.102 (C.13:1E-99.16);

(10) Conformity with the State highway access management code adopted by the Commissioner of Transportation under section 3 of the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-91), with respect to any State highways within the municipality;

(11) Conformity with any access management code adopted by the county under R.S.27:16-1, with respect to any county roads within the municipality;

(12) Conformity with any municipal access management code adopted under R.S.40:67-1, with respect to municipal streets;

(13) Protection of potable water supply reservoirs from pollution or other degradation of water quality resulting from the development or other uses of surrounding land areas, which provisions shall be in accordance with any siting, performance, or

other standards or guidelines adopted therefor by the Department of Environmental Protection; and

(14) Conformity with the public safety regulations concerning storm water detention facilities adopted pursuant to section 5 of P.L.1991, c.194 (C.40:55D-95.1) and reflected in storm water management plans and storm water management ordinances adopted pursuant to P.L.1981, c.32 (C.40:55D-93 et seq.).

c. Provisions governing the standards for grading, improvement and construction of streets or drives and for any required walkways, curbs, gutters, streetlights, shade trees, fire hydrants and water, and drainage and sewerage facilities and other improvements as shall be found necessary, and provisions ensuring that such facilities shall be completed either prior to or subsequent to final approval of the subdivision or site plan by allowing the posting of performance bonds by the developer;

d. Provisions ensuring that when a municipal zoning ordinance is in effect, a subdivision or site plan shall conform to the applicable provisions of the zoning ordinance, and where there is no zoning ordinance, appropriate standards shall be specified in an ordinance pursuant to this article; and

e. Provisions ensuring performance in substantial accordance with the final development plan; provided that the planning board may permit a deviation from the final plan, if caused by change of conditions beyond the control of the developer since the date of final approval, and the deviation would not substantially alter the character of the development or substantially impair the intent and purpose of the master plan and zoning ordinance.

C.40:55D-95.1 Rules, regulations.

5. The Commissioner of Environmental Protection, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt regulations to protect the public safety with respect to storm water detention facilities, including those aspects of design and operation of storm water detention facilities that may constitute a threat to the public safety. In adopting the rules and regulations, the commissioner shall, to the maximum extent feasible:

a. Promote site-specific solutions to public safety hazards at storm water detention facilities in keeping with generally accepted storm water management and engineering principles;

b. Deter the general public, especially children, from entering areas where storm water detention facilities are located;

c. Provide guidelines for designing escape aids for individuals who may become trapped in a storm water detention facility;

d. Provide that the declivity of a storm water detention basin be as gradual as possible, but within the limits of existing water quality regulations;

e. Eliminate, where possible, public safety hazards associated with storm water detention facilities.

The commissioner shall also examine the usefulness of trash and safety racks, grates, bar screens and lattices, and fencing, and recommend their use individually or in combination with respect to each type of design for an inlet to an outlet structure of a storm water detention facility.

6.a. There is created in the Department of Environmental Protection the Storm Water Detention Facility Advisory Council, which shall comprise seven voting members, appointed by the Governor, with the advice and consent of the Senate, as follows: a professional engineer licensed by the State, a representative of the commercial construction industry, a representative of the residential construction industry, a private citizen, and three professional engineers employed as county or municipal engineers.

b. Each member shall serve for the duration of the council. Any vacancy shall be filled in the same manner as the original appointment. Any member of the council may be removed by the appointing authority, for cause, after public hearing.

c. The council shall organize as soon as may be practicable after the appointment of its members. The Governor shall select a chairperson, vice-chairperson, and secretary from among its members. The council may, within the limits of any funds appropriated or otherwise made available to it, appoint such staff or hire such experts as it may require. The Department of Environmental Protection shall provide primary staff support.

d. A majority of the membership of the council shall constitute a quorum for the transaction of council business. Action may be taken and motions and resolutions adopted by the council at any meeting thereof by the affirmative vote of a majority of the full membership of the council.

e. The council shall meet regularly as it may determine, and shall also meet at the call of the chairperson of the council, the Commissioner of Environmental Protection, or the Governor.

f. Members of the council shall serve without compensation, but the council may, within the limits of any funds appropriated or otherwise made available for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties.

g. The council shall expire upon the adoption by the Commissioner of Environmental Protection of the rules required to be promulgated pursuant to section 5 of P.L.1991, c.194 (C.40:55D-95.1).

7. The council shall:

a. Advise the Department of Environmental Protection concerning matters generally relating to storm water detention facilities, but especially with regard to public safety considerations;

b. Advise the department with regard to the department's responsibilities under section 5 of P.L.1991, c.194 (C.40:55D-95.1);

c. Review, prior to their promulgation, any rules, regulations, guidelines, or recommendations to be issued by the department pursuant to section 5 of P.L.1991, c.194 (C.40:55D-95.1), and submit any comments or recommendations in connection therewith to the department; and

d. Review any other matter submitted to it by the department or the Governor, and state its position thereupon within the time limits set by the department or the Governor.

8. This act shall take effect 180 days following enactment, except paragraph (13) of subsection b. of section 4 of this amendatory and supplementary act shall take effect and become operative as provided by section 2 of P.L.1989, c.208.

Approved July 3, 1991.

CHAPTER 195

AN ACT to include women in the militia and amending N.J.S.38A:1-2.

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

1. N.J.S.38A:1-2 is amended to read as follows:

Composition of militia

38A:1-2. The militia, except as hereinafter provided, shall consist of all able-bodied citizens of this State and all other able-bodied persons residing in this State who have made a legal declaration of intent to become citizens of the United States, who are at least 17 years of age and, except as hereinafter provided, not more than 45 years of age, and such other persons as may upon

their own application be enlisted or commissioned therein in accordance with federal or State law and regulations.

2. This act shall take effect immediately.

Approved July 9, 1991.

CHAPTER 196

AN ACT concerning municipal utilities as a self-liquidating purpose and amending N.J.S.40A:2-45.

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

1. N.J.S.40A:2-45 is amended to read as follows:

Self-liquidating purposes.

40A:2-45. Any municipal public utility shall be deemed to be a self-liquidating purpose if the cash receipts from fees, rents or other charges in a fiscal year are sufficient to meet operating and maintenance costs (exclusive of depreciation and obsolescence) and interest and debt redemption charges payable or accruing in such year without recourse to general taxation or the deficit, if any, anticipated in the dedicated utility assessment budget. There may be included in such cash receipts any fees, rents and other charges collected from other departments or utilities of the local unit at a rate not in excess of the fees, rents or other charges to other consumers, customers or users, or if there be no other consumers, customers or users properly comparable, then not in excess of the comparable fees, rents and other charges of privately owned or operated utilities or enterprises. Any municipal public utility which qualifies under the "Municipal Qualified Bond Act," P.L.1976, c.38 (C.40A:3-1 et seq.), may include interest on investments and deposits and appropriated surplus as revenues, in addition to the other revenues authorized by this section, in a determination of whether that municipal public utility shall be deemed to be a self-liquidating purpose.

2. This act shall take effect immediately and be retroactive to December 31, 1990.

Approved July 9, 1991.

CHAPTER 197

AN ACT appropriating funds from the Community Development Bond Fund to the New Jersey Economic Development Authority for the development of urban industrial parks.

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

1. There is appropriated to the economic development fund of the New Jersey Economic Development Authority, created pursuant to section 7 of P.L.1974, c.80 (C.34:1B-7), the sum of \$10,000,000 from the Community Development Bond Fund, created pursuant to section 14 of the "Community Development Bond Act of 1982," P.L.1981, c.486, for the purpose of financial assistance for the creation and development of urban industrial parks in accordance with subsection d. of section 5 of that act.

2. This act shall take effect immediately.

Approved July 9, 1991.

CHAPTER 198

AN ACT concerning the James J. Howard Marine Science Laboratory and creating the James J. Howard Marine Science Laboratory Fund in the Department of the Treasury.

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

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, as part of the financing and construction of the James J. Howard Marine Science Laboratory in the Fort Hancock District at Sandy Hook National Park, hereinafter referred to as "the laboratory," the State Treasurer is authorized to: lease a parcel of land, specified by agreement between the State Treasurer and the National Park Service, plus improvements thereon, at Sandy Hook from the National Park Service; assign and lease back this leasehold interest for the purpose of facilitating the financing and construction of the laboratory; and sublease such

percentage, to be not less than seventy percent, as the State Treasurer shall determine, of the leasehold interest in the site to the National Oceanic and Atmospheric Administration; and lease the balance to such entities as the State Treasurer shall determine.

2. There is established, in the Department of the Treasury, a non-lapsing, revolving fund entitled the "James J. Howard Marine Science Laboratory Fund." The fund shall be the repository for all moneys appropriated by the State or received from any public or private source for the construction, operation or maintenance of the laboratory. Moneys held in the fund shall be dedicated to the purposes of this act, are appropriated for those purposes, and shall be expended, in the manner required by law, by the State Treasurer or his delegate, in order to facilitate the construction, operation or maintenance of the laboratory. The State Treasurer may invest or reinvest any moneys in the fund, or any portion thereof, according to law, and any income, interest or other earnings thereon shall be credited to the fund. Investment of such funds shall be consistent with policies of the Division of Investment, in the Department of the Treasury.

3. This act shall take effect immediately.

Approved July 9, 1991.

CHAPTER 199

AN ACT concerning historic preservation, amending P.L.1985, c.516, and amending and supplementing P.L.1975, c.291.

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

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

C.40:55D-4 Definitions.

3.1. "Days" means calendar days.

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

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

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

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

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

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

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

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

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

“General development plan” means a comprehensive plan for the development of a planned development, as provided in section 4 of this amendatory and supplementary act, P.L.1987, c.129 (C.40:55D-45.2).

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

“Historic district” means one or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites.

“Historic site” means any real property, man-made structure, natural object or configuration or any portion or group of the foregoing of historical, archeological, cultural, scenic or architectural significance.

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

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

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

2. Section 16 of P.L.1975, c.291 (C.40:55D-25) is amended to read as follows:

C.40:55D-25 Powers of planning board.

16. a. The planning board shall follow the provisions of this act and shall accordingly exercise its power in regard to:

- (1) The master plan pursuant to article 3;
- (2) Subdivision control and site plan review pursuant to article 6;
- (3) The official map pursuant to article 5;
- (4) The zoning ordinance including conditional uses pursuant to article 8;
- (5) The capital improvement program pursuant to article 4;
- (6) Variances and certain building permits in conjunction with subdivision, site plan and conditional use approval pursuant to article 7.

b. The planning board may:

- (1) Participate in the preparation and review of programs or plans required by State or federal law or regulation;
- (2) Assemble data on a continuing basis as part of a continuous planning process; and

(3) Perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

c. In a municipality having a population of 2,500 or less, a nine-member planning board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all the powers of a board of adjustment; but the Class I and the Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70).

d. In a municipality having a population of 2,500 or less, the planning board, if so provided by ordinance, shall exercise, to the same extent and subject to the same restrictions, all of the powers of an historic preservation commission, provided that at least one planning board member meets the qualifications of a Class A member of an historic preservation commission and at least one member meets the qualifications of a Class B member of that commission.

3. Section 19 of P.L.1975, c.291 (C.40:55D-28) is amended to read as follows:

C.40:55D-28 Preparation; contents; modification.

19. a. The planning board may prepare and, after public hearing, adopt or amend a master plan or component parts thereof, to guide the use of lands within the municipality in a manner which protects public health and safety and promotes the general welfare.

b. The master plan shall generally comprise a report or statement and land use and development proposals, with maps, diagrams and text, presenting, at least the following elements (1) and (2) and, where appropriate, the following elements (3) through (12):

(1) A statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based;

(2) A land use plan element (a) taking into account and stating its relationship to the statement provided for in paragraph (1) hereof, and other master plan elements provided for in paragraphs (3) through (12) hereof and natural conditions, including, but not necessarily limited to, topography, soil conditions, water supply, drainage, flood plain areas, marshes, and woodlands; (b) showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and

private purposes or combination of purposes; and stating the relationship thereof to the existing and any proposed zone plan and zoning ordinance; and (c) showing the existing and proposed location of any airports and the boundaries of any airport hazard areas delineated pursuant to the "Air Safety and Hazardous Zoning Act of 1983," P.L.1983, c.260 (C.6:1-80 et seq.); and (d) including a statement of the standards of population density and development intensity recommended for the municipality;

(3) A housing plan element pursuant to section 10 of P.L.1985, c.222 (C.52:27D-310), including, but not limited to, residential standards and proposals for the construction and improvement of housing;

(4) A circulation plan element showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the municipality, taking into account the functional highway classification system of the Federal Highway Administration and the types, locations, conditions and availability of existing and proposed transportation facilities, including air, water, road and rail;

(5) A utility service plan element analyzing the need for and showing the future general location of water supply and distribution facilities, drainage and flood control facilities, sewerage and waste treatment, solid waste disposal and provision for other related utilities, and including any storm water management plan required pursuant to the provisions of P.L.1981, c.32 (C.40:55D-93 et seq.);

(6) A community facilities plan element showing the existing and proposed location and type of educational or cultural facilities, historic sites, libraries, hospitals, firehouses, police stations and other related facilities, including their relation to the surrounding areas;

(7) A recreation plan element showing a comprehensive system of areas and public sites for recreation;

(8) A conservation plan element providing for the preservation, conservation, and utilization of natural resources, including, to the extent appropriate, energy, open space, water supply, forests, soil, marshes, wetlands, harbors, rivers and other waters, fisheries, endangered or threatened species wildlife and other resources, and which systematically analyzes the impact of each other component and element of the master plan on the present and future preservation, conservation and utilization of those resources;

(9) An economic plan element considering all aspects of economic development and sustained economic vitality, including (a) a comparison of the types of employment expected to be provided by the economic development to be promoted with the character-

istics of the labor pool resident in the municipality and nearby areas and (b) an analysis of the stability and diversity of the economic development to be promoted;

(10) An historic preservation plan element: (a) indicating the location and significance of historic sites and historic districts; (b) identifying the standards used to assess worthiness for historic site or district identification; and (c) analyzing the impact of each component and element of the master plan on the preservation of historic sites and districts;

(11) Appendices or separate reports containing the technical foundation for the master plan and its constituent elements; and

(12) A recycling plan element which incorporates the State Recycling Plan goals, including provisions for the collection, disposition and recycling of recyclable materials designated in the municipal recycling ordinance, and for the collection, disposition and recycling of recyclable materials within any development proposal for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing and any commercial or industrial development proposal for the utilization of 1,000 square feet or more of land.

c. The master plan and its plan elements may be divided into subplans and subplan elements projected according to periods of time or staging sequences.

d. The master plan shall include a specific policy statement indicating the relationship of the proposed development of the municipality, as developed in the master plan to (1) the master plans of contiguous municipalities, (2) the master plan of the county in which the municipality is located, (3) the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act," sections 1 through 12 of P.L.1985, c.398 (C.52:18A-196 et seq.) and (4) the district solid waste management plan required pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) of the county in which the municipality is located.

4. Section 52 of P.L.1975, c.291 (C.40:55D-65) is amended to read as follows:

C.40:55D-65 Contents of zoning ordinance.

52. A zoning ordinance may:

a. Limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the

nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes.

b. Regulate the bulk, height, number of stories, orientation, and size of buildings and the other structures; the percentage of lot or development area that may be occupied by structures; lot sizes and dimensions; and for these purposes may specify floor area ratios and other ratios and regulatory techniques governing the intensity of land use and the provision of adequate light and air, including, but not limited to the potential for utilization of renewable energy sources.

c. Provide districts for planned developments; provided that an ordinance providing for approval of subdivisions and site plans by the planning board has been adopted and incorporates therein the provisions for such planned developments in a manner consistent with article 6 of this act. The zoning ordinance shall establish standards governing the type and density, or intensity of land use, in a planned development. Said standards shall take into account that the density, or intensity of land use, otherwise allowable may not be appropriate for a planned development. The standards may vary the type and density, or intensity of land use, otherwise applicable to the land within a planned development in consideration of the amount, location and proposed use of common open space; the location and physical characteristics of the site of the proposed planned development; and the location, design and type of dwelling units and other uses. Such standards may, in order to encourage the flexibility of housing density, design and type, authorize a deviation in various residential clusters from the density, or intensity of use, established for an entire planned development. The standards and criteria by which the design, bulk and location of buildings are to be evaluated shall be set forth in the zoning ordinance and all standards and criteria for any feature of a planned development shall be set forth in such ordinance with sufficient certainty to provide reasonable criteria by which specific proposals for planned development can be evaluated.

d. Establish, for particular uses or classes of uses, reasonable standards of performance and standards for the provision of adequate physical improvements including, but not limited to, off-street parking and loading areas, marginal access roads and roadways, other circulation facilities and water, sewerage and drainage facilities; provided that section 41 of this act shall apply to such improvements.

e. Designate and regulate areas subject to flooding (1) pursuant to P.L.1972, c.185 (C.58:16A-55 et seq.) or (2) as otherwise necessary in the absence of appropriate flood hazard area designations pursuant to P.L.1962, c.19 (C.58:16A-50 et seq.) or floodway regu-

lations pursuant to P.L.1972, c.185 or minimum standards for local flood fringe area regulation pursuant to P.L.1972, c.185.

- f. Provide for conditional uses pursuant to section 54 of this act.
- g. Provide for senior citizen community housing.
- h. Require as a condition for any approval which is required pursuant to such ordinance and the provisions of this chapter, that no taxes or assessments for local improvements are due or delinquent on the property for which any application is made.
- i. Provide for historic preservation pursuant to section 5 of P.L.1991 c.199 (C.40:55D-65.1).

C.40:55D-65.1 Zoning ordinance may designate, regulate historic sites, districts.

5. A zoning ordinance may designate and regulate historic sites or historic districts and provide design criteria and guidelines therefor. Designation and regulation pursuant to this section shall be in addition to such designation and regulation as the zoning ordinance may otherwise require. Except as provided hereunder, after July 1, 1994, all historic sites and historic districts designated in the zoning ordinance shall be based on identifications in the historic preservation plan element of the master plan. Until July 1, 1994, any such designation may be based on identifications in the historic preservation plan element, the land use plan element or community facilities plan element of the master plan. The governing body may, at any time, adopt, by affirmative vote of a majority of its authorized membership, a zoning ordinance designating one or more historic sites or historic districts that are not based on identifications in the historic preservation plan element, the land use plan element or community facilities plan element, provided the reasons for the action of the governing body are set forth in a resolution and recorded in the minutes of the governing body.

C.40:55D-70.2 Board of adjustment, determination; reasons.

6. If, in the case of an appeal made pursuant to subsection a. of section 57 of P.L.1975, c.291 (C.40:55D-70), the board of adjustment determines there is an error in any order, requirement, decision or refusal made by the administrative officer pursuant to a report submitted by the historic preservation commission or planning board in accordance with section 25 of P.L.1985, c.216 (C.40:55D-111), the board of adjustment shall include the reasons for its determination in the findings of its decision thereon.

7. Section 22 of P.L.1985, c.516 (C.40:55D-108) is amended to read as follows:

C.40:55D-108 Historic preservation commission funded by governing body.

22. a. The governing body shall make provision in its budget and appropriate funds for the expenses of the historic preservation commission.

b. The historic preservation commission may employ, contract for, and fix the compensation of experts and other staff and services as it shall deem necessary. The commission shall obtain its legal counsel from the municipal attorney at the rate of compensation determined by the governing body, unless the governing body, by appropriation, provides for separate legal counsel for the commission. Expenditures pursuant to this subsection shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the commission's use.

8. Section 24 of P.L.1985, c.516 (C.40:55D-110) is amended to read as follows:

C.40:55D-110 Applications for development referred to historic preservation commission.

24. The planning board and board of adjustment shall refer to the historic preservation commission every application for development submitted to either board for development in historic zoning districts or on historic sites designated on the zoning or official map or identified in any component element of the master plan. This referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner. Failure to refer the application as required shall not invalidate any hearing or proceeding. The historic preservation commission may provide its advice, which shall be conveyed through its delegation of one of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been submitted.

9. Section 25 of P.L.1985, c.516 (C.40:55D-111) is amended to read as follows:

C.40:55D-111 Issuance of permits pertaining to historic sites referred to historic preservation commission.

25. If the zoning ordinance designates and regulates historic sites or districts pursuant to subsection i. of section 52 of P.L.1975, c.291 (C.40:55D-65), the governing body shall by ordinance provide for referral of applications for issuance of permits pertaining to historic sites or property in historic districts to the historic preservation com-

mission for a written report on the application of the zoning ordinance provisions concerning historic preservation to any of those aspects of the change proposed, which aspects were not determined by approval of an application for development by a municipal agency pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.). The historic preservation commission shall submit its report either to the administrative officer or the planning board, as specified by ordinance. If the ordinance specifies the submission of the historic preservation commission's report to the planning board, the planning board shall report to the administrative officer.

In the case of a referral by the administrative officer of a minor application for the issuance of a permit pertaining to historic sites or property in historic districts, as defined in the zoning ordinance, the chairman of the historic preservation commission may act in the place of the full commission for purposes of this section; and, if the ordinance specifies the submission to the planning board of a commission report on a minor application, the ordinance may authorize the chairman or a subcommittee of the planning board to act in place of the full board.

The historic preservation commission or the planning board, as the case may be, shall report to the administrative officer within 45 days of his referral of the application to the historic preservation commission. If within the 45-day period the historic preservation commission or the planning board, as the case may be, recommends to the administrative officer against the issuance of a permit or recommends conditions to the permit to be issued, the administrative officer shall deny issuance of the permit or include the conditions in the permit, as the case may be. Failure to report within the 45-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.

10. This act shall take effect immediately.

Approved July 9, 1991.

CHAPTER 200

AN ACT establishing an Emergency Unemployment Benefits Program
and supplementing chapter 21 of Title 43 of the Revised Statutes.

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

1. The Legislature finds and declares that:
 - a. Unemployment benefits are intended to provide temporary wage replacement to individuals unemployed through no fault of their own;
 - b. The total unemployment rate in New Jersey has exceeded 6% each month since January 1991 and the volume of unemployment compensation claims since the beginning of the year is 36% higher than a year ago;
 - c. In past recessions, up to 13 additional weeks of extended benefits were available to unemployment compensation claimants who exhausted their entitlement to regular benefits, but, because of provisions of the federal "Omnibus Budget Reconciliation Act of 1981," it is now more difficult for states to qualify for extended benefits during periods of economic downturn;
 - d. The Congress has failed to modify the existing extended benefits criteria or to enact temporary legislation to provide supplemental benefits to those unemployed for a period of time longer than 26 weeks;
 - e. As of May 25, 1991, the State's unemployment compensation fund has reserves of \$2.8 billion;
 - f. A temporary benefit extension program would not jeopardize a trust fund with reserves of that magnitude; and
 - g. It is an appropriate public purpose to establish an Emergency Unemployment Benefits Program to assist the growing number of unemployed workers who have exhausted their regular unemployment compensation and have remained unemployed due to current economic conditions.
2. For the purposes of the Emergency Unemployment Benefits Program and as used in P.L.1991, c.200:
 - "Emergency unemployment benefits" means benefits financed entirely by the State and paid to exhaustees pursuant to P.L.1991, c.200.
 - "Emergency unemployment benefit period" means a period not within an extended benefit period which:
 - a. Begins on March 31, 1991, and
 - b. Ends upon the conclusion of the second week after the first week for which there is a State "on" indicator as defined in section 5 of P.L.1970, c.324 (C.43:21-24.11) or other federally-financed supplemental benefits program, or

c. If there is no such "on" indicator, ends with the occurrence of either of the following:

(1) The third week after the first week for which there is a State emergency unemployment benefits "off" indicator; or

(2) The calendar week after the calendar week in which total expenditures of emergency unemployment benefits chargeable to the unemployment compensation fund Statewide first exceed \$250 million.

There is a State emergency unemployment benefits "off" indicator for any week in which it is determined by the division based on data reported by the U.S. Bureau of Labor Statistics that, for the prior four calendar months, the average total unemployment rate (seasonally adjusted) in this State is less than 6.0 percent.

Notwithstanding any other provision of this subsection c., no emergency unemployment benefits shall be paid after March 28, 1992, except that emergency benefits shall be paid to individuals who have established emergency unemployment claims prior to that date. No emergency unemployment benefits shall be paid to any individual after June 27, 1992.

"Eligibility period" of an exhaustee means the period consisting of the weeks in the exhaustee's benefit year which begin in an emergency unemployment benefit period and, if that benefit year ends in the emergency unemployment benefit period, any weeks thereafter which begin in the period.

"Exhaustee" means an individual who exhausted all of the regular benefits that were available to the individual pursuant to the "unemployment compensation law," R.S.43:21-1 et seq., (including benefits payable to federal civilian employees and ex-service persons or payable under the combined wage program), after December 29, 1990 and before March 31, 1991, or during any calendar week of the emergency unemployment benefit period. No individual who exhausted all of the available regular benefits prior to December 30, 1990 shall be eligible for emergency unemployment benefits. An individual whose benefit year has expired prior to the beginning of the emergency unemployment benefit period shall not be eligible for such benefits.

3. During an emergency unemployment benefit period exhaustees, who otherwise continue to meet the eligibility requirements for regular benefits pursuant to the provisions of the "unemployment compensation law," R.S.43:21-1 et seq., and who are not eligible for any other unemployment benefits, including benefits provided for by any federal law extending benefits beyond those pro-

vided for as regular benefits or extended benefits, may receive weekly emergency unemployment benefits for weeks subsequent to March 30, 1991, in an amount equal to the weekly benefit amount of the individual's most recent regular unemployment benefit claim subject to the provisions of the "unemployment compensation law," R.S.43:21-1 et seq. The maximum emergency unemployment benefits an individual may receive pursuant to P.L.1991, c.200 is 25 percent of the regular unemployment benefits which were payable to the individual pursuant to the "unemployment compensation law," R.S.43:21-1 et seq., (including benefits payable to federal civilian employees and ex-service persons or payable under the combined wage program) in the individual's applicable benefit year.

4. No employer's account shall be charged for emergency unemployment benefits paid to an unemployed individual pursuant to P.L.1991, c.200, except for the account of an out-of-State employer who is liable for charges under the Combined Wage Program. However, nothing in this section shall be construed to relieve employers electing to make payments in lieu of contributions pursuant to section 3 or 4 of P.L.1971, c.346 (C.43:21-7.2 or C.43:21-7.3) from reimbursing the unemployment compensation fund an amount equal to the emergency unemployment benefits paid to an unemployed individual pursuant to P.L.1991, c.200.

Emergency unemployment benefits paid to federal civilian employees shall be charged to the appropriate federal account. Emergency unemployment benefits paid to ex-service persons shall be charged to the General Fund.

5. Emergency unemployment benefits may be paid pursuant to the provisions of P.L.1991, c.200 only with respect to weeks not within an extended benefit period, and not within a period covered by any federal law allowing the filing of new claims extending benefits beyond those provided for as regular or extended benefits. If a federal extended benefits period triggers "on", maximum benefits payable to an individual under the federal extended benefits program or any federal supplemental benefits program shall be reduced by an amount equal to that received by the individual under the emergency unemployment benefits program.

6. Notwithstanding the provisions of any other law, the division shall use appropriate administrative means to insure that emergency unemployment benefits are paid only to individuals who meet the requirements of P.L.1991, c.200. These administrative

actions may include, but shall not be limited to, the following procedure. The division shall match the claimant's social security number against available wage records to insure that no earnings were reported for that claimant by employers under R.S.43:21-14 for periods in which emergency unemployment benefits were paid.

7. No exhaustee shall receive benefits pursuant to P.L.1991, c.200 during the portion of the emergency unemployment benefit period which occurs prior to the effective date of P.L.1991, c.200 unless the exhaustee submits to the division a signed written statement, on a form approved by the division, that the exhaustee was actively seeking work during that portion of the benefit period and was otherwise eligible for the benefits.

8. This act shall take effect immediately.

Approved July 10, 1991.

CHAPTER 201

AN ACT concerning health care decision making and supplementing Title 26 and Title 52 of the Revised Statutes.

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

C.26:2H-53 Short title.

1. This act shall be known and may be cited as the "New Jersey Advance Directives for Health Care Act."

C.26:2H-54 Findings, declarations.

2. The Legislature finds and declares that:

a. Competent adults have the fundamental right, in collaboration with their health care providers, to control decisions about their own health care. This State recognizes, in its law and public policy, the personal right of the individual patient to make voluntary, informed choices to accept, to reject, or to choose among alternative courses of medical and surgical treatment.

b. Modern advances in science and medicine have made possible the prolongation of the lives of many seriously ill individuals, without always offering realistic prospects for improvement or cure. For some individuals the possibility of extended life is

experienced as meaningful and of benefit. For others, artificial prolongation of life may seem to provide nothing medically necessary or beneficial, serving only to extend suffering and prolong the dying process. This State recognizes the inherent dignity and value of human life and within this context recognizes the fundamental right of individuals to make health care decisions to have life-prolonging medical or surgical means or procedures provided, withheld, or withdrawn.

c. In order that the right to control decisions about one's own health care should not be lost in the event a patient loses decision making capacity and is no longer able to participate actively in making his own health care decisions, this State recognizes the right of competent adults to plan ahead for health care decisions through the execution of advance directives, such as living wills and durable powers of attorney, and to have the wishes expressed therein respected, subject to certain limitations.

d. The right of individuals to forego life-sustaining measures is not absolute and is subject to certain interests of society. The most significant of these societal interests is the preservation of life, understood to embrace both an interest in preserving the life of the particular patient and a related but distinct interest in preserving the sanctity of all human life as an enduring social value. A second, closely related societal interest is the protection of individuals from direct and purposeful self-destruction, motivated by a specific intent to die. A third interest is the protection of innocent third parties who may be harmed by the patient's decision to forego therapy; this interest may be asserted to prevent the emotional and financial abandonment of the patient's minor children or to protect the paramount concerns of public health or safety. A fourth interest encompasses safeguarding the ethical integrity of the health care professions, individual professionals, and health care institutions, and maintaining public confidence and trust in the integrity and caring role of health care professionals and institutions. Finally, society has an interest in ensuring the soundness of health care decision making, including both protecting vulnerable patients from potential abuse or neglect and facilitating the exercise of informed and voluntary patient choice.

e. In accordance with these State interests, this State expressly rejects on both legal and moral grounds the practice of active euthanasia. No individual shall have the right to, nor shall any physician or other health care professional be authorized to engage in, the practice of active euthanasia.

f. In order to assure respect for patients' previously expressed wishes when the capacity to participate actively in decision making has been lost or impaired; to facilitate and encourage a sound decision making process in which patients, health care representatives, families, physicians, and other health care professionals are active participants; to properly consider patients' interests both in self-determination and in well-being; and to provide necessary and appropriate safeguards concerning the termination of life-sustaining treatment for incompetent patients as the law and public policy of this State, the Legislature hereby enacts the New Jersey Advance Directives for Health Care Act.

C.26:2H-55 Definitions.

3. As used in this act:

"Adult" means an individual 18 years of age or older.

"Advance directive for health care" or "advance directive" means a writing executed in accordance with the requirements of this act. An "advance directive" may include a proxy directive or an instruction directive, or both.

"Attending physician" means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

"Decision making capacity" means a patient's ability to understand and appreciate the nature and consequences of health care decisions, including the benefits and risks of each, and alternatives to any proposed health care, and to reach an informed decision. A patient's decision making capacity is evaluated relative to the demands of a particular health care decision.

"Declarant" means a competent adult who executes an advance directive.

"Do not resuscitate order" means a physician's written order not to attempt cardiopulmonary resuscitation in the event the patient suffers a cardiac or respiratory arrest.

"Emergency care" means immediate treatment provided in response to a sudden, acute and unanticipated medical crisis in order to avoid injury, impairment or death.

"Health care decision" means a decision to accept or to refuse any treatment, service or procedure used to diagnose, treat or care for a patient's physical or mental condition, including life-sustaining treatment. "Health care decision" also means a decision to accept or to refuse the services of a particular physician, nurse,

other health care professional or health care institution, including a decision to accept or to refuse a transfer of care.

“Health care institution” means all institutions, facilities, and agencies licensed, certified, or otherwise authorized by State law to administer health care in the ordinary course of business, including hospitals, nursing homes, residential health care facilities, home health care agencies, hospice programs operating in this State, mental health institutions, facilities or agencies, or institutions, facilities and agencies for the developmentally disabled. The term “health care institution” shall not be construed to include “health care professionals” as defined in this act.

“Health care professional” means an individual licensed by this State to administer health care in the ordinary course of business or practice of a profession.

“Health care representative” means the individual designated by a declarant pursuant to the proxy directive part of an advance directive for the purpose of making health care decisions on the declarant’s behalf, and includes an individual designated as an alternate health care representative who is acting as the declarant’s health care representative in accordance with the terms and order of priority stated in an advance directive.

“Instruction directive” means a writing which provides instructions and direction regarding the declarant’s wishes for health care in the event that the declarant subsequently lacks decision making capacity.

“Life-sustaining treatment” means the use of any medical device or procedure, artificially provided fluids and nutrition, drugs, surgery or therapy that uses mechanical or other artificial means to sustain, restore or supplant a vital bodily function, and thereby increase the expected life span of a patient.

“Other health care professionals” means health care professionals other than physicians and nurses.

“Patient” means an individual who is under the care of a physician, nurse or other health care professional.

“Permanently unconscious” means a medical condition that has been diagnosed in accordance with currently accepted medical standards and with reasonable medical certainty as total and irreversible loss of consciousness and capacity for interaction with the environment. The term “permanently unconscious” includes without limitation a persistent vegetative state or irreversible coma.

“Physician” means an individual licensed to practice medicine and surgery in this State.

“Proxy directive” means a writing which designates a health care representative in the event the declarant subsequently lacks decision making capacity.

“State” means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

“Terminal condition” means the terminal stage of an irreversibly fatal illness, disease or condition. A determination of a specific life expectancy is not required as a precondition for a diagnosis of a “terminal condition,” but a prognosis of a life expectancy of six months or less, with or without the provision of life-sustaining treatment, based upon reasonable medical certainty, shall be deemed to constitute a terminal condition.

C.26:2H-56 Advance directive for health care; execution.

4. A declarant may execute an advance directive for health care at any time. The advance directive shall be signed and dated by, or at the direction of, the declarant in the presence of two subscribing adult witnesses, who shall attest that the declarant is of sound mind and free of duress and undue influence. A designated health care representative shall not act as a witness to the execution of an advance directive. Alternatively, the advance directive shall be signed and dated by, or at the direction of, the declarant and be acknowledged by the declarant before a notary public, attorney at law, or other person authorized to administer oaths. An advance directive may be supplemented by a video or audio tape recording. A female declarant may include in an advance directive executed by her, information as to what effect the advance directive shall have if she is pregnant.

C.26:2H-57 Proxy, instruction directive; reaffirmed, modified, revoked.

5. a. A declarant may reaffirm or modify either a proxy directive, or an instruction directive, or both. The reaffirmation or modification shall be made in accordance with the requirements for execution of an advance directive pursuant to section 4 of this act.

b. A declarant may revoke an advance directive, including a proxy directive, or an instruction directive, or both, by the following means:

(1) Notification, orally or in writing, to the health care representative, physician, nurse or other health care professional, or other reliable witness, or by any other act evidencing an intent to revoke the document; or

(2) Execution of a subsequent proxy directive or instruction directive, or both, in accordance with section 4 of this act.

c. Designation of the declarant's spouse as health care representative shall be revoked upon divorce or legal separation, unless otherwise specified in the advance directive.

d. An incompetent patient may suspend an advance directive, including a proxy directive, an instruction directive, or both, by any of the means stated in paragraph (1) of subsection b. of this section. An incompetent patient who has suspended an advance directive may reinstate that advance directive by oral or written notification to the health care representative, physician, nurse or other health care professional of an intent to reinstate the advance directive.

e. Reaffirmation, modification, revocation or suspension of an advance directive is effective upon communication to any person capable of transmitting the information including the health care representative, the attending physician, nurse or other health care professional responsible for the patient's care.

C.26:2H-58 Designation of health care representative; limitations.

6. a. A declarant may execute a proxy directive, pursuant to the requirements of section 4 of this act, designating a competent adult to act as his health care representative.

(1) A competent adult, including, but not limited to, a declarant's spouse, adult child, parent or other family member, friend, religious or spiritual advisor, or other person of the declarant's choosing, may be designated as a health care representative.

(2) An operator, administrator or employee of a health care institution in which the declarant is a patient or resident shall not serve as the declarant's health care representative unless the operator, administrator or employee is related to the declarant by blood, marriage or adoption.

This restriction does not apply to a physician, if the physician does not serve as the patient's attending physician and the patient's health care representative at the same time.

(3) A declarant may designate one or more alternate health care representatives, listed in order of priority. In the event the primary designee is unavailable, unable or unwilling to serve as health care representative, or is disqualified from such service pursuant to this section or any other law, the next designated alternate shall serve as health care representative. In the event the primary designee subsequently becomes available and able to serve as health care representative, the primary designee may, insofar as then practicable, serve as health care representative.

(4) A declarant may direct the health care representative to consult with specified individuals, including alternate designees, family members and friends, in the course of the decision making process.

(5) A declarant shall state the limitations, if any, to be placed upon the authority of the health care representative including the limitations, if any, which may be applicable if the declarant is pregnant.

b. A declarant may execute an instruction directive, pursuant to the requirements of section 4 of this act, stating the declarant's general treatment philosophy and objectives; or the declarant's specific wishes regarding the provision, withholding or withdrawal of any form of health care, including life-sustaining treatment; or both. An instruction directive may, but need not, be executed contemporaneously with, or be attached to, a proxy directive.

C.26:2H-59 Conditions under which advance directive becomes operative.

7. a. An advance directive becomes operative when (1) it is transmitted to the attending physician or to the health care institution, and (2) it is determined pursuant to section 8 of this act that the patient lacks capacity to make a particular health care decision.

b. Treatment decisions pursuant to an advance directive shall not be made and implemented until there has been a reasonable opportunity to establish, and where appropriate confirm, a reliable diagnosis and prognosis for the patient.

C.26:2H-60 Determination of patient's capacity to make a health care decision.

8. a. The attending physician shall determine whether the patient lacks capacity to make a particular health care decision. The determination shall be stated in writing, shall include the attending physician's opinion concerning the nature, cause, extent, and probable duration of the patient's incapacity, and shall be made a part of the patient's medical records.

b. The attending physician's determination of a lack of decision making capacity shall be confirmed by one or more physicians. The opinion of the confirming physician shall be stated in writing and made a part of the patient's medical records in the same manner as that of the attending physician. Confirmation of a lack of decision making capacity is not required when the patient's lack of decision making capacity is clearly apparent, and the attending physician and the health care representative agree that confirmation is unnecessary.

c. If the attending physician or the confirming physician determines that a patient lacks decision making capacity because of a mental or psychological impairment or a developmental disability, and

neither the attending physician or the confirming physician has specialized training or experience in diagnosing mental or psychological conditions or developmental disabilities of the same or similar nature, a determination of a lack of decision making capacity shall be confirmed by one or more physicians with appropriate specialized training or experience. The opinion of the confirming physician shall be stated in writing and made a part of the patient's medical records in the same manner as that of the attending physician.

d. A physician designated by the patient's advance directive as a health care representative shall not make or confirm the determination of a lack of decision making capacity.

e. The attending physician shall inform the patient, if the patient has any ability to comprehend that he has been determined to lack decision making capacity, and the health care representative that: (1) the patient has been determined to lack decision making capacity to make a particular health care decision; (2) each has the right to contest this determination; and (3) each may have recourse to the dispute resolution process established by the health care institution pursuant to section 14 of this act.

Notice to the patient and the health care representative shall be documented in the patient's medical records.

f. A determination of lack of decision making capacity under this act is solely for the purpose of implementing an advance directive in accordance with the provisions of this act, and shall not be construed as a determination of a patient's incapacity or incompetence for any other purpose.

g. For purposes of this section, a determination that a patient lacks decision making capacity shall be based upon, but need not be limited to, evaluation of the patient's ability to understand and appreciate the nature and consequences of a particular health care decision, including the benefits and risks of, and alternatives to, the proposed health care, and to reach an informed decision.

C.26:2H-61 Authority to make health care decisions.

9. a. If it has been determined that the patient lacks decision making capacity, a health care representative shall have authority to make health care decisions on behalf of the patient. The health care representative shall act in good faith and within the bounds of the authority granted by the advance directive and by this act.

b. If a different individual has been appointed as the patient's legal guardian, the health care representative shall retain legal authority to make health care decisions on the patient's behalf,

unless the terms of the legal guardian's court appointment or other court decree provide otherwise.

c. The conferral of legal authority on the health care representative shall not be construed to impose liability upon the health care representative for any portion of the patient's health care costs.

d. An individual designated as a health care representative or as an alternate health care representative may decline to serve in that capacity.

e. The health care representative shall exercise the patient's right to be informed of the patient's medical condition, prognosis and treatment options, and to give informed consent to, or refusal of, health care.

f. In the exercise of these rights and responsibilities, the health care representative shall seek to make the health care decision the patient would have made had he possessed decision making capacity under the circumstances, or, when the patient's wishes cannot adequately be determined, shall make a health care decision in the best interests of the patient.

C.26:2H-62 Rights, responsibilities of health care professionals.

10. In addition to any rights and responsibilities recognized or imposed by, or pursuant to, this act, or by any other law, physicians, nurses, and other health care professionals shall have the following rights and responsibilities:

a. The attending physician shall make an affirmative inquiry of the patient, his family or others, as appropriate under the circumstances, concerning the existence of an advance directive. The attending physician shall note in the patient's medical records whether or not an advance directive exists, and the name of the patient's health care representative, if any, and shall attach a copy of the advance directive to the patient's medical records. The attending physician shall document in the same manner the reaffirmation, modification, or revocation of an advance directive, if he has knowledge of such action.

b. A physician may decline to participate in the withholding or withdrawing of measures utilized to sustain life, in accordance with his sincerely held personal or professional convictions. In such circumstances, the physician shall act in good faith to inform the patient and the health care representative, and the chief of the medical staff or other designated institutional official, of this decision as soon as practicable, to effect an appropriate, respectful and timely transfer of care, and to assure that the patient is not abandoned or treated disrespectfully.

In the event of transfer of a patient's care, the attending physician shall assure the timely transfer of the patient's medical records, including a copy of the patient's advance directive.

c. A nurse or other health care professional may decline to participate in the withholding or withdrawing of measures utilized to sustain life, in accordance with his sincerely held personal or professional convictions. In these circumstances, the nurse or other health care professional shall act in good faith to inform the patient and the health care representative, and the head of the nursing or other professional staff or other designated institutional official, of this decision as soon as practicable, to cooperate in effecting an appropriate, respectful and timely transfer of care, and to assure that the patient is not abandoned or treated disrespectfully.

d. Nothing in this act shall be construed to require a physician, nurse or other health care professional to begin, continue, withhold, or withdraw health care in a manner contrary to law or accepted professional standards.

C.26:2H-63 Decision making under an advance directive.

11. a. The attending physician, the health care representative and, when appropriate, any additional physician responsible for the patient's care, shall discuss the nature and consequences of the patient's medical condition, and the risks, benefits and burdens of the proposed health care and its alternatives. Except as provided by subsection b. of this section, the attending physician shall obtain informed consent for, or refusal of, health care from the health care representative.

(1) Discussion of the proposed treatment and its alternatives shall include, as appropriate under the circumstances, the availability, benefits and burdens of rehabilitative treatment, therapy, and services.

(2) The decision making process shall allow, as appropriate under the circumstances, adequate time for the health care representative to understand and deliberate about all relevant information before a treatment decision is implemented.

b. Following a determination that a patient lacks decision making capacity, the health care representative and the attending physician shall, to a reasonable extent, discuss the treatment options with the patient, and seek to involve the patient as a participant in the decision making process. The health care representative and the attending physician shall seek to promote the patient's capacity for effective participation and shall take the patient's expressed wishes into account in the decision making process.

Once decision making authority has been conferred upon a health care representative pursuant to an advance directive, if the patient is subsequently found to possess adequate decision making capacity with respect to a particular health care decision, the patient shall retain legal authority to make that decision. In such circumstances, the health care representative may continue to participate in the decision making process in an advisory capacity, unless the patient objects.

Notwithstanding any other provision of this act to the contrary, if a patient who lacks decision making capacity clearly expresses or manifests the contemporaneous wish that medically appropriate measures utilized to sustain life be provided, that wish shall take precedence over any contrary decision of the health care representative and any contrary statement in the patient's instruction directive.

c. In acting to implement a patient's wishes pursuant to an advance directive, the health care representative shall give priority to the patient's instruction directive, and may also consider, as appropriate and necessary, the following forms of evidence of the patient's wishes:

(1) The patient's contemporaneous expressions, including non-verbal expressions;

(2) Other reliable sources of information, including the health care representative's personal knowledge of the patient's values, preferences and goals; and

(3) Reliable oral or written statements previously made by the patient, including, but not limited to, statements made to family members, friends, health care professionals or religious leaders.

d. If the instruction directive, in conjunction with other evidence of the patient's wishes, does not provide, in the exercise of reasonable judgment, clear direction as applied to the patient's medical condition and the treatment alternatives, the health care representative shall exercise reasonable discretion, in good faith, to effectuate the terms, intent, and spirit of the instruction directive and other evidence of the patient's wishes.

e. Subject to the provisions of this act, and unless otherwise stated in the advance directive, if the patient's wishes cannot be adequately determined, then the health care representative shall make a health care decision in the patient's best interests.

C.26:2H-64 Effect of instruction directive.

12. a. If the patient has executed an instruction directive but has not designated a health care representative, or if neither the designated health care representative or any alternate designee is able or available to serve, the instruction directive shall be legally opera-

tive. If the instruction directive provides clear and unambiguous guidance under the circumstances, it shall be honored in accordance with its specific terms by a legally appointed guardian, if any, family members, the physicians, nurses, other health care professionals, health care institutions, and others acting on the patient's behalf.

b. If the instruction directive is, in the exercise of reasonable judgment, not specific to the patient's medical condition and the treatment alternatives, the attending physician, in consultation with a legally appointed guardian, if any, family members, or others acting on the patient's behalf, shall exercise reasonable judgment to effectuate the wishes of the patient, giving full weight to the terms, intent, and spirit of the instruction directive. Departure from the specific terms and provisions of the instruction directive shall be based upon clearly articulable factors not foreseen or contemplated by the instruction directive, including, but not limited to, the circumstances of the patient's medical condition.

c. Nothing in this act shall be construed to impair the legal force and effect of an instruction directive executed prior to the effective date of this act.

C.26:2H-65 Additional rights, responsibilities of health care institution.

13. a. In addition to any rights and responsibilities recognized or imposed by, or pursuant to, this act, or any other law, a health care institution shall have the following rights and responsibilities:

(1) A health care institution shall adopt such policies and practices as are necessary to provide for routine inquiry, at the time of admission and at such other times as are appropriate under the circumstances, concerning the existence and location of an advance directive.

(2) A health care institution shall adopt such policies and practices as are necessary to provide appropriate informational materials concerning advance directives to all interested patients and their families and health care representatives, and to assist patients interested in discussing and executing an advance directive.

(3) A health care institution shall adopt such policies and practices as are necessary to educate patients and their families and health care representatives about the availability, benefits and burdens of rehabilitative treatment, therapy and services, including but not limited to family and social services, self-help and advocacy services, employment and community living, and use of assistive devices. A health care institution shall, in consultation with the attending physician, assure that such information is discussed with a patient and his health care representative and made

a part of the decision making process set forth in section 11 of this act, as appropriate under the circumstances.

(4) In situations in which a transfer of care is necessary, including a transfer for the purpose of effectuating a patient's wishes pursuant to an advance directive, a health care institution shall, in consultation with the attending physician, take all reasonable steps to effect the appropriate, respectful and timely transfer of the patient to the care of an alternative health care professional or institution, as necessary, and shall assure that the patient is not abandoned or treated disrespectfully. In such circumstances, a health care institution shall assure the timely transfer of the patient's medical records, including a copy of the patient's advance directive.

(5) A health care institution shall establish procedures and practices for dispute resolution, in accordance with section 14 of this act.

(6) A health care institution shall adopt such policies and practices as are necessary to inform physicians, nurses and other health care professionals of their rights and responsibilities under this act, to assure that such rights and responsibilities are understood, and to provide a forum for discussion and consultation regarding the requirements of this act.

b. A private, religiously-affiliated health care institution may develop institutional policies and practices defining circumstances in which it will decline to participate in the withholding or withdrawing of specified measures utilized to sustain life. Such policies and practices shall be written, and shall be properly communicated to patients and their families and health care representatives prior to or upon the patient's admission, or as soon after admission as is practicable.

If the institutional policies and practices appear to conflict with the legal rights of a patient wishing to forego health care, the health care institution shall attempt to resolve the conflict, and if a mutually satisfactory accommodation cannot be reached, shall take all reasonable steps to effect the appropriate, timely and respectful transfer of the patient to the care of another health care institution appropriate to the patient's needs, and shall assure that the patient is not abandoned or treated disrespectfully.

c. Nothing in this act shall be construed to require a health care institution to participate in the beginning, continuing, withholding or withdrawing of health care in a manner contrary to law or accepted medical standards.

C.26:2H-66 Resolution of disagreements.

14. a. In the event of disagreement among the patient, health care representative and attending physician concerning the patient's decision making capacity or the appropriate interpretation and application of the terms of an advance directive to the patient's course of treatment, the parties may seek to resolve the disagreement by means of procedures and practices established by the health care institution, including but not limited to, consultation with an institutional ethics committee, or with a person designated by the health care institution for this purpose or may seek resolution by a court of competent jurisdiction.

b. A health care professional involved in the patient's care, other than the attending physician, or an administrator of a health care institution may also invoke the dispute resolution process established by the health care institution to seek to resolve a disagreement concerning the patient's decision making capacity or the appropriate interpretation and application of the terms of an advance directive.

C.26:2H-67 Circumstances under which life-sustaining treatment may be withheld or withdrawn.

15. a. Consistent with the terms of an advance directive and the provisions of this act, life-sustaining treatment may be withheld or withdrawn from a patient in the following circumstances:

(1) When the life-sustaining treatment is experimental and not a proven therapy, or is likely to be ineffective or futile in prolonging life, or is likely to merely prolong an imminent dying process;

(2) When the patient is permanently unconscious, as determined by the attending physician and confirmed by a second qualified physician;

(3) When the patient is in a terminal condition, as determined by the attending physician and confirmed by a second qualified physician; or

(4) In the event none of the above circumstances applies, when the patient has a serious irreversible illness or condition, and the likely risks and burdens associated with the medical intervention to be withheld or withdrawn may reasonably be judged to outweigh the likely benefits to the patient from such intervention, or imposition of the medical intervention on an unwilling patient would be inhumane. In such cases prior to implementing a decision to withhold or withdraw life-sustaining treatment, the attending physician may promptly seek consultation with an institutional or regional reviewing body in accordance with section 17

of this act, or may promptly seek approval of a public agency recognized by law for this purpose.

b. Nothing in this section shall be construed to impair the obligations of physicians, nurses and other health care professionals to provide for the care and comfort of the patient and to alleviate pain, in accordance with accepted medical and nursing standards.

c. Nothing in this section shall be construed to abridge any constitutionally-protected right to refuse treatment under either the United States Constitution or the Constitution of the State of New Jersey.

C.26:2H-68 Issuance of do not resuscitate order.

16. a. Consistent with the terms of an advance directive and the provisions of this act, the attending physician may issue a do not resuscitate order.

b. A do not resuscitate order shall be entered in writing in the patient's medical records prior to implementation of the order.

c. Nothing in this act shall be construed to impair any existing legal authority to issue a do not resuscitate order when the patient has not executed an advance directive.

C.26:2H-69 Consultation with institutional or regional reviewing body.

17. a. An institutional or regional reviewing body which engages in prospective case consultation pursuant to paragraph (4) of subsection a. of section 15 of this act may be consulted by the attending physician, patient or health care representative as to whether it believes that the withholding or withdrawal of the medical intervention under consideration would be in conformity with the requirements of this act, including without limitation: whether such action would be within the scope of the patient's advance directive; whether it may reasonably be judged that the likely risks and burdens associated with the medical intervention to be withheld or withdrawn outweigh its likely benefits; and whether it may reasonably be judged that imposition of the medical intervention on an unwilling patient would be inhumane. The attending physician, patient and health care representative shall also be advised of any other course of diagnosis or treatment recommended for consideration.

Consultation with the institutional or regional reviewing body shall be documented in the patient's medical records.

b. Consultation with an institutional or regional reviewing body acting in accordance with subsection a. of this section is not required. Furthermore, nothing in this act shall be construed to impair the right of a patient, health care representative, physician,

nurse, or other health care professional who consults with an institutional or regional reviewing body to:

(1) Seek review by a public agency recognized by law for this purpose; or

(2) Seek review by a court of competent jurisdiction.

c. Nothing in this section shall preclude the transfer of the patient to another appropriate health care professional or health care institution. In this case the health care institution responsible for the patient's care shall assure that the health care professional or health care institution to which the patient is transferred is properly informed of the advice given by the institutional or regional reviewing body.

C.26:2H-70 Existing law preserved; emergency care.

18. a. Nothing in this act shall be construed to alter, amend or revoke the rights and responsibilities under existing law of health care institutions not governed by the provisions of this act.

b. The provisions of this act shall not be construed to require emergency personnel, including paid or volunteer fire fighters; paramedics; members of an ambulance team, rescue squad, or mobile intensive care unit; or emergency room personnel of a licensed health care institution, to withhold or withdraw emergency care in circumstances which do not afford reasonable opportunity for careful review and evaluation of an advance directive without endangering the life of the patient.

C.26:2H-71 Rules, regulations.

19. In accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the Department of Health shall establish rules and regulations:

a. For the annual reporting by health care institutions, and the gathering of such additional data as is reasonably necessary to oversee and evaluate the implementation of this act. The department shall seek to minimize the burdens of record-keeping imposed by the rules and regulations and shall seek to assure the appropriate confidentiality of patient records.

b. Requiring health care institutions to adopt policies and practices designed to:

(1) Make routine inquiry, at the time of admission and at such other times as are appropriate under the circumstances, concerning the existence and location of an advance directive;

(2) Provide appropriate informational materials concerning advance directives to all interested patients and their families and

health care representatives, and to assist patients interested in discussing and executing an advance directive;

(3) Educate patients and their families and health care representatives about the availability, benefits and burdens of rehabilitative treatment, therapy and services, as appropriate;

(4) Inform physicians, nurses, and other health care professionals of their rights and responsibilities under this act, to assure that the rights and responsibilities are understood, and to provide a forum for discussion and consultation regarding the requirements of this act; and

(5) Otherwise comply with the provisions of this act.

C.26:2H-72 Evaluation of implementation of act; report.

20. The Department of Health and the New Jersey Commission on Legal and Ethical Problems in the Delivery of Health Care established pursuant to P.L.1985, c.363 (C.52:9Y-1 et seq.), shall jointly evaluate the implementation of this act and report to the Governor and the Legislature, including recommendations for any changes deemed necessary, within five years from the effective date of this act.

C.26:2H-73 Immunities.

21. a. A health care representative shall not be subject to criminal or civil liability for any actions performed in good faith and in accordance with the provisions of this act to carry out the terms of an advance directive.

b. A health care professional shall not be subject to criminal or civil liability or to discipline by the health care institution or the respective State licensing board for professional misconduct for any actions performed in good faith and in accordance with the provisions of this act, any rules and regulations established by the Department of Health pursuant to this act, and accepted professional standards to carry out the terms of an advance directive.

c. A health care institution shall not be subject to criminal or civil liability for any actions performed in good faith and in accordance with the provisions of this act to carry out the terms of an advance directive.

C.26:2H-74 Absence of advance directive, act not applicable.

22. The absence of an advance directive shall create no presumption with respect to a patient's wishes regarding the provision, withholding or withdrawing of any form of health care. The provisions of this act do not apply to persons who have not executed an advance directive.

C.26:2H-75 Advance directive shall not affect insurance, benefits coverage.

23. The execution of an advance directive pursuant to this act shall not in any manner affect, impair or modify the terms of, or rights or obligations created under, any existing policy of health insurance, life insurance or annuity, or governmental benefits program. No health care practitioner or other health care provider, and no health service plan, insurer, or governmental authority, shall deny coverage or exclude from the benefits of service any individual because that individual has executed or has not executed an advance directive. The execution, or non-execution, of an advance directive shall not be made a condition of coverage under any policy of health insurance, life insurance or annuity, or governmental benefits program.

C.26:2H-76 Advance directive executed in other jurisdictions, validity.

24. An advance directive executed under the laws of another state in compliance with the laws of that state or the State of New Jersey is validly executed for purposes of this act. An advance directive executed in a foreign country in compliance with the laws of that country or the State of New Jersey, and not contrary to the public policy of this State, is validly executed for purposes of this act.

C.26:2H-77 Applicability of other law.

25. a. The withholding or withdrawing of life-sustaining treatment pursuant to section 15 of this act, when performed in good faith, and in accordance with the terms of an advance directive and the provisions of this act, shall not constitute homicide, suicide, assisted suicide, or active euthanasia.

b. To the extent any of the provisions of this act are inconsistent with P.L.1971, c.373 (C.46:2B-8 et seq.) concerning the designation of a health care representative, the provisions of this act shall have priority over those of P.L.1971, c.373 (C.46:2B-8 et seq.).

Durable powers of attorney for health care executed pursuant to P.L.1971, c.373 (C.46:2B-8 et seq.) prior to the effective date of this act shall have the same legal force and effect as if they had been executed in accordance with the provisions of this act.

c. Nothing in this act shall be construed to impair the rights of emancipated minors under existing law.

C.52:27G-5.1 Office of the Ombudsman for the Institutionalized Elderly, duties.

26. The Office of the Ombudsman for the Institutionalized Elderly shall conform and implement procedures necessary to comply with the requirements of P.L.1991, c.201 (C.26:2H-53 et al.), and shall make a written statement of its obligations under that act available to the public.

C.52:27G-25.1 Office of the Public Guardian for Elderly Adults, duties.

27. The Office of the Public Guardian for Elderly Adults shall conform and implement procedures necessary to comply with the requirements of P.L.1991, c.201 (C.26:2H-53 et al.), and shall make a written statement of its obligations under that act available to the public.

C.26:2H-78 Violations, penalties.

28. a. A health care professional who intentionally fails to act in accordance with the requirements of this act is subject to discipline for professional misconduct pursuant to section 8 of P.L.1978, c.73 (C.45:1-21).

b. A health care institution that intentionally fails to act in accordance with the requirements of this act shall be subject to a fine of not more than \$1,000 for each offense. For the purposes of this subsection, each violation shall constitute a separate offense. Penalties for violations of this act shall be recovered in a summary civil proceeding, brought in the name of the State in a court of competent jurisdiction pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

c. The following acts constitute crimes:

(1) To willfully conceal, cancel, deface, obliterate or withhold personal knowledge of an advance directive or a modification or revocation thereof, without the declarant's consent, is a crime of the fourth degree.

(2) To falsify or forge an advance directive or a modification or revocation thereof of another individual is a crime of the fourth degree.

(3) To coerce or fraudulently induce the execution of an advance directive or a modification or revocation thereof is a crime of the fourth degree.

(4) To require or prohibit the execution of an advance directive or a modification or revocation thereof as a condition of coverage under any policy of health insurance, life insurance or annuity, or governmental benefits program, or as a condition of the provision of health care is a crime of the fourth degree.

d. Commission of any of the acts identified in paragraphs (1), (2), or (3) of subsection c., resulting in the involuntary earlier death of a patient, shall constitute a crime of the fourth degree.

e. The sanctions provided in this section shall not be construed to repeal any sanctions applicable under other law.

29. This act shall take effect 180 days after the date of enactment.

Approved July 11, 1991.

CHAPTER 202

AN ACT concerning the remediation of structural defects in certain residential structures, amending and supplementing P.L.1977, c.467 (C.46:3B-1 et seq.) and amending P.L.1975, c.217.

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

C.46:3B-13 Findings, determinations, declarations.

1. The Legislature finds, determines and declares:

a. Within the past decade, the building codes of this and other states have permitted, and builders have employed, fire-retardant treated (FRT) plywood roof sheathing as an approved mode of construction to provide fire safety in multi-unit structures.

b. It has recently been discovered that, in many instances, plywood treated for fire retardancy has proven liable to suffer material deterioration and premature structural failure. As a result, many condominiums, cooperatives, fee simple townhouses and similar structures built in recent years have been, and many more may soon be, faced with premature problems of replacing sheathing and roofing on a large scale.

c. The difficulty of dealing with such unanticipated structural failure potentially falls most acutely on planned real estate development associations and home owners in condominiums, cooperatives, fee simple townhouses and similar housing developments that employ the type of firewall-separation construction to which FRT plywood sheathing is commonly applied. This failure constitutes a major construction defect under existing law, but because of the varied response of warranty guarantors, including private warranty guarantors under "The New Home Warranty and Builders' Registration Act," P.L.1977, c.467 (C.46:3B-1 et seq.), it appears likely that the difficulties of many owners may be compounded by resistance to their claims for compensation, and that if they may collect at all it will be only after prolonged negotiation or litigation.

d. It is, therefore the intention of this legislation to establish a funding mechanism, based upon the State's New Home Warranty program and not dependent upon general revenues of the State, to make immediate funding available to homeowners faced with emergent needs for immediate remediation of the major construction defect, as well as to builders and warranty guarantors who honor the claims of such owners.

e. It is the further intention of this legislation to provide practicable means for pursuing claims against any responsible party, where appropriate, to recover costs of remediation due to material defects for which a responsible party may be held liable.

C.46:3B-14 Moneys and claims for advance funding for remediation of structural damages.

2. a. The commissioner is hereby authorized to advance moneys out of the fund for the remediation of structural damages due to defective FRT plywood occurring in structures covered by an approved warranty program, subject to the provisions and requirements of this act.

b. A claim for such advance funding may be made by any owner of the affected structure, jointly by any owner and builder of the affected structures, any builder who undertakes to remediate the cited damages, or any warranty guarantor who undertakes to reimburse the owner or builder for the costs of such remediation. Approval and payment of such claim shall be conditioned upon the claimant's assigning to the State of New Jersey, for the use of the fund, the claimant's rights in any claim upon any responsible party, or in any other recovery of funds, that may arise out of the damage cited in the claim. As a condition of any assignment and as a precondition to the receipt of any advance funding pursuant to this section, a claimant that has not previously instituted suit to recover damages on grounds of failure of FRT plywood shall provide the Department of Community Affairs with all documents and information in the possession of the claimant or of the claimant's counsel or representative that may be relevant to the State's effort to recover from responsible parties, and shall agree to cooperate fully with the Department of Community Affairs and the Attorney General's Office in the prosecution of any legal action to obtain such recovery. If the claimant has previously instituted suit to recover such damages, then the claimant and its counsel, as a condition of any assignment and receipt of advance funding shall cooperate with the Attorney General's pursuit of the claim or any related civil action in accordance with the provisions of section 6 of this act. The failure of any claimant or its counsel, employees, members, or agents to cooperate fully with the Attorney General or the commissioner shall constitute a basis to deny payment of the claim and the refusal of its assignment or, in the instance that the claim has already been paid and assigned, for the rescission of the assignment and the recovery by the commissioner of any monies paid by the commissioner to the claimant pursuant to this act. All documents and information communicated to the Attorney General and the commissioner by the claimant or its counsel under this section and under section 6 of

this act shall be fully protected by all privileges applicable by statute, court rule, or common law for attorney-client communications and attorney work product, and the communication of that information to the Attorney General or the commissioner by claimant or its counsel shall not be deemed a waiver of any of those privileges and shall not be deemed to provide a basis to require those communications to be disclosed to potentially responsible parties, or their counsel, or others.

c. A claim pursuant to this section shall be filed with the commissioner in such manner and form, and accompanied by such supporting data, as the commissioner shall by regulations require. Upon review of such claim the commissioner may require, and the claimant shall supply, such additional data and other information as the commissioner deems necessary in order to substantiate approval of the claim in accordance with the standards set forth in section 3 of this act.

d. The commissioner is hereby authorized to expend moneys of the fund for the expenses of administration of claims made under this section, including the costs of receiving, verifying and paying such claims, of handling or resolving administrative hearings or litigation arising out of claims that are rejected by the commissioner for advance funding, and of pursuing the recovery of moneys on behalf of the fund pursuant to section 5 of this act.

e. For purposes of this act "owner" means, for purposes of a claim involving a structure or structures that is filed under this act, an individual fee simple owner, an association of individual owners or lessees that is responsible for the maintenance or replacement of the roof structure or an association formed for the purpose of pursuing a unified claim under this act.

f. For the purposes of this section "undertakes" means, for purposes of a claim filed by a builder or warranty guarantor, a written agreement or written acknowledgement by the builder to remediate the cited damages for the structure or structures for which the claim is being filed, or a written agreement or written acknowledgement by the warranty guarantor to reimburse the owner or builder for the costs to remediate the cited damages for the structure or structures for which the claim is being filed.

C.46:3B-15 Procedure followed by commissioner when claim filed.

3. a. Whenever a claim which appears or purports to be eligible for advance funding pursuant to this act is filed with the commissioner, the commissioner shall:

(1) Order an examination of the subject premises to determine whether the damage claimed is ascribable to the FRT plywood or the FRT treatment applied to it, resulting or materially contributing to the creation of a major construction defect, and, if it is so determined, shall declare the claim eligible for such advance funding; and

(2) Require the claimant to propose an appropriate method of remediation, which method and the estimated cost thereof shall be within the guidelines set pursuant to subsection b. of this section.

b. The commissioner shall adopt and promulgate, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.):

(1) Standards, procedures and technical criteria for making an examination and determination pursuant to paragraph (1) of subsection a. of this section; and

(2) Guidelines for determining permissible and appropriate methods of remediation, for estimating the costs thereof, and for approving proposed methods for application in particular cases as required pursuant to paragraph (2) of subsection a. of this section.

In carrying out the provisions of paragraph (1) of this subsection the commissioner shall cause to be developed a method of nondestructive testing or other procedure capable of ascertaining inevitable premature failure of an FRT plywood installation. As used in this section "inevitable premature failure" means a condition in which deterioration of the FRT plywood, ascribable to a defect: in any of the materials or techniques used in its manufacture, in its fire retardant treatment, or due to other actions or omissions by responsible parties; and which is ascertainable within the ten-year warranty period and can be accurately predicted in accordance with the commissioner's testing procedure to make replacement of the material necessary within the ten-year warranty period. Inevitable premature failure shall be deemed to constitute a major construction defect as of the time of its detection.

A person aggrieved by any ruling, action, order or notice of the commissioner denying an FRT plywood claim, in whole or in part, filed pursuant to section 2 of this act, shall be entitled to an administrative hearing. The application for the hearing shall be filed with the commissioner by the 15th day after receipt by the person of the notice of the ruling, action, order or notice. The only issues that may be raised in the administrative hearing are whether the test or other method used by the commissioner to determine if the subjected premises were damaged in accordance with the requirements of paragraph (1) of this subsection was administered properly, or

whether the proposed method of remediation was within the guidelines set pursuant to paragraph (2) of this subsection. The aggrieved person shall have the burden to demonstrate that the test or other method was administered improperly or that the proposed method of remediation was within the guidelines.

c. When a claim has been filed with the commissioner pursuant to this section and has been accepted for filing pursuant to section 6 of this act, if the commissioner (1) determines that a major construction defect ascribable to FRT plywood or FRT treatment exists in accordance with subsection b. of this section and (2) approves a proposed method of remediation, then the commissioner shall approve the claim for advance funding and authorize disbursement of money from the fund, except as prohibited or limited by section 6 of this act. Disbursement shall be prohibited until the presentation and verification of invoices for work and materials actually provided and installed in accordance with the approved method.

d. Disbursements of advance funding shall be the actual cost of the work and materials as shown by verified invoices.

C.46:3B-16 Commissioner to estimate funding required for approved claims.

4. a. Upon the effective date of this section, and annually thereafter, the commissioner shall estimate, upon the basis of claims approved pursuant to this act, or then pending and likely to be approved, the amount of money needed in the fund, in addition to those sums which will be required to be paid or reserved for claims other than claims under this act, to make full payment, after verification, upon anticipated invoices and upon invoices previously presented and verified, and to meet costs of administration pursuant to subsection d. of section 2 of this act. If this estimate exceeds the amount of money then available in the fund and reasonably anticipated to be received pursuant to subsection a. or b. of section 7 of P.L.1977, c.467 (C.46:3B-7) or pursuant to subsections b. and d. of this section within the 12 months next following, the commissioner shall relieve the deficiency by levying a surcharge upon new home sales in such amount, not to exceed \$100 per new home sold, as may reasonably be expected to generate revenue sufficient to promote the actuarial integrity of the new home warranty security fund in light of any expenditures made pursuant to this act and not otherwise recovered.

b. Upon approval of a claim by the commissioner, an owner which is a planned real estate development within the meaning of P.L.1977, c.419 (C.45:22A-21 et seq.) shall, as a condition of eli-

gibility for funding under this act, transfer into the fund the moneys accumulated, to the date of such approval, in its regular reserve fund for roof replacement for the roof areas covered by the claim, and shall agree to deposit into the fund periodically thereafter until completion of the remediation all moneys which, under the fiscal administration of the owner, would otherwise be due to be so paid into that reserve fund. The same conditions of eligibility may be imposed by the commissioner upon an owner which is not a planned real estate development within the meaning of the law, whenever it appears to the commissioner from the documentation substantiating the claim that the owner has in fact established a reserve fund for this purpose and has accumulated moneys therein with a view to future roof replacement. Moneys transferred into the fund pursuant to this subsection shall equal the standard of adequacy established by the commissioner. For the purposes of this subsection the commissioner shall determine the amount of reserves deemed to represent an adequate level for roof reserve funding, taking into account the age of the affected structures, the type of construction, and other relevant factors, such as the public offering statement for the project filed with the department pursuant to the "Planned Real Estate Development Full Disclosure Act," P.L.1977, c.419 (C.45:22A-21 et seq.).

c. A surcharge levied pursuant to subsection a. of this section shall be due and payable by the builder prior to transfer of title to the owner, and shall be made directly to the department, which shall issue a receipt to the builder and a duplicate thereof to the owner. No certificate of occupancy pursuant to section 15 of P.L.1975, c.217 (C.52:27D-133) shall be issued except after presentation to the enforcing agency of the receipt or verified duplicate.

d. Moneys recovered pursuant to section 5 of this act shall be deposited in the fund. Whenever in making the annual estimate pursuant to subsection a. of this section the commissioner determines that the amount of money that will be available in the fund to meet pending and anticipated claims will exceed the amount necessary for that purpose, the commissioner shall provide that the excess be refunded to those builders who have paid assessments levied in accordance with subsection a. of this section. Refunds to each builder shall bear the same proportion to the total excess being refunded as that builder's proportionate share of all surcharges theretofore levied and collected.

C.46:3B-17 Legal action to pursue claims.

5. a. The commissioner, on behalf of the State and for the benefit of the fund, shall take such legal action as may be necessary or

appropriate to pursue any claims against any responsible party, which may appear justified upon the record of any claims approved by the commissioner pursuant to section 3 of this act or which otherwise may appear justified. The Attorney General may sue in any federal or state court, in the name of this State, or enter into any appropriate arbitration proceeding under the laws of this or any other state, and may engage such private counsel and employ such technical experts as the Attorney General, after consultation with the commissioner, deems necessary for full and effective prosecution of any legal action to recover from responsible parties for any of the claims referred pursuant to this act as well as to recover against responsible parties for any other claims, whether or not referred by the commissioner, that the Attorney General may choose to prosecute arising out of what is commonly referred to as the consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), or upon any other applicable legal basis.

b. Any moneys recovered pursuant to subsection a. of this section shall, after deduction of the expenses of the Attorney General to the extent that such expenses have not already been reimbursed directly out of the fund in pursuit of any claim or claims by the Attorney General against the party from whom such recovery is obtained, be deposited in the fund, provided that any civil penalty or costs imposed under P.L.1960, c.39 (C.56:8-1 et seq.), shall be deposited in accordance with that act.

c. Nothing in this act shall be expressly or impliedly construed or interpreted to abrogate or limit the authority of the Attorney General to investigate and prosecute FRT plywood related claims, whether or not referred by the commissioner, under P.L.1960, c.39 (C.56:8-1 et seq.) or any other statutory or legal basis available to the Attorney General.

C.46:3B-18 Submission of claims.

6. a. Any person that prior to the effective date of this act had instituted a civil action to recover damages arising out of the failure of FRT plywood may submit a claim under the provisions of this act within 120 days of the effective date of the rules adopted by the commissioner that set forth an approved testing procedure or an alternate procedure for the detection of defective FRT plywood and the procedure for filing a claim hereunder. The claim shall set forth information as deemed necessary by either the commissioner or the Attorney General, including but not limited to: the caption and docket number of the civil action; the name, address and tele-

phone number of the claimant's attorney, if any; the status of the civil action; and the status of the discovery. As part of the claim, the claimant shall submit a copy of all pleadings and orders filed in the civil action including the complaint, answers, counter-claims, cross-claims, or any amendments thereto, and any expert reports exchanged among the parties. The commissioner or the Attorney General may require the submission of other documents or information by the claimant or the claimant's attorney as may be necessary to effectuate the purposes of this section.

b. A claim filed with the commissioner pursuant to subsection a. of this section, by any person who had instituted or whose interests are being litigated in any pending civil action, shall be subject to the following reviews and determinations respectively by the commissioner and the Attorney General prior to and as a condition of the disbursement of any advance funding by the commissioner pursuant to section 3 of this act and the corresponding assignment of the claimant's rights against potentially responsible parties to the State:

(1) The Attorney General shall initially review the claim, documents and information required to be filed pursuant to subsection a. of this section to determine, in the Attorney General's discretion based on the information provided at that time and subject to further information that may be obtained or developed, whether the acceptance of any assignment of the claimant's rights against responsible parties asserted in the existing civil action would, for any one or more reasons, be impractical or otherwise contrary to the best interests of the State or the public. Such reasons warranting initial rejection of the claim by the Attorney General may include but are not limited to:

(a) if one or more co-plaintiffs in the claimant's civil action, or other aggrieved parties whose rights should have been litigated with those of the claimant in the existing action under entire controversy principles, have not themselves filed claims with the commissioner, or have had their own claims rejected by the Attorney General or the commissioner;

(b) if the court in which the civil action is pending has issued orders in, or otherwise imposed conditions on, the litigation which the Attorney General finds would be impractical or otherwise contrary to the best interests of the State or the public to accept if the claimant's rights against potentially responsible parties were assigned to the State;

(c) if all or the approved portion of the claims of the claimant in the litigation against potentially responsible parties cannot be severed from other claims in the litigation not being assigned to the State;

(d) if the testimony or other evidence that has emerged in discovery or in the investigation of the case make it impractical or otherwise contrary to the best interests of the State or the public to accept the assignment of the claimant's rights;

(e) if the claimant has presented insufficient information upon which the Attorney General can recommend the acceptance of the assignment of the claimant's rights;

(f) if it would not be cost-effective to accept the assignment and litigate the claimant's rights against potentially responsible parties; or

(g) any other reason within the discretion of the Attorney General.

The Attorney General shall not be obligated to disclose to the claimant the specific reason for the initial recommendation to reject the assignment.

(2) If the Attorney General determines in the initial review to recommend the assignment of the claimant's rights against responsible parties, the commissioner shall then review the claim in accordance with section 3 of this act.

(3) If the commissioner approves a claim in whole or in part, the Attorney General shall perform a final review of the claim, the documents required to be filed pursuant to subsection a. of this section, and any other documents or information the Attorney General deems necessary, including but not limited to the consideration of any intervening developments in the litigation, to determine in the Attorney General's discretion whether the acceptance of any assignment of the claimant's rights against responsible parties asserted in the existing civil action would, for any reasons, be impractical or otherwise contrary to the best interests of the State or the public. Such reasons warranting the final rejection of the claim by the Attorney General may include those reasons set forth in paragraph (1) of this subsection. The Attorney General shall not be obligated to disclose to the claimant the specific reason for the final rejection of the assignment.

(4) If the Attorney General determines in the final review to recommend the assignment of the claimant's rights against responsible parties, the claimant or its counsel, upon the request of the Attorney General, shall move before the court in which the civil action is pending for any or all of the following relief: a voluntary dismissal of the action or the claimant's own claims therein without prejudice; the severance of those claims approved by the Attorney

General and the commissioner from other claims in the civil action; a stay of the proceedings in the action; or any other procedural relief that the Attorney General may deem appropriate. The filing of such a motion and the obtaining of the relief requested by the Attorney General shall be necessary conditions of the payment of any claim and the corresponding assignment of the claimant's rights against potentially responsible parties to the State.

(5) If the Attorney General determines in the final review to recommend the assignment of the claimant's rights to the State and the court in which the civil action is pending grants the procedural relief deemed necessary and requested by the Attorney General, the claim, if otherwise eligible for advance funding pursuant to section 3 of this act, shall be paid by the commissioner upon the assignment to the State of the claimant's rights against potentially responsible parties. As a condition of payment of the claims and the assignment of the claimant's rights to the State, the claimant and its prior counsel and any of its employees, members and agents shall cooperate with the Attorney General's pursuit of the claim or any related civil action, including, but not limited to, making available to the Attorney General all evidence or material previously gathered and expert reports obtained by the claimant or its counsel to pursue the claim, making the premises available for inspection by the Attorney General, the commissioner, or their employees or agents, and testifying in any administrative or judicial proceedings. The failure of the claimant or its counsel, employees, members or agents to cooperate fully with the Attorney General or the commissioner shall constitute a basis to deny payment of the claim and the refusal of its assignment or, in instances where the claim has already been paid and assigned, for the rescission of the assignment and the recovery by the commissioner of any monies paid by the commissioner to the claimant pursuant to this act.

(6) The Attorney General's initial recommendation to accept the assignment of a claim shall not be construed to impose any obligation on the commissioner to approve all or part of that claim unless the commissioner is satisfied that the claim meets the standards of section 3 of this act. Neither the Attorney General's initial recommendation to accept assignment of a claim, the commissioner's approval of that claim, the Attorney General's final determination to accept assignment of the claim, or the fact of the assignment itself shall be construed to require the Attorney General to file or maintain a legal action against potentially responsible parties relating to that particular claim unless the

Attorney General, in the Attorney General's discretion, determines that it remains practical and in the best interests of the State and the public to do so. If the claimant's rights are assigned to the State, the Attorney General shall have the sole discretion to determine the manner in which to proceed on the claim in the existing civil action or otherwise.

(7) If the court in which the civil action is pending grants, at the request of the Attorney General, a claimant's motion for a voluntary dismissal of the action without prejudice, any subsequent action commenced by the Attorney General encompassing the claimant's rights which have been assigned to the State shall be deemed to have been commenced for purposes of the applicable statute or statutes of limitations at the time the claimant instituted the original dismissed civil action.

c. If a person that had instituted a civil action prior to the adoption of this act to recover damages arising out of the failure of FRT plywood fails to submit a timely and complete claim with the commissioner in accordance with subsections a. and b. of this section, that person may continue to pursue its civil action and such failure to submit a timely claim shall bar that person from pursuing any remedy under this act or from otherwise challenging any actions or inactions by the commissioner or the Attorney General relating to their administration of this act.

d. If the commissioner denies any claim accepted for filing under this section in full or in part, any challenge by the claimant to the commissioner's action on the claim shall be limited exclusively to the remedy and hearing procedures set forth in section 3 of this act. Neither the Attorney General's initial recommendation or final determination to accept or reject an assignment of a claim shall be subject to administrative or judicial review. Neither the commissioner's action on the claim, or the Attorney General's determination, whether preliminary or final, to accept or reject an assignment of a claim pursuant to subsection b. of this section, shall constitute a basis for the claimant or any other person or entity to make the State, the department, the commissioner, the Attorney General or any of their respective officials, employees, or agents a party to any civil action.

e. Except as set forth in subsection d. of this section, the commissioner's review and action on any claim, the initial recommendation and the final determination of the Attorney General to accept or reject an assignment of the claimant's claim, and any oral or written communications or mental processes which

reflect or relate to those reviews and determinations by the commissioner and the Attorney General shall not in any way be subject to discovery or inquiry in any administrative or judicial proceedings, and any documents obtained or issued in the course of these reviews and determinations shall not constitute public records pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.) or the common law. All documents and information communicated to the Attorney General and the commissioner by the claimant or its counsel under this section shall be fully protected by all privileges applicable by statute, court rule, or common law for attorney-client communications and attorney work product, and the communication of that information to the Attorney General or the commissioner by claimant or its counsel shall not be deemed a waiver of any of those privileges and shall not provide a basis to require those communications to be disclosed to potentially responsible parties, or their counsel, or others.

7. Section 2 of P.L.1977, c.467 (C.46:3B-2) is amended to read as follows:

C.46:3B-2 Definitions.

2. As used in this act:
 - a. "Department" means the Department of Community Affairs.
 - b. "Commissioner" means the Commissioner of Community Affairs.
 - c. "Warranty" means the warranty prescribed by the commissioner pursuant to this act.
 - d. "New home" means any dwelling unit not previously occupied, excluding dwelling units constructed solely for lease.
 - e. "Owner" means any person for whom the new home is built or to whom the home is sold for occupation by him or his family as a home and his successors in title to the home or mortgagee in possession. Owner does not mean any development company, association or subsidiary company of the builder or any person or organization to whom the home may be sold or otherwise conveyed by the builder for subsequent resale, letting or other purpose.
 - f. "Builder" means any individual corporation, partnership or other business organizations engaged in the construction of new homes.
 - g. "Major construction defect" means any actual damage to the load bearing portion of the home including damage due to subsidence, expansion or lateral movement of the soil (excluding movement caused by flood or earthquake) which affects its load

bearing function and which vitally affects or is imminently likely to vitally affect use of the home for residential purposes.

h. "Warranty date" means the first occupation or settlement date, whichever is sooner.

i. "Approved claim" means, for the purposes of P.L.1991, c.202 (C.46:3B-13 et al.), a claim examined and approved by the commissioner in accordance with section 3 of P.L.1991, c.202 (C.46:3B-15).

j. "Approved method" means, for the purposes of P.L.1991, c.202 (C.46:3B-13 et al.), a method of remediation approved by the commissioner in accordance with section 3 of P.L.1991, c.202 (C.46:3B-15).

k. "Fund" means, for the purposes of P.L.1991, c.202 (C.46:3B-13 et al.), the new home warranty security fund established in the department pursuant to section 7 of P.L.1977, c.467 (C.46:3B-7).

l. "Warranty guarantor" means, for the purposes of P.L.1991, c.202 (C.46:3B-13 et al.), (1) the new home warranty program established in the department pursuant to P.L.1977, c.467 (C.46:3B-1 et seq.) or (2) any alternate new home warranty security program approved pursuant to section 8 of P.L.1977, c.467 (C.46:3B-8).

8. Section 15 of P.L.1975, c.217 (C.52:27D-133) is amended to read as follows:

C.52:27D-133 Certificates of occupancy.

15. No building or structure hereafter constructed shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the enforcing agency. No building or structure hereafter altered, in whole or in part, shall be used or occupied until such a certificate has been issued, except that any use or occupancy in an already existing building or structure that was not discontinued during its alteration may be continued in the preexisting structure for 30 days after the completion of the alteration without the issuance of a certificate of occupancy. A certificate of occupancy shall be issued by the enforcing agency when all of the work covered by a construction permit shall have been completed in accordance with the permit, the code, and other applicable laws and ordinances. In the case of any new home subject to sales surcharge pursuant to P.L.1991, c.202 (C.46:3B-13 et al.) a certificate of occupancy shall not be issued except after presentation of a receipt, or verified duplicate thereof, from the Department of Community Affairs evidencing the payment of the surcharge. On request of a holder of a construction permit, the appropriate enforcing agency may issue a

temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the construction permit has been completed, if the part or parts of the building or structure to be covered by the certificate may be occupied prior to completion of all work in accordance with the permit, the code, and other applicable laws and ordinances, without endangering the health and safety of the occupants or users. When a building or structure is entitled thereto, the enforcing agency shall issue a certificate of occupancy within 10 business days after receipt of a written application therefor in accordance with regulations established by the commissioner on a form prescribed by the commissioner accompanied by payment of a fee to be established by the municipal governing body by ordinance in accordance with standards established by the commissioner. The certificate of occupancy shall certify that the building or structure has been constructed in accordance with the provisions of the construction permit, the code, and other applicable laws and ordinances.

9. The commissioner shall adopt and promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary or expedient to the timely and effective implementation of this act.

C.46:3B-19 No payment for defect in new home warranted under alternative program.

10. Except as otherwise provided in this act, no payment shall be made from the new home warranty security fund established pursuant to section 7 of P.L.1977, c.467 (C.46:3B-7) for any defect in any new home warranted under an approved alternative new home warranty security program approved pursuant to section 8 of P.L.1977, c.467 (C.46:3B-8). The builder or other transferor of any new home warranted under an approved alternative new home warranty security program shall give written notice to the owner, and to any subsequent purchaser during the period in which the warranty is in effect, that the approved alternate new home warranty security program has exclusive responsibility for warranting the new home and that no claim may be brought against the new home warranty security fund for any cause other than defective FRT plywood roof sheathing.

C.46:3B-20 Claimant deemed to have elected remedy.

11. a. For purposes of a claim filed by a claimant for damages arising out of the failure of fire retardant treated plywood pursuant

to this act, the claimant shall be deemed to have elected a remedy pursuant to section 9 of P.L.1977, c.467 (C.46:3B-9) upon the filing of a claim with the commissioner pursuant to section 2 or section 6 of this act. However, such an election of remedy shall not be deemed to have occurred for a claim filed pursuant to section 6 of this act if the assignment of the claim is declined by the Attorney General pursuant to paragraph (1) or (3) of subsection b. of section 6 of this act, or if the relief required for the assignment of the claim pursuant to paragraph (4) of subsection b. of section 6 of this act is denied by the court. In such instance the claimant may continue to pursue the civil action for damages arising out of the failure of fire retardant treated plywood.

b. For purposes of this section, a "claim" means a claim filed pursuant to this act by an owner, a warranty guarantor, a builder, or jointly by an owner and builder for the remediation of damages to any portion of the affected structure or structures arising out of the failure of fire retardant treated plywood. For purposes of this section, the claim shall be deemed to include all portions of the structure or structures which contain fire retardant treated plywood, whether or not the claimant or the joint claimant has sought remediation of all the affected structure or structures.

c. The provisions of section 9 of P.L.1977, c.467 (C.46:3B-9), shall not be deemed to preclude the Attorney General from filing, maintaining, or continuing a legal action against potential responsible parties regarding a claim which the Attorney General has accepted for assignment pursuant to this act.

12. This act shall take effect on the 90th day next following the date of enactment, except that section 9 shall take effect immediately.

Approved July 11, 1991.

CHAPTER 203

AN ACT increasing the membership of the boards of taxation of certain counties and amending R.S.54:3-2.

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

1. R.S.54:3-2 is amended to read as follows:

Taxation board members.

54:3-2. Each board shall, as heretofore, be known as the county board of taxation, and be composed of three members, except as hereinafter provided, to be appointed by the Governor by and with the advice and consent of the Senate. Each member shall be a resident and citizen of the county in and for which he is appointed. Members shall be chosen because of their special qualifications, knowledge and experience in matters concerning the valuation and taxation of property, particularly of real property. At no time shall more than two of the members belong to the same political party. In counties of the first class and in counties of the fifth class having a population of more than 500,000 there shall be five members of whom no more than three shall belong to the same political party. 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, Division of Labor Market and Demographic Research. Each member shall, within 24 months of appointment, unless the member shall have served as a member of the county board of taxation continuously for at least 10 years prior to the effective date of P.L.1981, c.516, was reappointed to a five-year term prior to that date, and is currently serving that term, furnish proof that he has received certificates indicating satisfactory completion of training courses designated in section 4 of P.L.1967, c.44 (C.54:1-35.28) or that he possesses an assessor's certificate issued pursuant to P.L.1967, c.44, as supplemented. Each member serving on the effective date of P.L.1979, c.499, unless the member shall have served as a member continuously for at least 10 years prior to the effective date of P.L.1981, c.516, was reappointed to a five-year term prior to that date, and is currently serving that term, shall furnish such proof within 30 months of such effective date, if 30 months or more of his term are remaining thereafter.

If any member so required does not furnish such proof within said 24-month period, or 30-month period for any member serving on the effective date of P.L.1979, c.499, the county tax administrator shall immediately notify the president of the county board of taxation and the Director of the Division of Taxation. The director shall upon the receipt of such notification declare the position to be vacant, and shall notify the Governor of the existence of such vacancy. The Governor shall thereupon appoint, with the advice

and consent of the Senate, a different citizen and resident of the relative county to fill such position for the unexpired term.

2. This act shall take effect immediately.

Approved July 12, 1991.

CHAPTER 204

AN ACT concerning certain Alcoholic Beverage Control Enforcement Bureau inspectors and certain Marine Law Enforcement Bureau officers.

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

1. a. The provisions of any other law to the contrary notwithstanding, the appointing authority of any county or municipality which has established and maintains a police force and wherein Title 11A (Civil Service) of the New Jersey Statutes is operative and the sheriff of every county may include as duly qualified applicants on its list of eligibles for initial appointment as a member or officer any person who:

(1) Was serving as an inspector in good standing of the Alcoholic Beverage Control Enforcement Bureau or as an officer in good standing of the Marine Law Enforcement Bureau in the Division of State Police in the Department of Law and Public Safety on April 1, 1991;

(2) Has successfully completed the training program and examination conducted by the Division of State Police and established, to the satisfaction of the Superintendent of State Police, evidence of his mental and physical fitness and ability to perform the duties of an inspector of the Alcoholic Beverage Control Enforcement Bureau or officer of the Marine Law Enforcement Bureau, as the case may be; and

(3) Was, for reasons of economy, terminated as an inspector of the Alcoholic Beverage Control Enforcement Bureau or as an officer of the Marine Law Enforcement Bureau, as the case may be, on or after April 14, 1991.

b. The appointing authority of a county or municipality or a county sheriff's office shall notify the Commissioner of Personnel whenever it determines to include on its list of eligibles for initial appointment as a member or officer a person meeting the qualifications set forth in subsection a. of this section. Notice shall be in a manner and form prescribed by the commissioner. If the commissioner determines that the person meets the qualifications set forth in subsection a. of this section, he shall provide for the inclusion of that person on the list of eligibles, notwithstanding that the person so included has not taken any examination required under the provisions of Title 11A (Civil Service) of the New Jersey Statutes or that the list was already certified by the commissioner.

c. Any person included on a list of eligibles pursuant to subsection b. of this section shall be eligible for appointment as a municipal police officer notwithstanding that the person's age is greater than the maximum age for appointment thereto set forth in N.J.S.40A:14-127.

d. Any person included on a list of eligibles pursuant to subsection b. of this section shall be placed on the list immediately below those persons granted veterans' preference under N.J.S.11A:5-5.

e. Nothing in this act shall be construed in any way to waive any of the provisions or requirements of P.L.1961, c.56 (C.52:17B-66 et seq.).

2. This act shall take effect immediately and shall expire on the first day of the seventh month following enactment.

Approved July 12, 1991.

CHAPTER 205

AN ACT concerning the administration of certain State labor laws,
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 1 of P.L.1965, c.173 (C.34:11-4.1) is amended to read as follows:

C.34:11-4.1 Definitions.

1. As used in this act:

a. "Employer" means any individual, partnership, association, joint stock company, trust, corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, employing any person in this State.

For the purposes of this act the officers of a corporation and any agents having the management of such corporation shall be deemed to be the employers of the employees of the corporation.

b. "Employee" means any person suffered or permitted to work by an employer, except that independent contractors and subcontractors shall not be considered employees.

c. "Wages" means the direct monetary compensation for labor or services rendered by an employee, where the amount is determined on a time, task, piece, or commission basis excluding any form of supplementary incentives and bonuses which are calculated independently of regular wages and paid in addition thereto.

d. "Commissioner" means the Commissioner of Labor.

2. Section 9 of P.L.1965, c.173 (C.34:11-4.9) is amended to read as follows:

C.34:11-4.9 Duties of commissioner.

9. a. The commissioner shall enforce and administer the provisions of this act and the commissioner or his authorized representatives are empowered to investigate charges of violations of this act.

b. The commissioner or his authorized representatives are empowered to enter and inspect such places, question such employees and investigate such facts, conditions or matters as they may deem appropriate to determine whether any person has violated any provision of this act or any rule or regulation issued hereunder or which may aid in the enforcement of the provisions of this act.

c. The commissioner or his authorized representatives shall have power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any proceeding before the commissioner.

d. If a person fails to comply with any subpoena lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court, on application by the commissioner, to compel obedience by proceedings for contempt, as in the case

of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

e. The commissioner is authorized to supervise the payment of amounts due to employees pursuant to Article 1 of chapter 11 of Title 34 of the Revised Statutes, and the employer may be required to make these payments to the commissioner to be held in a special account in trust for the employees, and paid on order of the commissioner directly to the employee or employees affected. The employer shall also pay the commissioner an administrative fee equal to not less than 10% or more than 25% of any payment made to the commissioner pursuant to this section. The amount of the administrative fee shall be specified in a schedule of fees to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied to enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

3. Section 10 of P.L.1965, c.173 (C.34:11-4.10) is amended to read as follows:

C.34:11-4.10 Penalty.

10. Any employer who knowingly and willfully violates any provision of P.L.1965, c.173 (34:11-4.1 et seq.) shall be guilty of a disorderly persons offense and, upon conviction for a violation, shall be punished by a fine of not less than \$100 nor more than \$1,000. Each day during which any violation of this act continues shall constitute a separate and distinct offense.

As an alternative to or in addition to any other sanctions provided by law for violations of P.L.1965, c.173 (C.34:11-4.1 et seq.), when the Commissioner of Labor finds that an employer has violated that act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the employer, the seriousness of the violation, the good faith of the employer and the size of the employer's business. No administrative pen-

alty shall be levied pursuant to this section unless the Commissioner of Labor provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

4. R.S.34:11-58 is amended to read as follows:

Investigation of wage claims; testimony; award and judgment.

34:11-58. The commissioner is authorized and empowered to investigate any claim for wages due an employee and in such investigation may summon the defendant, subpoena witnesses, administer oaths, take testimony and shall upon such proceeding make a decision or award when the sum in controversy, exclusive of costs, does not exceed \$10,000.00.

Such decision or award shall be a judgment when a certified copy thereof is filed with the Superior Court.

Such judgment shall be entered in the same manner and have the same effect and be subject to the same proceedings as are judgments rendered in suits duly heard and determined by courts of competent jurisdiction.

The commissioner is authorized to supervise the payment of amounts due to employees under an award made pursuant to this section, and the employer may be required to make these payments to the commissioner to be held in a special account in trust for the employees, and paid on order of the commissioner directly to the employee or employees affected. The employer shall also pay the commissioner an administrative fee equal to not less than 10% or more than 25% of any payment made to the commissioner pursuant to this section. The amount of the administrative fee shall be specified in a schedule of fees to be promul-

gated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied to enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

5. Section 23 of P.L.1966, c.113 (C.34:11-56a22) is amended to read as follows:

C.34:11-56a22 Violations; penalties.

23. Any employer who willfully hinders or delays the commissioner, the director or their authorized representatives in the performance of his duties in the enforcement of this act, or fails to make, keep, and preserve any records as required under the provisions of this act, or falsifies any such record, or refuses to make any such record accessible to the commissioner, the director or their authorized representatives upon demand, or refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this act to the commissioner, the director or their authorized representatives upon demand, or pays or agrees to pay wages at a rate less than the rate applicable under this act or any wage order issued pursuant thereto, or otherwise violates any provision of this act or of any regulation or order issued under this act shall be guilty of a disorderly persons offense and shall, upon conviction for a first violation, be punished by a fine of not less than \$100 nor more than \$1,000 or by imprisonment for not less than 10 nor more than 90 days or by both the fine and imprisonment and, upon conviction for a second or subsequent violation, be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment for not less than 10 nor more than 100 days or by both the fine and imprisonment. Each week, in any day of which an employee is paid less than the rate applicable to him under this act or under a minimum fair wage order, and each employee so paid, shall constitute a separate offense.

As an alternative to or in addition to any other sanctions provided by law for violations of the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), when the Commissioner of Labor finds that an individual has violated that act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Adminis-

trative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the employer, the seriousness of the violation, the good faith of the employer and the size of the employer’s business. No administrative penalty shall be levied pursuant to this section unless the Commissioner of Labor provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to “the penalty enforcement law” (N.J.S.2A:58-1 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

6. Section 19 of P.L.1940, c.153 (C.34:2-21.19) is amended to read as follows:

C.34:2-21.19 Penalty.

19. Whoever employs or permits or suffers any minor to be employed or to work in violation of this act, or of any order or ruling issued under the provisions of this act, or obstructs the Department of Labor, its officers or agents, or any other person authorized to inspect places of employment under this act, and whoever, having under his control or custody any minor, permits or suffers him to be employed or to work in violation of this act, shall be guilty of an offense. If a defendant acts knowingly, an offense under this section shall be a crime of the fourth degree. Otherwise it shall be a disorderly persons offense and the defendant shall, upon conviction for a violation, be punished by a fine of not less than \$100 nor more than \$1,000. Each day during which any violation of this act continues shall constitute a separate and distinct offense, and the employment of any minor in

violation of the act shall with respect to each minor so employed, constitute a separate and distinct offense.

As an alternative to or in addition to any other sanctions provided by law for violations of P.L.1940, c.153 (C.34:2-21.1 et seq.), when the Commissioner of Labor finds that an individual has violated that act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the employer, the seriousness of the violation, the good faith of the employer, and the size of the employer's business. No administrative penalty shall be levied pursuant to this section unless the Commissioner of Labor provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

7. R.S.34:7-3 is amended to read as follows:

Fees; revocation or suspension of license.

34:7-3. Each application for examination for any license issued by the bureau shall be accompanied by fees as set forth in this section. Such fees shall be made payable to the Commissioner of Labor. There shall be no other charge for the initial examination or for one re-examination taken within six months of the original

examination. Failure to appear for examination or to obtain a passing grade shall not entitle the applicant to a refund of any fee.

Original application	\$25
Raise of grade or additional classification application	\$20
Additional examinations, in excess of two, on any application	\$10
Annual license renewal if requested no later than expiration date	\$10
License renewal for three years if requested no later than expiration date	\$20
Application for renewal, if made not more than three years after expiration and if all penalties lawfully imposed upon the applicant by the Mechanical Inspection Bureau have been paid	
1 year	\$15
3 years	\$30

Upon failure to so renew a license for a period of three years and one day after expiration date all records pertaining to such license may be destroyed pursuant to the "Destruction of Public Records Law (1953)," P.L.1953, c.410 (C.47:3-15 et seq.) and any application for renewal of the license will be treated as an original application for examination. All fees collected under this article shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

Any license may be revoked or suspended by the commissioner upon receiving evidence of incompetence, negligence, intoxication while on duty or other reason establishing that the licensee is unfit to hold a license, after notice is given to the licensee and a hearing afforded him before one or more members of the examining board. In case revocation or suspension is recommended by the member or members conducting the hearing, it shall not be acted upon by the commissioner until at least 15 days' notice of the recommendation shall be given to the licensee and an opportunity afforded him within that time period to ask for a rehearing before the commissioner. After rehearing, if requested, the commissioner may affirm, modify or dismiss such recommendation. Pending a hearing or rehearing as provided in this paragraph, the commissioner may authorize the suspension of a license in the interest of health and safety.

8. R.S.34:7-6 is amended to read as follows:

Penalties.

34:7-6. Any person who shall violate any of the provisions of this article shall be liable to a penalty of not less than \$50 nor more than \$500, to be collected by suit or compromise. An officer of a corporation violating any of the provisions of this article shall be personally liable for the violation by such corporation. Any manager, superintendent or other person in charge of any building or other places in which this article is violated shall be liable for such violation. Any sum collected as a penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

9. R.S.34:7-15 is amended to read as follows:

Fee for inspecting and testing; inspection of new vessels or vessels under construction.

34:7-15. a. For each internal and external inspection of vessels specified in subsection a. of R.S.34:7-14, which shall include hydrostatic test if found necessary, the owner, lessee or operator of the vessel shall pay to the Department of Labor a fee of \$25 for vessels having 10 and not over 60 square feet of heating surface, \$35 for vessels over 60 and not over 1,000 square feet of heating surface and \$50 for vessels over 1,000 square feet of heating surface; plus the actual travel expenses of the inspector.

b. For each inspection of vessels specified in subsection b. of R.S.34:7-14, the owner, lessee or operator of the vessel shall pay to the Department of Labor the actual travel expenses of the inspector and a fee of \$5.00 for vessels not over 30 square feet size, \$10.00 for vessels over 30 but not over 60 square feet size, \$15.00 for vessels over 60 but not over 100 square feet size, \$20.00 for vessels over 100 square feet size. In determining size rating, the extreme diameter multiplied by the vessel length, or equivalent dimensions, shall be used.

c. The Division of Workplace Standards shall maintain an inspection service for the purpose of providing shop inspection of those vessels regulated by chapter 7 of Title 34 of the Revised Statutes, which are under construction or new, or which are to be used for a purpose other than that for which originally approved, or which have never been subject to a previous inspection in New Jersey. This service shall be provided for New Jersey builders, owners or users of such vessels upon their request only. The fees for this

service, exclusive of the actual travel expenses of the inspector, which also shall be paid, shall be set by the commissioner and shall be: (1) not more than \$25.00 for each vessel inspected, provided that he may establish a charge for each visit, for the purpose of inspection, of not less than \$50.00 nor more than \$300; (2) for construction review of vessel not designed in accordance with standards set by the Board of Boiler, Pressure Vessel and Refrigeration Rules, not less than \$500 nor more than \$1,500.

10. R.S.34:7-16 is amended to read as follows:

Additional external inspection; fee.

34:7-16. In addition to the annual internal and external inspection, there may be an external inspection if found necessary of each vessel specified in subsection a. of R.S.34:7-14, which shall be made as nearly as may be at the expiration of 6 months from each annual inspection and for which the owner, lessee or operator shall pay to the inspector a fee of \$25, in addition to the actual cost of travel incurred by the inspector in going to and returning from the place of inspection. Each vessel insured by an insurance company may also be given an external inspection by a certified inspector.

11. R.S.34:7-19 is amended to read as follows:

Report by insurance company making inspection.

34:7-19. An insurance company making an inspection of any vessel specified in R.S.34:7-14 shall make a report of such inspection to the commissioner in such manner and at such intervals as he may by rules provide, and shall pay the commissioner a fee of not less than \$2.00 nor more than \$10 as set by the commissioner, payable by and collected from the owner, lessee or operator by the insurer or inspector at the time of inspection for each boiler insured within the State. It is further provided that payment of these fees may be made by the insurer through other methods when required or allowed by the commissioner, as provided in R.S.34:7-18.

12. R.S.34:7-25 is amended to read as follows:

Refrigeration systems; inspection; fees; certificate.

34:7-25. All refrigeration systems using flammable or toxic refrigerants of over three tons of refrigerating capacity or requiring over six driving horsepower, and all refrigeration systems using nonflammable and nontoxic refrigerants of over 18 tons of

refrigerating capacity or requiring over 36 driving horsepower, having relief devices set over 15 pounds per square inch gage and used in a plant of any size or storage capacity, shall be inspected annually by an inspector of the Mechanical Inspection Bureau or of an insurance company, as provided in subsection a. of R.S.34:7-14; and the owner, lessee or operator shall comply with the recommendations of the inspector in conformity with the rules and regulations adopted by the Board of Boiler, Pressure Vessel and Refrigeration Rules of the Mechanical Inspection Bureau and approved by the commissioner.

The fees for such inspection by an inspector of the Mechanical Inspection Bureau shall be as follows:

a. Refrigeration systems of 25 tons and over, but less than 300 tons of refrigerating capacity, the sum of \$50 for each inspection, plus the actual travel expense of the inspector;

b. Refrigeration systems under 25 tons and over 3 tons of refrigerating capacity, the sum of \$35 for each inspection, plus the actual travel expense of the inspector;

c. Refrigeration systems of 300 tons or over of refrigerating capacity, the sum of \$70 for each inspection, plus the actual travel expense of the inspector.

The fees and travel expenses shall be paid to the inspector, at the time of inspection, by the owner, lessee or operator of the refrigeration system.

The annual inspection and inspection reports of refrigeration systems by insurance companies licensed to do business within this State and otherwise complying with this chapter shall be accepted in lieu of other inspections. Each insurance company shall file with the commissioner a report of each inspection and shall pay to him a fee of \$10 for each annual refrigeration system inspection, to be collected by the insurer from the owner or lessee of the plant inspected. After the owner, lessee or operator has complied with the rules or regulations, a certificate shall be issued by the Mechanical Inspection Bureau, which certificate shall be valid for one year and be the authority for the operation of the refrigeration system during such time. Upon expiration, the certificate shall be renewed by the Mechanical Inspection Bureau if the refrigeration system is found to be in proper condition for operation within the prescribed rules of the Mechanical Inspection Bureau. All fees collected under chapter 7 of Title 34 of the Revised Statutes shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

13. R.S.34:7-26 is amended to read as follows:

Penalties; recovery.

34:7-26. Any owner, lessee, seller or operator of any steam or hot water boiler or similar equipment specified in R.S.34:7-14, pressure vessel or refrigeration system who shall sell, use, cause or allow to be used such steam or hot water boiler or similar equipment specified in R.S.34:7-14, pressure vessel or refrigeration system in violation of any provision of this article shall be liable to a penalty of not less than \$500.00 nor more than \$1,000.00 for each first offense and not less than \$500.00 nor more than \$2,500.00 for each subsequent offense, to be collected by a civil action or, in the commissioner's discretion, to be imposed by the commissioner as a compromise. All civil actions shall be brought by the Department of Labor as plaintiff, and may be brought in the Special Civil Part, Law Division of the Superior Court of the county, or municipal court of the municipality, wherein such violation shall occur. Any sum collected as a penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

14. Section 16 of P.L.1941, c.308 (C.34:6-136.16) is amended to read as follows:

C.34:6-136.16 Enforcement; administration, oaths, affidavits, subpoenas, witnesses.

16. Enforcement, administration, oaths, affidavits, subpoenas, witnesses.

(a) The commissioner shall enforce and administer the provisions of this act and the commissioner is directed to make all inspections and investigations necessary for proper enforcement and administration thereof.

(b) In the administration of this act the commissioner shall have the power to administer oaths, take affidavits and the depositions of witnesses and issue subpoenas for and compel the attendance of witnesses and the production of papers, books, accounts, payrolls, documents, records, testimony and other evidence of whatever description. In the case of failure of any person to comply with any order of the commissioner or subpoena, lawfully issued, or on the refusal of any witness to produce evidence or to testify as to any matter regarding which he may be lawfully interrogated, it shall be the duty of the Special Civil Part, Law Division, of the Superior Court or the Superior Court, or the judge thereof, upon application

by the commissioner to compel obedience by proceedings for contempt, as in the case of disobedience of a subpoena issued for such court or a refusal to testify therein.

(c) Notwithstanding the provisions of any other general, local or special law, all fees and other moneys derived from the operation of this act shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

15. Section 19 of P.L.1941, c.308 (C.34:6-136.19) is amended to read as follows:

C.34:6-136.19 Penalties.

19. Penalties. Any employer or person who: (1) Directly or indirectly in any way, distributes, delivers or causes to be distributed or delivered, or sells or causes to be sold, articles or materials for industrial home work in violation of any provision of this act or of any rule, regulation or order issued thereunder; or (2) Violates or fails to comply with any provision of this act or any rule, regulation or order issued thereunder; or (3) Does not possess a valid employer's permit issued by the commissioner pursuant to section 7 of this act or fails to comply with any provision or condition of that permit; or (4) Refuses to allow the commissioner or his authorized representative to enter his place of business or other place for the purpose of investigating in the enforcement of this act, and of inspecting any records required to be kept by section 10 of this act; or (5) Willfully makes a false statement or representation in order to lower the amount of fees due from him under this act; or (6) Makes any deduction from the wages or salary of a home worker in order to pay any portion of a payment which the employer or person is required to make by this act; shall be guilty of a disorderly persons offense and, upon conviction for a violation, shall be punished by a fine of not less than \$100 nor more than \$1,000. If an employer or person knowingly violates this act or if an employer or person commits a second violation or multiple violation of this act, that employer or person shall be guilty of a crime of the fourth degree. Each day a violation is continued and each home worker engaged in industrial home work directly or indirectly for or in behalf of the employer or person in violation of any provision of this act or any rule, regulation or order issued thereunder shall be considered a separate offense.

As an alternative to or in addition to any other sanctions provided by law for violations of any provision of Article 12 of

chapter 6 of Title 34 of the Revised Statutes when the Commissioner of Labor finds that an employer has violated that article, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the employer, the seriousness of the violation, the good faith of the employer and the size of the employer's business. No administrative penalty shall be levied pursuant to this section unless the Commissioner of Labor provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

16. Section 7 of P.L.1960, c.55 (C.21:1A-134) is amended to read as follows:

C.21:1A-134 Investigation of applicant; permit issued; subject to amendment; information furnished; qualifications; expiration; fees.

7. Upon receipt of an application for a permit to manufacture, store, sell, transport or use explosives, and before the permit is issued, the commissioner shall make or cause to be made an investigation for the purpose of ascertaining if all applicable requirements of this act have been met. The commissioner shall not issue a permit to manufacture, sell, store, transport or use explosives unless all the requirements of this act have been met.

All permits issued in accordance with the provisions of this act shall be subject to any amendments hereafter made to this act.

A. An applicant for a permit shall, at his own expense, furnish whatever pertinent information the commissioner may require in addition to that specified herein. Application forms shall be furnished by the Department of Labor .

B. An applicant for a permit to manufacture, sell, transport, store or use explosives must:

- (a) be at least 21 years of age;
- (b) have a reasonable understanding of the English language;
- (c) present satisfactory evidence of experience in the manufacture, sale, transportation, storage or use of explosives;
- (d) demonstrate by written, oral or field examination, as the commissioner may direct, adequate knowledge of the safe manufacture, sale, transportation, storage or use of explosives and of the provisions of this act; and
- (e) be of good moral character and must never have been disloyal to the United States; and

it shall be within the sole discretion of the commissioner to determine whether an applicant who has been convicted of a crime involving moral turpitude has the good moral character necessary for a permit. It shall also be within the reasonable discretion of the commissioner to deny the issuance of a permit where he concludes, after a full examination of the qualifications of an applicant, that to grant a permit would be dangerous to the health, safety and welfare of the people of the State of New Jersey. The failure of a holder of a permit to maintain the qualifications stated herein shall be good cause for the revocation of the permit.

C. When the applicant for a permit to manufacture, sell, transport, store or use explosives is a firm, association or corporation, the applicant must demonstrate that such activities with regard to explosives will be under the direct supervision of a person who meets the qualifications stated above.

D. Permits shall be valid for one year unless sooner revoked. Permits which expire on July 1, 1960 may be renewed by the commissioner at his discretion for a period of not less than three months nor more than 15 months, and permits renewed after such a period shall thereafter be valid for one year unless sooner revoked. The fee for all permits shall be fixed by the commissioner on a yearly basis or, for periods of less than a year, in amounts proportionately less than the annual fee.

E. The application for any permit must be accompanied by a fee established by regulation in accordance with the following schedule:

- (a) To manufacture--not less than \$200 nor more than \$1,000;
- (b) To sell--not less than \$25.00 nor more than \$300;
- (c) (Deleted by amendment, P.L.1991, c.205).
- (d) To store--not less than \$25.00 nor more than \$150.00; but if the explosives are in excess of 30,000 pounds, then the fee shall be not less than \$150.00 nor more than \$750;
- (e) To use--not more than \$200;
- (f) For storage, transportation, and use of smokeless powder in amounts in excess of 36 pounds, but not in excess of 100 pounds and black powder in amounts in excess of 5 pounds but not in excess of 100 pounds which is used by private persons for the hand loading of small arms ammunition and which is not for resale--not less than \$2.00 nor more than \$10.00; where any such smokeless and black powder is in excess of 100 pounds, the fee shall be increased \$10.00 for each additional 100 pounds, or fraction thereof.

All fees derived from the operation of this act shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

17. Section 13 of P.L.1960, c.55 (C.21:1A-140) is amended to read as follows:

C.21:1A-140 Violations; penalties; revocation of permits; nonconforming uses.

13. It shall be unlawful for any person, partnership, firm, association or corporation, and any officer, agent or employee thereof, to violate or proximately contribute to the violation of any of the provisions of this act or of the regulations made hereunder. The violation of this act by an employee, acting within the scope of his authority, of any person, partnership, firm, association, or corporation shall be deemed also to be the violation of such person, partnership, firm, association or corporation. Violations of the provisions of this act or rules and regulations made hereunder shall be punishable for the first offense by a penalty of not less than \$100 nor more than \$5,000, for the second offense by a penalty of not less than \$300 nor more than \$5,000 and for the third and each succeeding offense by a penalty of not less than \$500 nor more than \$10,000. The penalties shall be collected by a civil action in the name of the commissioner, to be instituted in the Special Civil Part, Law Division, of the Superior Court of the county, or in municipal court of the municipality where the

offense was committed. Where the violation consists of a refusal to obey an order of the commissioner made under this act, each day during which the violation continues shall constitute a separate and distinct offense except during the time an appeal from said order may be taken or is pending.

Any sum collected as a penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

A. The Commissioner of Labor, in his discretion, is hereby authorized and empowered to compromise and settle any claim for a penalty under this section for an amount that appears appropriate and equitable under all of the circumstances.

B. Permits to sell, transport, store or use explosives are revocable for cause by the commissioner. In any case where the commissioner revokes a permit, he shall notify the permittee of the revocation and shall provide, upon written request, for a hearing within 10 days of the date of the revocation. Within 30 days from the termination of the hearing, the commissioner shall issue an order approving, disapproving or modifying the revocation. Permits to manufacture are exempt from revocation, but the holders of such permits shall be subject in every other respect to the provisions of this act and the rules and regulations promulgated hereunder.

C. The requirements of this act concerning the distances of explosives manufacturing buildings and magazines from each other shall not be construed to apply to permanent buildings or magazines that exist at the time that this act becomes effective and which buildings and magazines have been used under authority of the laws formerly governing the manufacture and storage of explosives. This provision designating such explosives manufacturing buildings and magazines already existing at the effective date of this act as nonconforming uses shall not apply to any explosives manufacturing buildings or magazines constructed subsequent to the passage of this act nor to extensions or additions to such buildings and magazines that are made subsequent to the passage of this act.

18. Section 11 of P.L.1963, c.150 (C.34:11-56.35) is amended to read as follows:

C.34:11-56.35 Penalties.

11. Any employer who willfully hinders or delays the commissioner in the performance of his duties in the enforcement of this

act, or fails to make, keep, and preserve any records as required under the provisions of this act, or falsifies any such record, or refuses to make any such record accessible to the commissioner upon demand, or refuses to furnish a sworn statement of such record or any other information required for the proper enforcement of this act to the commissioner upon demand, or pays or agrees to pay wages at a rate less than the rate applicable under this act or otherwise violates any provision of this act or of any regulation or order issued under this act shall be guilty of a disorderly persons offense and shall, upon conviction therefor, be fined not less than \$100.00 nor more than \$1,000 or be imprisoned for not less than 10 nor more than 90 days, or by both such fine and imprisonment. Each week, in any day of which a worker is paid less than the rate applicable to him under this act and each worker so paid, shall constitute a separate offense.

As an alternative to or in addition to any other sanctions provided by law for violations of any provision of P.L.1963, c.150 (C.34:11-56.25 et seq.), when the Commissioner of Labor finds that an employer has violated that act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the employer, the seriousness of the violation, the good faith of the employer and the size of the employer's business. No administrative penalty shall be levied pursuant to this section unless the Commissioner of Labor provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner

pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

19. Section 12 of P.L.1963, c.150 (C.34:11-56.36) is amended to read as follows:

C.34:11-56.36 Alternative sanction for payment of wages due.

12. As an alternative to any other sanctions or in addition thereto, herein or otherwise provided by law for violation of this act, the commissioner is authorized to supervise the payment of amounts due to workers under this act, and the employer may be required to make these payments to the commissioner to be held in a special account in trust for the workers, and paid on order of the commissioner directly to the worker or workers affected. The employer shall also pay the commissioner an administrative fee equal to not less than 10% or more than 25% of any payment made to the commissioner pursuant to this section. The amount of the administrative fee shall be specified in a schedule of fees to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

20. Section 15 of P.L.1963, c.150 (C.34:11-56.39) is amended to read as follows:

C.34:11-56.39 Penalty for discrimination.

15. Any employer who discharges or in any other manner discriminates against any worker because the worker has made any complaint to his employer, to the public body or to the commissioner that he has not been paid wages in accordance with the provisions of this act, or because the worker has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act, or because the worker has testified or is about to testify in any such proceeding shall be guilty of a disorderly persons offense and shall, upon conviction therefor, be fined not less than \$100 nor more than \$1,000.

As an alternative to or in addition to any other sanctions provided by law for violations of any provision of P.L.1963, c.150 (C.34:11-56.25 et seq.), when the Commissioner of Labor finds

that an employer has violated that act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the employer, the seriousness of the violation, the good faith of the employer and the size of the employer's business. No administrative penalty shall be levied pursuant to this section unless the Commissioner of Labor provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

21. Section 24 of P.L.1966, c.113 (C.34:11-56a23) is amended to read as follows:

C.34:11-56a23 Payment of amounts due employees.

24. As an alternative to any other sanctions or in addition thereto, herein or otherwise provided by law for violation of this act or of any rule or regulation duly issued hereunder, the Commissioner of Labor is authorized to supervise the payment of amounts due to employees under this act, and the employer may be required to make these payments to the commissioner to be held in a special account in trust for the employee, and paid on order of the commissioner directly to the employee or employees affected. The employer shall also pay the commissioner an administrative fee equal to not less than 10% or more than 25% of

any payment made to the commissioner pursuant to this section. The amount of the administrative fee shall be specified in a schedule of fees to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

22. Section 25 of P.L.1966, c.113 (C.34:11-56a24) is amended to read as follows:

C.34:11-56a24 Penalty for violation.

25. Any employer who discharges or in any other manner discriminates against any employee because such employee has made any complaint to his employer, to the commissioner, the director or to their authorized representatives that he has not been paid wages in accordance with the provisions of this act, or because such employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to this act, or because such employee has testified or is about to testify in any such proceeding, or because such employee has served or is about to serve on a wage board, shall be guilty of a disorderly persons offense and shall, upon conviction therefor, be fined not less than \$100 nor more than \$1,000. Such employer shall be required, as a condition of such judgment of conviction, to offer reinstatement in employment to any such discharged employee and to correct any such discriminatory action, and also to pay to any such employee in full, all wages lost as a result of such discharge or discriminatory action, under penalty of contempt proceedings for failure to comply with such requirement.

As an alternative to or in addition to any other sanctions provided by law for violations of P.L.1966, c.113 (C.34:11-56a et seq.), when the Commissioner of Labor finds that an employer has violated that act, the commissioner is authorized to assess and collect administrative penalties, up to a maximum of \$250 for a first violation and up to a maximum of \$500 for each subsequent violation, specified in a schedule of penalties to be promulgated as a rule or regulation by the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). When determining the amount of the penalty imposed because of a violation, the commissioner shall consider factors which include the history of previous violations by the employer,

the seriousness of the violation, the good faith of the employer and the size of the employer's business. No administrative penalty shall be levied pursuant to this section unless the Commissioner of Labor provides the alleged violator with notification of the violation and of the amount of the penalty by certified mail and an opportunity to request a hearing before the commissioner or his designee within 15 days following the receipt of the notice. If a hearing is requested, the commissioner shall issue a final order upon such hearing and a finding that a violation has occurred. If no hearing is requested, the notice shall become a final order upon expiration of the 15-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order. Any penalty imposed pursuant to this section may be recovered with costs in a summary proceeding commenced by the commissioner pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

23. Section 6 of P.L.1966, c.261 (C.34:6-47.7a) is amended to read as follows:

C.34:6-47.7a Penalty for violation.

6. Any person violating any of the provisions of P.L.1948, c.249 (C.34:6-47.1 et seq.) shall be liable to a penalty of not less than \$500.00 nor more than \$5,000.00 to be collected in a civil action by a summary proceeding under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Any violation of P.L.1948, c.249 (C.34:6-47.1 et seq.) by an officer, agent or employee shall also be a violation of P.L.1948, c.249 (C.34:6-47.1 et seq.) by his employer if such employer had knowledge of and actual control over the cause of such violation. Where the violation is of a continuing nature each day during which it continues, shall constitute an additional, separate and distinct offense. Any sum collected as a fine or penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

The commissioner is hereby authorized and empowered to compromise and settle any claim for a penalty under this section in such amount in the discretion of the commissioner as may appear appropriate and equitable under all of the circumstances.

24. Section 6 of P.L.1971, c.192 (C.34:8A-12) is amended to read as follows:

C.34:8A-12 Penalties.

6. Any person who violates any of the provisions of this act or of the rules and regulations promulgated hereunder shall be a disorderly person and upon conviction, for each violation, shall be punished by a fine of not less than \$100 and not more than \$1,000, or imprisonment for not more than 30 days, or both. Any sum collected as a fine pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

25. Section 8 of P.L.1971, c.192 (C.34:8A-14) is amended to read as follows:

C.34:8A-14 Additional penalties.

8. In addition to any other sanctions herein or otherwise provided by law, the commissioner, upon notice and hearing, may impose a penalty not exceeding \$500.00 for any violation of this act or of any rule or regulation duly issued hereunder. Such penalty shall be used for, and recovered by and in the name of the commissioner in a civil action by a summary proceeding under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). Where any violation of this act or of any rule or regulation duly issued hereunder is of a continuing nature, each day during which such violation continues after the date fixed by the commissioner in any order or notice for the correction or termination of such violation, shall constitute an additional separate and distinct offense, except during the time an appeal from said order or notice may be taken or is pending. It shall be a complete defense to any action for a penalty pursuant to this section for the defendant to prove that the violation complained of is solely the result of the willful destruction by the occupants of any camp; provided, that proof of such fact shall not alter any duty to correct or terminate said violation as ordered by the commissioner. Any sum collected as a penalty pursuant to this section shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

26. Section 9 of P.L.1975, c.105 (C.5:3-39) is amended to read as follows:

C.5:3-39 Schedule of inspection and permit fees.

9. The department shall determine a schedule of inspection and permit fees. The department shall, from time to time, make

further adjustments in the schedule to bring it, as nearly as practicable and within the limits of reasonableness, into line with the costs of implementing the provisions of this act. The fees shall be applied toward enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

C.34:1A-7.1 Orientation program to educate employers about wage and hour laws, etc.

27. The Division of Workplace Standards shall conduct an extensive orientation program to educate new and existing employers about wage and hour laws and, as appropriate, other laws pertaining to workplace standards. To implement the program, the division may foster cooperative efforts with any appropriate business organization, trade association, civic or community organization or educational institution.

28. This act shall take effect immediately.

Approved July 12, 1991.

CHAPTER 206

AN ACT concerning retirement benefits for certain members of the State Police Retirement System and amending and supplementing P.L.1965, c.89.

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

1. A member of the State Police Retirement System who:
 - a. has 25 or more years of creditable service as a full-time commissioned officer, noncommissioned officer or trooper of the Division of State Police, including creditable service transferred to the retirement system for a member appointed to the State Police under section 3 of P.L.1983, c.403 (C.39:2-9.3), before the effective date of retirement;
 - b. files an application to retire on or before August 1, 1991; and
 - c. retires under the retirement system on or after April 1, 1991, but not later than September 1, 1991, shall, upon retirement or upon attainment of age 50, whichever occurs later, receive additional service credit as a member of the State Police under the retirement system for each full month that the member's age, on

the date of retirement, is less than age 55, up to 60 months. The retirement allowance otherwise payable to the member or retirant under P.L.1965, c.89 (C.53:5A-1 et seq.) shall, as of and after the date upon which that additional service is credited, be adjusted to reflect the crediting of the service in accordance with the applicable provisions of that law. The provisions of section 7 of P.L.1969, c.169 (C.43:3B-8) shall not apply to the retirement allowance of any retirant from the retirement system who receives a benefit under the provisions of this section, or to any pension or survivorship benefit payable to the beneficiary of such a retirant.

2. A member of the State Police Retirement System who:

a. is 51 or more years of age, has 20 or more years of creditable service as a full-time commissioned officer, noncommissioned officer or trooper of the Division of State Police, including creditable service transferred to the retirement system for a member appointed to the State Police under section 3 of P.L.1983, c.403 (C.39:2-9.3), before the effective date of retirement, but fewer than 25 years of service, and would be unable to achieve 25 years of service by age 55;

b. files an application to retire on or before August 1, 1991; and

c. retires under the retirement system on or after April 1, 1991, but not later than September 1, 1991, shall, upon retirement or upon attainment of age 55, whichever occurs later, receive additional service credit as a member of the State Police under the retirement system for each full month that the member's age, on the date of retirement, is less than age 55 and shall be entitled to an additional retirement allowance of 2% of final compensation multiplied by the number of years of total service over 20. The retirement allowance otherwise payable to the member or retirant under subsection b. of section 8 of P.L.1965, c.89 (C.53:5A-8) shall, as of and after the date upon which that additional service is credited, be adjusted to reflect the crediting of the service in accordance with the applicable provisions of that law. The provisions of section 7 of P.L.1969, c.169 (C.43:3B-8) shall not apply to the retirement allowance of any retirant from the retirement system who received a benefit under the provisions of this section, or to any pension or survivorship benefit payable to the beneficiary of such a retirant.

In addition, a member who retires under this section shall be entitled upon retirement to the continued health benefits coverage during retirement which the member would be entitled to, upon attaining age 55, pursuant to subsection d. of section 8 of P.L.1965, c.89 (C.53:5A-8). The State shall pay the premium or periodic

charges for benefits provided under this section to the retired member and the member's dependents, but not including survivors, in the same manner as provided for payment by the State of such premium or charges for retired State employees under subsection c. of section 8 of P.L.1961, c.49 (C.52:14-17.32).

3. The actuary for the State Police Retirement System shall determine the liabilities of the retirement system for the additional service credit or pensions provided under P.L.1991, c.206, and for the early retirement of employees in accordance with the tables of actuarial assumptions adopted by the board of trustees of the retirement system. These liabilities shall be added to the unfunded accrued liabilities of the State under the retirement system and shall be paid in the same manner and over the remaining time periods provided for the State's unfunded accrued liability under section 34 of P.L.1965, c.89 (C.53:5A-34). The State shall pay the cost of the actuarial work to determine the additional liabilities of the retirement system for the benefits under P.L.1991, c.206.

4. A retirant from the State Police Retirement System who receives a benefit under section 1 or 2 of P.L.1991, c.206 shall forfeit all tenure rights.

5. Where the needs of the Division of State Police in the Department of Law and Public Safety require the services of an employee who elects to retire and receive a benefit under section 1 or 2 of P.L.1991, c.206, the Superintendent, with the approval of the Attorney General and with the consent of the employee, may delay the effective retirement date of the employee until the first day of any calendar month after September 1, 1991, but not later than September 1, 1992. A delay in the effective retirement date of an employee shall not extend the dates set forth in section 1 or 2 of P.L.1991, c.206 to qualify for benefits under this act.

6. A State employee retiring under the State Police Retirement System with a benefit under section 1 or 2 of P.L.1991, c.206, who has not repaid the full amount of a loan from the retirement system by the effective date of retirement, may repay the loan through deductions from the member's retirement benefit payments in the same monthly amount which was deducted from the member's compensation immediately preceding retirement until the balance of the amount borrowed together with interest at the statutory rate is repaid. If the retirant dies before the outstanding balance of the

loan and interest thereon is repaid, the remaining amount shall be repaid from the proceeds of any other benefits payable on the account of the retirant either in the form of monthly payments due to the retirant's beneficiaries or in the form of lump sum payments payable for pension or group life insurance.

7. Section 8 of P.L.1965, c.89 (C.53:5A-8) is amended to read as follows:

C.53:5A-8 Retirement for age and service; benefits.

8. a. The Legislature finds and declares that the public health, safety and welfare require the ongoing health and fitness of all members of the New Jersey State Police so that they may safely and efficiently protect the public. The Legislature further finds and declares that such continued health and fitness cannot be determined except with reference to age, and therefore finds and concludes that retirement of all members of the State Police at age 55, except as provided for in subsection c. of this section, shall constitute a bona fide occupational qualification which is reasonably necessary to the normal operation of the State Police, which qualification the Legislature hereby promulgates and establishes.

b. Any member of the retirement system may retire on a service retirement allowance upon the completion of at least 20 years of creditable service as a State policeman, which includes the creditable service of those members appointed to the Division of State Police under section 3 of P.L.1983, c.403 (C.39:2-9.3). Upon the filing of a written and duly executed application with the retirement system, setting forth at what time, not less than one month subsequent to the filing thereof, he desires to be retired, any such member retiring for service shall receive a service retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his aggregate contributions; and

(2) A pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of 50% of his final compensation.

c. Except for the Superintendent of State Police, any member of the retirement system including a member appointed to the State Police under section 3 of P.L.1983, c.403 (C.39:2-9.3), who has attained the age of 55 years, shall be retired forthwith on the first day of the next calendar month following the effective date of this 1985 amendatory act. Any member of the retirement system so retired

shall receive a service retirement allowance pursuant to this section or section 27 of P.L.1965, c.89 (C.53:5A-27), as appropriate.

d. Any member of the retirement system as of the effective date of this act who is required to retire pursuant to subsection c. of this section shall be entitled to continued health benefits coverage during retirement as provided in the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.). Notwithstanding the provisions of section 8 of P.L.1961, c.49 (C.52:14-17.32), the State shall pay the premium or periodic charge for the benefits provided to a member retiring under subsection c. of this section with fewer than 25 years of service credited in the retirement system, and his dependents covered under the program, but not including survivors.

e. Any member of the retirement system as of the effective date of this act who is required to retire pursuant to subsection c. of this section shall be entitled to the retirement allowance provided for by subsection b. of this section, notwithstanding that the member shall have fewer than 20 years' creditable service.

f. Any member of the retirement system as of the effective date of P.L.1985, c.175 who is required to retire pursuant to subsection c. of this section and who has more than 20 but less than 25 years of creditable service at the time of retirement shall be entitled to the retirement allowance provided for by subsection b. of this section plus 2% of his final compensation multiplied by the number of years of creditable service over 20 but not over 25.

g. Upon the receipt of proper proofs of the death of a member who has retired on a service retirement allowance, there shall be paid to the member's beneficiary an amount equal to one-half of the final compensation received by the member.

C.53:5A-8.1 Applicability to retirements.

8. The provisions of subsection f. of section 8 of P.L.1965, c.89 (C.53:5A-8) as amended in section 7 of P.L.1991, c.206, shall apply to the retirements on and after the effective date of P.L.1985, c.175 of persons who were members of the retirement system on that effective date.

9. This act shall take effect immediately.

Approved July 12, 1991.

CHAPTER 207

AN ACT concerning certain employment practices and supplementing Title 34 of the Revised Statutes.

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

C.34:6B-1 Smoking, use of tobacco products shall not affect employment.

1. No employer shall refuse to hire or employ any person or shall discharge from employment or take any adverse action against any employee with respect to compensation, terms, conditions or other privileges of employment because that person does or does not smoke or use other tobacco products, unless the employer has a rational basis for doing so which is reasonably related to the employment, including the responsibilities of the employee or prospective employee.

C.34:6B-2 Law, workplace policies not affected.

2. Nothing contained in this act shall be construed to affect any applicable laws, rules or workplace policies concerning smoking or the use of other tobacco products during the course of employment.

C.34:6B-3 Aggrieved person may institute civil action.

3. Upon a violation of any provision of this act, an aggrieved person may, in addition to any other available remedy, institute civil action in a court of competent jurisdiction, within one year from the date of the alleged violation, for relief as follows:

- a. With respect to a prospective employee, the court may:
 - (1) order injunctive relief as it deems appropriate;
 - (2) award compensatory and consequential damages incurred by the prospective employee as a result of the violation; or
 - (3) award reasonable attorneys' fees and court costs.
- b. With respect to an employee or former employee, the court may:
 - (1) order injunctive relief as it deems appropriate, including reinstatement of the employee to the same position held before the violation or the position the employee would have held but for the violation, as well as the reinstatement of full fringe benefits and seniority rights;
 - (2) award compensatory and consequential damages incurred by the employee or former employee as a result of the violation, including compensation for lost wages, benefits and other remuneration; or
 - (3) award reasonable attorneys' fees and court costs.

C.34:6B-4 Penalties.

4. Any employer who violates any provision of this act shall be subject to a civil penalty in an amount not to exceed \$2,000 for the first violation and \$5,000 for each subsequent violation, collectible by the Commissioner of Labor in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

5. This act shall take effect immediately.

Approved July 15, 1991.

CHAPTER 208

AN ACT concerning health service corporations and certain other insurers, amending P.L.1988, c.71 and P.L.1985, c.236 and supplementing Title 17B of the New Jersey Statutes.

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

C.17B:32A-1 Short title.

1. Sections 2 through 19 of this act shall be known and may be cited as the "New Jersey Life and Health Insurance Guaranty Association Act."

C.17B:32A-2 Purpose of act.

2. a. The purpose of this act is to protect, subject to certain limitations, those persons specified in subsection a. of section 3 of this act from hardship because of the impairment or insolvency of any member insurer that issued the life and health insurance policies and annuity contracts specified in subsection b. of section 3 of this act.

b. To provide this protection, an association of insurers is created to pay benefits and to continue coverages, as limited by this act, and members of the association are subject to assessment to provide funds to carry out the purposes of this act.

C.17B:32A-3 Provision of coverage.

3. a. This act shall provide coverage, for the policies and contracts specified in subsection b. of this section, to:

(1) persons who, regardless of where they reside (except for nonresident certificate holders under group policies or contracts), are the beneficiaries, assignees or payees of the persons covered under paragraph (2) of this subsection; and

(2) persons who are owners of or certificate holders under those policies or contracts, or in the case of unallocated annuity contracts, to the persons who are the contract holders and who:

(a) are residents, or

(b) are not residents, but only if:

(i) the insurers which issued the policies or contracts are domiciled in this State;

(ii) those insurers never held a license or certificate of authority in the states in which those persons reside;

(iii) those states have associations and coverage provisions with respect to residency similar to the association created by this act; and

(iv) those persons are not eligible for coverage by those associations.

b. This act shall provide coverage to the persons specified in subsection a. of this section for:

(1) direct, non-group life, health, annuity and supplemental policies or contracts, for certificates under direct group life, health, annuity and supplemental policies and contracts, for individual and group long-term care insurance policies and contracts, and for unallocated annuity contracts, issued by member insurers, except as limited by this act; and

(2) policies or contracts issued by medical service corporations declared to be insolvent or impaired by a court of competent jurisdiction on or after September 1, 1987, but prior to the effective date of this act, except as otherwise limited by this act.

c. This act shall not provide coverage for:

(1) any portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract holder;

(2) any policy or contract of reinsurance, unless assumption certificates have been issued;

(3) any portion of a policy or contract to the extent that the rate of interest on which it is based:

(a) averaged over the four-year period prior to the date on which the association becomes obligated with respect to that policy or contract, exceeds the lesser of:

(i) the rate of interest determined by subtracting three percentage points from Moody's Corporate Bond Yield Average averaged for that same four-year period, or for such lesser period if the policy or contract was issued less than four years before the association became obligated, or

(ii) the rate of interest specified in the standard valuation law, or the rules of this State for determining the minimum standard

for the valuation of policies or contracts issued during the year of insolvency; and

(b) on and after the date on which the association becomes obligated with respect to that policy or contract, exceeds the rate of interest determined by subtracting four percentage points from Moody's Corporate Bond Yield Average as most recently available; except that the limitation of this paragraph shall not preclude the association from providing more extensive coverage if it is proceeding under the authority of section 7 of this act;

(4) any plan or program of an employer, association or similar entity to provide life, health, or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or similar entity under:

(a) a Multiple Employer Welfare Arrangement as defined in the Employee Retirement Income Security Act of 1974 (29 U.S.C. §1002);

(b) a minimum premium group insurance plan;

(c) a stop-loss group insurance plan; or

(d) an administrative services only contract;

(5) any portion of a policy or contract to the extent that it provides dividends or experience rating credits, or provides that any fees or allowances be paid to any person, including the holder of the policy or contract, in connection with the service to or administration of that policy or contract;

(6) any policy or contract issued in this State by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue that policy or contract in this State;

(7) any unallocated annuity contract issued to an employee benefit plan covered by the Pension Benefit Guaranty Corporation and whose benefits will be paid under such system; and

(8) any portion of any unallocated annuity contract which is not issued to or in connection with a specific plan providing benefits to employees or an association of natural persons.

d. The benefits for which the association may become liable shall in no event exceed the lesser of:

(1) the contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(2) with respect to any one insured individual, regardless of the number of policies or contracts:

(a) \$500,000 in life insurance death benefits, but not more than \$100,000 in net cash surrender and net cash withdrawal values for life insurance;

(b) \$500,000 in present value annuity benefits, including net cash surrender and net cash withdrawal values, but not more than \$100,000 in net cash surrender and net cash withdrawal values for annuity benefits;

provided, however, that in no event shall the association be liable to expend more than \$500,000 in the aggregate with respect to any one individual under this paragraph (2); or

(3) with respect to any one unallocated annuity contract, \$2,000,000 in benefits; or

(4) with respect to any one group, blanket, or individual accident or health insurance or group, blanket or individual accident or health insurance policy, unlimited benefits.

e. A provider of health care services, in order to receive payment directly from the association upon a claim of the provider against an insured, shall agree to forgive the insured of 20% of the obligation which would otherwise be paid by the insurer had it not been insolvent. The obligations of solvent insurers to pay all or part of the covered claim are not diminished by the forgiveness provided in this subsection. The association is not bound by an assignment of benefits executed with respect to the coverage provided by the insolvent insurer. The association may aggregate all claims owed health care providers when negotiating direct payment of claims of all covered individuals.

C.17B:32A-4 Definitions.

4. As used in this act:

“Account” means either of the two accounts created under subsection b. of section 5 of this act.

“Association” means the New Jersey Life and Health Insurance Guaranty Association created in subsection a. of section 5 of this act.

“Commissioner” means the Commissioner of Insurance.

“Contractual obligation” means any obligation under a policy or contract or certificate under a group policy or contract, or portion thereof, for which coverage is provided under section 3 of this act, but does not include unearned premium under a health insurance policy or contract.

“Covered policy” means any policy or contract within the scope of this act as provided by section 3 of this act.

“Department” means the Department of Insurance.

“Impaired insurer” means a member insurer which, after the effective date of this act: (1) is determined by the commissioner to be potentially unable to fulfill its contractual obligations; or

(2) is placed under an order of receivership, rehabilitation or conservation by a court of competent jurisdiction.

“Insolvent insurer” means a member insurer which, after the effective date of this act, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency.

“Member insurer” means any insurer licensed in this State or which holds a certificate of authority to transact any kind of insurance in this State for which coverage is provided under section 3 of this act, and includes any insurer whose license or certificate of authority in this State may have been suspended, revoked, not renewed or voluntarily withdrawn, but does not include:

(1) A dental service corporation established pursuant to the provisions of P.L.1968, c.305 (C.17:48C-1 et seq.);

(2) A dental plan organization established pursuant to the provisions of P.L.1979, c.478 (C.17:48D-1 et seq.);

(3) A health maintenance organization established pursuant to the provisions of P.L.1973, c.337 (C.26:2J-1 et seq.);

(4) A fraternal benefit society established pursuant to the provisions of P.L.1959, c.167 (C.17:44A-1 et seq.);

(5) A mandatory state pooling plan;

(6) A mutual assessment company or any entity that operates on an assessment basis to the extent of the assessment liability of its members;

(7) An insurance exchange; or

(8) An entity similar to any of the above.

“Moody’s Corporate Bond Yield Average” means the Monthly Average Corporates as published by Moody’s Investors Service, Inc., or any successor thereto.

“Person” means an individual or natural person, corporation, partnership, association or voluntary organization.

“Premiums” means amounts or considerations received in any calendar year on covered policies or contracts less premiums, considerations and deposits returned thereon, and less dividends and experience credits thereon. “Premiums” shall not include any amounts or considerations received for any policies or contracts or for the portions of any policies or contracts for which coverage is not provided under subsection b. of section 3 of this act except that assessable premium shall not be reduced as the result of the application of: paragraph (3) of subsection c. of section 3 relating to interest limitations; or paragraph (2) of subsection d. of section 3 relating to limitations with respect to any one insured individ-

ual. "Premiums" shall not include any premiums in excess of \$2,000,000 per contract on any unallocated annuity contract.

"Resident" means a person who resides in this State at the time a member insurer is determined to be an impaired or insolvent insurer and to whom a contractual obligation is owed. For the purposes of this act a person may be a resident of only one state, which in the case of a person other than a natural person shall be its principal place of business.

"Supplemental contract" means an agreement entered into for the distribution of policy or contract proceeds.

"Unallocated annuity contract" means: (1) an annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under that contract or certificate; or (2) any unallocated life insurance or health insurance funding agreement, where insurance certificates or contracts are not issued to and owned by individuals, except to the extent of any life insurance or health insurance benefits guaranteed to an individual by an insurer under such funding agreement.

C.17B:32A-5 New Jersey Life and Health Insurance Guaranty Association created.

5. a. There is created a nonprofit legal entity to be known as the New Jersey Life and Health Insurance Guaranty Association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this State. Any member insurer shall remain a member insurer for four years after it ceases to hold a certificate of authority or license. The association shall perform its functions under the plan of operation established and approved pursuant to section 9 of this act and shall exercise its powers through the board of directors established under section 6 of this act. The association shall be under the immediate supervision of the commissioner and shall be subject to the applicable provisions of the insurance laws of this State. Meetings or records of the association may be opened to the public upon majority vote of the board of directors of the association.

b. For purposes of administration and assessment the association shall maintain two accounts:

(1) The life insurance and annuity account which shall include the following subaccounts:

- (a) life insurance subaccount;
- (b) annuity subaccount; and
- (c) unallocated annuity subaccount.

(2) The health insurance account.

C.17B:32A-6 Board of Directors of association.

6. a. There shall be a board of directors of the association which shall consist of not less than five nor more than nine member insurers serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner. To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting each member insurer shall be entitled to one vote in person or by proxy. If the board of directors is not selected within 60 days after notice of the organizational meeting, the commissioner may appoint the initial members.

b. In approving selections or appointing members to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented.

c. Members of the board may be reimbursed from the assets of the association for reasonable expenses incurred by them as members of the board of directors, but members of the board shall not otherwise be compensated by the association for their services.

C.17B:32A-7 Powers of the association.

7. a. If a member insurer is an impaired domestic insurer, the association may, in its discretion, and subject to any conditions imposed by the association that do not unreasonably impair the contractual obligations of the impaired insurer, that are approved by the commissioner, and that are, except in cases of court ordered receivership, conservation or rehabilitation, also approved by the impaired insurer:

(1) guaranty, assume or reinsure, or cause to be guaranteed, assumed, or reinsured, any or all of the policies or contracts of the impaired insurer;

(2) provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate the provisions of paragraph (1) of this subsection and assure payment of the contractual obligations of the impaired insurer pending action under paragraph (1); or

(3) loan money to the impaired insurer.

b. (1) If a member insurer is an impaired insurer, whether domestic, foreign or alien, and the insurer is not paying claims in a timely manner, then subject to the preconditions specified in paragraph (2) of this subsection, the association shall, in its discretion, either:

(a) take any of the actions specified in subsection a. of this section, subject to the conditions therein; or

(b) provide substitute benefits in lieu of the contractual obligations of the impaired insurer solely for health insurance claims, periodic annuity benefit payments, death benefits, supplemental benefits, and cash withdrawals for policy or contract owners who petition therefor under claims of emergency or hardship in accordance with standards proposed by the association and approved by the commissioner.

(2) The association shall be subject to the requirements of paragraph (1) of this subsection only if:

(a) the laws of the impaired insurer's state or country of domicile provide that, until all payments of, or on account of, the impaired insurer's contractual obligations by all guaranty associations, along with all expenses thereof and interest on all such payments and expenses, shall have been repaid to the guaranty associations or a plan of repayment by the impaired insurer shall have been approved by the guaranty associations,

(i) the delinquency proceeding shall not be dismissed,

(ii) neither the impaired insurer nor its assets shall be returned to the control of its shareholders or private management, and

(iii) it shall not be permitted to solicit or accept new business or have any suspended or revoked license restored; and

(b) (i) in the case of a domestic insurer, it has been placed under an order of receivership or rehabilitation by a court of competent jurisdiction in this State, or

(ii) in the case of a foreign or alien insurer, it has been prohibited from soliciting or accepting new contracts in this State, except as approved by the commissioner and as part of a plan of rehabilitation approved by a court of competent jurisdiction.

(3) (a) The limitations of paragraphs (3) and (4) of subsection c. of section 3 of this act shall not preclude the association from providing more extensive coverage or guarantees, if it is proceeding under the authority of this section and if that additional coverage is an essential element in allowing a rehabilitation plan to succeed as determined by the commissioner and a court of competent jurisdiction.

(b) The commissioner and the association shall utilize the authority of this section if a reasonable prospect exists that the

ultimate liabilities to be paid by the association and its member insurers will be reduced as compared to the present liabilities incurred if the association were to proceed under paragraph (2) of subsection d. of section 3 of this act.

(c) In proceeding under paragraph (1) of subsection b. of this section, without limitation on any authority or right of the association under this act or any right of contract, the association may enter into agreements with other guaranty associations to secure coordination between associations and performance by those associations with respect to policy or contract holders covered by those associations equivalent to that provided to individuals covered by this act.

(d) In proceeding under paragraph (1) of subsection b. of this section, any funds actually expended by a member insurer for benefits received by a person covered by this act, which were subject to a plan of rehabilitation approved by the commissioner and a court of competent jurisdiction, shall qualify as an assessment under section 8 of this act after a final accounting.

(e) When the association is proceeding under paragraph (1) of subsection b. of this section, the court shall authorize the establishment of liens upon policy and contract holder cash surrender values and cash withdrawal values limiting the ability of policy and contract holders to withdraw deposits, surrender their policies or contracts and receive the net cash surrender values and net cash withdrawal values, for a term of not less than three nor more than five years. The court, in establishing liens upon cash surrender values or cash withdrawal values, shall approve such liens upon the motion of the receiver as are necessary to enable the impaired insurer to meet its death and disability claims and fund the necessary operating expenses associated with its receivership to the greatest extent possible with the available assets of the impaired insurer within the time period covered by rehabilitation plan. The standard to be applied by the court with respect to preferential treatment is that all options offered to policy and contract holders must represent the same pro rata claim on the general account assets of the impaired insurer and be actuarially equivalent in present value terms at the time they are approved.

c. If a member insurer is an insolvent insurer, the association shall, in its discretion, either:

(1) (a) guaranty, assume or reinsure, or cause to be guaranteed, assumed or reinsured, the policies or contracts of the insolvent insurer; or

(b) assure payment of the contractual obligations of the insolvent insurer; and

(c) provide those monies, pledges, guarantees, or other means as are reasonably necessary to discharge those obligations; or

(2) with respect only to life and health insurance policies, provide benefits and coverages in accordance with subsection d. of this section.

d. When proceeding under subparagraph (b) of paragraph (1) of subsection b. or paragraph (2) of subsection c. of this section, the association shall, with respect only to life and health insurance policies or contracts:

(1) assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under the policies or contracts of the impaired or insolvent insurer, for claims incurred:

(a) with respect to group policies or contracts, not later than the earlier of the next renewal date under those policies or contracts or 45 days, but in no event less than 30 days, after the date on which the association becomes obligated with respect to those policies or contracts;

(b) with respect to individual policies or contracts, not later than the earlier of the next renewal date, if any, under those policies or contracts or one year, but in no event less than 30 days, from the date on which the association becomes obligated with respect to those policies or contracts;

(2) make a diligent effort to provide all known insureds, or group policyholders with respect to group policies or contracts, 30 days notice of the termination of the benefits provided; and

(3) with respect to individual policies or contracts, and with respect to individuals formerly insured under group policies or contracts who are not eligible for replacement group coverage, make available to each known insured, or owner of an individual policy or contract if other than the insured, substitute coverage on an individual basis in accordance with the provisions of paragraph (4) of this subsection, if the insured had a right under law or the terminated policy or contract to convert coverage to individual coverage or to continue an individual policy or contract in force until a specified age or for a specified time, during which the insurer had no right unilaterally to make changes in any provision of the policy or contract or had a right only to make changes in premium by class.

(4) (a) In providing the substitute coverage required by paragraph (3), the association may offer either to reissue the terminated coverage or to issue an alternative policy or contract.

(b) Alternative or reissued policies or contracts shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy or contract.

(c) The association may reinsure any alternative or reissued policy or contract.

(5) (a) Alternative policies or contracts adopted by the association shall be subject to the approval of the commissioner.

(b) Alternative policies or contracts shall contain at least the minimum statutory provisions required in this State and provide benefits that shall not be unreasonable in relation to the premium charged under reasonable actuarial assumptions. The association shall set the premium in accordance with a table of rates which it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured.

(c) Any alternative policy or contract issued by the association shall provide coverage of a type similar to that of the policy or contract issued by the impaired or insolvent insurer, as determined by the association.

(6) If the association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy or contract, the premium shall be set by the association in accordance with the amount of insurance provided and the age and class of risk, subject to approval of the commissioner.

(7) The association's obligations with respect to coverage under any policy or contract of the impaired or insolvent insurer or under any reissued or alternative policy or contract shall cease on the date that coverage, policy or contract is replaced by another similar coverage, policy or contract by the policyholder or the insured.

e. When proceeding under subparagraph (b) of paragraph (1) of subsection b. or subsection c. of this section with respect to any policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest at least equal to that specified in paragraph (3) of subsection c. of section 3 of this act.

f. Nonpayment of premiums within 31 days after the date required, after effective notice shall have been given of the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage, shall terminate the association's

obligations under that policy, contract or coverage under this act with respect to that policy, contract or coverage, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of this act.

g. Premiums due for coverage after entry of an order of receivership or liquidation of any insolvent insurer shall belong to, and be payable at the direction of, the association.

h. The protection provided by this act shall not apply if any guaranty protection is provided to residents of this State by the law of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this State.

i. In carrying out its duties under subsections b. and c. of this section, the association may, subject to approval by the court:

(1) impose reasonable and necessary policy or contract liens in connection with any guaranty, assumption or reinsurance agreement, if the association finds that the amounts which can be assessed under this act are less than the amounts needed to assure full and prompt performance of the association's duties under this act, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of those policy or contract liens, to be in the public interest; or

(2) impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value.

j. If the association fails to act within a reasonable period of time as provided in subparagraph (b) of paragraph (1) of subsection b. and subsections c. and d. of this section, the commissioner shall have the powers and duties of the association provided by this act with respect to impaired or insolvent insurers.

k. The association may render assistance and advice to the commissioner concerning the receivership, conservation, rehabilitation, liquidation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any impaired or insolvent insurer.

l. The association shall have standing to appear before any court in this State with jurisdiction over an impaired or insolvent insurer with respect to which the association is or may become obligated under this act. That standing shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring, modifying or guaranteeing the policies or contracts of the impaired or insolvent

insurer and the termination of the policies or contracts and contractual obligations. The association shall also have the right to appear or intervene before a court in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over a third party against whom the association may have rights through subrogation of the insurer's policyholders.

m. (1) Any person receiving benefits under this act shall be deemed to have assigned the rights under, and any causes of action relating to, the covered policy or contract to the association to the extent of the benefits received pursuant to this act, whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative coverages. The association may require an assignment to it of such rights and causes of action by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any right or benefits conferred by this act upon that person.

(2) The subrogation rights of the association under this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this act.

(3) In addition to the rights of subrogation contained in paragraphs (1) and (2) of this subsection, the association shall have all common law rights of subrogation and any other equitable or legal remedy which would have been available to the impaired or insolvent insurer or holder of a policy or contract with respect to that policy or contract.

(4) In addition to the rights contained in paragraphs (1), (2) and (3) of this subsection, in the case of any unallocated annuity contract for which benefits are paid by the association under this act, the association shall be deemed to have assigned to it the rights and causes of action of any employee or association of natural persons against the contract holder of such unallocated annuity contract for the amounts paid by the association under this act.

n. The association may:

(1) enter into any contracts necessary or proper to carry out the provisions and purposes of this act;

(2) sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments imposed pursuant to section 8 of this act and to settle claims or potential claims against it;

(3) borrow money to effectuate the purposes of this act. Any notes or other evidence of indebtedness of the association not in

default shall be legal investments for domestic insurers and may be carried as admitted assets;

(4) employ or retain persons necessary to handle the financial transactions of the association, and to perform other functions as are necessary or proper under this act;

(5) take any legal action necessary to avoid payment of improper claims;

(6) exercise, for the purposes of this act and to the extent approved by the commissioner, the powers of a domestic life or health insurer, but in no case shall the association issue insurance policies or annuity contracts other than those issued to perform its obligations under this act.

o. The association may join an organization of one or more other state associations of similar purposes, to further the purposes and administer the powers and duties of the association.

C.17B:32A-8 Member insurers assessed to provide funding for association.

8. a. For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board finds necessary. Assessments shall be due not less than 30 days after prior written notice to the member insurers and shall accrue interest at the percentage of interest prescribed in the Rules Governing the Courts of the State of New Jersey for judgments, awards and orders for the payment of money, on and after the due date.

b. There shall be two classes of assessments, as follows:

(1) Class A assessments shall be made for the purpose of meeting administrative and legal costs of the association which are not objected to by the commissioner and other expenses and examinations conducted under the authority of subsection e. of section 11 of this act. Class A assessments shall also be made, upon the request of the commissioner, for the purpose of meeting costs incurred by or on behalf of the department in the administration of an insolvent insurer to the extent those costs exceed assets of the insolvent insurer available for that purpose. Class A assessments need not be related to a particular impaired or insolvent insurer. The amount of any Class A assessment shall be determined by the board.

(2) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 7 of this act with respect to an impaired or an insolvent insurer. The amount of any Class B assessment shall be allocated for assessment

purposes among the accounts pursuant to an allocation formula which may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.

c. (1) Class B assessments against member insurers for each account and subaccount shall be in the proportion that the premiums received on business in this State by each assessed member insurer on policies or contracts covered by each account for the four most recent calendar years for which information is available preceding the year in which the insurer became impaired or insolvent, as the case may be, bears to such premiums received on business in this State for such calendar years by all assessed member insurers.

(2) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall be made as necessary to implement the purposes of this act. Classification of assessments under subsection b. of this section and computation of assessments under this subsection c. shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.

d. The association shall exempt, abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the commissioner, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations or places the member insurer in an unsafe or unsound financial condition. In the event an assessment against a member insurer is exempted, abated or deferred, in whole or in part, the amount by which that assessment is exempted, abated or deferred shall be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section.

e. (1) The total of all assessments imposed under subsection b. of this section upon a member insurer for the life insurance and annuity account and for each subaccount thereunder shall not in any one calendar year exceed two percent and for the health insurance account shall not in any one calendar year exceed two percent of that insurer's average premiums, as reported in the annual statement in a form prescribed by the commissioner, received in this State on the policies and contracts covered by the account during the four calendar years preceding the year in which the insurer became an impaired or insolvent insurer. If the maximum assessment, together with the other assets of the association in any account, does not provide in any one year in either account an amount sufficient to carry out the responsibilities of

the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this act.

(2) If a one percent assessment for any subaccount of the life insurance and annuity account in any one year does not provide an amount sufficient to carry out the responsibilities of the association, then pursuant to paragraph (1) of subsection c. of this section, the board shall assess all subaccounts of the life insurance and annuity account for the necessary additional amount, subject to the maximum stated in paragraph (1) of this subsection.

(3) The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

f. The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of an account exceed the amount the board, with the concurrence of the commissioner, finds is necessary to carry out the obligations of the association with respect to that account, including assets accruing from assignment, subrogation, net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses.

g. Except for that portion of assessments which may be offset against premium taxes pursuant to section 18 of this act, it shall be proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this act, to consider the amount reasonably necessary to meet its assessment obligations under this act.

h. The association shall issue to each insurer paying an assessment pursuant to this act, other than a Class A assessment, a certificate of contribution, in a form and manner prescribed by the commissioner, for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amount or date of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and manner and for such amount and period of time as the commissioner may approve.

C.17B:32A-9 Plan of operation.

9. a. (1) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suit-

able to assure the fair, reasonable, and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon the commissioner's written approval or at the expiration of 30 days after submission if it has not been disapproved.

(2) If the association fails to submit a suitable plan of operation within 120 days following the effective date of this act or if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner shall adopt such plan or amendments necessary to effectuate the provisions of this act. The plan or amendments shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

b. All member insurers shall comply with the plan of operation.

c. The plan of operation shall, in addition to requirements enumerated elsewhere in this act:

- (1) establish procedures for handling the assets of the association;
- (2) establish the amount and method of reimbursing members of the board of directors under subsection c. of section 6 of this act;
- (3) establish regular places and times for meetings, including telephone conference calls, of the board of directors;
- (4) establish procedures for records to be kept of all financial transactions of the association, its agents, and the board of directors;
- (5) establish the procedures whereby selections for the board of directors will be made and submitted to the commissioner;
- (6) establish any additional procedures for the imposition of assessments under section 8 of this act; and
- (7) contain additional provisions necessary or proper for the execution of the powers and duties of the association.

d. The plan of operation may provide for the delegation of any or all powers and duties of the association, except those set forth in paragraph (3) of subsection m. of section 7 and section 8 of this act, to a corporation, association, or other organization which performs or will perform functions similar to those of the association, or its equivalent, in two or more other states. Such a corporation, association, or organization shall be reimbursed for any payments made on behalf of the association and shall be paid for its performance of any function of the association. A delegation under this subsection d. shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association, or organization which extends protection not substantially less favorable or effective than that provided by this act.

C.17B:32A-10 Additional duties, powers of commissioner.

10. a. In addition to the duties and powers enumerated elsewhere in this act, the commissioner shall:

(1) upon request of the board of directors, provide the association with a statement of the premiums in this State and any other appropriate states for each member insurer;

(2) when an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders, if any. The failure of the insurer to promptly comply with a demand shall not excuse the association from the performance of its powers and duties under this act;

(3) in any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator.

b. The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in this State of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a penalty on any member insurer which fails to pay an assessment when due. That penalty shall not exceed five percent of the unpaid assessment per month, but no penalty shall be less than \$100 per month.

c. Any action of the board of directors or the association may be appealed to the commissioner by any member insurer if that appeal is taken within 30 days of the final action being appealed. If a member company is appealing an assessment, the amount assessed shall be paid to the association and made available to meet association obligations during the pendency of an appeal. If the appeal of an assessment is upheld, the amount paid in error or excess shall be returned to the member company. Any final action or order of the commissioner shall be subject to judicial review in a court of competent jurisdiction.

d. The liquidator, rehabilitator, conservator or receiver of any impaired insurer may notify all interested persons of the effect of this act.

C.17B:32A-11 Detection, prevention of insurer insolvencies, impairments.

11. a. To aid in the detection and prevention of insurer insolvencies or impairments, the commissioner may:

(1) notify the commissioners of insurance or comparable officials of all the other states, territories of the United States and the

District of Columbia when he takes any of the following actions against a member insurer:

- (a) revokes its certificate of authority or license;
- (b) suspends its certificate of authority or license; or
- (c) makes any formal order that the insurer restrict its premium writing, obtain additional contributions to surplus, withdraw from this State, reinsure all or part of its business, or increase capital, surplus, or any other account for the security of policyholders or creditors.

Notice shall be made in any form the commissioner deems appropriate, including notification under the auspices of the National Association of Insurance Commissioners, hereinafter referred to as NAIC.

(2) report to the board of directors when he has taken any of the actions set forth in paragraph (1) of this subsection or has received notification from the commissioner of insurance or comparable official of any other jurisdiction that any such action has been taken in that jurisdiction. The report to the board of directors shall contain all significant details of the action taken or of any such notification received from another jurisdiction.

(3) report to the board of directors when he has reasonable cause to believe from any examination, whether completed or in process, of any member company that the company may be an impaired or insolvent insurer. The report and the information therein shall be kept confidential by the board of directors.

(4) furnish to the board of directors the NAIC Insurance Regulatory Information System (IRIS) ratios and a list of companies not included in the ratios developed by the NAIC. The board may use the information contained therein in carrying out its duties and responsibilities under this section. The report and information contained therein shall be kept confidential by the board of directors until such time as made public by the commissioner or other lawful authority.

b. The commissioner may seek the advice and recommendations of the board of directors or member insurers concerning any matter affecting his duties and responsibilities regarding the financial condition of member insurers and companies seeking admission to transact insurance business in this State.

c. The board of directors or any member thereof may make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation, conservation or receivership of any member insurer or germane to the solvency of any company seeking to do insurance business in

this State. Reports and recommendations made pursuant to this subsection shall not be considered public documents.

d. It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be an impaired or insolvent insurer.

e. The board of directors may, upon majority vote, request that the commissioner order an examination of any member insurer which the board in good faith believes may be an impaired or insolvent insurer. Such an examination may be conducted as a NAIC examination or may be conducted by those persons as the commissioner designates. The cost of the examination may be paid by the association and the examination report shall be treated as are other examination reports. In no event shall the examination report be released to the board of directors of the association prior to its release to the public, but this shall not preclude the commissioner from taking action permitted by subsection a. of this section.

The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner, but it shall not be open to public inspection, if at all, prior to the release of the examination report to the public.

f. The board of directors may, upon majority vote, make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

g. The board of directors may, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report to the commissioner containing any information it may have in its possession bearing on the history and causes of that insolvency. The board shall cooperate with the boards of directors of guaranty associations in other states in preparing a report on the history and causes of insolvency of a particular insurer, and may adopt by reference any report prepared by another association.

C.17B:32A-12 Liabilities of impaired, insolvent insurers.

12. a. Nothing in this act shall be construed to reduce the liability for unpaid assessments of the insureds of an impaired or insolvent insurer operating under a plan with assessment liability.

b. Records shall be kept of all negotiations and meetings in which the association or its representatives are involved to discuss the activities of the association in carrying out its powers and duties under section 7 of this act. Records of those negotia-

tions or meetings shall be made public only upon the termination of a liquidation, rehabilitation, conservation or receivership proceeding involving an impaired or insolvent insurer, upon the termination of the impairment or insolvency of the insurer, or upon the order of a court of competent jurisdiction.

c. For the purpose of carrying out its obligations under this act, the association shall be deemed to be a creditor of an impaired or insolvent insurer to the extent of assets attributable to covered policies or contracts reduced by any amounts to which the association is entitled as subrogee pursuant to subsection m. of section 7 of this act. Assets of an impaired or insolvent insurer attributable to covered policies or contracts shall be used to continue all covered policies or contracts and pay all contractual obligations of the impaired or insolvent insurer as required by this act. For purposes of this subsection, assets attributable to covered policies or contracts are that proportion of the assets which the reserves that should have been established for such policies or contracts bears to the reserves that should have been established for all policies or contracts of insurance written by the impaired or insolvent insurer.

d. (1) Prior to the termination of any receivership, liquidation, rehabilitation or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders, and policyowners of an insolvent insurer, and any other party with a bona fide interest in making an equitable distribution of the ownership rights of that insolvent insurer. In making such a determination, consideration shall be given to the welfare of the policyholders and to the reasonable requirements of a continuing or successor insurer.

(2) No dividend or other distribution to stockholders or policyholders of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association for funds expended in carrying out its powers and duties under section 7 of this act with respect to that insurer have been recovered by the association.

e. (1) If an order for liquidation or rehabilitation of an insurer domiciled in this State has been entered, the receiver appointed under that order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five years preceding the petition for liq-

uidation or rehabilitation subject to the limitations of paragraphs (2) through (4) of this subsection.

(2) No such distribution shall be recoverable if the insurer shows that the distribution was lawful and reasonable when paid, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual obligations.

(3) Any person who was an affiliate that controlled the insurer at the time the distributions were paid shall be liable up to the amount of distributions he received. Any person who was an affiliate that controlled the insurer at the time the distributions were declared, shall be liable up to the amount of distributions he would have received if they had been paid immediately. If two or more persons are liable with respect to the same distributions, they shall be jointly and severally liable.

(4) The maximum amount recoverable under this subsection shall be the amount in excess of all other available assets of the insolvent insurer needed to pay the contractual obligations of the insolvent insurer.

(5) If any person liable under paragraph (3) of this subsection is insolvent, all its affiliates that controlled it at the time the distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

C.17B:32A-13 Association subject to examination, regulation.

13. The association shall be subject to examination and regulation by the commissioner. The board of directors shall submit to the commissioner each year, not later than 120 days after the close of the association's fiscal year, a financial report in a form approved by the commissioner and a report of its activities during the preceding fiscal year.

C.17B:32A-14 Association exempt from fees, taxes.

14. The association shall be exempt from payment of all fees and all taxes levied by this State or any of its subdivisions, except taxes levied on real property.

C.17B:32A-15 Immunity from liability.

15. a. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees, the association or its agents or employees, members of the board of directors, or the commissioner or his representatives, for any action or omission by them in the performance of their powers and duties under this act. This immunity

shall extend to the participation in any organization of one or more other state associations of similar purposes and to any such organization and its agents or employees.

b. With respect to any impairment or insolvency of a health service corporation created pursuant to P.L.1985, c.236 (C.17:48E-1 et seq.), the association shall have no cause of action against any not-for-profit or nonprofit corporation that is regulated by a law governing the conduct of not-for-profit or nonprofit corporations, except in the event of willful or wanton conduct, unless the not-for-profit or nonprofit corporation is a provider of health care services as defined in section 1 of P.L.1985, c.236 (C.17:48E-1). For purposes of this subsection, "willful or wanton conduct" means a course of action which shows the actual or deliberate intent to cause harm.

C.17B:32A-16 Stay of proceedings involving insolvent insurer.

16. Upon application and notice, all proceedings in which an insolvent insurer is a party or is obligated to defend a party in any court in this State shall be stayed for 120 days and any additional time thereafter as may be determined by the court from the date the insolvency is determined or any ancillary proceeding is initiated in the State, whichever is later, to permit proper defense by the association of all pending causes of action. With respect to any covered claims arising from a judgment under any decision, verdict or finding based on the default of the insolvent insurer or its failure to defend an insured, the association either on its own behalf or on behalf of the insured may apply to have the judgment, order, decision, verdict or finding set aside by the court in which the judgment, order, decision, verdict or finding is entered and shall be permitted to defend against the claim on the merits.

C.17B:32A-17 Association shall not be used to promote insurance sales.

17. a. No person, including an insurer, agent or affiliate of an insurer or insurance producer shall make, publish, disseminate, circulate or place before the public or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement, written or oral, which uses the existence of the association for the purpose of sales, solicitation, or inducement to purchase any form of insurance covered by this act. This

subsection shall not apply to the department or the association or to any other entity which does not sell or solicit insurance.

b. Within 180 days of the effective date of this act, the association shall prepare a summary document describing the general purposes and current limitations of the act which complies with subsection c. of this section. This document shall be submitted to the commissioner for approval. Sixty days after receiving that approval, no insurer may deliver a policy or contract described in subsection b. of section 3 of this act to a policy or contract holder unless the document is delivered to the policy or contract holder prior to or at the time of delivery of the policy or contract. The document should also be available upon request by a policyholder. The distribution, delivery, contents or interpretation of this document shall not mean that either the policy or the contract or the holder thereof would be covered in the event of the impairment or insolvency of a member insurer. The document shall be revised by the association as amendments to the act may require. Failure to receive this document does not give the policyholder, contractholder, certificateholder or insured any greater rights than those stated in this act. Delivery of the document required by this subsection shall not be required however, in the case of a policy or contract excluded from coverage under this act pursuant to subsection c. of section 3 of this act and with respect to which notice as required by subsection d. of this section has been given.

c. The document prepared pursuant to subsection b. of this section shall contain a clear and conspicuous disclaimer on its face. The commissioner shall promulgate a rule establishing the form and content of the disclaimer. The disclaimer shall:

- (1) state the name and address of the association and the department;
- (2) prominently warn the policy or contract holder that the association may not cover the policy or contract or, if coverage is available, it will be subject to substantial limitations and exclusions and conditioned on continued residence in this State;
- (3) state that the insurer and its insurance producers are prohibited by law from using the existence of the association for the purpose of sales, solicitation or inducement to purchase any form of insurance;
- (4) emphasize that the policy or contract holder should not rely on coverage under the association when selecting an insurer; and
- (5) provide other information as directed by the commissioner.

d. No insurer or insurance producer may deliver a policy or contract described in subsection b. of section 3 and excluded under paragraph (1) of subsection c. of section 3 from coverage under this act unless the insurer or insurance producer, prior to or at the

time of delivery, gives the policy or contract holder a separate written notice which clearly and conspicuously discloses that the policy or contract is not covered by the association. The commissioner may by rule further specify the form and content of the notice.

C.17B:32A-18 Member insurer may offset assessments against premium tax liability.

18. a. A member insurer may offset against its premium tax liability, attributable to premiums written in that year, and determined pursuant to section 1 of P.L.1945, c.132 (C.54:18A-1), any assessments for which a certificate of contribution has been issued, pursuant to subsection h. of section 8 of this act, to the extent of 10% of the amount of those assessments for each of the five calendar years following the second year after the year in which those assessments were paid, except that no member insurer may offset its premium tax liability by more than 20% of its premium tax liability in any one year. If a member insurer should cease doing business in this State, any uncredited assessments may be offset against its premium tax liability for the year in which it ceases to do business in this State.

b. Any sums which are acquired by member insurers as the result of a refund from the association pursuant to subsection f. of section 8 of this act, and which have theretofore been offset against premium taxes as provided in subsection a. of this section, shall be paid by those insurers to the State as the Director of the Division of Taxation may require. The association shall notify the commissioner and the Director of the Division of Taxation of any refunds made.

c. This section shall not apply in any way to the imposition or collection of, and no offset shall be permitted against, the surtax on premiums authorized pursuant to section 76 of P.L.1990, c.8 (C.17:33B-49).

C.17B:32A-19 Provisions not applicable to certain insurers.

19. The provisions of sections 2 through 18 of this act shall not apply to any insurer which is insolvent or impaired on December 31, 1990, except as provided in paragraph (2) of subsection b. of section 3 of this act.

20. Section 6 of P.L.1985, c.236 (C.17:48E-6) is amended to read as follows:

C.17:48E-6 Board of health service corporation formed through merger.

6. The board of a health service corporation which is formed as the result of a merger between a medical service corporation

and a hospital service corporation shall be composed of not more than 15 members. Initially, after the merger has been effected, the board shall be constituted as follows:

a. Four members of the board shall be public members, who shall be appointed by the Governor with the advice and consent of the Senate. The public members so appointed shall be persons whose background and experience indicate that they are qualified to act in the broad public interest, who may or may not have coverage under a contract or contracts issued by the corporation, its subsidiaries or affiliates, and who, or whose spouses or minor children, are not officers, directors or owners of more than 10% of the stock of a corporation whose aggregate sales to hospitals, other health care facilities or other providers of health care services exceed 5% of its total sales. The remaining eleven members shall be selected by the board of directors of the health service corporation in accordance with the provisions of its certificate of incorporation and bylaws.

b. Of the initial members of the board, as provided for in subsection a. of this section, one public member and three members selected by the board of the health service corporation shall serve for a term of one year; one public member and three members selected by the board of the health service corporation shall serve for a term of two years; and two public members and five members selected by the board of the health service corporation shall serve for a term of three years. Thereafter, all members of the board shall serve for a term of three years, and shall hold office until their successors are elected and qualified.

c. After the constitution of the initial board as provided in subsection b. of this section, and as the initial terms expire as provided for in that section, the board shall be constituted as follows:

(1) Four members shall be public members of the board appointed by the Governor with the advice and consent of the Senate; and

(2) Eleven members shall be elected by the board of directors, as provided in the bylaws.

d. The provisions of subsection c. of this section shall not be construed to preclude the reappointment or reelection of any member appointed or elected pursuant to subsection a. of this section.

21. Section 7 of P.L.1985, c.236 (C.17:48E-7) is amended to read as follows:

C.17:48E-7 Board of directors of health service corporation.

7. The board of directors of a health service corporation which is established in accordance with paragraph (1) of subsection a. of

section 2 of P.L.1985, c.236 (C.17:48E-2) shall have four public members appointed by the Governor with the advice and consent of the Senate and eleven members elected as provided in the bylaws.

22. Section 5 of P.L.1988, c.71 (C.17:48E-17.1) is amended to read as follows:

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 2 1/2% 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 minimum 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 P.L.1988, c.71. 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 P.L.1988, c.71 shall file a recovery 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 eight years and shall provide for the reduction to 0% of the deficit in the special contingent surplus account for its group and other activities by the end of four years from the effective date of P.L.1988, c.71; and for the reduction to 0% of the special individual contingent surplus account by the end of five years from the effective date of P.L.1991, c.208 through the dedication of five approximately equal amounts annually during each year of the five-year period. The commissioner shall take all necessary action to assure that individual rates are actuarially adequate to achieve this purpose. 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 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. After the end of the recovery plan for the reduction to 0% of the deficit on the individual special contingent surplus account pursuant to subsection c. of this section, a health service corporation, which was created by the merger of a medical service corporation and a hospital service corporation, shall not be required to augment the surplus account allocable to individual contracts with any monies from the surplus account of group contracts, or from any corporate assets or any other source other than net earnings from individual contracts, nor shall it be required to

augment the surplus account allocable to group contracts with any monies from the surplus account of individual contracts or from any corporate assets or any other source other than net earnings from group contracts, except that the commissioner may require the health service corporation to augment the earnings or surplus account allocable to individual contracts in the amount of any provider differential furnished for this purpose approved by the Hospital Rate Setting Commission pursuant to section 18 of P.L.1971, c.136 (C.26:2H-18).

f. 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 P.L.1988, c.71 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.

23. This act shall take effect immediately and sections 1 through 19 shall be retroactive to January 1, 1991.

Approved July 15, 1991.

CHAPTER 209

AN ACT exempting disposable household paper products from the sales and use tax, supplementing P.L.1966, c.30 (C.54:32B-1 et seq.).

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

C.54:32B-8.44 Disposable household paper products exemption.

1. Receipts from the following are exempt from the tax imposed under the "Sales and Use Tax Act:" sales of disposable household paper products, including towels, napkins, toilet tissues, cleaning tissues, diapers, paper plates and cups purchased for household use.

2. This act shall take effect immediately, but shall remain inoperative until the first day of the second month following enactment.

Approved July 15, 1991.

CHAPTER 210

AN ACT to require depository institutions to offer a New Jersey Consumer Checking Account and supplementing Title 17 of the Revised Statutes.

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

C.17:16N-1 Findings, declarations.

1. a. The Legislature hereby finds and declares that:

(1) The depository institutions in New Jersey should meet the basic banking needs of the communities in which they are authorized to operate by assuring the availability of essential financial services to all people in the community;

(2) In recent years, due to increased costs, many of the State's consumers, particularly young, low-income and elderly consumers, have been finding it increasingly difficult to afford basic checking services;

(3) Those without access to banking and financial services due to increased cost are forced to operate on a cash-only basis and are therefore at greater risk for their personal safety and well-being;

(4) The lack of access to banking and financial services forces many low-income and elderly consumers to use relatively high cost check-cashing services to cash their social security or welfare benefit checks, a practice that undermines the effectiveness of these vital public assistance programs.

b. The Legislature declares that it is the purpose of this act to make a New Jersey Consumer Checking Account available to consumers by requiring depository institutions which offer regular checking accounts to offer a New Jersey Consumer Checking Account at low cost to all consumers who abide by the requirements established for such accounts by this act.

C.17:16N-2 Definitions.

2. As used in this act:

"Account" means an account in a depository institution with respect to which the account holder is permitted to make withdrawals by negotiable or transferable instrument, payment orders of withdrawal, telephone transfers, or other similar items for the purpose of making payments or transfers to third persons or others, including a demand deposit account, negotiable order of withdrawal account, draft account, savings deposit account sub-

ject to automatic transfers, share draft account, and all savings deposit and share accounts other than time deposit accounts.

“Business day” means any day other than a Saturday, Sunday or legal holiday.

“Check” means any check as defined in N.J.S.12A:3-104, share draft, negotiable order of withdrawal, or similar means of making payment or transfers to third parties or others which is drawn on an account in a depository institution and is payable on demand.

“Consumer” means a natural person who resides in this State.

“Commissioner” means the Commissioner of Banking.

“Depository institution” means a State or federally chartered bank, savings bank, savings and loan association or credit union doing business in this State.

“Electronic branch” means automatic teller machines (ATMs) and similar technology which may be used by customers of a depository institution in connection with a customer’s account.

“New Jersey Consumer Checking Account” means a deposit account established pursuant to section 3 of this act and with respect to which the account holder is permitted to make payments to third parties or others by check.

“Office” includes the home office of a depository institution and any office approved as a branch of the depository institution by its federal or State supervisory agency, but excludes free-standing electronic branches.

“Periodic account statement” means any written statement provided on a regular basis at the end of each periodic cycle by a depository institution to an account holder that reflects all debits and credits to an account held by the account holder during a periodic cycle.

“Periodic cycle” means a period of time which is equal to or shorter than a calendar quarter and, if shorter than a calendar quarter, divides a calendar quarter into approximately equal units of time.

“Regular checking account” means that type of checking, demand deposit, negotiable order of withdrawal, share draft account, or similar account, other than a New Jersey Consumer Checking Account, offered by the depository institution, which is held by more consumers than any other such account offered by the depository institution.

C.17:16N-3 New Jersey Consumer Checking Accounts.

3. a. Every depository institution that maintains regular checking accounts in this State shall make available to consumers a New Jersey Consumer Checking Account at all offices of that depository institution where regular checking accounts are offered or available. A

New Jersey Consumer Checking Account shall be used primarily for personal, family, or household purposes. No depository institution shall be required to offer a New Jersey Consumer Checking Account at a cost which is below its actual cost to provide such an account. The calculation made by a depository institution of the actual cost of providing a New Jersey Consumer Checking Account shall be determinative in the absence of mathematical error or a request from the commissioner for other data and information deemed relevant or appropriate for evaluating the actual cost of providing a New Jersey Consumer Checking Account. New Jersey Consumer Checking Accounts shall contain the features specified in subsection c. of this section or be an account the features and terms of which have been approved by the commissioner pursuant to subsection d. of this section.

b. An applicant for a New Jersey Consumer Checking Account shall provide the depository institution with the same information an applicant for a regular checking account is required to provide at that depository institution.

c. The commissioner shall establish by regulation pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), all of the following features of a New Jersey Consumer Checking Account which may be stated in terms of a range of options rather than a specific number:

(1) the initial deposit amount, if any, necessary to open a New Jersey Consumer Checking Account;

(2) the maximum amount, if any, permitted to be required by a depository institution as a minimum balance necessary to maintain the account;

(3) the number of checks, if any, that may be used within a periodic cycle without charge to withdraw funds from the account;

(4) the number of other withdrawals, if any, that may be made by a method other than check within a periodic cycle without charge;

(5) a maximum amount, if any, that may be charged per periodic cycle for maintaining the account;

(6) the maximum number of deposits, if any, that may be made in a periodic cycle without charge; and

(7) a maximum amount that may be charged per transaction in excess of the number permitted under paragraphs (3), (4) and (6) of this subsection.

d. (1) Notwithstanding the provisions of subsection c. of this section, a depository institution may establish a New Jersey Consumer Checking Account by submitting an account to the commissioner for approval as a New Jersey Consumer Checking

Account by providing the commissioner information which details the features and terms of the account.

(2) The commissioner shall approve or reject the account as a New Jersey Consumer Checking Account within 30 business days of receipt of the information from a depository institution.

(3) If the commissioner does not approve an account as a New Jersey Consumer Checking Account, the commissioner shall provide to the depository institution, in writing, the reasons for his decision.

e. The commissioner shall, prior to promulgating regulations pursuant to subsection c. of this section or accepting any account for approval pursuant to subsection d. of this section, review the terms and conditions of the low cost personal checking accounts currently available to consumers in this State and shall consider those terms and conditions in complying with the provisions of subsections c. and d. of this section.

f. The holder of a New Jersey Consumer Checking Account shall:

(1) have no less access to mail or electronic banking services, including direct deposits to the account by payors, than that offered to holders of regular checking accounts at that depository institution;

(2) not be assessed any fee in excess of the usual fee or charge made by the depository institution to its regular checking account holders.

g. A depository institution shall provide a periodic account statement to every holder of a New Jersey Consumer Checking Account.

h. A depository institution may close a New Jersey Consumer Checking Account under the same standards for fraudulent activity and overdrafts as it applies to holders of regular checking accounts at the depository institution or close or refuse to open a New Jersey Consumer Checking Account if the consumer:

(1) has a regular checking account or another New Jersey Consumer Checking Account in that depository institution or in any other depository institution; or

(2) makes an intentional material misrepresentation in the information provided to the depository institution to open the account.

i. A depository institution shall not require any holder of a New Jersey Consumer Checking Account to have any other account at that or any other depository institution or have a credit card issued by it or any other depository institution as a condition to opening or maintaining a New Jersey Consumer Checking Account.

C.17:16N-4 Products, services offered to holders of New Jersey Consumer Checking Account.

4. Except as otherwise provided in this act, a depository institution shall offer all of its products and services to a consumer

who holds a New Jersey Consumer Checking Account on the same basis that it offers those products and services to consumers who hold regular checking accounts.

C.17:16N-5 Consumers to be informed of availability of New Jersey Consumer Checking Account.

5. Every depository institution required to offer a New Jersey Consumer Checking Account shall post a conspicuous notice in a public area of each office and make material available in the public area that informs consumers of the availability of a New Jersey Consumer Checking Account. The notice and material shall explain the material features and limitations of such an account.

C.17:16N-6 Noncompliance.

6. a. A depository institution that fails to comply with any provision of this act may be enjoined in any court of competent jurisdiction.

b. Nothing in this act shall be construed to limit the rights or remedies which are otherwise available to the holder of a New Jersey Consumer Checking Account under any other law.

C.17:16N-7 Violation, penalty.

7. Upon a finding by the commissioner, after notice and an opportunity for hearing, of a violation by any depository institution of any provision of this act, or any regulation or order of the commissioner issued pursuant thereto, the commissioner may order the depository institution to cease any violation or to pay a civil penalty not in excess of \$500 for each day that the violation has continued, or both, the penalty being recoverable under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

8. In addition to the regulations specifically required pursuant to subsection c. of section 3 of this act, the commissioner may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate other regulations with regard to the implementation of this act as the commissioner deems necessary.

9. This act shall take effect immediately, but shall remain inoperative until the 120th day following adoption by the commissioner of regulations required to be promulgated pursuant to this act.

Approved July 16, 1991.

CHAPTER 211

AN ACT concerning prostitution and amending N.J.S.2C:34-1.

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

1. N.J.S.2C:34-1 is amended to read as follows:

Prostitution and related offenses.

2C:34-1. Prostitution and Related Offenses.

a. As used in this section:

(1) "Prostitution" is sexual activity with another person in exchange for something of economic value, or the offer or acceptance of an offer made in or within view of a public place to engage in sexual activity in exchange for something of economic value.

(2) "Sexual activity" includes, but is not limited to, sexual intercourse, including genital-genital, oral-genital, anal-genital, and oral-anal contact, whether between persons of the same or opposite sex; masturbation; touching of the genitals, buttocks, or female breasts; sadistic or masochistic abuse and other deviate sexual relations.

(3) "House of prostitution" is any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another.

(4) "Promoting prostitution" is:

(a) Owning, controlling, managing, supervising or otherwise keeping, alone or in association with another, a house of prostitution or a prostitution business;

(b) Procuring an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate;

(c) Encouraging, inducing, or otherwise purposely causing another to become or remain a prostitute;

(d) Soliciting a person to patronize a prostitute;

(e) Procuring a prostitute for a patron;

(f) Transporting a person into or within this State with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or

(g) Leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or promotion of prostitution, or failure to make a reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means.

(5) "Public place" means any place to which the public or any substantial group thereof has access.

b. A person commits an offense if:

(1) The actor engages in prostitution;

(2) The actor promotes prostitution;

(3) The actor knowingly promotes prostitution of a child under 18 whether or not the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable;

(4) The actor knowingly promotes prostitution of the actor's child, ward, or any other person for whose care the actor is responsible;

(5) The actor compels another to engage in or promote prostitution;

(6) The actor promotes prostitution of the actor's spouse; or

(7) The actor knowingly engages in prostitution with a person under the age of 18, or if the actor enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a child under the age of 18, or if the actor solicits or requests a child under the age of 18 to engage in sexual activity. It shall be no defense to a prosecution under this paragraph that the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable.

c. Grading of offenses under subsection b.

(1) An offense under subsection b. constitutes a crime of the second degree if the offense falls within paragraph (3) or (4) of that subsection.

(2) An offense under subsection b. constitutes a crime of the third degree if the offense falls within paragraph (5), (6) or (7) of that subsection.

(3) An offense under paragraph (2) of subsection b. constitutes a crime of the third degree if the conduct falls within subparagraph (a), (b), or (c) of paragraph (4) of subsection a. Otherwise the offense is a crime of the fourth degree.

(4) An offense under subsection b. constitutes a disorderly persons offense if the offense falls within paragraph (1) of that subsection.

d. Presumption from living off prostitutes. A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is supported in whole or substantial part by the proceeds of prostitution is presumed to be knowingly promoting prostitution.

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

Approved July 23, 1991.

CHAPTER 212

AN ACT concerning the Passaic Valley sewerage district, altering and extending the boundaries thereof, amending R.S.58:14-1, supplementing chapter 14 of Title 58 of the Revised Statutes and repealing parts of the statutory law.

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

1. R.S.58:14-1 is amended to read as follows:

Boundaries of Passaic Valley Sewerage District.

58:14-1. All portions of Essex, Union, Passaic, Bergen and Hudson counties, beginning in the center of Newark Bay where the boundary line between the cities of Newark and Elizabeth also being the boundary line between the counties of Essex and Union meets the boundary of Hudson County; thence running westerly along the boundary line between the city of Newark and the city of Elizabeth, including the area of Newark International Airport in the city of Elizabeth with flows tributary to the airport, to the point where it meets the boundary line of the township of Hillside; thence running northerly along the boundary line between the city of Newark and the township of Hillside until it intersects Bergen Street; thence running southwesterly along Bergen Street and Bergen Street extended to a point halfway between Bailey Avenue and Williamson Avenue in the township of Hillside; thence running northwesterly and halfway between Bailey Avenue and Williamson Avenue to Maple Avenue; thence running northwesterly and approximately 150 feet north of and parallel to the center line of Williamson Avenue to a point halfway between Bayview Avenue and Summit Avenue; thence running northeasterly and halfway between Bayview Avenue and Summit Avenue in the township of Hillside, and this line extended, to a point which is halfway between Weequahic Avenue and Lyons Avenue and approximately 500 feet west of the center line of Aldine Street in the city of Newark; thence running southeasterly and halfway between Weequahic Avenue and Lyons Avenue to a point which is approximately 125 feet east of Aldine Street; thence running northeasterly and halfway between Aldine Street and Clinton Place to a point on Bragaw Avenue which is again halfway between Aldine Street and Clinton Place; thence running northwesterly to a point on Aldine Street which is halfway between Bragaw Avenue and Demerest Street;

thence running northerly to the intersection of Demerest Street and Nye Avenue; thence running westerly along Nye Avenue to a point halfway between Hobson Street and Dewey Street; thence running southerly and halfway between Hobson Street and Dewey Street to a point approximately 300 feet south of Nye Avenue; thence running westerly to a point on Leslie Street which is approximately 400 feet south of Nye Avenue; thence running southwesterly to the intersection of Wainright Street and Bragaw Avenue; thence running northerly to the intersection of Nye Avenue and Schley Street; thence running westerly along Nye Avenue to the boundary line between the city of Newark and the township of Irvington; thence running northerly along the boundary line between the city of Newark and the township of Irvington to a point which is approximately 600 feet north of Hopkins Place at the extension of Madison Avenue from the township of Irvington; thence running northerly to the intersection of Montgomery Street and South 20th Street in the city of Newark; thence running northeasterly to a point on Avon Avenue which is halfway between South 19th Street and South 20th Street; thence running northerly, and halfway between South 19th Street and South 20th Street to a point which is approximately 400 feet north of Springfield Avenue; thence running easterly and perpendicular to South 19th Street to a point halfway between South 19th Street and South 18th Street; thence running northerly, and halfway between South 19th Street and South 18th Street to a point which is approximately 400 feet north of 19th Avenue; thence running easterly and perpendicular to South 18th Street to a point halfway between South 18th Street and South 17th Street; thence running northerly and halfway between South 18th Street and South 17th Street to a point which is approximately 350 feet north of 18th Avenue; thence running easterly and perpendicular to South 17th Street to a point approximately 150 feet east of South 17th Street; thence running northerly, parallel to and approximately 150 feet east of South 17th Street to a point approximately 100 feet south of 15th Avenue; thence running easterly, parallel to and approximately 100 feet south of 15th Avenue to a point which is halfway between South 16th Street and South 15th Street; thence running northerly and halfway between South 16th Street and South 15th Street to a point which is approximately 200 feet north of 14th Avenue; thence running northeasterly to a point which is halfway between South 14th Street and Ashland Street and approximately 350 feet north of 14th Avenue; thence running northeasterly, parallel to and approximately 150 feet west of Ash-

land Street to a point which is approximately 150 feet north of South Orange Avenue; thence running northwesterly, parallel to and approximately 150 feet north of South Orange Avenue to a point which is approximately 150 feet east of South 18th Street; thence running northerly, parallel to and approximately 150 feet east of South 18th Street to a point approximately 350 feet south of 12th Avenue; thence running westerly to a point on South 20th Street which is approximately 250 feet south of 12th Avenue; thence running southerly on South 20th Street to a point which is approximately 150 feet north of Grain Street; thence running westerly, parallel to and approximately 150 feet north of Grain Street to a point which is halfway between South 20th Street and Grove Street; thence running northerly, and halfway between Grove Street and South 20th Street for approximately 300 feet to a point; thence running westerly and perpendicular to Grove Street to a point approximately 100 feet west of Grove Street; thence running northeasterly, parallel to and approximately 100 feet west of Grove Street to the boundary line between the city of Newark and the city of East Orange; thence running westerly along the boundary between the city of Newark and the city of East Orange for approximately 500 feet to a point; thence running northerly to a point which is halfway between Hawthorne Place and Birchwood Avenue and approximately 150 feet south of Garfield Place, all in the city of East Orange; thence running northerly and halfway between Hawthorne Place and Birchwood Avenue to a point on Central Avenue; thence running westerly along Central Avenue to its intersection with South Oraton Parkway; thence running northerly along South Oraton Parkway for approximately 150 feet to a point; thence running westerly, parallel to and approximately 150 feet north of Central Avenue to a point which is approximately 150 feet east of South Munn Avenue; thence running southerly parallel to South Munn Avenue and then halfway between South Munn Avenue and Watson Avenue to a point on this line approximately 150 feet south of Elmwood Avenue extended; thence running westerly, parallel to and 150 feet south of Elmwood Avenue to a point halfway between South Munn Avenue and Freeman Avenue; thence running southerly halfway between South Munn Avenue and Freeman Avenue to a point which is approximately 150 feet north of Rhode Island Avenue; thence running westerly, parallel to and approximately 150 feet north of Rhode Island Avenue to a point which is halfway between Freeman Avenue and Oak Street; thence running north-

erly and halfway between Oak Street and Freeman Avenue to the intersection of Elmwood Avenue and South Arlington Avenue; thence running northerly along South Arlington Avenue to a point which is approximately 100 feet south of Central Avenue; thence running westerly, parallel to and 100 feet south of Central Avenue to Nassau Place; thence running northerly along Nassau Place to its intersection with Central Avenue; thence running westerly along Central Avenue to a point approximately 150 feet east of Shepard Avenue; thence running northerly, parallel to and approximately 150 feet east of Shepard Avenue to a point approximately 150 feet south of Carnegie Avenue; thence running westerly, parallel to and approximately 150 feet south of Carnegie Avenue to a point approximately 150 feet west of Shepard Avenue; thence southerly, parallel to and approximately 150 feet west of Shepard Avenue to a point which is halfway between Carnegie Avenue and Central Avenue; thence running westerly and halfway between Carnegie Avenue and Central Avenue to a point which is approximately 150 feet east of South Burnet Street; thence running southerly, parallel to and approximately 150 feet east of South Burnet Street to a point which is approximately 150 feet north of Central Avenue to a point halfway between South Burnet Street and South Clinton Street; thence running southerly and halfway between South Burnet Street and South Clinton Street to a point which is approximately 400 feet south of Central Avenue; thence running westerly to a point which is halfway between Amherst Street and Halsted Street and approximately 700 feet south of Central Avenue; thence running northerly and halfway between Amherst Street and Halsted Street to a point which is approximately 100 feet south of Freeway Drive East; thence running westerly, parallel to and approximately 100 feet south of Freeway Drive East to a point which is halfway between Evergreen Place and South Harrison Street; thence running southerly and halfway between Evergreen Place and South Harrison Street for a distance of approximately 650 feet; thence running westerly to a point on the boundary line between the city of East Orange and the township of the City of Orange, said point being approximately 200 feet south of Berwin Street along said boundary; thence running southwestwardly along the boundary line between the township of the City of Orange and city of East Orange to where it meets the boundary line of the village of the Township of South Orange; thence running southerly to the intersection of South Center Street and Sterling Avenue, both being in

the village of the Township of South Orange; thence running westerly to the corner boundary between the township of the City of Orange and the village of the Township of South Orange which is approximately 200 feet south of Stirling Avenue; thence running northwesterly along said boundary between the township of the City of Orange and the village of the Township of South Orange to an angle point which is halfway between Mosswood Avenue and Irving Terrace; thence running northerly to the intersection of Irving Terrace and Lawn Ridge Road; thence running westerly to where Berkeley Avenue intersects the boundary line between the township of the City of Orange and the village of the Township of South Orange; thence running northwesterly along the boundary line between the township of the City of Orange and the village of the Township of South Orange for a distance of approximately 100 feet; thence running northeasterly, parallel to and approximately 100 feet west of Berkeley Avenue to Lawn Ridge Road; thence running southeasterly along Lawn Ridge Road to a point approximately 100 feet east of Berkeley Avenue; thence running northeasterly, parallel to and approximately 100 feet east of Berkeley Avenue to Heywood Avenue; thence running northwesterly along Heywood Avenue to a point approximately 150 feet west of Berkeley Avenue; thence running northeasterly, parallel to and approximately 150 feet west of Berkeley Avenue to a point which is approximately 150 feet south of Tremont Avenue; thence running northwesterly, parallel to and approximately 150 feet south of Tremont Avenue to Scotland Road; thence running northeasterly along Scotland Road to its intersection with Glebe Street; thence running northwesterly along Glebe Street to its intersection with South Jefferson Street; thence running northerly to a point on the center line of Interstate Highway Route 280 in the township of West Orange being approximately 100 feet west of the boundary line between the township of West Orange and the township of the City of Orange; thence running northerly, parallel to and approximately 100 feet west of said boundary between township of West Orange and the township of the City of Orange to a point which is approximately 200 feet south of White Street; thence running northwesterly to the intersection of Main Street and White Street; thence running northerly and halfway between Main Street and Ashland Avenue to the intersection of Main Street and Park Avenue; thence running northerly along Main Street to its intersection with Babcock Place; thence running northerly to the intersection of Main Street and William Street with the district boundary to include the properties on Babcock Place, Kling Street, Washing-

ton Street and William Street but exclude the property along Main Street; thence running easterly to the intersection of Whittesley Avenue and Ridge Avenue; thence running northerly and halfway between Whittesley Avenue and Watson Avenue to the intersection of Watson Avenue and Samuel Street; thence running northerly, crossing the boundary between the township of West Orange and the township of Montclair to the intersection of High Street and Amelia Street in the township of Montclair; thence running northwesterly to the intersection of Virginia Avenue and Fremont Street; thence running westerly to where Nishuane Road intersects the boundary line between the township of Montclair and the township of West Orange; thence running northwesterly along said boundary line between the township of West Orange and township of Montclair to an angle; thence running northerly further along said boundary line between the township of West Orange and township of Montclair to its intersection with the boundary line of the township of Verona; thence running northerly along the boundary line between the township of Montclair and the township of Verona to where it intersects the boundary line of Cedar Grove Township; thence running northerly along the boundary line between the township of Montclair and Cedar Grove Township to its intersection with the boundary line of the township of Little Falls; thence running northwesterly along the boundary line between Cedar Grove Township and the township of Little Falls to where it intersects Lindsley Road; thence running northwesterly along Lindsley Road within Cedar Grove Township to where it intersects with New Jersey State Highway Route Number 23; thence running southerly along New Jersey State Highway Route Number 23 for a distance of approximately 1200 feet; thence running westerly for approximately 1200 feet to the boundary between Cedar Grove Township and the township of North Caldwell, said point being approximately 1000 feet south of an angle in said boundary near Lindsley Road; thence running northerly for approximately 1000 feet along said boundary between Cedar Grove Township and the township of North Caldwell to an angle; thence running northwesterly in said boundary between Cedar Grove Township and the township of North Caldwell to another angle; thence running northwesterly in said boundary between Cedar Grove Township and the township of North Caldwell to where it intersects the water transmission line of the Jersey City Water Company; thence running westerly along said water transmission line of the Jersey City Water Company

within the township of North Caldwell to where it intersects Grandview Place; thence running northeasterly along the center line of Grandview Place and then Grandview Avenue to a point approximately 175 feet south of Fairfield Road; thence running northwesterly and then northeasterly along and encompassing Lot Number 3, Block Number 105 on the North Caldwell Tax Map to a point where Lot Number 3 intersects Fairfield Road; thence running northwesterly along Fairfield Road for approximately 85.61 feet to a point; thence running southwesterly and then northwesterly along and encompassing Lot Numbers 4, 7 and 8 in Block Number 105 on the North Caldwell Tax Map to a point where it intersects Fairfield Road and the boundary line between the township of North Caldwell and the township of Fairfield; thence running northeasterly along the boundary line between the township of Fairfield and the township of North Caldwell to a point in the center of the Passaic River and the intersection with the boundary lines of the township of Little Falls and the township of Wayne; thence running downstream along the Passaic River in a northeasterly and then southeasterly direction, the river being the boundary line between the township of Little Falls and the township of Wayne, to where it intersects with the boundary line of the borough of Totowa; thence running northerly and then northeasterly along the boundary line between the township of Wayne and the borough of Totowa to where it intersects the boundary line of the borough of Haledon; thence running northerly along the boundary line between the township of Wayne and the borough of Haledon to where it intersects the boundary line of the borough of North Haledon; thence running northerly along the boundary line between the township of Wayne and the borough of North Haledon to where it intersects the boundary line of the borough of Franklin Lakes; thence running easterly along the boundary line between the borough of Franklin Lakes and the borough of North Haledon to where it intersects the boundary line of the township of Wyckoff; thence running easterly along the boundary line between the township of Wyckoff and the borough of North Haledon to the boundary line of the borough of Hawthorne; thence running northerly along the boundary line of the township of Wyckoff and the borough of Hawthorne to an angle on Goffle Hill Road; thence running southeasterly along said boundary line between the township of Wyckoff and the borough of Hawthorne to the boundary line of the village of the Township of Ridgewood; thence running southeasterly along the boundary line between the village of the Township of Ridgewood and the borough of Hawthorne to the boundary line of the bor-

ough of Glen Rock; thence running northeasterly along the boundary line between the village of the Township of Ridgewood and the borough of Glen Rock for 2,730 feet to an angle; thence running easterly along said boundary line between the village of the Township of Ridgewood and the borough of Glen Rock for 3,230 feet to an angle; thence running along said boundary line between the village of the Township of Ridgewood and the borough of Glen Rock for the 12 angles, courses and distances until it intersects Grove Street and the center line of Hohokus Brook; thence running southerly still along said boundary line between the village of the Township of Ridgewood and the borough of Glen Rock, it being the center line of Hohokus Brook, to its intersection with the center line of the Saddle River which is also where the boundary lines of the borough of Fair Lawn and the borough of Paramus meet; thence running southerly along the boundary line between the borough of Fair Lawn and the borough of Paramus which is generally the center line of the Saddle River to its intersection with the boundary lines of the township of Saddle Brook and the township of Rochelle Park; thence running southerly along the boundary line between the township of Saddle Brook and the township of Rochelle Park which is generally the center line of the Saddle River to its intersection with the boundary line of the borough of Lodi; thence running southeasterly along the boundary line between the borough of Lodi and the township of Rochelle Park to its intersection with the boundary line of the borough of Maywood; thence running southeasterly along the boundary line between the borough of Lodi and the borough of Maywood being the center line of Essex Street to the center line of New Jersey State Highway Route Number 17; thence running southerly along New Jersey State Highway Route Number 17 southbound within the borough of Lodi to the boundary line of the city of Hackensack; thence running southerly along the boundary line between the borough of Lodi and the city of Hackensack to a point which is approximately 620 feet north of the center line of West Pleasantview Avenue along said boundary line; thence running south 52 degrees, 51 minutes, 11 seconds east and within the city of Hackensack for 533.97 feet to a point; thence running south 36 degrees, 36 minutes, 34 seconds west for 384.60 feet to a point; thence running north 52 degrees, 50 minutes west for 15.00 feet to a point; thence running south 36 degrees, 36 minutes, 34 seconds west for approximately 198 feet to the center line of West Pleasantview Avenue; thence running

northwesterly along West Pleasantview Avenue to where it intersects the boundary line between the city of Hackensack and the borough of Lodi; thence running southerly along the boundary line between the borough of Lodi and the city of Hackensack to the boundary line of the borough of Hasbrouck Heights; thence running southerly along the boundary line between the borough of Lodi and the borough of Hasbrouck Heights through angles at Church Street, Williams Avenue, Oak-Grove Avenue and between Paterson Avenue and Ottawa Street in a northwesterly direction to Woodside Avenue; thence running southwesterly along Woodside Avenue within the borough of Hasbrouck Heights to where it intersects the boundary line between the borough of Hasbrouck Heights and the borough of Lodi, between LaSalle Avenue and Hunter Street; thence running southwesterly along the boundary line between the borough of Lodi and the borough of Hasbrouck Heights to the boundary line of the borough of Wood-Ridge; thence running southeasterly along the boundary line between the borough of Hasbrouck Heights and the borough of Wood-Ridge to an angle on Passaic Avenue; thence running southwesterly along said boundary line between the borough of Hasbrouck Heights and the borough of Wood-Ridge to an angle between Lincoln Avenue and Sussex Road; thence running southwesterly within the borough of Wood-Ridge in prolongation of the line above and along the property line of Curtis-Wright Inc. to Highland Avenue; thence running northwesterly along the property line of Curtis-Wright Inc. which is a prolongation of Highland Avenue extended northwesterly to where it intersects the boundary line between the borough of Wood-Ridge and the borough of Wallington; thence running southerly along the boundary line between the borough of Wood-Ridge and the borough of Wallington to where it meets the boundary line of the borough of Carlstadt; thence running southerly along the boundary line between the borough of Wallington and the borough of Carlstadt to where it meets the boundary line of the borough of East Rutherford; thence running northwesterly along the boundary line between the borough of Wallington and the borough of East Rutherford to a point halfway between Shepard Terrace and Atkins Terrace; thence running southwesterly within the borough of East Rutherford and halfway between Shepard Terrace and Atkins Terrace with an angle to the south and another to the southwest to a point on the boundary line between the borough of Rutherford and the borough of East Rutherford which is halfway between Atkins Terrace and Willow

Street; thence running southerly to a point on Erie Avenue in the borough of Rutherford which is halfway between Walnut Street and Carmita Avenue; thence running southwesterly and halfway between Walnut Street and Carmita Avenue to the center of Washington Avenue; thence running southeasterly along Washington Avenue to the intersection of Washington Avenue and Carmita Avenue; thence running southwesterly along Carmita Avenue for a distance of approximately 130 feet to a point; thence running southeasterly parallel to and approximately 130 feet south of Washington Avenue to a point which is halfway between Carmita Avenue and Prospect Place; thence running southwesterly and halfway between Carmita Avenue and Prospect Place to a point which is approximately 127 feet north of the center line of Union Avenue; thence running southeasterly parallel to and approximately 127 feet north of Union Avenue to the center of Prospect Place; thence running southwesterly along Prospect Place to the intersection of Union Avenue; thence running northwesterly along Union Avenue to a point halfway between Carmita Avenue and Prospect Place; thence running southwesterly and halfway between Carmita Avenue and Prospect Place to a point approximately 150 feet north of the center line of Alwyn Terrace; thence running southeasterly to a point which is approximately 165 feet east of Prospect Place and in a prolongation of the center line of Circle Lane; thence running southwesterly parallel to and approximately 165 feet east of Prospect Place to a point which is approximately 170 feet north of Fairview Avenue; thence running southeasterly, parallel to and approximately 170 feet north of Fairview Avenue to the center of Montross Avenue; thence running southwesterly along Montross Avenue to a point which is approximately 170 feet south of the center of Fairview Avenue; thence running southeasterly, parallel to and approximately 170 feet south of Fairview Avenue for approximately 230 feet to a point; thence running southwesterly, parallel to and approximately 230 feet east of Montross Avenue to the center of Passaic Avenue; thence running southeasterly along Passaic Avenue for approximately 250 feet to a point; thence running southwesterly and parallel to Montross Avenue to a point halfway between Passaic Avenue and Donaldson Avenue; thence running southeasterly and halfway between Passaic Avenue and Donaldson Avenue for approximately 306 feet; thence running southwesterly and parallel to Montross Avenue to a point halfway between Donaldson Avenue and Woodward Avenue; thence running southeasterly and halfway between Donaldson Avenue and Woodward Avenue to the center of Mortimer Avenue; thence running

southwesterly along Mortimer Avenue to the center of Park Place; thence running southeasterly along Park Place a distance of approximately 131 feet to a point; thence running southwesterly, parallel to and approximately 131 feet east of Mortimer Avenue for a distance of approximately 150 feet; thence running southeasterly, parallel to and approximately 151 feet south of Park Place to the center of Park Avenue; thence running southwesterly along Park Avenue to a point halfway between Newell Avenue and Addison Avenue; thence running southeasterly and halfway between Newell Avenue and Addison Avenue to a point approximately 130 feet west of the center line of Lincoln Avenue; thence running southwesterly, parallel to and approximately 130 feet west of Lincoln Avenue to a point which is approximately 170 feet north of the center of Pierrepont Avenue; thence running southeasterly, parallel to and approximately 170 feet north of Pierrepont Avenue to a point which is approximately 190 feet west of the center of Ridge Road; thence running southwesterly, parallel to and approximately 190 feet west of Ridge Road to a point which is approximately 200 feet north of Woodland Avenue; thence running southeasterly, parallel to and approximately 200 feet north of Woodland Avenue to a point halfway between Ridge Road and Sylvan Street; thence running southwesterly and halfway between Ridge Road and Sylvan Street and this line extended to the boundary line between the borough of Rutherford and the township of Lyndhurst; thence running southeasterly along the boundary line between the borough of Rutherford and the township of Lyndhurst which is Rutherford Avenue and Rutherford Avenue extended to the center line of Berry's Creek; thence running southerly along the center line of Berry's Creek, being said boundary line between the borough of Rutherford and the township of Lyndhurst to where it intersects the boundary line of the town of Secaucus at the center of the Hackensack River; thence running southerly along the center line of the Hackensack River being the boundary line between the township of Lyndhurst and the town of Secaucus to where it intersects the boundary line of the town of Kearny at Sawmill Creek; thence running southerly still along the center line of the Hackensack River being the boundary line between the town of Kearny and the town of Secaucus to where it intersects the boundary line of the city of Jersey City at Penhorn Creek; thence running northeasterly along the center of Penhorn Creek being the boundary line between the town of Secaucus and the city of Jersey City to where it intersects the boundary line of the township of North Bergen at Secaucus Road; thence running southwesterly along the center of Secaucus Road being the

boundary line between the city of Jersey City and the township of North Bergen to where it intersects the boundary of the city of Union City at J.F. Kennedy Boulevard; thence running northerly along J.F. Kennedy Boulevard being the boundary line between the township of North Bergen and the city of Union City to 18th Street; thence running easterly along 18th Street within the city of Union City to Summit Avenue; thence running southerly along Summit Avenue to 17th Street; thence running easterly along 17th Street to Central Avenue; thence running southerly along Central Avenue to 16th Street; thence running easterly on 16th Street to Palisade Avenue; thence running southerly on Palisade Avenue to Paterson Plank Road which is the boundary line between the city of Jersey City and the city of Union City; thence running easterly along Paterson Plank Road being the boundary line between the city of Union City and the city of Jersey City until it intersects the boundary line of the city of Hoboken; thence running southwesterly between the city of Hoboken and the city of Jersey City to a point just crossing over Hoboken Avenue; thence running easterly and parallel to Hoboken Avenue along said boundary line between the city of Hoboken and the city of Jersey City to Henderson Street; thence running easterly along said boundary line between the city of Hoboken and the city of Jersey City to a point in the Hudson River being the modified Pierhead Line of January 12, 1931; thence running southerly along the modified Pierhead Line of January 12, 1931 10,250 feet to a point; thence running southwesterly for 935 feet to a point; thence continuing in a southwesterly direction for 2,354 feet to a point which is on the west side of Ellis Island; thence running southwesterly for 1,945 feet to a point which is on the southwest side of Ellis Island; thence running southerly for 557 feet to a point; thence running easterly 984 feet to a point; thence running southerly for 1,363 feet to a point north of Liberty Island; thence running westerly for 300 feet to the Pierhead and Bulkhead Line adopted March 6, 1939; thence running southwesterly for 1,525 feet to the south side of Morris Pesin Drive if projected eastwardly 1,650 feet; thence running in a southerly direction along the Pierhead and Bulkhead Line for 9,500 feet to a point that intersects the boundary line between the city of Jersey City and the city of Bayonne; thence running southeasterly along the boundary line between the city of Jersey City and the city of Bayonne to where it intersects with the boundary line between the State of New Jersey and the State of New York; thence running southerly and westerly along the boundary line between the states of New York and New Jersey through New York Bay, the Kill Van Kull and Newark Bay to where it intersects

the boundary line between Union County and Hudson County; thence running northerly along the boundary between Union County and Hudson County, being the boundary line between the city of Elizabeth and the city of Bayonne in Newark Bay to its intersection with the boundary line of the county of Essex to the point or place of the beginning, constituted a sewerage district under the name and title of Passaic Valley Sewerage District by the act entitled "An act to create a sewerage district to be called Passaic Valley Sewerage District," approved March 27, 1902 (L.1902, c.48, p.190), as supplemented by the act approved April 14, 1914 (L.1914, c.160, p.294), and by the act approved March 8, 1924 (L.1924, c.94, p.184), hereinafter in this chapter designated as the "district" and the commission appointed thereunder, are continued, and it shall be entitled to all the authority and be subject to all the laws of this State concerning sewerage districts so created.

C.58:14-1.9 Passaic Valley Sewerage District to include part of borough of Franklin Lakes.

2. The boundary lines of the sewerage district known as the Passaic Valley sewerage district, created pursuant to P.L.1902, c.48, as supplemented and continued pursuant to R.S.58:14-1, are altered, amended and extended to include that portion of the borough of Franklin Lakes as hereinafter described:

Beginning at the center point of the intersection of High Mountain Road and Franklin Lake Road within the borough of Franklin Lakes and proceeding: south 8 degrees, 13 minutes, 12 seconds east distant 2.47 feet along the centerline of High Mountain Road to an angle point; thence south 23 degrees, 43 minutes, 17 seconds east distant 1,030.48 feet along the same to a point of curvature; thence southeasterly an arc distance of 99.99 feet along the same on a curve to the left having a radius of 2,447.04 feet to a point of tangency; thence south 26 degrees, 3 minutes, 45 seconds east distant 167.07 feet along the same to a point of curvature; thence southeasterly an arc distance of 35.45 feet along the same on a curve to the right having a radius of 4,256.20 feet to a point in the same; thence on a line radial to the centerline of High Mountain Road south 64 degrees, 24 minutes, 53 seconds west distant 16.5 feet to a point in the westerly right-of-way line of said road; thence; south 65 degrees, 17 minutes, 1 second west distant 216.01 feet along the southerly line of Lot 1, Block 2203 to a monument designated as No. 80 on a map filed in the Bergen County Clerk's Office on March 22, 1960 as Map No. 5505; thence south 65 degrees, 36 minutes, 56 seconds west distant

522.32 feet along said southerly line of Lot 1 Block 2203 and of Lot 2, Block 2101.01 being also the rear property lines of the lots on the northerly side of the Osage Lane which were created on the aforesaid Filed Map No. 5505 to an angle point; thence south 78 degrees, 17 minutes, 46 seconds east distant 192.25 feet along the southerly line of said Lot 2 Block 2101.01 and said rear property lines of the northerly lots on Osage Lane and crossing the northerly terminus of Wyandotte Drive (50 feet wide) which was also created on said Filed Map No. 5505 to a point in the westerly right-of-way line of said Wyandotte Drive at its northerly terminus; thence southwesterly an arc distance of 17.35 feet along the westerly right-of-way line of Wyandotte Drive on a curve to the right having a radius of 875.00 to a point in the same; thence north 77 degrees, 9 minutes, 37 seconds west distant 228.74 feet still along the southerly line of Lot 2 Block 2101.01 being also on the northerly line of Lot 30 Block 2101.08 (which was created as Lot 30 Block 2101-C by a minor subdivision approved by the Franklin Lakes Planning Board on July 28, 1980) to an angle point; thence south 12 degrees, 50 minutes, 23 seconds west distant 176.76 feet along the southerly line of said Lot 2 Block 2101.01 being the rear line of said Lot 30 Block 2101.08 to a angle point; thence south 72 degrees, 2 minutes, 39 seconds west distant 203.69 feet along said southerly line of Lot 2 Block 2101.01 and being also the rear property line of a lot on the westerly side of Wyandotte Drive created on said Filed Map No. 5505 to an angle point; thence south 64 degrees, 8 minutes, 9 seconds west distant 165.79 feet still along the southerly line of Lot 2 Block 2101.01, being also the rear property lines of lots on the northerly and northwesterly side of Scioto Drive which were created on a map filed in the Bergen County Clerk's Office on October 8, 1958 as Map No. 5298 to an angle point; thence north 82 degrees, 50 minutes, 44 seconds west distant 258.83 feet along the same to an angle point; thence south 81 degrees, 21 minutes, 52 seconds west distant 286.59 feet along the same to an angle point; thence north 30 degrees, 16 minutes, 41 seconds west distant 25 feet more or less leaving the rear property lines of said lots on Scioto Drive but still along the southerly line of Lot 2 Block 2101.01 to a point in the easterly shoreline of Franklin Lake; thence returning to the point of the Beginning and running thence; north 8 degrees, 13 minutes, 12 seconds west distant 543.99 feet along the centerline of High Mountain Road to a point of curvature; thence northwesterly an arc distance of 119.18 feet along the same on a curve to the left having a radius of 416.99 feet to a point of tangency; thence north 24 degrees, 35 minutes, 46 sec-

onds west distant 64.40 feet along the same to a point in the same; thence south 65 degrees, 24 minutes, 14 seconds west distant 30.00 feet to a point in the westerly right-of-way line of said High Mountain Road and at the northeasterly corner of a lot now known as Lot 2 Block 2201.08 on the Franklin Lakes Assessment Map and which lot was created as Lot 2 Block 2201 on a map filed in the Bergen County Clerk's Office on January 17, 1973, as Map No. 7146; thence south 56 degrees, 7 minutes, 37 seconds west distant 211.39 feet along the outside boundary of said Lot 2 Block 2201 (now known as Lot 2 Block 2201.08) as laid out on said Filed Map No. 7146 to an angle point; thence south 68 degrees, 19 minutes, 25 seconds west distant 288.21 feet continuing along said outside boundary of said lot now known as Lot 2 Block 2201.08 to an angle point; thence south 21 degrees, 29 minutes, 49 seconds west distant 191.87 feet along the same to an angle point; thence south 44 degrees, 35 minutes, 20 seconds west distant 135.00 feet along the same to an angle point; thence south 19 degrees, 55 minutes, 18 seconds west distant 75.69 feet along the same to an angle point; south 57 degrees, 25 minutes, 39 seconds west distant 196.05 feet along the same to an angle point; thence south 18 degrees, 10 minutes, 1 second east distant 200.87 feet along the same to a point in the northerly right-of-way line of Franklin Lake Road (35 feet wide from centerline); thence south 11 degrees, 1 minute, 56 seconds east distant 35.00 feet to a point in the centerline of said Franklin Lake Road; thence south 78 degrees, 58 minutes, 4 seconds west distant 102.28 feet along the centerline of Franklin Lake Road to a point of curvature; thence southwesterly an arc distance of 199.42 feet along the same on a curve to the right having a radius of 1,066.17 feet to a point of tangency; thence south 89 degrees, 41 minutes, 4 seconds west distant 203.66 feet along the same to an angle point; thence south 84 degrees, 59 minutes, 18 seconds west distant 338.79 feet along the same to a point of curvature; thence southwesterly an arc distance of 199.68 feet along the same on a curve to the left having a radius of 1,436.33 feet to a point of tangency; thence south 72 degrees, 1 minute, 23 seconds west distant 107.69 feet along the same to an angle point; thence south 72 degrees, 17 minutes, 57 seconds west distant 161.67 feet along the same to a point in the same; thence south 17 degrees, 42 minutes, 3 seconds east distant 25.00 feet to a point in the southerly right-of-way line of Franklin Lake Road at the Point of Beginning of a lot designated as Lot 1.01 Block 2203 as recorded in the Bergen County Clerk's Office in Deed Book 7019, Page 677; thence south 17 degrees, 42 minutes, 3 seconds east

distant 86 feet more or less along the boundary line between said Lot 1.01 Block 2203 on the east and Lot 1.05 Block 2101 (lands now or formerly of Myron and Elaine Adler) as described in Deed Book 7019 , Page 677 to a point in the northerly shoreline of the aforesaid Franklin Lake; thence northeasterly, easterly, southeasterly, southerly, and southwesterly along the northerly, northeasterly, and easterly shoreline of Franklin Lake the various courses thereof and along Lots 1.01 and 1.03 in Block 2203 and Lot 2 in Block 2101.01 distant 2,102 feet more or less to a point at the end of the above described 17th course and there to close.

Repealer

3. The following are repealed:

P.L.1942, c.151 (C.58:14-1.1);

P.L.1985, c.328 (C.58:14-1.2 to C.58:14-1.5);

P.L.1985, c.426 (C.58:14-1.6 and C.58:14-1.7); and

P.L.1986, c.114 (C.58:14-1.8).

4. This act shall take effect immediately.

Approved July 23, 1991.

CHAPTER 213

AN ACT concerning municipal garbage collection and amending
R.S.40:66-1.

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

1. R.S.40:66-1 is amended to read as follows:

Street cleaning; solid waste disposal; ordinances, rules and regulations.

40:66-1. a. The governing body may provide for the cleaning of the streets of the municipality, and for the collection or disposal of solid waste, and may establish and operate a system therefor; purchase and operate the necessary equipment for the cleaning of streets, and for the collection or disposal of solid waste; make, amend, repeal and enforce all such ordinances, resolutions, rules and regulations as may be deemed necessary and proper for the introduction, operation and management of such system, and for the

maintenance and operation of a solid waste facility, subject to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act of 1970," P.L.1970, c.40 (C.48:13A-1 et seq.), for the disposal of solid waste, and for the government of employees connected therewith.

b. A municipal governing body that establishes a system for the collection or disposal of solid waste pursuant to subsection a. of this section, in its discretion, may limit service furnished by it to curbside collection along public streets or roads that have been dedicated to and accepted by the municipality. The municipal governing body may also refuse to enter upon private property to remove solid waste from dumpsters or other containers. The municipal governing body, in its sole discretion, may choose to reimburse those property owners who do not receive the municipal service, but such reimbursement shall not exceed the cost that would be incurred by the municipality in providing the collection or disposal service directly.

2. This act shall take effect immediately.

Approved July 23, 1991.

CHAPTER 214

AN ACT concerning the unlawful transportation of solid waste, and supplementing P.L.1970, c.40 (C.48:13A-1 et seq.).

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

C.48:13A-12.1 Solid waste vehicles not to transport food, rules and regulations.

1. a. Except as provided in subsections b., c. or d., no vehicle, including any truck, trailer or other haulage vehicle other than a truck tractor, utilized for the transportation of solid waste in this State shall be subsequently utilized for the transportation of fresh food or fresh food products, including meat, poultry, produce or other non-processed fresh food products intended for sale for human consumption. The presence of refrigeration equipment in a vehicle shall be prima facie evidence that the vehicle is used for the transportation of fresh food or fresh food products, unless the

vehicle is lawfully registered, equipped and operated for the transportation of medical waste.

b. No vehicle which is registered pursuant to State solid waste laws and regulations for lawful solid waste transportation activities in this State shall be utilized for the transportation of fresh food or fresh food products, including meat, poultry, produce or other non-processed fresh food products intended for sale for human consumption, unless that vehicle has been appropriately cleaned and sanitized in accordance with rules and regulations adopted by the Department of Environmental Protection, after consultation with the Department of Health, prior to any use for the transportation of fresh food or fresh food products. The Department of Environmental Protection may adopt rules and regulations requiring notification, recordkeeping or reporting of the use of registered vehicles for the transportation of fresh food or fresh food products.

c. The provisions of this section shall not apply to any vehicles utilized for the transportation of source separated recyclable materials as defined in section 2 of P.L.1987, c.102 (C.13:1E-99.12).

d. A vehicle, including any truck, trailer or other haulage vehicle other than a truck tractor, owned or operated by any person engaging in the transportation of fresh produce intended for human consumption, may be utilized for the transportation of vegetative waste material generated from the fresh produce that was transported in that vehicle if the vegetative waste material is transported without delay to a vegetative waste composting facility.

C.48:13A-12.2 Violations, penalties.

2. a. Any owner or operator who knowingly violates the provisions of section 1 of P.L.1991, c.214 (C.48:13A-12.1) is guilty of a crime of the third degree.

b. The provisions of N.J.S.2C:43-3 to the contrary notwithstanding, any person convicted of a violation of the provisions of section 1 of P.L.1991, c.214 (C.48:13A-12.1) is subject to a fine of not less than \$7,500.00 for a first offense, not more than \$10,000.00 for a second offense and not more than \$25,000.00 for a third and every subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.

c. If a person is convicted of a violation of the provisions of section 1 of P.L.1991, c.214 (C.48:13A-12.1), the court shall, in addition to the penalties provided under this section, require the person to perform community service for a term of not more than 90 days, and the person shall forthwith forfeit his right to operate a motor vehicle over

the highways of this State for a period of not less than six months nor more than one year.

d. All conveyances used or intended for use in the unlawful transportation of solid waste in violation of the provisions of section 1 of P.L.1991, c.214 (C.48:13A-12.1) are subject to forfeiture to the State pursuant to the provisions of P.L.1981, c.387 (C.13:1K-1 et seq.).

3. This act shall take effect immediately.

Approved July 24, 1991.

CHAPTER 215

AN ACT to designate the New Jersey Fire Engine and Equipment Museum as the John P. Caufield Memorial Fire Engine and Equipment Museum and supplementing chapter 2 of Title 28 of the Revised Statutes.

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

C.28:2-26 John P. Caufield Memorial Fire Engine and Equipment Museum; designated.

1. The New Jersey Fire Engine and Equipment Museum, to be constructed at Allaire pursuant to P.L.1987, c.437, under the auspices of the Department of Environmental Protection, is designated the John P. Caufield Memorial Fire Engine and Equipment Museum.

This designation shall be displayed prominently at or near the entrance to the museum.

2. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 216

AN ACT concerning county and municipal annual audits and amending N.J.S.40A:5-4.

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

1. N.J.S. 40A:5-4 is amended to read as follows:

Annual audit required; extensions.

40A:5-4. The governing body of every local unit shall cause an annual audit of its books, accounts and financial transactions to be made and completed within six months after the close of its fiscal year. The governing body of every local unit may by resolution petition the Director of the Division of Local Government Services in the Department of Community Affairs for an extension to complete and file the annual audit with the division. Upon good cause being shown the director may grant an extension upon whatever terms or conditions he may deem reasonable. The determination of the director in the granting of an extension is final.

The governing body of every local unit shall employ a registered municipal accountant of New Jersey to prepare its annual audit or it shall enter into an agreement with the Director of the Division of Local Government Services for an annual audit to be made by qualified employees of the division. The director shall establish a fee based upon the time spent and other expenses incurred by qualified employees of the division when conducting the annual audit for a local unit. The local unit shall upon request for payment for audit services, forward a check to the director, payable to the State Treasurer.

2. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 217

AN ACT to require a study of the feasibility of establishing a veterans outreach program at the New Jersey Veterans' Memorial Home-Paramus.

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

1. The Legislature finds and declares that there is a substantial and increasing need for programs to provide outpatient services to meet the special needs of the growing number of elderly veterans in this State, and particularly to meet the needs of those veterans living in

northern New Jersey, in close proximity to the New Jersey Veterans' Memorial Home-Paramus, Bergen county, who comprise a majority of the State's veteran population.

2. The Adjutant General of the Department of Military and Veterans' Affairs shall conduct a study of the feasibility of establishing at the New Jersey Veterans' Memorial Home-Paramus an outreach program that would provide services to veterans residing in the community who require special services on an outpatient basis, including, but not limited to, the following services: day care, home health care, respite care, speech therapy, vision care, dental care, audiological services, prescription drugs, psychiatric services, substance abuse services and services for victims of Alzheimer's disease and related dementias.

This feasibility study shall examine the need for such outreach services at the New Jersey Veterans' Memorial Home-Paramus and shall develop recommendations for the design of an outreach program, including the necessary physical facilities, and an estimate of the itemized costs thereof.

3. The Adjutant General of the Department of Military and Veterans' Affairs, no later than six months after the effective date of this act, shall report to the Governor and the Legislature on the findings and recommendations of the feasibility study conducted pursuant to section 2 of this act.

4. This act shall take effect immediately and shall expire six months after the effective date.

Approved July 26, 1991.

CHAPTER 218

AN ACT concerning hotels and supplementing P.L.1967, c.76 (C.55:13A-1 et seq.).

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

C.55:13A-7.7 Hotel room notices, procedures followed in event of fire or smoke.

1. a. The owner of a hotel shall post, in a prominent place in each dwelling unit, a notice that states:

(1) The location of the nearest exits and fire alarms;

(2) The procedures to be followed when a smoke or fire alarm sounds;

(3) The procedures to be followed in the event of fire or smoke.

b. The Commissioner of the Department of Community Affairs shall adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to implement the provisions of this act.

2. This act shall take effect on the 91st day after enactment, except that subsection b. of section 1 shall take effect immediately.

Approved July 26, 1991.

CHAPTER 219

AN ACT concerning the membership of the Casino Reinvestment Development Authority and amending P.L.1984, c.218.

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

1. Section 5 of P.L.1984, c.218 (C.5:12-153) is amended to read as follows:

C.5:12-153 Casino Reinvestment Development Authority established, membership.

5. a. There is established in, but not of, the Department of the Treasury a Casino Reinvestment Development Authority to consist of the following members:

(1) Seven members appointed by the Governor with the advice and consent of the Senate for terms of four years, except that of the initial members to be appointed pursuant to this 1991 amendatory act, P.L.1991, c.219, one shall be appointed for a term of two years and one for a term of four years;

(2) One member appointed by the Governor upon the recommendation of the President of the Senate for a term of four years, except that the initial member to be appointed shall be appointed for a term of three years;

(3) One member appointed by the Governor upon the recommendation of the Speaker of the General Assembly for a term of four years, except that the initial member to be appointed shall be appointed for a term of one year;

(4) A member of the Casino Control Commission, who shall be appointed by the Governor and shall be a voting member of the authority;

(5) The mayor of Atlantic City, ex officio and voting; and

(6) The State Treasurer, ex officio and nonvoting.

No more than four of the voting members appointed by the Governor pursuant to paragraph (1) of this subsection shall be of the same political party, and no more than two of the members appointed by the Governor pursuant to paragraphs (1), (2), and (3) of this subsection shall be representatives of the casino hotel industry.

In the appointment of members of the authority, consideration should be given to achieving a membership of high quality and varied experience, with special emphasis on the fields of banking, finance, investment, and housing and urban development and on participation by representatives of the casino hotel industry.

b. Each member appointed by the Governor shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

c. The member of the Casino Control Commission appointed by the Governor shall serve as a member of the Casino Reinvestment Development Authority at the pleasure of the Governor, subject to the limitations in subsections c., f., and h. of section 52 of P.L.1977, c.110 (C.5:12-52). The member may be removed or suspended from office as a member of the Casino Reinvestment Development Authority as provided in section 6 of this act. Any removal or suspension from office of the member of the Casino Control Commission from the Casino Reinvestment Development Authority shall not affect his office held as a member of the Casino Control Commission. Removal from office as a member of the Casino Control Commission may only be done in accordance with subsection g. of section 52 of P.L.1977, c.110 (C.5:12-52).

2. Section 7 of P.L.1984, c.218 (C.5:12-155) is amended to read as follows:

C.5:12-155 Officers; quorum.

7. The Governor shall designate from among the appointed and voting public members, a chairman and a vice chairman of the Casino Reinvestment Development Authority, who shall serve in

those capacities at the pleasure of the Governor. The powers of the Casino Reinvestment Development Authority shall be vested in the members thereof in office from time to time and six voting members of the Casino Reinvestment Development Authority shall constitute a quorum at any meeting thereof. Action may be taken by motions and resolutions adopted by the Casino Reinvestment Development Authority at any meeting thereof by the affirmative vote of at least six members of the Casino Reinvestment Development Authority. No vacancy in the membership of the Casino Reinvestment Development Authority shall impair the right of a quorum of the members to exercise all the powers and perform all the duties of the Casino Reinvestment Development Authority.

3. Section 8 of P.L.1984, c.218 (C.5:12-156) is amended to read as follows:

C.5:12-156 Compensation of public members.

8. Each appointed and voting public member of the Casino Reinvestment Development Authority other than the chairman shall receive compensation of \$18,000.00 per annum. The compensation of the chairman shall be \$23,000.00 per annum. However, no voting public member who holds an interest in, is employed by, represents, appears for or negotiates on behalf of a casino shall receive this compensation. All members shall be reimbursed for actual expenses necessarily incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no officer or employee of the State shall be deemed to have forfeited or shall forfeit his office or employment, or any benefits or emoluments thereof by reason of his acceptance of the office of an ex officio or appointed member of the Casino Reinvestment Development Authority or his services therein.

4. Section 9 of P.L.1984, c.218 (C.5:12-157) is amended to read as follows:

C.5:12-157 Designation of representatives to attend meetings.

9. The State Treasurer may designate an officer or employee of his department and the Casino Control Commission member on the Casino Reinvestment Development Authority may designate another commissioner or employee of the commission to represent them at meetings of the Casino Reinvestment Development Authority, and each designee may lawfully vote and otherwise act on behalf of the member for whom he constitutes the designee.

Any designation shall be in writing delivered to the Casino Reinvestment Development Authority and shall continue in effect until revoked or amended by writing delivered to the Casino Reinvestment Development Authority.

5. Section 10 of P.L.1984, c.218 (C.5:12-158) is amended to read as follows:

C.5:12-158 Interests prohibited.

10. Other than any casino hotel industry representatives, no member, officer, employee or agent of the Casino Reinvestment Development Authority shall be interested either directly or indirectly in any project or in any contract, sale, purchase, lease or transfer of real or personal property to which the Casino Reinvestment Development Authority is a party. Any casino hotel industry representatives appointed shall not be subject to section 4 of P.L.1981, c.142 (C.52:13D-17.2).

6. Section 22 of P.L.1984, c.218 (C.5:12-170) is amended to read as follows:

C.5:12-170 Authority may use employees of other agencies.

22. The Casino Reinvestment Development Authority shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for that purpose. The cost and expense of any of these services shall be met and provided for by the Casino Reinvestment Development Authority. The Casino Reinvestment Development Authority shall also be entitled to employ professional, stenographic, and clerical assistants and incur traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for those purposes. To the maximum extent feasible, the Casino Reinvestment Development Authority shall avail itself of the staffs of the Casino Control Commission, the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, and the Department of the Treasury. Any use of the staff of the Casino Control Commission shall be subject to the approval of the chairman of the commission. In addition, the Casino Reinvestment Development Authority may accept the voluntary services of any person in the private sector. If a need is shown by the Casino Reinvestment Development

Authority and approved by the Casino Control Commission, the members of the Casino Reinvestment Development Authority may have access to information which is regarded as confidential pursuant to section 74 of P.L.1977, c.110 (C.5:12-74) and to the staffs of the Casino Control Commission and the Division of Gaming Enforcement in connection with that information. Any casino hotel industry representatives, however, shall not have access to information which is regarded as confidential pursuant to section 74 of P.L.1977, c.110 (C.5:12-74) or to the staffs of the Casino Control Commission or the Division of Gaming Enforcement in connection with that information.

7. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 220

AN ACT to validate certain proceedings for the issuance of bonds of municipalities and any bonds or other obligations issued or to be issued in pursuance of such proceedings.

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

1. All proceedings heretofore had or taken by any municipality or by any officials thereof for or in connection with the authorization or issuance of bonds or notes of the municipality pursuant to the "Local Bond Law," N.J.S.40A:2-1 et seq., and any ordinance with respect to such bonds or notes heretofore adopted and any bonds or notes of the municipality issued 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 July 26, 1991.

CHAPTER 221

AN ACT designating July 27 of each year as "Korean War Veterans' Day" in New Jersey and providing for a proclamation therefor by the Governor.

WHEREAS, New Jersey veterans of the Korean War have not received the recognition that they have earned and deserve; and

WHEREAS, It is proper that the citizens of this State pay tribute to the sacrifices that were made by the men and women of this State who served in Korea; and

WHEREAS, The Korean War, also known as the "forgotten war," ended when a truce was signed on July 27, 1953; and

WHEREAS, It is fitting that this day be set aside each year as a time to honor those veterans who served with honor and valor and to remember those veterans who lost their lives in the service of their country and those who are still listed as missing in action; now, therefore,

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

C.36:2-20 "Korean War Veterans' Day" designated.

1. July 27 of each year shall be designated as "Korean War Veterans' Day" in New Jersey in recognition of the courage and unwavering patriotism of those men and women of this State who served in the armed forces during the Korean War.

C.36:2-21 Gubernatorial proclamation.

2. The Governor shall issue annually a proclamation designating this day as "Korean War Veterans' Day" and with the Legislature call upon the citizens of this State to recognize this day with appropriate observances.

3. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 222

AN ACT concerning fire safety and amending P.L.1983, c.383.

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

1. Section 22 of P.L.1983, c.383 (C.52:27D-213) is amended to read as follows:

C.52:27D-213 Applicability of act; inspection of government owned buildings.

22. a. This act shall not be construed as authorizing the adoption of a regulation or the enactment of an ordinance requiring that a building conforming in all respects to the requirements of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) be made to conform to more restrictive standards.

b. Buildings, structures and premises owned or operated by the State, its agencies, departments, or instrumentalities or an interstate agency shall be inspected exclusively by the Department of Community Affairs, and shall conform to this act in the same manner as all other buildings, structures and premises of similar construction and use classification; but no fees or penalties shall be charged to or assessed against the State, its agency, department or instrumentality, or an interstate agency. For purposes of this section, a unit of local government, whether county, inter-local or municipal, or a local, county, regional or consolidated school district, shall not be deemed to be an instrumentality of the State.

c. Buildings, structures and premises subject to inspection for fire safety by an agency of the State shall be inspected by the agency in accordance with the standards established pursuant to this act. Any State fire safety standard for buildings, structures or premises established by or pursuant to any statute other than this act shall continue in effect until such time as that standard is superseded by appropriate regulations promulgated under this act. An agency of the State that enforced fire standards prior to the effective date of this act shall be entitled to petition the commissioner to establish a regulation establishing the standards it considers to be necessary and appropriate for buildings, structures and premises subject to its inspection.

2. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 223

AN ACT concerning the designation of fire districts and amending
N.J.S.40A:14-70.

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

1. N.J.S.40A:14-70 is amended to read as follows:

Fire district designation; procedure; election of commissioners.

40A:14-70. In any municipality not having a paid or part-paid fire department and force, the governing body, upon application of at least 5% of the registered voters or 20 legal voters, whichever is the greater, shall consider the designation of a fire district. Upon receipt of the application, the governing body shall fix a time and place for a hearing thereon. The municipal clerk shall advertise the notice of the hearing in a newspaper circulating in the county wherein the municipality is located at least once and not less than 10 days prior to the hearing. After the hearing the governing body shall determine the question of designation of a fire district. If the governing body decides that the designation of a fire district is appropriate, it, by ordinance, shall designate a territorial location or locations for use as a fire district or fire districts and, by resolution, provide for the election of a board of fire commissioners for the district or each district, to consist of five persons, residents therein, and specify the date, time and place for the election of the first board.

The district or each district shall be assigned a number and the commissioners thereof and their successors shall be a body corporate, to be known as "the commissioners of fire district No. in (name of municipality), county of (name of county)." The said body corporate shall have the power to acquire, hold, lease, sell or otherwise convey in its corporate name such real and personal property as the purposes of the corporation shall require. All sales and leases of real and personal property shall be in accordance with the provisions of section 13 or 14, as appropriate, of the "Local Lands and Buildings Law," P.L.1971, c.199 (C.40A:12-13 or 40A:12-14). Said body corporate may adopt and use a corporate seal, sue or be sued and shall have such powers, duties and functions as are usual and necessary for said purposes.

On the date and at the time and place specified for the election of the first board the clerk of the municipality shall conduct the election and shall preside at the meeting until the board shall have been elected.

At the first meeting of a newly elected board of fire commissioners of a district the board shall choose a chairman and fix the place for the annual election. The members of the board shall divide themselves by lot into three classes: the first to consist of two members whose terms shall expire at 12 o'clock noon on the first Tuesday in March of the year following the year in which the first board is elected; the second, two members whose terms shall expire at 12 o'clock noon on the first Tuesday in March of the second year following that year; and the third, one member whose term shall expire at 12 o'clock noon on the first Tuesday in March of the third year following that year. The terms of fire commissioners in each class, other than members of the first board, shall expire at 12 o'clock noon on the first Tuesday in March of the third year following the year in which they were elected.

Any vacancy in the membership shall be filled by the remaining members until the next succeeding annual election, at which time a resident of the district shall be elected for the unexpired term.

2. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 224

AN ACT relating to the acquisition of certain railroad rights-of-way and making an appropriation from the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Fund of 1989."

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

1. There is appropriated to the Department of Transportation from the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Fund of 1989," established pursuant to section 14 of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180, the sum of \$10,000,000 for the preservation and acquisition of part or all of the following railroad rights-of-way known as:

a. Lackawanna Cut-off:

From Knowlton Township, Warren County to Roxbury Township, Morris County.

b. Bayshore Line:

From Matawan Borough to Atlantic Highlands Borough, Monmouth County.

c. Southern Branch:

From Winslow Junction, Camden County to Woodmansie, Burlington County.

d. Consolidated Rail Corporation Right-of-way:

From Mount Holly to the Fort Dix Military Reservation, Burlington County.

e. Consolidated Rail Corporation Right-of-way:

From Glassboro, Gloucester County to Bridgeton, Cumberland County.

f. Consolidated Rail Corporation Right-of-way:

From Stevens Avenue to Broadway, South Amboy, Middlesex County.

g. New York Susquehanna and Western Edgewater Branch:

From Bellman's Creek to the west portal of the tunnel under the Palisades, Hudson County.

h. Consolidated Rail Corporation, et al.:

Jersey City coal yards west of the New Jersey Turnpike's Hudson County Extension between Johnson and Communipaw Avenues, Jersey City, Hudson County.

i. Weehawken Tunnel West Portal Property:

Located west of Kennedy Boulevard between 48th and 49th Streets, Weehawken, Hudson County.

j. Hoboken Shore Line:

Between Lincoln Harbor, Weehawken and 14th Street, Weehawken & Hoboken, Hudson County.

2. The Commissioner of Transportation is empowered to enter into agreements with the federal government for the purpose of railroad right-of-way preservation and acquisition and to receive any federal assistance or grants available or advantageous for that purpose.

3. The funds herein appropriated shall be expended by the Commissioner of Transportation for the uses and purposes enumerated herein subject to the provisions and conditions of P.L.1989, c.180 and further subject to specific expenditure allocation among the railroad rights-of-way set forth in section 1 subject to the approval

of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor committee.

4. From the amount provided in this act for the acquisition and preservation of railroad rights-of-way, there may be allocated such amounts as the Commissioner of Transportation shall determine, with the approval of the Director of the Division of Budget and Accounting, and the Joint Budget Oversight Committee, or its successor committee, for personal services by contract or, in lieu thereof, by State employees for inspection, planning, engineering, design, research, construction, appraisals or any other cost related to railroad right-of-way preservation and acquisition, provided that those amounts so allocated do not exceed 5% of the amount provided in this act for the acquisition and preservation of railroad rights-of-way.

5. Costs of preservation and acquisition of railroad rights-of-way authorized pursuant to the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180, shall be paid from the fund established in section 14 thereof. The Director of the Division of Budget and Accounting, where appropriate and practicable, may charge the fund and credit to the General Fund or other expenditure source such sums as may have been expended from other State appropriations for direct or indirect costs related to the costs of the preservation and acquisition of the railroad rights-of-way set forth in section 1 of this act subject to the approval of the Joint Budget Oversight Committee or its successor committee, provided that those sums so charged do not exceed 5% of the amount provided in this act for the acquisition and preservation of railroad rights-of-way.

6. The Commissioner of Transportation shall, within one year of the effective date of this act, report to the Joint Budget Oversight Committee, or its successor committee, the administrative costs, by project, related to the projects for which sums are provided in this act.

7. This act shall take effect immediately.

Approved July 26, 1991.

New Jersey State Library

CHAPTER 225

AN ACT concerning tax exemption of public housing project property and amending chapter 14A of Title 55 of the Revised Statutes.

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

1. R.S.55:14A-19 is amended to read as follows:

Powers of authority pertaining to federal government.

55:14A-19. Powers of authority pertaining to federal government. In addition to the powers conferred upon any authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the federal government, and to enter into agreements containing resale restrictions with a resident management corporation, a cooperative corporation or a condominium association formed by public housing tenants for the transfer of title to any housing project within its area of operation pursuant to section 123 of P.L.100-242 (42 U.S.C. §1437s) or any other program administered by the federal government for extending home ownership opportunities to residents of public housing; and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the federal government in the undertaking, construction, maintenance or operation of any housing project by such authority.

2. R.S.55:14A-20 is amended to read as follows:

Property exempt from taxes.

55:14A-20. Property exempt from taxes. All housing projects of a housing authority, including all property of the public body or bodies or housing authority or authorities comprising such housing projects, are hereby declared to be public property devoted to an essential public and governmental purpose. All such public property devoted to such a public purpose shall be exempt from

all taxes and special assessments of the State or any political subdivision thereof as long as such public property remains under exclusive control and jurisdiction of a housing authority or public body which owns or holds such property, and for a period not exceeding 15 years after the transfer of title thereto pursuant to a program of home ownership opportunities, as authorized under R.S.55:14A-19, if (1) such continued exemption is determined by the local housing authority to be necessary to the financial feasibility of transition from public to private ownership, (2) the resident owners of the resident management association, condominium association or cooperative corporation shall continue to receive financial assistance from the federal government during such continued exemption period, and (3) the governing body of the municipality in which the property is located approves the terms of such continued exemption, including any agreement for payments in lieu of taxes as authorized in this section; provided, however, that in lieu of such taxes, the public body or resident management corporation, condominium association or cooperative corporation which owns or holds such property may agree to make payments to a political subdivision for the services, improvements or facilities furnished by it for the benefit of a housing project, but in no event shall such payments: either (1) exceed the amount last levied as the annual tax of such political subdivision upon the property included in said project prior to the time of its acquisition by the aforesaid public body or (2) be less than the amount last paid in lieu of taxes to the political subdivision, attributed to, or prorated for, the public housing project for which title is being transferred to the residents thereof or to a resident management association or cooperative corporation, by the public body by which title was transferred to private ownership pursuant to a program of home ownership opportunities as authorized in R.S.55:14A-19.

3. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 226

AN ACT concerning the provision of nursing services to nonpublic schools, supplementing chapter 40 of Title 18A of the New Jersey Statutes and making an appropriation.

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

C.18A:40-23 Findings, declarations.

1. The Legislature hereby finds and determines that the welfare of the State requires that all school-age children be assured equal access to appropriate health care services. In order to achieve this objective, it is the intent of the Legislature to require that the State and local communities provide basic nursing services for children in both public and nonpublic schools.

C.18A:40-24 Definitions.

2. As used in this act:

“Commissioner” means the State Commissioner of Education.

“Nonpublic school” means an elementary or secondary school within the State, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the “Civil Rights Act of 1964,” Pub.L.88-352, (42 U.S.C. §2000d et seq.)

“Support limit” means the maximum amount which may be appropriated each year for the purposes of this act for each pupil enrolled full-time in nonpublic schools of the State.

C.18A:40-25 Provision of nursing services to pupils in nonpublic schools.

3. Each board of education of a district in which a nonpublic school is located shall:

a. provide nursing services for pupils who are enrolled full-time in the nonpublic school. The services shall include:

- (1) assistance with medical examinations, including dental screening;
- (2) conducting screening of hearing examinations;
- (3) the maintenance of student health records, and notification of local or county health officials of any student who has not been properly immunized; and
- (4) conducting examinations of pupils between the ages of 10 and 18 for the condition known as scoliosis.

b. adopt written policies and procedures extending the emergency care provided to public school pupils to those pupils who are enrolled full-time in the nonpublic school who are injured or become ill at school or during participation on a school team or squad.

C.18A:40-26 Provision of additional medical services to nonpublic school pupils.

4. Each board of education of a district in which a nonpublic school is located may:

a. within the limit of funds appropriated or otherwise made available, adopt policies and procedures to provide the pupils who are enrolled full-time in the nonpublic school with additional medical services; and

b. provide the necessary equipment, materials and services for immunizing the pupils who are enrolled full-time in the nonpublic school from the diseases which pupils are required to be immunized against by the State Sanitary Code adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7) or for diseases against which immunization may be recommended by the State Department of Health.

C.18A:40-27 Instructional services not included.

5. The nursing services provided to nonpublic schools under sections 3 and 4 of this act shall not include instructional services.

C.18A:40-28 Provision of nursing services through collaboration contracts.

6. A board of education may join with other boards of education or contract with any public or private agency approved by the commissioner for the provision of nursing services required or permitted under sections 3 and 4 of this act.

C.18A:40-29 Nonpublic school may decline nursing services.

7. A nonpublic school may decline the nursing services which are required or permitted under sections 3 and 4 of this act by submitting written notification to the board of education from the appropriate administrator of the nonpublic school.

C.18A:40-30 Pupils of nonpublic schools not compelled to receive services.

8. A pupil who is enrolled in a nonpublic school and whose parent or guardian objects to the pupil receiving any services provided under this act shall not be compelled to receive the services except for a physical or medical examination to determine whether the pupil is ill or infected with a communicable disease.

C.18A:40-31 Determination of support limit for the school year.

9. a. The support limit for the 1991-92 school year shall be \$60. For each school year thereafter the commissioner shall determine the support limit by multiplying the support limit for the previous school year times the sum of 1.0 plus the average annual percentage increase in State per capita personal income as determined pursuant to section 3 of P.L.1990, c.52 (C.18A:7D-3).

b. On or before November 5 of each year, each board of education shall forward to the commissioner an estimate of the cost of providing, during the next school year, the services required pursuant to this act and the number of pupils attending nonpublic

schools located within the district as of the last school day of October of the current school year, excluding those pupils who have refused nursing services pursuant to section 8 of this act. The commissioner shall provide State aid to each school district in an amount equal to the number of nonpublic school pupils within the district identified by the district on or before November 5 multiplied by the State support limit. In the event that the expenditure incurred by any district is less than the amount of State aid received, the district shall refund the unexpended State aid after the completion of the school year, but not later than December 1 of the following school year.

c. If in any year the amount of State aid appropriated is insufficient to carry out in full the provisions of this act, the commissioner shall apportion that appropriation among the districts in proportion to the State aid each district would have received had the full amount of State aid been appropriated. In any year, no district shall be required to make expenditures for the purposes of this act in excess of the amount of State aid received for these purposes.

d. Any State aid provided to a school district pursuant to this section shall not be included in the calculation of the spending limitations established pursuant to section 85 of P.L.1990, c.52 (C.18A:7D-28).

10. There is appropriated from the General Fund to the Department of Education \$10,000,000 for the purposes of this act.

11. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 227

AN ACT concerning increased terms for certain elective offices for the town form of government and supplementing chapter 62 of Title 40A of the New Jersey Statutes.

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

C.40A:62-2.1 Voters may increase terms of certain mayors, council members.

1. a. The legal voters of any town in which the mayor and council members are elected for two-year terms of office, may by

petition and referendum, require that the mayor and council members shall be elected for four-year terms of office.

b. 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 four-year period.

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

d. The proposition shall be submitted to the voters at the election in substantially the following form: "Shall the term of the mayor and council members in(name of town) be increased to four years?"

e. 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 general election, and a majority of all the votes cast upon the proposition in favor of the proposition shall be sufficient to adopt it.

C.40A:62-2.2 Phasing-in, staggering, of four-year terms.

2. 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 and council members to four years, at the first annual election after the approval of the proposition, in those towns where the town is divided into wards with two council members from each ward, the voters shall elect those members of the council whose terms expire at the end of the year in which the election is held to two-year terms and the mayor and remaining members of the town council shall be elected to four-year terms, the respective terms of each to be designated on the ballot. Thereafter, the mayor and members of the town council shall be elected to four-year terms at an election held in the year in which their respective terms expire.

3. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 228

**AN ACT concerning economic development and amending
P.L.1985, c.227 and P.L.1949, c.306.**

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

1. Section 3 of P.L.1985, c.227 (C.55:19-3) is amended to read as follows:

C.55:19-3 Definitions.

3. As used in this act, except as otherwise clearly required by the context:

- a. "Board" or "board of directors" means the directors of the corporation appointed pursuant to section 4 of this act.
- b. "Corporation" means the New Jersey Urban Development Corporation established pursuant to section 4 of this act.
- c. "Department" means the New Jersey Department of Commerce and Economic Development.
- d. "Director" means a director of the corporation.
- e. "Project" means a specific work or improvement, including lands, buildings, improvements, real and personal property or any interest therein, including lands under water, riparian rights, space rights and air rights, acquired, owned, constructed, reconstructed, rehabilitated or improved by the corporation or a subsidiary, or by any other person, firm or corporation under agreement with the corporation or subsidiary pursuant to the provisions of this act in a qualified municipality, and which falls within any of the following classifications:

(1) "Industrial project"--a project designed and intended to provide facilities for manufacturing, industrial, commercial, wholesale, retail, warehousing, or research and development purposes, including but not limited to machinery and equipment deemed necessary for the operation thereof, when the board finds that there is a compelling public need to undertake such project and insufficient responsible interest by the private financial or development community to undertake the project without the corporation's assistance or involvement.

(2) "Land-use improvement project"--a project for the clearance, replanning, reconstruction, rehabilitation, renewal, redevelopment, conservation, restoration or improvement of an area, in cooperation or under agreement with a qualified municipality which has designated the area blighted or in need of rehabilitation.

(3) "Civil project"--a project designed and intended to provide facilities for educational, cultural, health, recreational, community or other civic purposes.

(4) "Utility project"--a project designed and intended to provide facilities for provision of water, sewerage, solid waste disposal, transportation, utility or other public services necessary for the accommodation of a project of another classification undertaken pursuant to this act, but accommodation of needs greater than those of the other project may be encompassed.

(5) "Mixed-use project"--a project consisting of housing development and commercial development, in which the prorated cost of the housing development is equivalent to no more than one-third of the cost of the total project.

(6) "Multi-purpose project"--a project combining the purposes of two or more of the foregoing classifications.

f. "Qualified municipality" means any municipality which at the time of the initiation of a project was eligible to receive State aid under P.L.1977, c.260 (C.52:27D-162 et seq.); or any municipality which in any year subsequent to the enactment of P.L.1978, c.14 (C.52:27D-178 et seq.) was eligible to receive State aid pursuant to that act; or any municipality which has: (1) a population of 15,000 or less, according to the most recent federal decennial census; (2) a population density of 5,000 or more per square mile; (3) 100 or more children enrolled in the Aid to Families with Dependent Children program, according to the data available to and utilized by the Director of the Division of Local Government Services in the Department of Community Affairs to determine eligibility for State aid under the provisions of P.L.1978, c.14 (C.52:27D-178 et seq.); (4) an equalized tax rate which exceeds the State equalized tax rate; and (5) an equalized valuation per capita which is less than the State equalized valuation per capita; or a municipality which has designated the corporation as its local redevelopment agency pursuant to subsection b.b. of section 6 of P.L.1985, c.227 (C.55:19-6).

g. "Subsidiary" means a subsidiary corporation formed by the corporation pursuant to section 7 of this act.

2. Section 6 of P.L.1985, c.227 (C.55:19-6) is amended to read as follows:

C.55:19-6 Powers of the corporation.

6. Except as otherwise limited in this act, the corporation shall have power:

- a. to sue and be sued;
- b. to have a seal and alter the same at pleasure;

c. to make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this act;

d. to make and alter bylaws for its organization and internal management and, subject to agreements with noteholders or bondholders, to make rules and regulations with respect to its projects, operations, properties and facilities;

e. to acquire, hold and dispose of real or personal property for its corporate purposes;

f. to appoint officers, agents and employees, prescribe their duties and fix their compensation;

g. to acquire or contract to acquire from any individual, partnership, trust, association or corporation, or any public agency, by grant, purchase or otherwise, real or personal property or any interest therein; to own, hold, clear, improve, rehabilitate and develop, and to sell, assign, exchange, transfer, convey, lease, mortgage or otherwise dispose of or encumber the same;

h. to create subsidiary corporations as provided in section 7 of this act;

i. to acquire, construct, reconstruct, rehabilitate, improve, alter or repair or provide for construction, reconstruction, rehabilitation, improvement, alteration or repair of any project;

j. to arrange or contract with a municipality for the planning, replanning, opening, grading or closing of streets, roads, roadways, alleys or other places, or for the furnishing of facilities or for the acquisition by a municipality of property or property rights or for the furnishing of property or services, in connection with a project;

k. to sell, lease, assign, transfer, convey, exchange, mortgage, or otherwise dispose of or encumber any project, and in the case of the sale of any project, to accept a purchase money mortgage in connection therewith; and to lease, repurchase or otherwise acquire and hold any project which the corporation has theretofore sold, leased or otherwise conveyed, transferred or disposed of;

l. to grant options to purchase any project or to renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;

m. to prepare or cause to be prepared plans, specifications, designs and estimates of costs for the construction, reconstruction, rehabilitation, improvement, alteration or repair of any project, and from time to time to modify such plans, specifications, designs or estimates;

n. to manage any project, whether then owned or leased by the corporation, and to enter into agreements with any individual,

partnership, trust, association or corporation, or with any public agency, for the purpose of causing any project to be managed;

o. to provide advisory, consultative, training and educational services, technical assistance and advice to any individual, partnership, trust, association or corporation, or to any public agency, in order to carry out the purposes of this act;

p. to issue, purchase, pledge and sell stock in projects of the corporation and to purchase, sell or pledge the shares, or other obligations or securities of any subsidiary corporation, on such terms and conditions as the corporation may deem advisable;

q. subject to the provisions of any contract with noteholders, to consent to the modification, with respect to rate of interest, time of payment or any installment of principal or interest, security, or any other terms, of any loan, mortgage, commitment, contract or agreement of any kind to which the corporation is a party;

r. in connection with any property on which it has made a mortgage loan, to foreclose on the property or commence any action to protect or enforce any right conferred upon it by any law, mortgage, contract or other agreement, and to bid for or purchase the property at any foreclosure or at any other sale, or acquire or take possession of the property; and in such event the corporation may complete, administer, pay the principal of and interest on any obligations incurred in connection with the property, dispose of and otherwise deal with the property, in such manner as may be necessary or desirable to protect the interests of the corporation therein;

s. to invest any funds held in reserve or sinking funds, or any moneys not required for immediate use and disbursement, at the discretion of the corporation, in obligations of this State or of the United States, or obligations the principal and interest of which are guaranteed by this State or the United States;

t. to procure insurance against any loss in connection with its property and other assets and operations, in such amounts and from such insurers as it deems desirable;

u. to engage the services of consultants on a contract basis for rendering professional and technical assistance and advice;

v. to contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the State or a municipality or any agency or instrumentality thereof, or from any other source, and, subject to the provisions of this act and any other applicable law, to comply with the terms and conditions thereof;

w. to establish, levy and collect, in connection with any civic project or utilities project managed or operated by the corporation, whether then owned or leased by the corporation, user fees and facility charges;

x. to do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in this act;

y. to borrow money or secure credit against the assets of the corporation on a temporary, short-term, interim or long-term basis;

z. to make short-term loans or advances to developers for construction in anticipation of the issuance of permanent loans;

a.a. to exercise sole authority for investment, reinvestment or expenditure of its revenues, fund balances and appropriations consistent with the purposes of this act on projects and investments utilizing revenues from the sale of government obligation bonds, which projects shall be subject to the approval of the State Treasurer, and the Treasurer's actions shall be based solely on his fiduciary role to ensure that all applicable federal and State tax laws are adhered to regarding the investment of bond funds;

b.b. notwithstanding any law to the contrary, and upon resolution of the municipal governing body, to act as the local redevelopment agency of any municipality in which there is not established a local redevelopment agency pursuant to P.L.1949, c.306 (C.40:55C-1 et seq.) and which is not precluded from establishing such an agency by the provisions of section 9 of P.L.1949, c.306 (C.40:55C-9); and

c.c. to act as a district agent pursuant to P.L.1991, c.228 (C.55:19-3 et al.).

3. Section 16 of P.L.1985, c.227 (C.55:19-17) is amended to read as follows:

C.55:19-17 Urban Development Investment Fund created.

16. a. There is hereby created the Urban Development Investment Fund, into which shall be paid:

(1) Funds appropriated by section 17 of this act;

(2) Repayments of loans or other payments received by the corporation pursuant to agreements made under authority of section 6, 7, 8 or 9 of this act;

(3) Any income derived from investment pursuant to subsection b. of this section;

(4) Moneys collected as user fees and facility charges in connection with any civic project or utilities project managed or operated by the corporation as authorized by subsection w. of section 6 of this act; and

(5) Such additional funds as the Legislature may from time to time appropriate for the purpose.

b. The fund shall be in the custody and control of the corporation, which may invest and reinvest any portion thereof not immediately required for the purposes of the corporation in the manner provided by law for investment of public funds on projects and investments utilizing revenues from the sale of general obligation bonds, which projects shall be subject to the approval of the State Treasurer, and the Treasurer's actions shall be based solely on his fiduciary role to ensure that all applicable federal and State tax laws are adhered to regarding the investment of bond funds.

4. Section 9 of P.L.1949, c.306 (C.40:55C-9) is amended to read as follows:

C.40:55C-9 Not to create agency.

9. a. No municipality shall create a redevelopment agency under this act if it has authorized the local housing authority to proceed with the redevelopment of blighted areas pursuant to existing law.

b. No municipality shall create a redevelopment agency if it has designated the Urban Development Corporation as the local redevelopment agency pursuant to subsection b.b. of section 6 of P.L.1985, c.227 (C.55:19-6).

5. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 229

AN ACT concerning retirement benefits for certain employees of certain public employers other than the State.

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

1. An employee of a participating employer under the Public Employees' Retirement System (PERS), the Teachers' Pension and Annuity Fund (TPAF) or the Alternate Benefit Program (ABP) which elects to provide the benefits authorized under this act who:

a. is 50 or more years of age and has 25 or more years of service credit under PERS or TPAF, or service with public

employers in this State participating in ABP for which contributions were made by the employee under the program before the effective date of retirement;

b. files an application to retire on or after November 1, 1991 and on or before March 1, 1992; and

c. retires under the retirement system on or after December 1, 1991, but not later than April 1, 1992, other than a veteran who retires on a special veteran's retirement, shall receive an additional five years of service credit under PERS or TPAF, or an amount equal to 100% of the employee's base annual salary at the time of retirement from the employer for members of ABP. An employee who meets the age and service requirements under this act and retires on a special veteran's retirement shall receive an additional pension under the retirement system in the amount of 5/60 of final year compensation. The additional retirement benefit under this section is applicable only to the full-time employment with the employer which elects to provide the benefits authorized under this act and from which the employee retires to receive the benefit and the compensation for that employment.

2. For an employee of a participating employer under PERS, TPAF or ABP which provides paid health benefits to retirees pursuant to section 7 of P.L.1964, c.125 (C.52:14-17.38), N.J.S.40A:10-23, or N.J.S.18A:16-19 and which elects to provide the benefits authorized under this act who:

a. is 60 or more years of age and has 20 or more years of service credit under PERS or TPAF, or service with public employers in this State participating in ABP for which contributions were made by the employee under the program before the effective date of retirement;

b. files an application to retire on or after November 1, 1991 and on or before March 1, 1992; and

c. retires under the retirement system on or after December 1, 1991, but not later than April 1, 1992, the employer shall pay the entire cost for coverage for the retired employee and the employee's dependents, but not including survivors, unless the employer is paying the entire cost for coverage for survivors on the effective date of this act. For employers participating in the New Jersey State Health Benefits Program (NJSHBP), the payment shall be made in the same manner provided for payment by an employer other than the State of premiums or periodic charges for retired employees under section 7 of P.L.1964, c.125 (C.52:14-

17.38). For employers not participating in the NJSHBP, the payment shall be made in the same manner provided for payment of premiums after retirement under N.J.S.40A:10-23 or N.J.S.18A:16-19, or the employer's group health insurance contract or health benefits plan, and the level of benefits to retirees under this section shall be the same as the level of benefits provided to other retirees by that employer.

3. An employer may elect to provide the benefits under this act by adoption of a resolution by its governing body and filing a certified copy of the resolution with the Director of the Division of Pensions on or before September 1, 1991. With respect to county colleges, the governing body is the board of trustees. The employer shall submit to the director any information necessary to provide the benefits or to determine the liability for them.

4. The actuaries for PERS and TPAF shall determine the liability of the retirement systems for the additional service credit or pensions provided under this act and for the early retirement of employees in accordance with the tables of actuarial assumptions adopted by the board of trustees of the retirement system. For PERS, this liability shall be added to the unfunded accrued liability of the employer under the retirement system and shall be paid in the same manner and over the remaining time period provided for the employer's unfunded accrued liability under sections 24, 68 and 81 of P.L.1954, c.84 (C.43:15A-24, 68 and 81).

For TPAF, the liability and contribution requirements for each employer shall be determined by the actuary of the system in the same manner and over the remaining time period provided for the unfunded accrued liability of the system as of March 31, 1987 under N.J.S.18A:66-18. The retirement system shall annually certify to each employer the contributions due to the contingent reserve fund for the liability under this act. The contributions certified by the retirement system shall be paid by the employer to the retirement system on or before July 1 in each year commencing with July 1, 1993. If payment of the full amount of the contribution certified is not made within 30 days after July 1, interest at the rate of regular interest shall begin to run against the unpaid balance on the first day after the thirtieth day.

The employer shall pay the cost of the actuarial work to determine the additional liability of the retirement system for the

benefits under this act which shall be included in the initial contribution required from the employer.

5. The cost of the cash payments for ABP members under this act shall be funded by the employer from appropriations to the employer for annual operating expenses or from funds otherwise available to the employer for operating expenses.

6. An employee who receives a benefit under this act shall forfeit all tenure rights.

7. Where the needs of the employer require the service of an employee who elects to retire and receive a benefit under this act, the employer, with the approval of the governing body of the employer and with the consent of the employee, may delay the effective retirement date of the employee until the first day of any calendar month after April 1, 1992, but not later than April 1, 1993. With respect to county colleges, the governing body is the board of trustees. A delay in the effective retirement date of an employee shall not extend the dates set forth in sections 1 and 2 to qualify for benefits under this act.

For a member of PERS or TPAF whose effective retirement date is delayed under this section and who dies before the retirement becomes effective, the retirement shall be effective as of the first day of the month after the date of death of the member if the member's beneficiary requests in writing to the board of trustees of the retirement system that the retirement be effective under the option settlement selected by the member, or under Option 3 if the member did not select an option.

8. An employee retiring with a benefit under this act who has not repaid the full amount of a loan from PERS or TPAF by the effective date of retirement may repay the loan through deductions from the member's retirement benefit payments in the same monthly amount which was deducted from the member's compensation immediately preceding retirement until the balance of the amount borrowed together with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining amount shall be repaid as provided in section 2 of P.L.1981, c.55 (C.43:15A-34.1) or N.J.S.18A:66-35.

9. For the purposes of this act:

a. "Employee" means a full-time employee of a county, a county college, or a municipality who is eligible to participate in the employer's health benefits plan. It does not include an employee of a public agency or organization as defined in section 71 of P.L.1954, c.84 (C.43:15A-71).

b. "Final year compensation" means the compensation received in the last 12 months immediately preceding retirement in which compensation is received and upon which contributions are made by the employee to the retirement system.

10. The provisions of this act shall be applicable to employers and employees participating in a county pension fund created under Article 1 of Chapter 10 of Title 43 of the Revised Statutes, P.L.1943, c.160 (C.43:10-18.1 et seq.), P.L.1948, c.310 (C.43:10-18.50 et seq.), or Article 2 of Chapter 66 of Title 18A of the New Jersey Statutes, or in a municipal retirement system created under P.L.1954, c.218 (C.43:13-22.3 et seq.) or P.L.1964, c.275 (C.43:13-22.50), and shall become operative upon the adoption of the provisions of this act by the employer.

11. Prior to September 1, 1991, each employer covered by the provisions of this act shall meet and consult with the representatives of the bargaining unit or units representing the employees who would be eligible for benefits under this act and the governing body of the employer shall formally consider and decide whether or not to adopt the provisions of this act.

12. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 230

AN ACT concerning retirement benefits for some employees of certain employers participating in the Public Employees' Retirement System.

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

1. An employee of a public agency or instrumentality which elects to provide the benefits authorized under this act who:

a. is 50 or more years of age and has 25 or more years of service credit under the Public Employees' Retirement System (PERS) before the effective date of retirement;

b. files an application to retire on or after November 1, 1991 and on or before March 1, 1992; and

c. retires under the retirement system on or after December 1, 1991, but not later than April 1, 1992, other than a veteran who retires on a special veteran's retirement, shall receive an additional five years of service credit under PERS. An employee who meets the age and service credit requirements and retires on a special veteran's retirement under PERS shall receive an additional pension under the retirement system in the amount of 5/60 of final year compensation. The additional retirement benefit under this section is applicable only to the full-time employment with the employer which elects to provide the benefits authorized under this act and from which the employee retires to receive the benefit and the compensation for that employment.

2. For an employee of a public agency or instrumentality which provides paid health benefits to retirees pursuant to section 7 of P.L.1964, c.125 (C.52:14-17.38), N.J.S.40A:10-23, or another group health insurance contract or health benefits plan and which elects to provide the benefits authorized under this section who:

a. is 60 or more years of age and has 20 or more years of service credit under the Public Employees' Retirement System (PERS) before the effective date of retirement;

b. files an application to retire on or after November 1, 1991 and on or before March 1, 1992; and

c. retires under the retirement system on or after December 1, 1991, but not later than April 1, 1992, the employer shall pay the entire cost for coverage for the retired employee and the employee's dependents, but not including survivors, unless the employer is paying the entire cost for coverage for survivors on the effective date of this act. For employers participating in the New Jersey State Health Benefits Program (NJSHBP), the payment shall be made in the same manner provided for payment by an employer other than the State of premiums or periodic charges for retired employees under section 7 of P.L.1964, c.125 (C.52:14-17.38). For employers not participating in the NJSHBP, the payment shall be made in the same manner provided for payment of premiums after retirement under N.J.S.40A:10-23 or N.J.S.18A:16-19, or the employer's group health insurance con-

tract or health benefits plan, and the level of benefits to retirees under this section shall be the same as the level of benefits provided to other retirees by that employer.

3. An employer may elect to provide the benefits under this act by adoption of a resolution by its governing body and filing a certified copy of the resolution with the Director of the Division of Pensions on or before September 1, 1991. The employer shall submit to the director any information necessary to provide the benefits or to determine the liability for them.

4. The actuary for PERS shall determine the liability of the retirement system for the additional service credit or pensions provided under this act and for the early retirement of employees in accordance with the tables of actuarial assumptions adopted by the board of trustees of the retirement system. This liability shall be added to the unfunded accrued liability of the employer under the retirement system and shall be paid in the same manner and over the remaining time period provided for the unfunded accrued liability under section 24 of P.L.1954, c.84 (C.43:15A-24). The employer shall pay the cost of the actuarial work to determine the additional liability of the retirement system for the benefits under this act which shall be included in the initial contribution required from the employer.

5. An employee who receives a benefit under this act shall forfeit all tenure rights.

6. Where the needs of a public agency or instrumentality require the services of an employee who elects to retire and receive a benefit under this act, the employer, with the approval of the governing body of that agency or instrumentality and with the consent of the employee, may delay the effective retirement date of the employee until the first day of any calendar month after April 1, 1992, but not later than April 1, 1993. A delay in the effective retirement date of an employee shall not extend the dates set forth in sections 1 and 2 to qualify for benefits under this act.

For a member of PERS whose effective retirement date is delayed under this section and who dies before the retirement becomes effective, the retirement shall be effective as of the first day of the month after the date of death of the member if the member's beneficiary requests in writing to the board of trustees of the retirement system that the retirement be effective under the

option settlement selected by the member, or under Option 3 if the member did not select an option.

7. An employee of a public agency or instrumentality retiring with a benefit under this act who has not repaid the full amount of a loan from the retirement system by the effective date of retirement, may repay the loan through deductions from the member's retirement benefit payments in the same monthly amount which was deducted from the member's compensation immediately preceding retirement until the balance of the amount borrowed together with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining amount shall be repaid as provided in section 2 of P.L.1981, c.55 (C.43:15A-34.1).

8. For the purposes of this act:

a. "Employee of a public agency or instrumentality" means a full-time employee of an authority, board, commission, corporation, or other agency or instrumentality which is a participating employer in PERS, including an agency or instrumentality authorized to participate in PERS under section 73 of P.L.1954, c.84 (C.43:15A-73) and P.L.1990, c.25 (C.43:15A-73.2 et seq.) and a public agency or organization as defined in section 71 of P.L.1954, c.84 (C.43:15A-71) but excluding Rutgers, The State University, the New Jersey Institute of Technology, the University of Medicine and Dentistry of New Jersey, a State or a county college, a board of education, a county and a municipality, who is eligible to participate in the employer's health benefits plan.

b. "Final year compensation" means the compensation received in the last 12 months immediately preceding retirement in which compensation is received and upon which contributions are made by the employee to the retirement system.

9. Prior to September 1, 1991, each public agency or instrumentality covered by the provisions of this act shall meet and consult with the representatives of the bargaining unit or units representing the employees who would be eligible for benefits under this act and the governing body of the public agency or instrumentality shall formally consider and decide whether or not to adopt the provisions of this act.

10. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 231

AN ACT concerning early retirement incentives for certain members of the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund who are employed by school boards, educational services commissions and jointure commissions.

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

1. Upon the adoption by resolution of the provisions of this act on or before December 31, 1991 by a school board, educational services commission or jointure commission, and written notification by the school board, educational services commission or jointure commission to the board of trustees of the Public Employees' Retirement System (PERS), the Teachers' Pension and Annuity Fund (TPAF) or both, as appropriate, and to the State Health Benefits Commission established by section 3 of P.L.1961, c.49 (C.52:14-17.27), on or before January 1, 1992, that the school board, educational services commission or jointure commission has so adopted those provisions, an employee of that school board, educational services commission or jointure commission who:

a. is 50 or more years of age and has 25 or more years of service credit under the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF);

b. files an application to retire on or after January 1, 1992 and on or before June 1, 1992; and

c. retires under the retirement system on or after February 1, 1992, but not later than July 1, 1992, other than a veteran who retires on a special veteran's retirement, shall receive an additional five years of service credit under PERS or TPAF.

An employee who meets the age and service credit requirements and retires on a special veteran's retirement under PERS or TPAF shall receive an additional pension under the retirement system in the amount of 5/60 of final year compensation. The additional retirement benefit under this section is applicable only to the employment with the employer which elects to provide the benefits authorized under this section and from which the employee retires to receive the benefit and the compensation for that employment.

A resolution adopting the provisions of this act shall provide for extension of the benefits coverage provided hereunder to all eligible employees of the school board, educational services commission or

jointure commission, and any such resolution which would extend such coverage only to some of those employees or exclude some of those employees from such coverage shall be void.

Any former employee on January 1, 1992 of a school board, educational services commission or jointure commission that has adopted the provisions of this act who retired under PERS or TPAF on or after July 1, 1991 and on or before January 1, 1992 and who, at the time of retirement, met the age and service requirements specified in subsection a. of this section shall receive, effective January 1, 1992, the appropriate additional retirement benefits provided under this section.

2. For an employee of a school board, educational services commission or jointure commission which shall have adopted the provisions of this act and given notice thereof as provided in section 1 who:

a. is 60 or more years of age and has 20 or more years, but fewer than 25 years, of service credit under the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF);

b. files an application to retire on or after January 1, 1992 and on or before June 1, 1992; and

c. retires under the retirement system on or after February 1, 1992, but not later than July 1, 1992, the retired employee and that employee's dependents, but not including survivors, shall be eligible for the benefits provided under the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.) in the same manner provided for retired State employees under subsection c. of section 8 of that act (C.52:14-17.32). Any former employee on January 1, 1992 of a school board, educational services commission or jointure commission that has adopted the provisions of this act who retired under PERS or TPAF on or after July 1, 1991 and on or before January 1, 1992 and who, at the time of retirement, met the age and service requirements specified in subsection a. of this section shall also be eligible, effective January 1, 1992, for the benefits provided under this section. For each retired employee and for that employee's eligible dependents, the school board, educational services commission or jointure commission, as the case may be, shall pay the premium or periodic charges for benefits provided under this section to that retired employee and the employee's dependents, but not including survivors, in the same manner as provided for payment by the State of the premium or charges with respect to active covered State employees and their dependents under section 6 of P.L.1961, c.49 (C.52:14-17.30).

3. The actuaries for PERS and TPAF shall determine the liability of the retirement systems for the additional service credit or pensions provided under this act and for the early retirement of employees in accordance with the tables of actuarial assumptions adopted by the board of trustees of the retirement system. For PERS, this liability shall be added to the unfunded accrued liability of the employer under the retirement system and shall be paid in the same manner and over the remaining time period provided for the employer's unfunded accrued liability under sections 24, 68 and 81 of P.L.1954, c.84 (C.43:15A-24, 68 and 81).

For TPAF, the liability and contribution requirements for each employer shall be determined by the actuary of the system in the same manner and over the remaining time period provided for the unfunded accrued liability of the system as of March 31, 1987 under N.J.S.18A:66-18. The retirement system shall annually certify to each employer the contributions due to the contingent reserve fund for the liability under this act. The contributions certified by the retirement system shall be paid by the employer to the retirement system on or before July 1 in each year commencing with July 1, 1993. If payment of the full amount of the contribution certified is not made within 30 days after July 1, interest at the rate of regular interest shall begin to run against the unpaid balance on the first day after the thirtieth day.

The employer shall pay the cost of the actuarial work to determine the additional liability of the retirement system for the benefits under this act which shall be included in the initial contribution required from the employer.

4. An employee who receives a benefit under this act shall forfeit all tenure rights.

5. Where the needs of a school board, educational services commission or jointure commission require the services of an employee who elects to retire on July 1, 1992 and receive a benefit under this act, the school board, educational services commission or jointure commission may delay, with the consent of the employee, the effective retirement date of the employee until the first day of any calendar month after July 1, 1992, but not later than July 1, 1993. A delay in the effective retirement date of an employee shall not extend the dates set forth in sections 1 and 2 to qualify for benefits under this act.

For a member of PERS or TPAF whose effective retirement date is delayed under this section and who dies before the retirement becomes effective, the retirement shall be effective as of the first day of the month after the date of death of the member if the member's surviving beneficiary requests in writing to the board of trustees of the retirement system that the retirement be effective under the option settlement selected by the member, or under Option 3 if the member did not select an option.

6. An employee retiring under PERS or TPAF with a benefit under this act on or after February 1, 1992, but not later than July 1, 1992, who has not repaid the full amount of a loan from the retirement system by the effective date of retirement, may repay the loan through deductions from the member's retirement benefit payments in the same monthly amount which was deducted from the member's compensation immediately preceding retirement until the balance of the amount borrowed together with interest at the statutory rate is repaid. If the retiree dies before the outstanding balance of the loan and interest is repaid, the remaining amount shall be repaid as provided in section 2 of P.L.1981, c.55 (C.43:15A-34.1) or section 2 of P.L.1981, c.212 (C.18A:66-35.1), as appropriate.

7. For the purposes of this act:

a. "School board" means the board of education of any local school district, consolidated school district, regional school district, county special services school district, or county vocational school.

b. "Educational services commission" means an agency established in one or more counties for the purpose of carrying on programs of educational research and development and providing to public school districts such educational and administrative services as may be authorized pursuant to rules of the State Board of Education.

c. "Jointure commission" means a commission set up by two or more boards of education to carry out jointly by agreement the duties imposed upon them in regard to the education and training of handicapped pupils.

d. "Final year compensation" means the compensation received in the last 12 months immediately preceding retirement in which compensation is received and upon which contributions are made by the employee to the retirement system.

8. The Director of the Division of Pensions may promulgate rules and regulations which the director deems necessary for the effective implementation of this act.

9. This act shall take effect immediately.

Approved July 26, 1991.

CHAPTER 232

AN ACT concerning license plate emblems and supplementing chapter 3 of Title 39 of the Revised Statutes.

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

C.39:3-27.43 Purple heart emblem may be affixed to license plates.

1. A person who is an active member of the Military Order of the Purple Heart may affix a purple heart emblem which has been approved by the Director of the Division of Motor Vehicles to a license plate issued for a motor vehicle owned or leased by that member.

C.39:3-27.44 Rules, regulations.

2. The Director of the Division of Motor Vehicles shall promulgate rules and regulations governing the use, design, materials and placement of purple heart emblems on license plates issued for motor vehicles owned or leased by active members of the Military Order of the Purple Heart.

3. This act shall take effect 60 days after enactment, except that section 2 shall take effect immediately.

Approved July 31, 1991.

CHAPTER 233

AN ACT concerning the rights of psychiatric patients in inpatient facilities and supplementing Titles 30 and 26 of the Revised Statutes.

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

C.30:4-27.11a Findings, declarations.**1. The Legislature finds and declares that:**

a. It is of paramount public interest to ensure the rights of all patients in inpatient psychiatric facilities, including those persons being assessed or receiving treatment on an involuntary basis in screening services and short-term care facilities as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2);

b. The rights set forth in section 10 of P.L.1965, c.59 (C.30:4-24.2) apply to any person who has been involuntarily committed to a State or county psychiatric hospital, a psychiatric unit of a county hospital or a special psychiatric hospital in accordance with the laws of this State;

c. Because involuntary assessment and treatment in a screening service and involuntary commitment to a short-term care facility involve the deprivation of a patient's liberty, it is necessary to specify and guarantee by statute the rights to which that patient is entitled, in a manner similar to that provided for a patient who is involuntarily committed to a State or county psychiatric hospital, a psychiatric unit of a county hospital or a special psychiatric hospital, while recognizing the administrative, structural and staffing features of screening services and short-term care facilities which are different from State or county psychiatric hospitals, psychiatric units of county hospitals or special psychiatric hospitals, as well as recognizing differences between the administrative, structural and staffing features of screening services and short-term care facilities by providing a separate guarantee of rights for patients in each of these settings; and¹

d. All patients who are receiving assessment or treatment on an involuntary basis in screening services and short-term care facilities as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2) are entitled to receive professional treatment of the highest standard and, unless incompetent, to participate in their treatment and discharge planning to the fullest extent possible.

C.30:4-27.11b Definitions.**2. As used in this act:**

"Patient" means a person 18 years of age and older who is being involuntarily assessed or treated in a screening service or who has been involuntarily committed to a short-term care facility in accordance with the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.).

"Screening service" means a "screening service" as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), and includes psychiat-

ric emergency services which are funded by the Division of Mental Health and Hospitals in the Department of Human Services and are affiliated with a screening service.

“Short-term care facility” means a “short-term care facility” as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2).

C.30:4-27.11c Patient not deprived of rights through receiving assessment, treatment.

3. a. Subject to any other provisions of law and the Constitution of New Jersey and the Constitution of the United States, a patient shall not be deprived of a civil right solely by reason of his receiving assessment or treatment under the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.), nor shall the assessment or treatment modify or vary a legal or civil right of that patient, including, but not limited to, the right to register for and to vote at elections, or rights relating to the granting, forfeiture, or denial of a license, permit, privilege, or benefit pursuant to any law.

b. A patient shall be entitled to all rights set forth in this act and shall retain all rights not specifically denied him under P.L.1987, c.116 (C.30:4-27.1 et seq.) and P.L.1989, c.170 (C.26:2H-12.7 et seq.).

c. A patient shall not be presumed to be incompetent solely because he has been examined or treated for mental illness.

d. A patient shall be entitled to a writ of habeas corpus upon proper petition by himself, a relative, or a friend to a court of competent jurisdiction in the county in which he is detained and shall further be entitled to enforce, by civil action or other remedies otherwise available by common law or statute, any of the rights provided in this act.

C.30:4-27.11d Rights of patient in short-term care facility.

4. a. A patient in a short-term care facility shall have the following rights, which shall not be denied under any circumstances. A list of these rights shall be posted in a conspicuous place in each room designated for use by a patient and otherwise brought to the patient's attention pursuant to subsection d. of this section:

(1) To be free from unnecessary or excessive medication. Medication shall not be administered unless at the written or verbal order of a physician. A verbal order shall be valid only for a period of 24 hours, after which a written order for the medication shall be completed. At least weekly, the attending physician shall review the drug regimen of each patient under his care. Medication shall be administered in accordance with generally accepted medical standards as part of a treatment program. Medication

shall not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with the patient's treatment program.

In an emergency in which less restrictive or appropriate alternatives acceptable to the patient are not available to prevent imminent danger to the patient or others, medication may be administered over a patient's objection at the written order of a physician, which shall be valid for a period of up to 72 hours, in order to lessen the danger.

A patient's right to refuse medication when imminent danger to the patient or others is not present may be overridden by a written policy which has been adopted by the short-term care facility to protect the patient's right to exercise informed consent to the administration of medication. The written policy shall, at a minimum, provide for appropriate procedures that ensure notice to the patient of the decision by the attending physician or other designated physician to administer medication, the right to question the physician about his decision to administer medication and to provide information to the physician regarding that decision. The written policy shall also provide for review of the patient's decision to object to the administration of medication by a psychiatrist who is not directly involved in the patient's treatment. The psychiatrist shall not override the patient's decision to object to the administration of medication unless the psychiatrist determines that: the patient is incapable, without medication, of participating in a treatment plan that will provide a realistic opportunity of improving his condition; or, although it is possible to devise a treatment plan that will provide a realistic opportunity of improving the patient's condition without medication, a treatment plan which includes medication would probably improve the patient's condition within a significantly shorter time period, or there is a significant possibility that, without medication, the patient will harm himself or others before improvement of his condition is realized.

An adult who has been voluntarily committed to a short-term care facility shall have the right to refuse medication.

(2) Not to be subjected to psychosurgery or sterilization, without the express and informed, written consent of the patient after consultation with counsel or interested party of the patient's choice. A copy of the patient's consent shall be placed in the patient's treatment record. If the patient has been adjudicated incompetent, a court of competent jurisdiction shall hold a hearing to determine the necessity of the procedure. The patient shall be physically present at the hearing, represented by counsel, and

provided the right and opportunity to be confronted with and to cross-examine all witnesses alleging the necessity of the procedure. In these proceedings, the burden of proof shall be on the party alleging the necessity of the procedure. In the event that a patient cannot afford counsel, the court shall appoint an attorney not less than 10 days before the hearing. An attorney so appointed shall be entitled to a reasonable fee to be determined by the court and paid by the State.

(3) To be free from unnecessary physical restraint and seclusion. Except for an emergency in which a patient has caused substantial property damage or has attempted to harm himself or others, or in which his behavior threatens to harm himself or others, and in which less restrictive means of restraint are not feasible, a patient may be physically restrained or placed in seclusion only on an attending physician's written order or that of another designated physician which explains the rationale for that action. The written order may be given only after the attending physician or other designated physician has personally seen the patient, and evaluated the episode or situation that is said to require restraint or seclusion.

In an emergency, the use of restraints or seclusion may be initiated by a registered professional nurse and shall be for no more than one hour. Within that hour, the nurse shall consult with the attending physician or other designated physician and, if continued restraint or seclusion is determined to be necessary, shall obtain an order from the attending physician or other designated physician to continue the use of restraints or seclusion. If an order is given, the patient shall be reevaluated by the nurse or the attending physician or other designated physician as to the patient's physical and psychiatric condition and the need for continuing the restraints or seclusion at least every two hours until the use of restraints or seclusion has ended.

The patient's attending physician or other designated physician shall enter a written order approving the continued use of restraints or seclusion no later than 24 hours after the time that physical restraint or seclusion began, and only after the physician has personally seen the patient. A written order by the physician for the continued use of restraints or seclusion shall be effective for no more than 24 hours and shall be renewed if restraint and seclusion are continued. A medical examination of the patient shall be conducted every 12 hours by a physician.

While a patient is in restraints or seclusion, nursing personnel shall check the patient's hygienic, toileting, food-related and other needs every 15 minutes. A notation of these checks shall be

placed in the patient's medical record along with the order for restraints or seclusion. A patient in restraints shall be permitted to ambulate every four hours, except when the patient's psychiatric condition would make a release from restraints dangerous to himself or others, and shall be permitted to ambulate at least once every 12 hours regardless of the patient's psychiatric condition.

(4) To be free from any form of punishment.

(5) Not to receive electroconvulsive treatment or participate in experimental research without the express and informed, written consent of the patient. The patient shall have the right to consult with counsel or interested party of the patient's choice. A copy of the patient's consent shall be placed in the patient's treatment record. If the patient has been adjudicated incompetent, a court of competent jurisdiction shall hold a hearing to determine the necessity of the procedure. The patient shall be physically present at the hearing, represented by counsel, and provided the right and opportunity to be confronted with and to cross-examine all witnesses alleging the necessity of the procedure. In these proceedings, the burden of proof shall be on the party alleging the necessity of the procedure. In the event that a patient cannot afford counsel, the court shall appoint an attorney not less than 10 days before the hearing. An attorney so appointed shall be entitled to a reasonable fee to be determined by the court and paid by the State.

b. A patient receiving treatment in a short-term care facility shall have the following rights, which may only be denied pursuant to subsection c. of this section. A list of these rights shall be posted in a conspicuous place in each room designated for use by a patient and otherwise brought to the patient's attention pursuant to subsection d. of this section:

(1) To privacy and dignity.

(2) To the least restrictive conditions necessary to achieve the purposes of treatment.

(3) To wear his own clothes; to have access to and use his non-dangerous personal possessions including his toilet articles; and to have access to and be allowed to spend a reasonable sum of his own money for expenses and small purchases.

(4) To have access to individual storage space for his private use.

(5) To see visitors each day.

(6) To have reasonable access to and use of telephones, both to make and receive confidential calls.

(7) To have ready access to letter writing materials, including stamps, and to mail and receive unopened correspondence.

(8) To regular physical exercise or organized physical activities several times a week.

(9) To be outdoors at regular and frequent intervals, in the absence of medical considerations, commencing two weeks after admission, except where the physical location of the short-term care facility precludes outdoor exercise or would render the supervision of outdoor exercise too onerous for the facility.

(10) To suitable opportunities for interaction with members of the opposite sex, with adequate supervision.

(11) To practice the religion of his choice or abstain from religious practices. Provisions for worship shall be made available to each patient on a nondiscriminatory basis.

(12) To receive prompt and adequate medical treatment for any physical ailment.

(13) To be provided with a reasonable explanation, in terms and language appropriate to the patient's condition and ability to understand, of:

(a) the patient's general mental and physical condition;

(b) the objectives of the patient's treatment;

(c) the nature and significant possible adverse effects of recommended treatments;

(d) the reasons why a particular treatment is considered appropriate; and

(e) the reasons for the denial of any of the patient's rights pursuant to subsection c. of this section.

c. (1) A patient's rights designated under subsection b. of this section may be denied only for good cause when the attending physician feels it is imperative to deny any of these rights; except that, under no circumstances shall a patient's right to communicate with his attorney, physician or the courts be restricted. The denial of a patient's rights shall take effect only after a copy of the written notice of the denial has been filed in the patient's treatment record and shall include an explanation of the reason for the denial.

(2) A denial of rights shall be effective for a period not to exceed 10 days and shall be renewed for additional 10-day periods only by a written statement entered by the attending physician or other designated physician in the patient's treatment record which indicates the detailed reason for the renewal of the denial.

(3) In each instance of a denial or a renewal, the patient, his attorney, and his guardian, if the patient has been adjudicated incompetent, shall be given written notice of the denial or renewal and the reason therefor.

d. A notice of the rights set forth in this section shall be given to a patient in a short-term care facility upon admission. The notice shall be in writing and in simple understandable language. It shall be in a language the patient understands and if the patient cannot read, it shall be read to him. In the case of an adjudicated incompetent patient, this procedure shall be followed for the patient's guardian. Receipt of this notice shall be acknowledged in writing with a copy placed in the patient's file. If the patient or guardian refuses to acknowledge receipt of the notice, the person delivering the notice shall state this in writing with a copy placed in the patient's file.

C.30:4-27.11e Rights of patient in screening service.

5. a. A patient in a screening service shall have the following rights, which shall apply during the first 24 hours of involuntary assessment and care provided at a screening service and which shall not be denied under any circumstances. A list of these rights shall be posted in a conspicuous place in the screening service and otherwise brought to the patient's attention pursuant to subsection d. of this section:

(1) To be free from unnecessary or excessive medication. Medication shall not be administered unless at the order of a physician. Medication shall be administered in accordance with generally accepted medical standards as part of a treatment program. Medication shall not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with the patient's treatment program.

In an emergency in which less restrictive or appropriate alternatives acceptable to the patient are not available to prevent imminent danger to the patient or others, medication may be administered over a patient's objection at the written order of a physician, which shall be valid for a period of up to 24 hours, in order to lessen the danger.

(2) Not to be subjected to experimental research, psychosurgery or sterilization, without the express and informed, written consent of the patient. The patient shall have the right to consult with counsel or interested party of the patient's choice. A copy of the patient's consent shall be placed in the patient's treatment record.

(3) To be free from unnecessary physical restraint and seclusion. Except for an emergency, in which a patient has caused substantial property damage or has attempted to harm himself or others, or in which his behavior threatens to harm himself or others, and in which less restrictive means of restraint are not

feasible, a patient may be physically restrained or placed in seclusion only on an attending physician's written order or that of another designated physician which explains the rationale for that action. The written order may be given only after the attending physician or other designated physician has personally seen the patient, and evaluated the episode or situation that is said to require restraint or seclusion.

In an emergency, the use of restraints or seclusion may be initiated by a registered professional nurse and shall be for no more than one hour. Within that hour, the nurse shall consult with the attending physician or other designated physician and, if continued restraint or seclusion is determined to be necessary, shall obtain an order from the physician to continue the use of restraints or seclusion. If an order is given, the patient shall be reevaluated by the nurse or the attending physician or other designated physician as to the patient's physical and psychiatric condition and the need for continuing the restraints or seclusion at least every two hours until the use of restraints or seclusion has ended.

The patient's attending physician or other designated physician shall enter a written order approving the continued use of restraints or seclusion no later than 12 hours after the time that physical restraint or seclusion began, after the physician has personally seen the patient. A written order by the physician for the continued use of restraints or seclusion shall be effective for no more than 24 hours and shall be renewed if restraint and seclusion are continued. A medical examination of the patient shall be conducted every 12 hours by a physician.

While a patient is in restraints or seclusion, nursing personnel shall check the patient's hygienic, toileting, food-related and other needs every 15 minutes. A notation of these checks shall be placed in the patient's medical record along with the order for restraints or seclusion. A patient in restraints shall be permitted to ambulate every four hours, except when the patient's psychiatric condition would make a release from restraints dangerous to himself or others, and shall be permitted to ambulate at least once every 12 hours regardless of the patient's psychiatric condition.

(4) To be free from any form of punishment.

b. A patient receiving treatment in a screening service shall have the following rights, which may only be denied pursuant to subsection c. of this section. A list of these rights shall be posted in a conspicuous place in the screening service and otherwise brought to the patient's attention pursuant to subsection d. of this section:

- (1) To privacy and dignity.
 - (2) To the least restrictive conditions necessary to achieve the purposes of treatment.
 - (3) To wear his own clothes, except as necessary for medical examination.
 - (4) To see visitors.
 - (5) To have reasonable access to and use of telephones, both to make and receive confidential calls.
 - (6) To practice the religion of his choice or abstain from religious practices.
 - (7) To receive prompt and adequate medical treatment for any physical ailment.
 - (8) To be provided with a reasonable explanation, in terms and language appropriate to the patient's condition and ability to understand, of:
 - (a) the patient's general mental condition, and his physical condition if the screening service has conducted a physical examination of the patient;
 - (b) the objectives of the patient's treatment;
 - (c) the nature and significant possible adverse effects of recommended treatments;
 - (d) the reasons why a particular treatment is considered appropriate; and
 - (e) the reasons for the denial of any of the patient's rights pursuant to subsection c. of this section.
 - (9) To have a discharge plan prepared for him and to participate in the preparation of that plan.
- c. (1) A patient's rights designated under subsection b. of this section may be denied only for good cause when the attending physician feels it is imperative to deny any of these rights; except that, under no circumstances shall a patient's right to communicate with his attorney, physician or the courts be restricted. The denial of a patient's rights shall take effect only after a copy of the written notice of the denial has been filed in the patient's treatment record and shall include an explanation of the reason for the denial.
- (2) A denial of rights shall be effective only for the period of time that the patient is in the screening service.
- d. A notice of the rights set forth in this section shall be given to a patient as soon as possible upon admission to the screening service. The notice shall be in writing and in simple understandable language. It shall be in a language the patient understands and if the patient cannot read, it shall be read to him. In the case

of an adjudicated incompetent patient, this procedure shall be followed for the patient's guardian. Receipt of this notice shall be acknowledged in writing with a copy placed in the patient's file. If the patient or guardian refuses to acknowledge receipt of the notice, the person delivering the notice shall state this in writing with a copy placed in the patient's file.

C.26:1A-36.5 Regulations.

6. The Commissioner of Health, in consultation with the Commissioner of Human Services, shall adopt regulations to establish procedures for the voluntary administration of medication to patients in short-term care facilities and screening services as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2).

7. This act shall take effect immediately.

Approved July 31, 1991.

CHAPTER 234

AN ACT appropriating \$20,500,000 from the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, for farmland preservation.

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

1. There is appropriated to the State Agriculture Development Committee from the "1989 Farmland Preservation Fund," established pursuant to section 22 of the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, the sum of \$19,000,000 for the purpose of: a. providing grants to counties and municipalities for up to 80% of the cost of acquisition of development easements on farmland provided that any funds received for the transfer of a development easement shall be dedicated to the future purchase of development easements; and b. providing for up to 100% of the cost of acquisition of development easements under such emergency conditions as the State Agriculture Development Committee determines.

The following projects are eligible for funding with the monies appropriated pursuant to this section:

PRO- JECT	COUNTY	TOWNSHIP (except as noted)	BLOCK	LOTS	AMOUNT OF GRANT NOT TO EXCEED
1	Atlantic	Buena Vista	102	7	\$250,000
		Buena Boro	163	14	
2	Atlantic	Mullica	3801	4	\$250,000
			3602	6,8,9,10	
			3602	11,12,13,15	
			3514	11,12,15	
3	Burlington	Southampton	903	5.02	\$250,000
4	Cape May	Dennis	28	1.04	\$250,000
			29	7.02	
5	Cumberland	Hopewell	70	11.01	\$250,000
			76	12,12Q	
6	Cumberland	Hopewell	16	4,5	\$250,000
7	Cumberland	U. Deerfield	10	2	\$250,000
			11	3.01	
8	Cumberland	Vineland City	1018	13,11	\$250,000
9	Salem	Pilesgrove	81	11,12	\$250,000
10	Salem	Pittsgrove	1404	6	\$250,000
			1405	30	
11	Salem	Quinton	17	1,2	\$250,000
			2	13.01	
			3	30,32,33	
12	Warren	Franklin	51	3	\$250,000
			53	4	
13	Burlington	Southampton	601	2,3	\$500,000
			903	3	
		Lumberton	50	1,2	
			22	16	
			51	10	
14	Burlington	N. Hanover	102	5	\$500,000
15	Burlington	N. Hanover	100	1	\$500,000
16	Cumberland	Hopewell	16	7	\$500,000
			17	2,3	
17	Cumberland	U. Deerfield	29	1	\$500,000
18	Morris	Washington	55	11	\$500,000
19	Salem	Pilesgrove	81	4,4Q	\$500,000
20	Salem	Pittsgrove	1403	3	\$500,000
			1406	1,2	
			1405	25,29,31,32	
			1404	4	
	Cumberland	U. Deerfield	8	5	
			9	4,5	
			19	4.01,4.02	
21	Salem	L.Alloways Ck	29	10	\$500,000
			2	6,14,17,18	
			7	7	

PRO- JECT	COUNTY	TOWNSHIP (except as noted) Quinton	BLOCK	LOTS	AMOUNT OF GRANT NOT TO EXCEED
			1	1	
			2	5,14	
			16	1	
22	Warren	Franklin	48	13	\$500,000
		Washington	72	1	
			71	8	
23	Burlington	Southampton	902	1	\$750,000
			903	4	
		Lumberton	51	7	
			51	6.02	
24	Gloucester	E. Greenwich	1005	9	\$750,000
			1006	1	
25	Hunterdon	E. Amwell	35.01	10	\$750,000
26	Hunterdon	E. Amwell	5	1.06,2,3	\$750,000
27	Hunterdon	E. Amwell	35.01	13	\$750,000
28	Hunterdon	Franklin	30	11,11.1	\$750,000
29	Mercer	Hamilton	630	6.01	\$750,000
30	Monmouth	U. Freehold	51	8.02	\$750,000
31	Morris	Washington	29	18,18.01,24	\$750,000
32	Morris	Washington	55	10	\$750,000
33	Ocean	Plumsted	77	39YB,40YA, 40YB	\$750,000
			75	3YB	
34	Somerset	Franklin	37	46.04Q,46.04	\$750,000
35	Sussex	Vernon	32	9	\$750,000
			34	1	
			40	1,3,5	
			41	1,2	
36	Warren	Franklin	56	38,39	\$750,000
37	Burlington	N. Hanover	101	1	\$1,000,000
38	Burlington	Southampton	902	2	\$1,000,000
			903	5	
		Lumberton	51	9	
39	Hunterdon	E. Amwell	6	13,16,25,26	\$1,000,000
40	Hunterdon	E. Amwell	30	5,41.01,42	\$1,000,000
41	Middlesex	Cranbury	22	14	\$1,000,000
42	Salem	Pilesgrove	26	3,6	\$1,000,000
			27	3,4,5,6	
43	Somerset	Franklin	33	2.20Q	\$1,000,000
44	Burlington	Southampton	903	6,8	\$1,250,000
			601	1	
			51	12	
45	Middlesex	Cranbury	22	2	\$1,250,000
46	Ocean	Plumsted	75	4,5	\$1,250,000
			83	1	

PRO- JECT	COUNTY	TOWNSHIP (except as noted)	BLOCK	LOTS	AMOUNT OF GRANT NOT TO EXCEED
47	Sussex	Green	322	2	\$1,250,000
			31	2	
			30	1	
			19	16	
			27	2	
48	Warren	Washington	71	3	\$1,250,000
49	Mercer	Hopewell	37	25	\$1,500,000
			46	4.01,5.01	
50	Monmouth	U. Freehold	33	5,6	\$1,500,000
51	Monmouth	U. Freehold	50	3,3Q	\$1,500,000
52	Monmouth	U. Freehold	31	2	\$1,500,000
53	Middlesex	Cranbury	24	1	\$2,000,000
54	Somerset	Branchburg	77	36.03	\$2,250,000
			81	7	

2. There is appropriated to the State Agriculture Development Committee the sum of \$1,500,000 from the "1989 Farmland Preservation Fund," established pursuant to section 22 of the "Open Space Preservation Bond Act of 1989," P.L.1989, c.183, for the purpose of providing for costs, as defined in section 3 of P.L.1989, c.183, incurred implementing the provisions of the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.).

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1989, c.183.

4. This act shall take effect immediately.

Approved July 31, 1991.

CHAPTER 235

AN ACT concerning pollution prevention, amending P.L.1983, c.315, and supplementing Title 13 of the Revised Statutes.

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

C.13:1D-35 Short title.

1. Sections 1 through 16 of this act shall be known, and may be cited, as the "Pollution Prevention Act."

C.13:1D-36 Findings, declarations.

2. The Legislature finds and declares that thousands of tons of a multitude of hazardous substances, the environmental and health effects of which are largely unknown, are discharged into the environment of the State each year; that most of these hazardous substances are legally discharged under the terms of air pollution, water pollution, and hazardous waste management permits that allow discharges of up to certain stipulated amounts; and that the discharge of these hazardous substances into air and water, onto the land, and into the workplaces and neighborhoods of the State constitutes an unnecessary risk to the environment and to occupational and public health.

The Legislature further finds and declares that for the past two decades the State's major environmental regulatory efforts, to wit, the air pollution, water pollution, and hazardous waste management programs administered by the Department of Environmental Protection as directed and mandated under federal and State law, have focused on controlling or managing discharges of hazardous substances through permit systems and the installation of pollution control technologies; that the traditional system of separately regulating air pollution, water pollution, and hazardous waste management constitutes a fragmented approach to environmental protection and potentially allows pollution to be shifted from one environmental medium to another; and that while the traditional system has produced palpable improvements in the State's environmental quality, it does not adequately address the impact of the use of hazardous substances upon occupational health in pollution-generating industrial processes.

The Legislature further finds and declares that the inherent limitations of the traditional system of pollution control should be addressed by a new emphasis on pollution prevention, including the reduction of the use of hazardous substances in industrial and manufacturing processes; that a rigorous accounting of the use of hazardous substances, the generation of hazardous substances as nonproduct output, and the multimedia environmental release of hazardous substances at each step of an industrial process will identify the points at which, and the procedures by which, pollution can be prevented; that pollution prevention can be achieved through a more

efficient and rational use of hazardous substances, or through the use of less hazardous substitute substances or processes less prone to produce pollution; and that a soundly planned pollution prevention program can be implemented without adversely affecting the State's economic health or the livelihood of those employed by industries that use and discharge hazardous substances.

The Legislature therefore determines that it is in the interest of the environment and public and occupational health, and in the general public interest of all residents of the State, to transform the current system of pollution control to a system of pollution prevention; that it is in the public interest to propose as a State public policy goal a significant reduction over five years after the preparation of the pollution prevention plans required by this act, calculated on the basis of 1987 amounts, in the use of hazardous substances at industrial facilities, and a 50% reduction over five years after the preparation of the pollution prevention plans required by this act, calculated on the basis of 1987 amounts, in the generation of hazardous substances as nonproduct output; that an Office of Pollution Prevention should be established in the Department of Environmental Protection, charged with implementing a comprehensive pollution prevention program and integrating the air pollution, water pollution, and hazardous waste management programs into the pollution prevention program; and that certain industries or facilities should be required to prepare and implement pollution prevention plans, pollution prevention plan summaries, and pollution prevention progress reports for the purpose of making pollution prevention a primary technique in the control of hazardous substances and their environmental and health effects.

C.13:1D-37 Definitions.

3. As used in this act:

“Board” means the Pollution Prevention Advisory Board established pursuant to section 5 of this act.

“Commissioner” means the Commissioner of the Department of Environmental Protection.

“Consume” means to change or alter the molecular structure of a hazardous substance within a production process.

“Department” means the Department of Environmental Protection.

“Facility” means all buildings, equipment, structures, and other property that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person.

“Facility-wide permit” means a single permit issued by the department to the owner or operator of a priority industrial facility incorporating the permits, certificates, registrations, or any other relevant department approvals previously issued to the owner or operator of the priority industrial facility pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.), and the appropriate provisions of the pollution prevention plan prepared by the owner or operator of the priority industrial facility pursuant to section 7 and section 8 of this act.

“Hazardous substance” means any substance on the list established by the United States Environmental Protection Agency for reporting pursuant to 42 U.S.C. §11023, and any other substance which the department, pursuant to the provisions of subsection i. of section 8 of this act, defines as a hazardous substance for the purposes of this act.

“Hazardous waste” means any solid waste defined as hazardous waste by the department pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.).

“Industrial facility” means any facility having a Standard Industrial Classification, as designated in the Standard Industrial Classification Manual prepared by the federal Office of Management and Budget, within the Major Group Numbers, Group Numbers, or Industry Numbers listed in subsection h. of section 3 of P.L.1983, c.315 (C.34:5A-3) and which is subject to the regulatory requirements of P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.).

“Manufacture” means to produce, prepare, import, or compound a hazardous substance.

“Multimedia release” means the release of a hazardous substance to any environmental medium, or any combination of media, including the air, water or land, and shall include any release into workplaces.

“Nonproduct output” means all hazardous substances or hazardous wastes that are generated prior to storage, recycling, treatment, control, or disposal and that are not intended for use as a product.

“Office” means the Office of Pollution Prevention established in the department pursuant to section 4 of this act.

“Operator” means any person in control of, or exercising responsibility for, the daily operation of an industrial facility or a priority industrial facility.

“Owner” means any person who owns an industrial facility or a priority industrial facility.

“Person” means any individual, partnership, company, corporation, society, firm, consortium, joint venture, or any commercial or other legal entity.

“Pilot facility” means a facility or designated area of a facility used for pilot-scale development of products or processes.

“Pollution prevention” means: changes in production technologies, raw materials or products, that result in the reduction of the demand for hazardous substances per unit of product manufactured and the creation of hazardous products or nonproduct outputs; or changes in the use of raw materials, products, or production technologies that result in the reduction of the input use of hazardous substances and the creation of hazardous by-products or destructive results; or on-site facility changes in production processes, products, or the use of substitute raw materials that result in the reduction of the amount of hazardous waste generated and disposed of on the land or hazardous substances discharged into the air or water per unit of product manufactured prior to treatment, and that reduce or eliminate, without shifting, the risks that the use of hazardous substances at an industrial facility pose to employees, consumers, and the environment and human health. “Pollution prevention” shall include, but need not be limited to, raw material substitution, product reformulation, production process redesign or modification, in-process recycling, and improved operation and maintenance of production process equipment. “Pollution prevention” shall not include any action or change entailing a substitution of one hazardous substance, product or non-product output for another that results in the creation of substantial new risk, and shall not include treatment, increased pollution control, out-of-process recycling, or incineration, except as otherwise provided pursuant to subsection f. of section 7 of this act.

“Pollution prevention plan” means a plan required to be prepared by an industrial facility pursuant to the provisions of section 7 of this act.

“Pollution prevention plan progress report” means a report required to be submitted annually to the department by the owner or operator of an industrial facility pursuant to the provisions of section 7 of this act.

“Pollution prevention plan summary” means a summary of a pollution prevention plan required to be prepared by an industrial facility and submitted to the department pursuant to the provisions of section 7 of this act.

“Priority industrial facility” means any industrial facility required to prepare and submit a toxic chemical release form pur-

suant to 42 U.S.C. §11023, or any other facility designated a priority industrial facility pursuant to rules and regulations adopted by the department pursuant to the provisions of subsection h. of section 8 of this act.

“Process” means the preparation of a hazardous substance, after its manufacture, for sale or use in the same form or physical state, or in a different form or physical state, as that in which it was received at the industrial facility where it is processed, or as part of an article or product containing the hazardous substance.

“Product” means a desired result of a production process that is used as a commodity in trade in the channels of commerce by the general public in the same form as it is produced.

“Production process” means a process, line, method, activity or technique, or a series or combination of processes, lines, methods or techniques used to produce a product or reach a planned result.

“Research and development laboratory” means a facility or a specially designated area of a facility used primarily for research, development, and testing activity, and not primarily involved in the production of goods for commercial sale, in which hazardous substances are used by, or under, the direct supervision of a technically qualified person.

“Source” means a point or location in a production process at which a nonproduct output is generated or released, provided, however, that similar, related, or identical kinds of sources may be considered a single source for the purposes of this act.

“Targeted production process” means any production process which significantly contributes to the use or release of hazardous substances or the generation of hazardous waste or nonproduct output, as determined by the owner or operator of an industrial facility pursuant to criteria established by the department.

“Targeted source” means any source which significantly contributes to the generation of nonproduct output, as determined by the owner or operator of an industrial facility pursuant to criteria established by the department.

“Use” means to process or otherwise use a hazardous substance.

“Violation of this act” means a violation of any provision of this act, or any rule or regulation, administrative order, or facility-wide permit adopted or issued pursuant thereto.

C.13:1D-38 Office of Pollution Prevention established; programs; reports.

4. a. There is established in the Department of Environmental Protection the Office of Pollution Prevention. The office shall be

under the immediate supervision of an administrator appointed by the commissioner who shall report directly to the commissioner. The administrator and all managerial employees necessary to implement the provisions of this act as determined by the commissioner may be members of the unclassified service of the State. The office shall be responsible for the implementation of the provisions of this act, for the coordination of all pollution prevention policies within the department, for conducting an ongoing review of all appropriate regulatory and enforcement policies to ensure that these policies require or encourage pollution prevention to the maximum extent practicable and feasible, and for performing any other function that the commissioner may deem appropriate.

b. The department may establish an educational and outreach program designed to explain and make available to the general public all pollution prevention plan summaries and pollution prevention plan progress reports submitted to the department pursuant to this act, in accordance with rules and regulations adopted by the department to protect trade secret information.

c. Upon a written request by a member of the public for a copy of a pollution prevention plan summary or pollution prevention plan progress report submitted to the department pursuant to this act, the department shall provide that person with a copy of any pollution prevention plan summary or pollution prevention plan progress report submitted to the department pursuant to this act within 30 days of receipt of the request therefor for a cost not to exceed the cost of printing and postage.

C.13:1D-39 Pollution Prevention Advisory Board established.

5. a. There is established in the Department of Environmental Protection the Pollution Prevention Advisory Board. The board shall consist of the Administrator of the Office of Pollution Prevention, the Executive Director of the Hazardous Waste Facilities Siting Commission, and the Director of the State Technical Assistance Program at the New Jersey Institute of Technology, who shall serve ex officio, and 12 public members appointed by the Governor with the advice and consent of the Senate. Of the public members of the board, one shall have experience or training in the field of environmental compliance at a large industrial facility, one shall have experience or training in the field of environmental compliance at a medium-sized industrial facility, one shall have experience or training in the field of environmental compliance at a small industrial facility, three shall be members of recognized

Statewide environmental organizations, one shall be a person with academic training in the field of industrial processes, one shall be a person with academic training in the field of environmental economics, two shall be representatives of organized labor and have training or experience in the field of occupational diseases and health, one shall have experience in local government, and one shall be a representative of the general public. Each of the public members shall be appointed for a term of three years, except that of the public members first appointed by the Governor, four shall serve for terms of three years, four shall serve for terms of two years, and four shall serve for terms of one year.

b. A majority of the membership of the board shall constitute a quorum for the transaction of board business. Action may be taken and motions adopted by the board at any meeting thereof by the affirmative vote of a majority of the members of the board present and voting.

c. The Governor shall appoint a chairman and other officers as may be necessary from among the members of the board. Members of the board shall serve without compensation but the board may, within the limits of funds appropriated or otherwise made available to it for such purposes, reimburse its members for reasonable and necessary expenses incurred in the discharge of their official duties.

d. The board may:

(1) Review any matters submitted to it by the department or the office concerning any aspect of the provisions or implementation of this act, and report its recommendations to the department or office;

(2) Conduct an ongoing review of the implementation of this act and submit any recommendations for administrative or legislative changes it deems necessary to the department or the office;

(3) Investigate techniques to develop standardized classifications of production processes employed by industrial facilities, and investigate the feasibility of utilizing such techniques in the development and implementation of pollution prevention plans;

(4) Advise the office on the interpretation of information submitted in pollution prevention plan summaries and pollution prevention plan progress reports and on the content of pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports;

(5) Review the scientific literature concerning the occupational, public health, and environmental risks presented by exposures to specific hazardous substances, evaluate scientific

interpretations of these risks, and assess the risks of the discharge of these hazardous substances into different environmental media;

(6) Review and evaluate the impact of reductions in the use or discharge of specific hazardous substances on employment levels;

(7) Conduct periodic reviews of the criteria adopted by the department for the preparation of pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports and, if deemed necessary, make recommendations to the department for administrative or legislative changes;

(8) Study and evaluate the practicability and feasibility of achieving hazardous substance pollution prevention without reductions in employment levels through the use of substitute substances, alternative procedures or processes, or other means;

(9) Conduct research or hold public hearings concerning the continued use, production, manufacture, discharge, or disposal of any hazardous substance in the State and the threat that this use, production, manufacture, discharge, or disposal poses to human health or the environment, and, if warranted, make a written recommendation to the Governor and the Legislature concerning the prohibition of, or restrictions on, the continued use, production, manufacture, discharge, or disposal of the hazardous substance in the State, except that the board shall not conduct research or hold public hearings concerning the siting of hazardous waste facilities; and

(10) Review the expenditure by the department of monies deposited in the "Pollution Prevention Fund" established pursuant to section 16 of this act.

C.13:1D-40 Rules, regulations.

6. a. Within 18 months of the effective date of this act, the department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary for the implementation of this act.

b. Within 18 months of the effective date of this act the department shall adopt, pursuant to the "Administrative Procedure Act," rules and regulations that outline the substantive requirements of pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports, and shall make a document setting forth these requirements available to owners and operators of priority industrial facilities. The rules and regulations adopted pursuant to this subsection shall, to the maximum extent practicable and feasible, require that information required for the preparation of a pollution prevention plan, pollution prevention plan

summary, and a pollution prevention plan progress report be based on information developed by the owner or operator of an industrial facility for the purposes of compliance with 42 U.S.C. § 11023 and P.L.1983, c.315 (C.34:5A-1 et al.). These rules and regulations shall specify which information required in a pollution prevention plan summary and pollution prevention plan progress report may be reported to the department in an environmental survey submitted pursuant to P.L.1983, c.315 instead of in a pollution prevention plan summary or a pollution prevention plan progress report. These regulations may require owners or operators of industrial facilities to submit pollution prevention plan summaries or pollution prevention plan progress reports in a form that is compatible with the department's electronic information storage and retrieval system.

c. Within 18 months of the effective date of this act the department shall adopt, pursuant to the "Administrative Procedure Act," rules and regulations establishing criteria pursuant to which the department shall be authorized to issue a directive requiring an industrial facility which is not a priority industrial facility to prepare a pollution prevention plan, pollution prevention plan summary, and a pollution prevention plan progress report. These criteria shall include the toxicity and volume of the hazardous substances or hazardous waste used, generated or released at the industrial facility, and the history of unpermitted releases at the industrial facility. These criteria shall also include a requirement that the department, prior to issuing a directive pursuant to this subsection, make a written finding that, based on the past performance of the industrial facility and the compliance of the industrial facility with the terms of any permit, certificate, registration, or any other relevant department approval issued to the owner or operator of the industrial facility pursuant to P.L.1970, c.33 (C.13:1D-1 et seq.), P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.), and the extent to which the industrial facility contributes to the total amount of hazardous substances used, generated, or released in the State or a region of the State, the preparation of a pollution prevention plan, pollution prevention plan summary, and pollution prevention plan progress report for the industrial facility could result in a reduction in the use or release of hazardous substances or the generation of hazardous waste or nonproduct output at the industrial facility and a reduction in the threat posed to the environment or public health by the use or release of hazardous substances or the generation of hazardous waste or nonproduct output at the industrial facility.

d. The department, pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act," may establish for any hazardous substance used or manufactured at an industrial facility a facility-wide threshold quantity of up to 10,000 pounds below which the hazardous substance need not be included in the pollution prevention plan, pollution prevention plan summary or pollution prevention plan progress report, or a 10-employee threshold below which an industrial facility would not be required to prepare a pollution prevention plan or submit a pollution prevention plan summary and a pollution prevention plan progress report.

e. An owner or operator of an industrial facility may include in a pollution prevention plan, pollution prevention plan summary, and pollution prevention plan progress report an input-use exemption list of any hazardous substances used in a specific production process at the industrial facility, the input-use of which he has determined through pollution prevention planning cannot be reduced below the current level. For each hazardous substance included on the input-use exemption list, the owner or operator shall be required to demonstrate, in writing, that there is no reasonably available and economically viable alternative to the current level of input-use of the hazardous substances in the specified production process. An owner or operator shall not be required to include in a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report a reduction in use for any hazardous substance included on an input-use exemption list, but shall be required to provide all other information concerning such a hazardous substance required in a pollution prevention plan, pollution prevention plan summary, and pollution prevention plan progress report. Notwithstanding the inclusion of a hazardous substance on an input-use exemption list, the owner or operator of an industrial facility shall be required to consider pollution prevention techniques other than use reduction with regard to each hazardous substance on the input-use exemption list.

f. An owner or operator of an industrial facility shall not be required to include in a pollution prevention plan, pollution prevention plan summary or pollution prevention plan progress report information pertaining to improvements in pollution prevention for a production process established after January 1, 1992 until the first five-year revision of the pollution prevention plan and pollution prevention plan summary prepared for the industrial facility at which the production process is carried out after the establishment

of the production process, or until five years after the establishment of the production process, whichever occurs later. Within 18 months of the effective date of this act, the department shall adopt, pursuant to the "Administrative Procedure Act," rules and regulations establishing criteria for the identification of production processes subject to the provisions of this subsection.

C.13:1D-41 Information required in pollution prevention plan.

7. a. The information required by the department in a pollution prevention plan shall cover the previous calendar year and be reported in two parts.

b. Part I of a pollution prevention plan shall consist of a comprehensive inventory and analysis of the use and release of hazardous substances, and the generation of hazardous waste and nonproduct output at an industrial facility. The information required by the department in Part I of a pollution prevention plan, except as otherwise provided by the department in rules and regulations adopted pursuant to section 6 of this act, shall include the following information:

(1) A certification by the highest ranking corporate official with direct operating responsibility at the industrial facility that he has read the pollution prevention plan and that the pollution prevention plan is true, accurate, and complete to the best of his knowledge, and a certification by the highest ranking corporate official at the industrial facility that he is familiar with the pollution prevention plan and that it is the corporate policy of that industrial facility to achieve the goals of the pollution prevention plan;

(2) The name and business telephone number of the owner or operator of the industrial facility, and of the highest ranking corporate official at the industrial facility, and the name and business telephone number of a non-management employee representative at the industrial facility;

(3) An identification of each production process using or producing hazardous substances at the industrial facility, the product produced in the production process, and the total units of production produced in each production process during the year;

(4) The chemical identity and Chemical Abstract Service (CAS) number of each hazardous substance manufactured, stored or used at the industrial facility;

(5) The amounts of each hazardous substance in pure form or contained in a mixture in storage at the industrial facility on the first and last days of the year, stored on an annual average at the

industrial facility, manufactured as a product at the industrial facility, brought into the industrial facility, generated as nonproduct output at the industrial facility, used at the industrial facility, consumed at the industrial facility, and contained in the product or products produced at the industrial facility;

(6) For each production process, the amounts of each hazardous substance, either in pure form or contained in a mixture, manufactured, used, consumed, contained in the product or products produced, and generated as nonproduct output;

(7) The amounts of each hazardous waste generated, and hazardous substance released at each production process at the industrial facility and the amount of nonproduct output generated at each source at the industrial facility;

(8) The address of each off-site treatment, disposal, or storage facility to which hazardous waste generated at the industrial facility is transported, and the type of treatment or disposal method utilized at each off-site facility;

(9) For the industrial facility as a whole, the amounts of each hazardous waste generated, recycled in-process, treated, stored, disposed of or recycled outside of any production process on-site, recycled outside of any production process off-site, and treated, stored, or disposed of off-site;

(10) The amount of each hazardous substance in nonproduct output recycled within each production process at the industrial facility, recycled outside of any production process on-site and recycled outside of any production process off-site;

(11) The amounts of all hazardous substances that are released into the air or discharged into the water or any other waste stream following recycling, treatment, or any combination thereof;

(12) A comprehensive financial analysis of the costs associated with the use, generation, release, or discharge of hazardous substances which occur as a result of current production processes at the industrial facility, including the costs of generation of nonproduct output, the savings realized by investments in pollution prevention and the more efficient use of raw materials, the cost of the treatment and disposal of hazardous waste, and the cost of liability insurance;

(13) A calculation of the reduction or increase in the use of each hazardous substance per comparable unit of production in each targeted production process, or any other production process, as determined by the department, in comparison to the use of each hazardous substance per unit of production in each production

process reported in the pollution prevention plan for the previous year, including an indication if the calculation is an estimate;

(14) A calculation of the reduction or increase in the amount of each hazardous substance generated as nonproduct output from each targeted source and targeted production process or any other production process or source, as determined by the department, per comparable unit of product, and in the amount of each hazardous waste generated at each targeted source and targeted production process, or any other production process or source, as determined by the department, per unit of product, in comparison to the amounts reported in the pollution prevention plan for the previous year;

(15) A calculation of the reduction or increase in the use of each hazardous substance by the entire industrial facility in comparison to the use of each hazardous substance by the entire industrial facility reported in the pollution prevention plan for the previous year, including an indication if the calculation is an estimate;

(16) A calculation of the reduction or increase in the amount of each hazardous substance generated as nonproduct output by the entire industrial facility and in the amount of each hazardous waste generated by the entire industrial facility, in comparison to the amounts reported in the pollution prevention plan for the previous year; and

(17) Indications of the methods, modifications, or procedures used to achieve each reduction reported pursuant to paragraphs (13), (14), (15), and (16) of this subsection, and the industrial facility's five-year goals for such reductions at each production process and on a facility-wide basis, except that the product of a production process need not be included in the reduction goal, and except that any hazardous substance listed on an input-use exemption list pursuant to subsection d. of section 6 of this act need not be included in the use reduction goal.

The information identified in paragraphs (13), (14), (15), and (16) of this subsection shall not be required for the first year covered by a pollution prevention plan prepared pursuant to this subsection.

c. The information required by the department in Part II of a pollution prevention plan shall consist of information concerning targeted production processes and sources, and, except as otherwise provided by the department in rules and regulations adopted pursuant to section 6 of this act, shall include the following information:

(1) For the industrial facility, the industrial facility's five-year numeric goals for reducing the use of each hazardous substance and for reducing the generation as nonproduct output of each hazardous substance;

(2) For each targeted production process, the industrial facility's five-year numeric goals for reducing the use of each hazardous substance per unit of product in the targeted production process, and for reducing the generation as nonproduct output of each hazardous substance per unit of product in the targeted production process;

(3) A description of each targeted production process and targeted source;

(4) An identification, for each targeted production process and targeted source, of available reduction options, including procedures, technologies and equipment, that may substantially reduce the use and generation of hazardous substances;

(5) A feasibility analysis, for each targeted production process and targeted source, of reduction options identified pursuant to paragraph (4) of this subsection, which shall include, but need not be limited to, a full-cost accounting of the options, and any technological obstacles to adopting the options;

(6) A description, for each targeted production process, of options the owner or operator of the industrial facility intends to undertake during the next five years to achieve its reduction goals and a schedule for the implementation of the options. The options to be described shall include, but need not be limited to, employee training, management policies, inventory control, scheduling improvements, material handling improvements, and spill and leak prevention;

(7) A description of the valuation methods used by the owner or operator to determine not to install or utilize each option identified pursuant to paragraph (6) of this subsection that would have resulted in a greater percentage reduction in the use of hazardous substances or generation of nonproduct output than the option chosen;

(8) An assessment and schedule for implementing on-site out-of-process recycling with regard to industrial facilities authorized by the department to include out-of-process recycling in a pollution prevention plan; and

(9) A quantitative description of the impact that individual pollution prevention techniques have had on post-treatment multimedia environmental releases of hazardous substances, reported by medium.

d. Within 18 months of the effective date of this act, the department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations establishing criteria pursuant to which owners and operators of industrial facilities may identify targeted production

processes and targeted sources for the purpose of focusing pollution prevention strategies on these targeted production sources and targeted sources. The criteria for the identification of targeted production processes and targeted sources shall be based on a consideration of the toxicity of specific hazardous substances or hazardous wastes used, generated or released at the targeted production process or targeted source, and shall require that a targeted production process or targeted source be a production process or source which makes a significant contribution to the use and release of hazardous substances, the generation of hazardous waste, and the generation of nonproduct output, as appropriate, at the industrial facility.

e. The owner or operator of an industrial facility may include in a pollution prevention plan and pollution prevention plan summary a description of any pollution prevention strategies implemented at the industrial facility prior to 1987.

f. The department may authorize an owner or operator of an industrial facility to include out-of-process recycling in a pollution prevention plan and a pollution prevention plan summary if the department determines that pollution prevention strategies are not reasonably available to the owner or operator.

g. The information required by the department in a pollution prevention plan progress report, except as otherwise provided by the department in rules and regulations adopted pursuant to section 6 of this act, shall include the following:

(1) An identification of each production process and targeted production process, and calculations, for the industrial facility and for each targeted production process and any other production process required by the department, of the reduction or increase in the use of each hazardous substance per unit of production, in the generation of each nonproduct output per unit of production, and in multimedia releases, by medium, following recycling and treatment of each hazardous substance, in comparison to the previous year;

(2) An indication of the method used to achieve each reduction listed pursuant to paragraph (1) of this subsection;

(3) A numerical statement demonstrating the industrial facility's progress towards achieving each of its five-year goals, including the most recent information required pursuant to paragraphs (1) and (2) of subsection c. of this section;

(4) An explanation of why the industrial facility's annual progress may be less than that anticipated in the pollution prevention plan time schedule for implementation; and

(5) A description of pollution prevention techniques that the owner or operator of the industrial facility intends to undertake during the forthcoming year at a targeted production process level.

h. The information required by the department in a pollution prevention plan summary, except as otherwise provided by the department in rules and regulations adopted pursuant to section 6 of this act, shall contain the following:

(1) For the industrial facility, the industrial facility's five-year numeric goal for reducing the use of each hazardous substance, and for reducing the generation of each nonproduct output;

(2) For each targeted production process, the industrial facility's five-year numeric goals for reducing the use of each hazardous substance per unit of production, and for reducing the generation of nonproduct output per unit of product in the targeted production process;

(3) A description of each targeted production process and targeted source;

(4) A description, for each targeted production process, of the techniques the owner or operator of the industrial facility intends to undertake during the next five years to achieve the industrial facility's reduction goals, and a schedule for the implementation of the techniques;

(5) An indication, for each hazardous substance used in a targeted production process, of whether the hazardous substance is used in an amount of 0 to 5,000 pounds, 5000 pounds to 10,000 pounds, or greater than 10,000 pounds;

(6) A written certification that the owner or operator of the industrial facility has prepared a pollution prevention plan and that the plan is available on site for the department's inspection; and

(7) A list of all other permits, certificates, registrations, or other approvals, or documents issued by the department for the industrial facility.

i. The owner or operator of an industrial facility shall not be required to include in a pollution prevention plan or pollution prevention plan summary information concerning a research and development laboratory located at the industrial facility.

j. The owner or operator of an industrial facility shall not be required to prepare a pollution prevention plan, pollution prevention plan summary or pollution prevention plan progress report for a pilot facility

k. The department shall adopt, pursuant to the "Administrative Procedure Act," rules and regulations establishing criteria under

which the department shall consider sources or production processes that use similar ingredients to produce one or more similar products as a single source or production process for the purposes of reporting information in a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report.

1. Nothing in this act shall be construed to authorize the department to request or require the owner or operator of an industrial facility to provide information concerning non-hazardous substances or product formulas for mixtures that include non-hazardous substances, or to require that such information be included in a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report.

C.13:1D-42 Preparation of pollution prevention plan, submission of summary; progress reports.

8. a. The owner or operator of each priority industrial facility having a Standard Industrial Classification, as designated by the federal Office of Management and Budget, within Major Group Numbers 26, 28, 30, 33 and 34, shall prepare a pollution prevention plan and submit a pollution prevention plan summary to the department on or before July 1, 1994.

b. The owner or operator of each priority industrial facility, other than those priority industrial facilities enumerated in subsection a. of this section, shall prepare a pollution prevention plan and submit a pollution prevention plan summary to the department on or before July 1, 1996.

c. The owner or operator of a priority industrial facility shall maintain a copy of the pollution prevention plan for the facility at the facility, where it shall be available for inspection by the department.

d. The owner or operator of a priority industrial facility shall annually update the information required to be reported pursuant to paragraphs (13) through (17) of subsection b. of section 7 of this act. The owner or operator of a priority industrial facility shall update the information required to be reported in paragraphs (1) through (12) of subsection b. of section 7 of this act, and pursuant to subsection h. of section 7 of this act, if a significant change in the operation of the priority industrial facility occurs, including the cessation or major expansion of a production process, the installation or removal of primary components of a production process, or the use or release of a hazardous substance, or the generation of a hazardous waste, which was not used, released, or generated when the initial pollution prevention plan was completed.

e. The owner or operator of a priority industrial facility shall prepare a complete revision of a pollution prevention plan by July 1 of the fifth year after the year of the initial completion of the pollution prevention plan, and by July 1 of each fifth year thereafter.

f. The owner or operator of a priority industrial facility shall prepare and submit to the department a complete revision of a pollution prevention plan summary by July 1 of the fifth year after the year of the initial completion of the pollution prevention plan summary, and by July 1 of each fifth year thereafter.

g. The owner or operator of a priority industrial facility shall prepare and submit to the department, on July 1 of each year after the year of the initial completion of a pollution prevention plan or the year of a complete revision of the pollution prevention plan, a pollution prevention plan progress report that indicates the progress made in the previous year in complying with the pollution prevention goals set forth in the initial pollution prevention plan, or revised pollution prevention plan, as appropriate.

h. After January 1, 1995, the department, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may adopt rules and regulations designating as priority industrial facilities industrial facilities other than those designated as priority industrial facilities pursuant to section 3 of this act. At least one year prior to the final adoption of any rules and regulations designating proposed priority industrial facilities pursuant to this subsection, the department shall submit to the Legislature a list of the proposed priority industrial facilities.

i. The department may adopt, pursuant to the "Administrative Procedure Act," rules and regulations establishing criteria for the inclusion of hazardous substances in pollution prevention plans, pollution prevention plan summaries, and pollution prevention plan progress reports other than the hazardous substances on the list established pursuant to 42 U.S.C. § 11023, which criteria shall include a consideration of the toxicity of a substance, evidence of the production of the substance in commercial quantities, and prior regulation as a hazardous substance pursuant to P.L.1976, c.141 (C.58:10-23.11 et seq.), section 4 of P.L.1985, c.403 (C.13:1K-22), or 42 U.S.C. § 9601.

C.13:1D-43 Department authorized to require submission of pollution prevention plan, summary, progress report.

9. a. The department shall have the authority to require the owner or operator of a priority industrial facility to prepare and submit a pollution

prevention plan and submit a pollution prevention plan summary and pollution prevention plan progress report to the department.

b. The department shall have the authority to approve a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report prepared pursuant to this act and require the owner or operator of a priority industrial facility to make any revisions or modifications of a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report necessary for compliance with the provisions of this act, as determined by the department pursuant to rules and regulations adopted pursuant to section 6 of this act. In reviewing a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report, the department shall have the authority to require an owner or operator of a priority industrial facility to provide such information as the department deems necessary to support the owner or operator's identification of a targeted production process or targeted source. If the department requires the owner or operator of a priority industrial facility to make revisions or modify a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report, the department shall consider the financial impact on the owner or operator of the priority industrial facility of the changes or modifications.

c. At the time of an initial application for, or renewal of, any permit, certificate, registration, or any other relevant department approval issued to the owner or operator of a priority industrial facility pursuant to P.L.1970, c.33 (C.13:1D-1 et seq.), P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.), the department may require that the permit, certificate, registration or approval include the pollution prevention strategies set forth in the pollution prevention plan or pollution prevention plan summary prepared for the priority industrial facility pursuant to this act, or may require, as a condition of issuing a permit, certificate, registration, or any other relevant department approval to the owner or operator of a priority industrial facility pursuant to P.L.1970, c.33 (C.13:1D-1 et seq.), P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.), that the owner or operator of the priority industrial facility prepare a pollution prevention plan and submit a pollution prevention plan summary to the department.

d. The department may revoke, issue, reissue, or modify any permit, certificate, registration, or any other relevant approval issued to the owner or operator of a priority industrial facility by

the department pursuant to P.L.1970, c.33 (C.13:1D-1 et seq.), P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.) for the purpose of issuing a facility-wide permit, or requiring more stringent emission or effluent levels based on pollution prevention strategies contained in the pollution prevention plan prepared by the owner or operator of the priority industrial facility. Any action taken by the department pursuant to this subsection to revoke, issue, reissue, or modify any permit, certificate, registration, or other departmental approval may be appealed pursuant to the provisions of P.L.1970, c.33 (C.13:1D-1 et seq.), P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.), as appropriate.

C.13:1D-44 Department may direct owner of non-priority industrial facility to submit pollution prevention plan, summary, progress report.

10. a. The department, pursuant to the criteria established in rules and regulations adopted pursuant to subsection c. of section 6 of this act, may direct the owner or operator of an industrial facility which is not designated a priority industrial facility pursuant to section 3 or subsection h. of section 8 of this act, to prepare a pollution prevention plan for the industrial facility and to submit a pollution prevention plan summary and pollution prevention plan progress report to the department. An owner or operator of an industrial facility directed to prepare a pollution prevention plan, pollution prevention plan summary, and pollution prevention plan progress report pursuant to this subsection shall prepare the pollution prevention plan, submit the pollution prevention plan summary to the department within 18 months of receipt of the department's directive, and shall annually submit to the department a pollution prevention plan progress report.

b. The department shall have the authority to approve a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report prepared pursuant to this section, and to require the owner or operator of an industrial facility to make any revisions or modifications in a pollution prevention plan or pollution prevention plan summary necessary for compliance with the provisions of this act, as determined by the department pursuant to rules and regulations adopted pursuant to section 6 of this act. In reviewing a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report, the department shall have the authority to require an owner or operator of an industrial facility to provide such

information as the department deems necessary to support the owner or operator's identification of a targeted production process or targeted source. If the department requires the owner or operator of an industrial facility to make revisions or modify a pollution prevention plan, pollution prevention plan summary, or pollution prevention plan progress report, the department shall consider the financial impact on the owner or operator of the industrial facility of the changes or modifications.

c. At the time of an initial application for, or an application for the renewal of, any permit, certificate, registration, or any other relevant approval issued by the department pursuant to P.L.1970, c.33 (C.13:1D-1 et seq.), P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.) to the owner or operator of an industrial facility that has been directed by the department to prepare a pollution prevention plan and pollution prevention plan summary pursuant to subsection a. of this section, the department may require that the permit, certificate, registration, or approval include the pollution prevention strategies set forth in the pollution prevention plan or pollution prevention plan summary prepared for the industrial facility.

d. The department may revoke, issue, reissue, or modify any permit, certificate, registration, or any other relevant approval issued by the department pursuant to P.L.1970, c.33 (C.13:1D-1 et seq.), P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.) to the owner or operator of an industrial facility that has been directed by the department to prepare a pollution prevention plan and pollution prevention plan summary pursuant to subsection a. of this section for the purpose of including the pollution prevention strategies set forth in the pollution prevention plan or pollution prevention plan summary prepared for the industrial facility. Any action taken by the department pursuant to this subsection to revoke, issue, reissue, or modify any permit certificate, registration, or other department approval may be appealed pursuant to the provisions of P.L.1970, c.33 (C.13:1D-1 et seq.), P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.), as appropriate.

C.13:1D-45 Department research on pollution prevention trends.

11. The department shall conduct research on pollution prevention trends within each of the Standard Industrial Classification industry groups represented by priority industrial facilities. This

research shall include an analysis of information contained in pollution prevention plan summaries prepared and submitted to the department by owners or operators of priority industrial facilities, and may include an analysis of pollution prevention plans. Within five years of the effective date of this act, the department shall prepare and submit to the Governor and the Legislature, and shall make available to the public, a pollution prevention profile report for each of the Standard Industrial Classification industry groups represented by priority industrial facilities that summarizes the department's research on each industry group, and, if warranted by the research, that recommends any administrative or legislative action necessary to increase pollution prevention activities at priority industrial facilities.

C.13:1D-46 Department may enter industrial facility to obtain information about pollution prevention practices.

12. The department may enter any industrial facility for the purpose of obtaining information concerning the industrial facility's pollution prevention practices, reviewing a pollution prevention plan, ascertaining the quality of any work performed in accordance with this act or rules or regulations adopted pursuant thereto, or ascertaining compliance with a facility-wide permit or the provisions of this act or any rule or regulation adopted pursuant thereto. Any information relating to a trade secret obtained in the course of implementing or enforcing the provisions of this act shall be kept confidential and shall be inadmissible as evidence in any court or in any other proceeding in such a manner so as to protect the confidentiality of the information.

C.13:1D-47 Omission of trade secrets from pollution plan, summary.

13. a. Any owner or operator of an industrial facility required to prepare a pollution prevention plan and submit to the department a pollution prevention plan summary may omit from the pollution prevention plan or pollution prevention plan summary the specific chemical identity of a hazardous substance about which information is required, and include instead the generic class or category of the hazardous substance, or may omit any other information required to be disclosed, if the owner or operator files with the department a trade secret claim pursuant to this section.

b. Any owner or operator of an industrial facility omitting information from a pollution prevention plan or pollution prevention plan summary pursuant to this section shall submit to the department, accompanied by the pollution prevention plan summary, a trade secret claim in which the owner or operator of the industrial facility provides the commissioner with the information

omitted, and a statement demonstrating that the information omitted meets the criteria for a valid trade secret established pursuant to subsection c. of this section. The trade secret claim shall include the information omitted from the pollution prevention plan or pollution prevention plan summary, and the commissioner shall maintain this information on a confidential basis. Any trade secret claim made pursuant to this section which the department determines is false or frivolous shall be considered a violation of this act.

c. No owner or operator of an industrial facility shall omit information from a pollution prevention plan or pollution prevention plan summary unless the owner or operator can demonstrate that:

(1) The information has not been disclosed to any other person other than to a person bound by a confidentiality agreement;

(2) The owner or operator has taken all reasonable measures necessary to protect the secrecy of the information;

(3) The information is not required to be disclosed, or to be otherwise made available, to the public pursuant to any other federal or State law;

(4) Disclosure of the information would be likely to cause the owner or operator substantial economic disadvantage or harm; and

(5) The information is not readily discoverable through reverse engineering or other analytical techniques.

d. The department shall act to make a determination on the validity of a trade secret claim when a request is made by any person for the disclosure of the information for which the trade secret claim was made, or at any time that the department deems appropriate. Upon making a determination on the validity of a trade secret claim, the department shall inform the owner or operator of the affected industrial facility of the determination by certified mail. If the department determines that the owner or operator's trade secret claim is not valid, the owner or operator shall have 45 days from the receipt of the department's determination to file with the department a written request for an administrative hearing on the determination. If the owner or operator does not file such a request within 45 days, the department shall take action to provide that the information for which the trade secret claim was made be disclosed pursuant to the provisions of this act. If an owner or operator requests an administrative hearing pursuant to the provisions of this subsection, the department shall refer the matter to the Office of Administrative Law for a hearing thereon. At the hearing, the owner or operator shall have the burden to show that the trade

secret claim is valid. Within 45 days of receipt of the administrative law judge's recommendation, the department shall affirm, reject, or modify the recommendation. The department's action shall be considered the final agency action for the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and shall be subject only to judicial review as provided in the Rules of Court. The department shall inform the owner or operator of its decision on the administrative law judge's recommendation by certified mail. If the department determines that the trade secret claim is not valid, the owner or operator shall have 45 days to notify the department in writing that he has filed an appeal of the department's decision in the courts. If the owner or operator does not so notify the department, the department shall take action to provide that the information for which the trade secret claim was made be disclosed pursuant to the provisions of this act.

e. The department shall provide any information for which a trade secret claim is pending or has been approved pursuant to this section to a physician or osteopath when such information is needed for medical diagnosis or treatment. The department shall require the physician or osteopath to sign an agreement protecting the confidentiality of information disclosed pursuant to this subsection.

f. Any pollution prevention plan summary containing information for which a trade secret claim is pending or has been approved shall be made available to the public with that information omitted.

g. The subject of any trade secret claim pending or approved shall be treated as confidential information. Confidential information shall be kept in a locked file within a locked room at the department, and shall not be duplicated by any person, including any employee of the department. The department shall maintain a record of all persons obtaining access to the confidential information, including the date and time of, and the reasons for, the access. Except as provided in subsection e. of this section, the department shall not disclose any confidential information to any person except an officer or employee of the State in connection with the official duties of the officer or employee under any law for the protection of public health, or to the contractors of the State and their employees if, in the opinion of the department, the disclosure is necessary for the completion of any work contracted for in connection with the implementation of this act. Any officer or employee of the State, contractor of the State, physician, or osteopath who has access to any confidential information, and who willingly and

knowingly discloses the confidential information to any person not authorized to receive it, is guilty of a crime of the third degree.

h. The commissioner shall not approve any trade secret claim for any information which the Administrator of the United States Environmental Protection Agency has determined is not a trade secret pursuant to 42 U.S.C. §11042 or 42 U.S.C. §6921.

i. An owner or operator of an industrial facility may not claim the following information as a trade secret:

(1) The chemical name, identity, and amounts of any hazardous substance discharged into the air or the surface or ground waters of the State or into a wastewater treatment system, the chemical identity and amounts of hazardous waste generated, or the location of a discharge or generation; or

(2) Hazards to health or the environment posed by any hazardous substance at an industrial facility, and potential routes of human exposure to a hazardous substance.

j. The information for which a trade secret claim is made pursuant to this section may be used by the department in general compilations of information based on industry groups or classifications of hazardous substances, or for the conducting of research and preparation of the reports required pursuant to section 9 of this act if this use does not identify the specific industrial facility or priority industrial facility for which the information was reported.

C.13:1D-48 Designation of priority industrial facilities to receive permit.

14. a. Within 18 months of adoption of the rules and regulations required pursuant to section 6 of this act, the department shall designate no fewer than 10 but not more than 15 individual priority industrial facilities to each receive a facility-wide permit on the basis of criteria adopted by the department. These criteria shall include, but need not be limited to:

(1) The potential for a priority industrial facility to serve as a State-wide model for multimedia pollution prevention programs;

(2) The potential for a priority industrial facility that does not meet industry-wide pollution prevention goals to meet these goals through a facility-wide permit; and

(3) The potential for a priority industrial facility that has not met the pollution prevention goals set forth in its pollution prevention plan to meet these goals through a facility-wide permit.

At the time of the designation of priority industrial facilities pursuant to this subsection, the department shall prepare and submit to the Legislature a report summarizing the designation

process and progress made to date in establishing a facility-wide permitting program.

b. Within 30 months of the adoption of the rules and regulations required pursuant to section 6 of this act, the department shall issue facility-wide permits to the priority industrial facilities designated pursuant to subsection a. of this section.

c. Within 36 months of the adoption of the rules and regulations required pursuant to section 6 of this act, the department shall prepare and submit to the Governor and the Legislature a report analyzing the facility-wide permit program, evaluating the successes or shortcomings of the facility-wide permit program, evaluating the ability of the department to conduct and expand the facility-wide permit program, and proposing, if warranted, a schedule to expand the applicability of the facility-wide permit program. The department shall not expand the facility-wide permitting program beyond the number of priority industrial facilities designated pursuant to subsection a. of this section without authorization by law.

C.13:1D-49 Violations, penalties.

15. a. Whenever, on the basis of information available to the commissioner, the commissioner finds that a person is in violation of this act, the commissioner shall:

(1) Issue an order in accordance with subsection b. of this section requiring the person to comply;

(2) Bring a civil action in accordance with subsection c. of this section;

(3) Levy a civil administrative penalty in accordance with subsection d. of this section; or

(4) Bring an action for a civil penalty in accordance with subsection e. of this section.

The exercise of any of the remedies provided in this section shall not preclude recourse to any other remedy so provided.

b. Whenever, on the basis of information available to the commissioner, the commissioner finds that a person is in violation of this act, the commissioner may issue an order (1) specifying the provision or provisions of this act, or the rule or regulation adopted pursuant thereto, of which the person is in violation; (2) citing the action that caused the violation; (3) requiring compliance with the provision of this act or the rule or regulation adopted pursuant thereto of which the person is in violation; and (4) giving notice to the person of his right to a hearing on the matters contained in the order.

c. The commissioner is authorized to commence a civil action in Superior Court for appropriate relief from a violation of this act. This relief may include an assessment against the violator for the costs of any investigation, inspection, or monitoring survey that led to the discovery and establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection.

d. (1) The commissioner is authorized to impose a civil administrative penalty of not more than \$15,000 for each violation, and each day during which each violation continues shall constitute an additional, separate, and distinct offense. Any amount imposed under this subsection shall be assessed pursuant to rules and regulations adopted by the commissioner for violations of similar type, seriousness, and duration. The commissioner shall have the authority to assess penalties prior to the establishment of rules and regulations governing penalties to the extent that such penalties are reasonable and based on other violations of a similar type, seriousness, and duration. No civil administrative penalty shall be imposed until after the person has been notified by certified mail or personal service. The notice shall include: a reference to the section of the act, rule, regulation, order, or permit violated; a concise statement of the facts alleged to constitute a violation; a statement of the amount of the civil administrative penalties to be imposed; and a statement of the person's right to a hearing. The person shall have 20 days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. Subsequent to the hearing and upon finding that a violation has occurred, the commissioner may issue a final order or civil administrative penalty after imposing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order or a final civil administrative penalty upon the expiration of the 20-day period. Payment of the penalty is due when a final order is issued or when the notice becomes a final order or a final civil administrative penalty. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in this act, and the payment of a civil administrative penalty shall not be deemed to affect the availability of any other enforcement provision in connection with the violation for which the penalty is levied. A civil administrative penalty imposed under this subsection may be compromised by the commissioner upon the posting of a performance bond by the violator, or upon terms and conditions the commissioner may establish by rule or regulation.

(2) In addition to the assessment of a civil administrative penalty, the commissioner may, by administrative order and upon an appropriate finding, assess a violator for the reasonable costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation.

e. Any person who violates this act, an order issued pursuant to subsection b. of this section, or a court order issued pursuant to subsection c. of this section, or who fails to pay in full a civil administrative penalty levied pursuant to subsection d. of this section, shall be subject, upon order of a court, to a civil penalty not to exceed \$15,000 for each day during which the violation continues. Any penalty imposed pursuant to this subsection may be collected, and any costs incurred in connection therewith may be recovered, in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce "the penalty enforcement law."

f. Any violation of a pollution prevention condition of a facility-wide permit issued pursuant to this act shall be considered a violation of P.L.1970, c.33 (C.13:1D-1 et seq.), P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), or P.L.1954, c.212 (C.26:2C-1 et seq.), as the department deems appropriate.

C.13:1D-50 "Pollution Prevention Fund" established.

16. There is established in the department a nonlapsing fund to be known as the "Pollution Prevention Fund," hereinafter referred to as "the fund." The fund shall be credited with all fees imposed and collected by the Department of Labor pursuant to paragraph (2) of subsection b. of section 26 of P.L.1983, c.315 (C.34:5A-26), and with all penalties collected for violations of this act, and with any other monies that may be made available, or appropriated, to the department for the implementation of this act. Monies in the fund shall be used by, and are hereby appropriated to, the department solely for the purpose of implementing the provisions of this act.

17. Section 3 of P.L.1983, c.315 (C.34:5A-3) is amended to read as follows:

C.34:5A-3 Definitions.

3. As used in this act:

a. "Chemical Abstracts Service number" means the unique identification number assigned by the Chemical Abstracts Service to chemicals.

b. "Chemical name" means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service rules of nomenclature.

c. "Common name" means any designation or identification such as a code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

d. "Container" means a receptacle used to hold a liquid, solid, or gaseous substance, including, but not limited to, bottles, pipelines, bags, barrels, boxes, cans, cylinders, drums, cartons, vessels, vats, and stationary or mobile storage tanks. "Container" shall not include process containers.

e. "Council" means the Right to Know Advisory Council created pursuant to section 18 of this act.

f. "County health department" means a county health agency established pursuant to P.L.1975, c.329 (C.26:3A2-1 et seq.), or the office of a county clerk in a county which has not established a department.

g. "Employee representative" means a certified collective bargaining agent or an attorney whom an employee authorizes to exercise his rights to request information pursuant to the provisions of this act, or a parent or legal guardian of a minor employee.

h. "Employer" means any person or corporation in the State engaged in business operations which has a Standard Industrial Classification, as designated in the Standard Industrial Classification Manual prepared by the federal Office of Management and Budget, within the following Major Group Numbers, Group Numbers, or Industry Numbers, as the case may be, except as otherwise provided herein: Major Group Number 07 (Agricultural Services), only Industry Number 0782--Lawn and garden services; Major Group Numbers 20 through 39 inclusive (manufacturing industries); Major Group Number 45 (Transportation by Air), only Industry Number 4511--Air Transportation, certified carriers, and Group Number 458--Air Transportation Services; Major Group Number 46 (Pipelines, Except Natural Gas); Major Group Number 47 (Transportation Services), only Group Numbers 471--Freight Forwarding, 474--Rental of Railroad Cars, and 478--Miscellaneous Services Incidental to Transportation; Major Group Number 48 (Communication), only Group Numbers 481--Telephone Communication, and 482--Telegraph Communication; Major Group Number 49 (Electric, Gas and Sanitary Services); Major Group Number 50 (Wholesale Trade--Durable Goods), only Industry Numbers 5085--Industrial Supplies, 5087--Service Establishment Equipment and

Supplies, and 5093--Scrap and Waste Materials; Major Group Number 51 (Wholesale trade, nondurable goods), only Group Numbers 512--Drugs, Drug Proprietaries and Druggist's Sundries, 516--Chemicals and Allied Products, 517--Petroleum and petroleum products, 518--Beer, Wine and Distilled Alcoholic Beverages, and 519--Miscellaneous Non-durable Goods; Major Group Number 55 (Automobile Dealers and Gasoline Service Stations), only Group Numbers 551--Motor Vehicle Dealers (New and Used), 552--Motor Vehicle Dealers (Used only), and 554--Gasoline Service Stations; Major Group Number 72 (Personal Services), only Industry Numbers 7216--Dry Cleaning Plants, Except Rug Cleaning, 7217--Carpet and Upholstery Cleaning, and 7218--Industrial Launderers; Major Group Number 73 (Business Services), only Industry Number 7397 Commercial testing laboratories; Major Group Number 75 (automotive repair, services, and garages), only Group Number 753--Automotive Repair Shops; Major Group Number 76 (miscellaneous repair services), only Industry Number 7692--Welding Repair; Major Group Number 80 (health services), only Group Number 806--Hospitals; and Major Group Number 82 (educational services), only Group Numbers 821--Elementary and Secondary Schools and 822--Colleges and Universities, and Industry Number 8249--Vocational Schools. Except for the purposes of section 26 of this act, "employer" means the State and local governments, or any agency, authority, department, bureau, or instrumentality thereof, or any non-profit, non-public school, college or university.

i. "Environmental hazardous substance" means any substance on the environmental hazardous substance list.

j. "Environmental hazardous substance list" means the list of environmental hazardous substances developed by the Department of Environmental Protection pursuant to section 4 of this act.

k. "Environmental survey" means a written form prepared by the Department of Environmental Protection and transmitted to an employer, on which the employer shall provide certain information concerning each of the environmental hazardous substances at his facility, including, but not limited to, the following:

(1) The chemical name and Chemical Abstracts Service number of the environmental hazardous substance;

(2) A description of the use of the environmental hazardous substance at the facility;

(3) The quantity of the environmental hazardous substance produced at the facility;

(4) The quantity of the environmental hazardous substance brought into the facility;

- (5) The quantity of the environmental hazardous substance consumed at the facility;
- (6) The quantity of the environmental hazardous substance shipped out of the facility as or in products;
- (7) The maximum inventory of the environmental hazardous substance stored at the facility, the method of storage, and the frequency and methods of transfer;
- (8) The total stack or point-source emissions of the environmental hazardous substance;
- (9) The total estimated fugitive or nonpoint-source emissions of the environmental hazardous substance;
- (10) The total discharge of the environmental hazardous substance into the surface or groundwater, the treatment methods, and the raw wastewater volume and loadings;
- (11) The total discharge of the environmental hazardous substance into publicly owned treatment works;
- (12) The quantity, and methods of disposal, of any wastes containing an environmental hazardous substance, the method of on-site storage of these wastes, the location or locations of the final disposal site for these wastes, and the identity of the hauler of the wastes;
- (13) The total quantity of environmental hazardous substances generated at the facility, including hazardous substances generated as nonproduct output;
- (14) The quantity of environmental hazardous substances recycled on-site and off-site; and
- (15) Information pertaining to pollution prevention activities at the facility.

As used in this subsection, "pollution prevention" and "non-product output" shall have the same meaning as set forth in section 3 of P.L.1991, c.235 (C.13:1D-37).

l. "Facility" means the building, equipment and contiguous area at a single location used for the conduct of business. Except for the purposes of subsection c. of section 13, section 14, and subsection b. of section 25 of this act, "facility" shall not include a research and development laboratory.

m. "Hazardous substance" means any substance, or substance contained in a mixture, included on the workplace hazardous substance list developed by the Department of Health pursuant to section 5 of this act, introduced by an employer to be used, studied, produced, or otherwise handled at a facility. "Hazardous substance" shall not include:

(1) Any article containing a hazardous substance if the hazardous substance is present in a solid form which does not pose any acute or chronic health hazard to an employee exposed to it;

(2) Any hazardous substance constituting less than 1% of a mixture unless the hazardous substance is present in an aggregate amount of 500 pounds or more at a facility;

(3) Any hazardous substance which is a special health hazard substance constituting less than the threshold percentage established by the Department of Health for that special health hazard substance when present in a mixture; or

(4) Any hazardous substance present in the same form and concentration as a product packaged for distribution and use by the general public to which an employee's exposure during handling is not significantly greater than a consumer's exposure during the principal use of the toxic substance.

n. "Hazardous substance fact sheet" means a written document prepared by the Department of Health for each hazardous substance and transmitted by the department to employers pursuant to the provisions of this act, which shall include, but not be limited to, the following information:

(1) The chemical name, the Chemical Abstracts Service number, the trade name, and common names of the hazardous substance;

(2) A reference to all relevant information on the hazardous substance from the most recent edition of the National Institute for Occupational Safety and Health's Registry of Toxic Effects of Chemical Substances;

(3) The hazardous substance's solubility in water, vapor pressure at standard conditions of temperature and pressure, and flash point;

(4) The hazard posed by the hazardous substance, including its toxicity, carcinogenicity, mutagenicity, teratogenicity, flammability, explosiveness, corrosivity and reactivity, including specific information on its reactivity with water;

(5) A description, in nontechnical language, of the acute and chronic health effects of exposure to the hazardous substance, including the medical conditions that might be aggravated by exposure, and any permissible exposure limits established by the federal Occupational Safety and Health Administration;

(6) The potential routes and symptoms of exposure to the hazardous substance;

(7) The proper precautions, practices, necessary personal protective equipment, recommended engineering controls, and any other necessary and appropriate measures for the safe handling of the hazardous

substance, including specific information on how to extinguish or control a fire that involves the hazardous substance; and

(8) The appropriate emergency and first aid procedures for spills, fires, potential explosions, and accidental or unplanned emissions involving the hazardous substance.

o. "Label" means a sign, emblem, sticker, or marker affixed to or stenciled onto a container listing the information required pursuant to section 14 of this act.

p. "Mixture" means a combination of two or more substances not involving a chemical reaction.

q. "Process container" means a container, excluding a pipeline, the content of which is changed frequently; a container of 10 gallons or less in capacity, into which substances are transferred from labeled containers, and which is intended only for the immediate use of the employee who performs the transfer; a container on which a label would be obscured by heat, spillage or other factors; or a test tube, beaker, vial, or other container which is routinely used and reused.

r. "Research and development laboratory" means a specially designated area used primarily for research, development, and testing activity, and not primarily involved in the production of goods for commercial sale, in which hazardous substances or environmental hazardous substances are used by or under the direct supervision of a technically qualified person.

s. "Special health hazard substance" means any hazardous substance on the special health hazard substance list.

t. "Special health hazard substance list" means the list of special health hazard substances developed by the Department of Health pursuant to section 5 of this act for which an employer may not make a trade secret claim.

u. "Trade secret" means any formula, plan, pattern, process, production data, information, or compilation of information, which is not patented, which is known only to an employer and certain other individuals, and which is used in the fabrication and production of an article of trade or service, and which gives the employer possessing it a competitive advantage over businesses who do not possess it, or the secrecy of which is certified by an appropriate official of the federal government as necessary for national defense purposes. The chemical name and Chemical Abstracts Service number of a substance shall be considered a trade secret only if the employer can establish that the substance is unknown to competitors. In determining whether a trade secret is valid pursuant to section 15 of this act, the Department of Health, or the Department of

Environmental Protection, as the case may be, shall consider material provided by the employer concerning (1) the extent to which the information for which the trade secret claim is made is known outside the employer's business; (2) the extent to which the information is known by employees and others involved in the employer's business; (3) the extent of measures taken by the employer to guard the secrecy of the information; (4) the value of the information, to the employer or the employer's competitor; (5) the amount of effort or money expended by the employer in developing the information; and (6) the ease or difficulty with which the information could be disclosed by analytical techniques, laboratory procedures, or other means.

v. "Trade secret registry number" means a code number temporarily or permanently assigned to the identity of a substance in a container by the Department of Health pursuant to section 15 of this act.

w. "Trade secret claim" means a written request, made by an employer pursuant to section 15 of this act, to withhold the public disclosure of information on the grounds that the disclosure would reveal a trade secret.

x. "Workplace hazardous substance list" means the list of hazardous substances developed by the Department of Health pursuant to section 5 of this act.

y. "Workplace survey" means a written document, prepared by the Department of Health and completed by an employer pursuant to this act, on which the employer shall report each hazardous substance present at his facility.

18. Section 4 of P.L.1983, c.315 (C.34:5A-4) is amended to read as follows:

C.34:5A-4 Development of environmental hazardous substance list.

4. a. The Department of Environmental Protection shall develop an environmental hazardous substance list which shall include the list of substances developed and used by the department for the purposes of the Industrial Survey Project, established pursuant to P.L.1970, c.33 (C.13:1D-1 et seq.), and any substance on the list established by the United States Environmental Protection Agency for reporting pursuant to 42 U.S.C. §11023 and may include other substances which the department, based on documented scientific evidence, determines pose a threat to the public health and safety.

b. The department shall develop an environmental survey, which shall be designed to enable employers to report information about environmental hazardous substances at their facilities.

c. The department shall prepare and, upon request, make available to employers, county health departments, or the public a Spanish translation of the environmental survey. The department shall also prepare and make available a Spanish translation of any written material prepared by the department to inform the public of the information available pursuant to the provisions of this act.

d. Three months prior to the effective date of this act the department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the environmental hazardous substance list.

19. Section 7 of P.L.1983, c.315 (C.34:5A-7) is amended to read as follows:

C.34:5A-7 Completion, transmittal of workplace survey.

7. a. Except as otherwise provided in section 15 of this act, an employer shall have until October 30, 1985, or within 90 days of the employer's receipt of the workplace survey, whichever is later, to complete the survey and transmit a copy of the completed survey to the Department of Health, the health department of the county in which the employer's facility is located, the local fire department, and the local police department. If an employer has reason to believe that a mixture present at his facility contains a hazardous substance as a component, but is unable to obtain from the manufacturer or supplier of the mixture the chemical names and Chemical Abstracts Service numbers of the components of the mixture, he shall list the mixture by its common name in the space provided on the survey. The department shall have the responsibility to obtain the chemical names and Chemical Abstracts Service numbers of the components of the mixture so listed, and, upon obtaining this information, shall transmit it to the employer along with any appropriate hazardous substance fact sheet or sheets and directions to the employer on how to communicate this information to his employees.

b. Except as otherwise provided in section 15 of this act, an employer shall transmit a copy of the completed environmental survey to the Department of Environmental Protection and the health department of the county in which the employer's facility is located, and pertinent sections of the survey to the local fire department and the local police department on the date on which Toxic Chemical Release Forms are due to be transmitted to the United States Environmental Protection Agency pursuant to 42 U.S.C. §11023.

20. Section 26 of P.L.1983, c.315 (C.34:5A-26) is amended to read as follows:

C.34:5A-26 "Worker and Community Right to Know Fund" established.

26. a. There is established in the Department of the Treasury a nonlapsing, revolving fund to be known as the "Worker and Community Right To Know Fund." The "Worker and Community Right To Know Fund" shall be credited with all fees collected pursuant to paragraph (1) of subsection b. of this section and interest on moneys in the "Worker and Community Right To Know Fund" shall be credited to the "Worker and Community Right To Know Fund" and all moneys in the "Worker and Community Right To Know Fund" are appropriated for the purposes of the "Worker and Community Right To Know Fund," and no moneys shall be expended for those purposes without the specific appropriation thereof by the Legislature. The State Treasurer shall be the administrator of the "Worker and Community Right To Know Fund," and all disbursements from the "Worker and Community Right To Know Fund" shall be made by the State Treasurer upon the warrant of the Director of the Division of Budget and Accounting.

b. (1) The Department of Labor shall annually assess each employer a fee of not less than \$50.00 nor more than an amount equal to \$2.00 per employee to provide for the implementation of the provisions of this act. All fees collected by the department pursuant to this paragraph shall be deposited in the "Worker and Community Right To Know Fund."

(2) The Department of Labor shall annually assess each employer a fee of \$2.00 per employee for the implementation of P.L.1991, c.235 (C.13:1D-35 et seq.). All fees collected by the department pursuant to this paragraph shall be deposited in the "Pollution Prevention Fund" established pursuant to section 16 of P.L.1991, c.235 (C.13:1D-50), and shall be used only for the implementation of P.L.1991, c.235 (C.13:1D-35 et seq.).

c. The moneys in the "Worker and Community Right To Know Fund" shall be disbursed only for the following purposes:

(1) Expenses approved by the Director of the Division of Budget and Accounting and incurred by the Department of Health, the Department of Environmental Protection, the Department of Labor, the Department of the Treasury, and the county health departments in implementing the provisions of this act; and

(2) Repayment to the General Fund of any moneys appropriated by law in order to implement the provisions of this act.

d. The State Treasurer shall annually disburse the moneys in the "Worker and Community Right To Know Fund" for expenditures approved by the Director of the Division of Budget and Accounting pursuant to paragraph (1) of subsection c. of this section, but in no case in an amount to the several departments that is greater than the following percentages of the "Worker and Community Right To Know Fund" available in any one year: the Department of Health, 40%; the Department of Environmental Protection, 20%; the county health departments, 15%; the Department of Labor, 15%; and the Department of the Treasury, 10%.

e. Beginning two years after the effective date of this act, the State Treasurer shall make an annual audit of the "Worker and Community Right To Know Fund" to determine the adequacy of moneys on deposit in the "Worker and Community Right To Know Fund" to support the implementation of the provisions of this act. If the State Treasurer, in consultation with the Department of Health, the Department of Environmental Protection, and the Department of Labor makes a determination that the revenues in the "Worker and Community Right To Know Fund" are sufficient to warrant a reduction in the fees imposed pursuant to paragraph (1) of subsection b. of this section for the ensuing year, he may reduce the amount of the fees imposed during that year by an amount warranted by the balance in the "Worker and Community Right To Know Fund" at the time of the determination.

21. There is appropriated from the monies deposited in the "Pollution Prevention Fund," established pursuant to section 16 of P.L.1991, c.235 (C.13:1D-50) during the first year following the enactment of P.L.1991, c.235 (C.13:1D-35 et seq.), the sum of \$200,000 to the Hazardous Substance Management Research Center at the New Jersey Institute of Technology for the implementation of a technical assistance program for pollution prevention.

22. This act shall take effect immediately, provided, however, that the provisions of this act requiring industrial facilities to prepare pollution prevention plans and submit pollution prevention plan summaries and pollution prevention plan progress reports to the department shall remain inoperative until the department has adopted the rules and regulations necessary to implement this act.

Approved August 1, 1991.

CHAPTER 236

AN ACT concerning specialty licenses for bio-analytical laboratory directors and amending P.L.1953, c.420.

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

1. Section 7 of P.L.1953, c.420 (C.45:9-42.7) is amended to read as follows:

C.45:9-42.7 Laboratory director's license; qualifications; examination; specialties.

7. a. Any person possessing the educational and experiential qualifications hereinafter set forth may apply for examination for a plenary license as a bio-analytical laboratory director. The following qualifications as to education and experience are established as prerequisites for application for examination or licensure for a bio-analytical laboratory director's plenary license:

- (1) A doctorate degree, plus not less than one year of experience, or
- (2) A master's degree, plus not less than two years of experience, or
- (3) A bachelor's degree, plus not less than three years of experience.

The above academic degrees shall be course-earned in the fields of chemistry, pharmacy or the biological sciences and awarded by an educational institution approved by the board. "Years of experience," as used in this section, means for plenary license applicants, years of general bio-analytical laboratory experience acceptable to the board.

b. The board shall grant a plenary license to all applicants who meet the qualifications for licensure and satisfactorily complete the examination given by the board.

All examinations shall be written in the English language, but the board, in its discretion, may use supplementary oral and practical examinations of the whole class or of individual applicants. The scope of all examinations shall be such as to determine the competence of the applicant to perform and supervise such tests which are within the scope of the director's plenary license and the clinical laboratory license under the "New Jersey Clinical Laboratory Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.).

c. The board shall grant a specialty license in one or more of the fields of toxicological chemistry, microbiology, cytogenetics, biochemical genetics, diagnostic laboratory immunology and clinical chemistry if the applicant is certified by a national accrediting board, which board requires a doctorate degree plus experience,

such as but not limited to the American Board of Pathology, the American Osteopathic Board of Pathology, the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bio-analysis or the American Board of Medical Genetics or any other national accrediting board recognized by the State Board of Medical Examiners.

The applicant for a specialty license must offer proof to the satisfaction of the State Board of Medical Examiners of one year's experience in the specialty, which one year's experience must be within three years next preceding the date of application for the specialty license.

The specialty license shall authorize the licensee to perform and supervise only those tests which are within the scope of the specialty.

2. This act shall take effect on the 30th day after enactment.

Approved August 2, 1991.

CHAPTER 237

AN ACT concerning assault and death by vessel and amending N.J.S.2C:11-5 and N.J.S.2C:12-1.

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

1. N.J.S.2C:11-5 is amended to read as follows:

Death by auto or vessel.

2C:11-5. Death by auto or vessel. a. Criminal homicide constitutes death by auto or vessel when it is caused by driving a vehicle or vessel recklessly.

b. Death by auto or vessel is a crime of the third degree and, notwithstanding the provisions of N.J.S.2C:43-2, the court may not suspend the imposition of sentence on any defendant convicted under this section, who was operating the auto or vessel under the influence of an intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or with a blood alcohol concentration of 0.10% or more by weight of alcohol in his blood 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 or vessel, death by auto or vessel shall be considered a lesser-included offense.

As used in this section, "auto or vessel" means all means of conveyance propelled otherwise than by muscular power.

2. N.J.S.2C:12-1 is amended to read as follows:

Assault.

2C:12-1. Assault. a. Simple assault. A person is guilty of assault if he:

- (1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or
- (2) Negligently causes bodily injury to another with a deadly weapon; or
- (3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

Simple assault is a disorderly persons offense unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty disorderly persons offense.

b. Aggravated assault. A person is guilty of aggravated assault if he:

- (1) Attempts to cause serious bodily injury to another, or causes such injury purposely or knowingly or under circumstances manifesting extreme indifference to the value of human life recklessly causes such injury; or
- (2) Attempts to cause or purposely or knowingly causes bodily injury to another with a deadly weapon; or
- (3) Recklessly causes bodily injury to another with a deadly weapon; or
- (4) Knowingly under circumstances manifesting extreme indifference to the value of human life points a firearm, as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of another, whether or not the actor believes it to be loaded; or
- (5) Commits a simple assault as defined in subsection a. (1) and (2) of this section upon:

(a) Any law enforcement officer acting in the performance of his duties while in uniform or exhibiting evidence of his authority; or

(b) Any paid or volunteer fireman acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of the duties of a fireman; or

(c) Any person engaged in emergency first-aid or medical services acting in the performance of his duties while in uniform or otherwise clearly identifiable as being engaged in the performance of emergency first-aid or medical services; or

(d) Any school board member or school administrator, teacher or other employee of a school board while clearly identifiable as being engaged in the performance of his duties or because of his status as a member or employee of a school board.

Aggravated assault under subsection b. (1) is a crime of the second degree; under subsection b. (2) is a crime of the third degree; under subsections b. (3) and b. (4) is a crime of the fourth degree; and under subsection b. (5) is a crime of the third degree if the victim suffers bodily injury, otherwise it is a crime of the fourth degree.

c. A person is guilty of assault by auto or vessel when the person drives a vehicle or vessel recklessly and causes either serious bodily injury or bodily injury to another. Assault by auto or vessel is a crime of the fourth degree if serious bodily injury results and is a disorderly persons offense if bodily injury results.

As used in this section, "auto or vessel" means all means of conveyance propelled otherwise than by muscular power.

d. A person who is employed by a facility as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as defined in paragraph (1) or (2) of subsection a. of this section upon an institutionalized elderly person as defined in section 2 of P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth degree.

e. A person who commits a simple assault as defined in subsection a. of this section is guilty of a crime of the fourth degree if the person acted, at least in part, with ill will, hatred or bias toward, and with a purpose to intimidate, an individual or group of individuals because of race, color, religion, sexual orientation, or ethnicity.

3. This act shall take effect immediately.

Approved August 2, 1991.

CHAPTER 238

A SUPPLEMENT to the "Environmental Cleanup Responsibility Act," approved September 2, 1983 (P.L.1983, c.330; C.13:1K-6 et seq.).

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

C.13:1K-9.1 Tax sale, foreclosure as decision to close operations.

1. Upon the date set for the sale of a tax sale certificate, or the provision of legal notice by a municipality of its intent to foreclose the right of redemption from a previously issued certificate, for failure to pay taxes, assessments and other municipal charges, on property on which an industrial establishment is located, the owner or operator of that establishment shall be deemed to be planning to close operations pursuant to P.L.1983, c.330 (C.13:1K-9), and the sale of the tax sale certificate or the provision of the legal notice of the municipality's intent to foreclose shall have the same effect as a public release of a decision to close operations. A municipality shall notify the department of all actions undertaken by the municipality pursuant to this section.

C.13:1K-9.2 Owner, operator required to implement cleanup plan.

2. The acquiring of title to an industrial establishment by a municipality pursuant to a foreclosure action pertaining to a certificate of tax sale purchased and held by the municipality shall not relieve the previous owner or operator of the industrial establishment of his duty to implement a cleanup plan if the implementation is deemed necessary by the Department of Environmental Protection.

C.13:1K-9.3 Cleanup of hazardous substances, wastes by municipality, debt of immediate past owners.

3. If a municipality undertakes to clean up hazardous substances and wastes on the site of an industrial establishment, the title to which the municipality acquired pursuant to a foreclosure action pertaining to a certificate of tax sale, all expenditures incurred in the cleanup shall be a debt of the immediate past owners of the industrial establishment. The debt shall constitute a lien on all property owned by the immediate past owner when a notice of lien, incorporating a description of the property subject to the cleanup and removal and an identification of the amount of cleanup, removal and related costs expended by the municipality is duly filed with the clerk of the Superior Court. The clerk shall promptly enter upon the civil judgment or order docket the name

and address of the immediate past owner and the amount of the lien as set forth in the notice of lien. Upon entry by the clerk, the lien shall attach to the revenues and all real and personal property of the immediate past owner, whether or not he is insolvent. The notice of lien filed pursuant to this section which affects any property of an immediate past owner shall have priority from the day of the filing of the notice of the lien, but shall not affect any valid lien, right, or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien pursuant to this section.

C.13:1K-9.4 Certain provisions not applicable to governmental unit, agent.

4. The provisions of P.L.1983, c.330 (C.13:1K-6 et seq.) shall not apply to a governmental unit or agent thereof, pursuing foreclosure proceedings against the owner or operator of an industrial establishment to satisfy a delinquent tax liability of the owner or operator. However, when the governmental unit seeks to issue a tax sale certificate for the property on which is located an industrial establishment to satisfy a delinquent tax liability, or seeks to convey any parcel of such property acquired by it, the governmental unit shall notify prospective purchasers in writing that the property may be subject to the provisions of the "Environmental Cleanup Responsibility Act," P.L.1983, c.330 (C.13:1K-6 et seq.), the "Spill Compensation and Control Act," P.L.1976, c.141 (C.58:10-23.11 et seq.), and the "Water Pollution Control Act," P.L.1977, c.44 (C.58:10A-1 et seq.). When a governmental unit seeks to issue a tax sale certificate for the property on which is located an industrial establishment to satisfy a delinquent tax liability, or seeks to convey any parcel of such property acquired by it, the governmental unit shall not consider prospective purchasers who are, or were in any way connected to the previous owner or operator of the site.

C.13:1K-9.5 Municipality to obtain approval of sampling, cleanup plans.

5. If a municipality undertakes a cleanup of hazardous substances and wastes on the site of an industrial establishment, the municipality shall make any submissions required by P.L.1983, c.330 (C.13:1K-6 et seq.) and shall obtain approval of the Department of Environmental Protection prior to the initiation of the sampling plan and the cleanup plan.

6. This act shall take effect immediately.

Approved August 2, 1991.

CHAPTER 239

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 and any bonds or other obligations of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that the notice of the election was not published in a newspaper as required by the provisions of N.J.S.18A:14-19, provided that the notices of such election were posted prior to the election in accordance with the provisions of N.J.S.18A:14-19; and notwithstanding that a supplemental debt statement was not prepared and filed in accordance with the provisions of N.J.S.18A:24-17, provided, however, that the supplemental debt statement heretofore has been prepared and filed in the place required by N.J.S.18A:24-17, and provided further, that no action, suit, or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon which this act shall take effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, if instituted within 15 days after the effective date of this act.

2. This act shall take effect immediately.

Approved August 2, 1991.

CHAPTER 240

AN ACT concerning the powers of municipal courts in certain cases 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:8-27.1 Suspension of driving privileges for failure of certain defendants to appear.

1. a. (1) If a defendant charged with a disorderly persons offense, a petty disorderly persons offense, a violation of a municipal ordinance, or a violation of any other law of this State for which a penalty may be imposed fails to appear at any scheduled court proceeding after written notice has been given to said defendant pursuant to the Rules Governing the Courts of the State of New Jersey, a municipal court may order the suspension of the person's driving privileges or nonresident reciprocity privilege or prohibit the person from receiving or obtaining driving privileges until the pending matter is adjudicated or otherwise disposed of, except by dismissal for failure of defendant to appear.

(2) If a defendant sentenced to pay a fine or costs, make restitution, perform community service, serve a term of probation, or do any other act as a condition of that sentence fails to do so, a municipal court may order the suspension of the person's driving privileges or nonresident reciprocity privilege or prohibit the person from receiving or obtaining driving privileges until the terms and conditions of the sentence have been performed or modified.

b. Prior to any action being taken pursuant to the provisions of this section, the defendant shall be given notice of the proposed action and afforded an opportunity to appear before the court to contest the validity of the proposed action.

c. The municipal court shall notify the Division of Motor Vehicles of any action taken pursuant to the provisions of this section.

d. Any action taken by a municipal court pursuant to this section shall be in addition to any other remedies which are available to the court and in addition to any other penalties which may be imposed by the court.

e. (1) When a defendant whose license has been suspended pursuant to subsection a. of this section satisfies the requirements of that subsection, the municipal court shall forward to the Division of Motor Vehicles a notice to restore the defendant's driving privileges.

(2) There shall be included in the fines and penalties imposed by a court on a defendant whose license has been suspended pursuant to subsection a. of this section, the following: (a) A fee of \$3.00 which shall be transferred to the Division of Motor Vehicles;

(b) A penalty of \$10.00 for the issuance of the failure to appear notice; and

(c) A penalty of \$15.00 for the order of suspension of defendant's driving privileges.

2. This act shall take effect immediately.

Approved August 5, 1991.

CHAPTER 241

AN ACT concerning the membership of the Joint Legislative Committee on Ethical Standards, increasing certain penalties for ethics violations and amending and supplementing P.L.1971, c.182.

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

1. Section 11 of P.L.1971, c.182 (C.52:13D-22) is amended to read as follows:

C.52:13D-22 Joint Legislative Committee on Ethical Standards; membership, powers and duties; penalties.

11. (a) The Joint Legislative Committee on Ethical Standards created pursuant to the provisions of P.L.1967, chapter 229, as continued and established pursuant to P.L.1971, c.182, is continued and established in the Legislative Branch of State Government with the addition of the public members as set forth in this section.

(b) The joint committee shall be composed of 12 members as follows: four members of the Senate appointed by the President thereof, no more than two of whom shall be of the same political party; four members of the General Assembly, appointed by the Speaker thereof, no more than two of whom shall be of the same political party; and four public members, one appointed by the President of the Senate, one appointed by the Speaker of the General Assembly, one appointed by the Minority Leader of the Senate and one appointed by the Minority Leader of the General Assembly. No public member shall be a lobbyist or legislative agent as defined by the "Legislative Activities Disclosure Act of 1971," P.L.1971, c.183 (C.52:13C-18 et seq.), a full-time State employee or an officer or director of any entity which is required

to file a statement with the Election Law Enforcement Commission, and no former lobbyist or legislative agent shall be eligible to serve as a public member for one year following the cessation of all activity by that person as a legislative agent or lobbyist. The legislative members shall serve until the end of the two-year legislative term during which the members are appointed. The public members shall serve for terms of two years and until the appointment and qualification of their successors. The terms of the public members shall run from the second Tuesday in January of an even-numbered year to the second Tuesday in January of the next even-numbered year, regardless of the original date of appointment. Notwithstanding the terms of the public members as established in this section, the public members first appointed shall serve from their initial appointments, all of which shall be made not later than the 60th day following the effective date of this act, until the second Tuesday in January of the next even-numbered year. Vacancies in the membership of the joint committee shall be filled in the same manner as the original appointments, but for the unexpired term only. Public members of the joint committee shall serve without compensation, but shall be entitled to be reimbursed for all actual and necessary expenses incurred in the performance of their duties.

(c) The joint committee shall organize as soon as may be practicable after the appointment of its members, by the selection of a chairman and vice chairman from among its membership and the appointment of a secretary, who need not be a member of the joint committee.

(d) The Legislative Counsel in the Office of Legislative Services shall act as legal adviser to the joint committee. He shall, upon request, assist and advise the joint committee in the rendering of advisory opinions by the joint committee, in the approval and review of codes of ethics adopted by State agencies in the Legislative Branch, and in the recommendation of revisions in codes of ethics or legislation relating to the conduct of members of the Legislature or State officers and employees in the Legislative Branch.

(e) The joint committee may, within the limits of funds appropriated or otherwise available to it for the purpose, employ other professional, technical, clerical or other assistants, excepting legal counsel, and incur expenses as may be necessary to the performance of its duties.

(f) The joint committee shall have all the powers granted pursuant to chapter 13 of Title 52 of the Revised Statutes.

(g) The joint committee is authorized to render advisory opinions as to whether a given set of facts and circumstances would, in its opinion, constitute a violation of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act.

(h) The joint committee shall have jurisdiction to initiate, receive, hear and review complaints regarding violations of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act. It shall further have such jurisdiction as to enforcement of the rules of either House of the Legislature governing the conduct of the members thereof as the rules of such House may confer upon the joint committee. A complaint regarding a violation of a code of ethics promulgated pursuant to the provisions of this act may be referred by the joint committee for disposition in accordance with subsection (d) of section 12 of this act.

(i) Any State officer or employee or special State officer or employee in the Legislative Branch found guilty by the joint committee of violating any provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act shall be fined not less than \$500.00 nor more than \$1,500.00, which penalty may be collected in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), and may be suspended from his office or employment by order of the joint committee for a period not in excess of one year. If the joint committee finds that the conduct of such officer or employee constitutes a willful and continuous disregard of the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act, it may order such person removed from his office or employment and may further bar such person from holding any public office or employment in this State in any capacity whatsoever for a period of not exceeding five years from the date on which he was found guilty by the joint committee.

(j) A member of the Legislature who shall be found guilty by the joint committee of violating the provisions of this act or of a code of ethics promulgated pursuant to the provisions of this act shall be fined not less than \$500.00 nor more than \$1,500.00, which penalty may be collected in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.), and shall be subject to such further action as may be determined by the House of which he is a member. In such cases the joint committee shall report its findings to the appropriate House and shall recommend to the House such further action as the joint committee deems appropriate, but it shall be the sole responsibility of the

House to determine what further action, if any, shall be taken against such member.

2. During the period commencing with the effective date of this amendatory and supplementary act and ending on the date on which all of the public members of the Joint Legislative Committee on Ethical Standards first appointed shall have qualified, in determining whether a quorum exists for the purposes of convening a meeting of the joint committee and of conducting official business thereat, only those public members who shall have qualified as of the date on which the meeting is held shall be considered as included in the membership of the joint committee.

3. This act shall take effect immediately, but the increased penalties shall apply only to violations occurring on or after the effective date.

Approved August 5, 1991.

CHAPTER 242

AN ACT directing certain county improvement authorities to study the feasibility of establishing new convention and arena facilities as a demonstration project, and supplementing Title 40 of the Revised Statutes.

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

1. The Legislature finds and declares that:
 - a. It is in the public interest to study the feasibility of establishing new convention center and athletic arena facilities as a demonstration project in Camden and Gloucester counties to attract a wide range of athletic, entertainment and civic events and to promote economic growth in those two counties which represent two of the most densely populated southern counties in this State.
 - b. A feasibility study of the development of modern convention center and athletic facilities in these two counties is in the public interest because these counties presently lack adequate facilities to host conventions and conferences or to attract athletic, entertainment and civic events and because this region is

most likely to benefit from this type of development due to the proximity and access to the metropolitan Philadelphia area.

c. Experience in other states indicates that the development of these facilities substantially increases local incomes and business volumes in those areas hosting the facilities, creates tens of thousands of new jobs in those states and provides important incentives for overall economic growth due to the increase in activities and events which are attracted to those states.

d. These types of facilities are particularly important for Camden and Gloucester counties because of the designation of a site within Camden county for the construction of a new aquarium project as a part of a planned waterfront development project along the Delaware River, and because these facilities are expected to contribute to the future success of this waterfront development project which should in turn spur the economic revival of these counties.

e. In addition to producing substantial financial benefits from the increased number of events and activities which would be attracted to the State, the development of world-class athletic facilities that meet standards for Olympic sports activities is expected to attract greater numbers of athletes to this State and to provide the opportunity for training the State's young people to be first-rate athletes.

f. It is altogether fitting and proper to direct that a study of the feasibility of constructing convention and athletic arena facilities should start with the counties of Camden and Gloucester because there are already existing convention center or sports arena facilities in the northern, central and eastern portions of this State, because these facilities will complement ongoing development plans for the aquarium and other waterfront projects along the Delaware River, and because Camden and Gloucester counties are ideally situated to participate in and capture a share of the \$38 billion dollar convention market and to attract professional sports franchises from neighboring states which lack adequate facilities of this kind.

g. In order to proceed with the feasibility study for the purposes described, it is in the public interest to direct that appropriate governmental entities conduct a study and make recommendations concerning the feasibility of developing new convention center and athletic facilities in those areas where such development would provide the most benefit to the State and to the residents of those areas, with particular attention being given

to proceeding with this undertaking as a joint venture by those governmental entities designated by this act.

h. For the purposes of this initial study, it is appropriate to direct the county improvement authorities in Camden and Gloucester counties to jointly study the feasibility of constructing new convention and arena facilities as a joint venture between the two improvement authorities since these entities were established, in part, to provide for certain public facilities within the counties including, but not limited to, convention halls and other facilities designed for recreation and entertainment of the public and to stimulate, improve and promote the tourist and recreational industries of the counties.

i. It is the intent of this Legislature, after evaluating the results of this initial feasibility study, to direct other county improvement authorities outside of Camden and Gloucester counties to proceed with similar studies to determine the feasibility of constructing additional convention and arena facilities as joint ventures between improvement authorities in other regions of this State.

2. a. In furtherance of those findings and determinations, and to further promote the economic prosperity of this State, the Camden County Improvement Authority established pursuant to section 3 of P.L.1960, c.183 (C.40:37A-46), in conjunction with the Gloucester County Improvement Authority also established pursuant to section 3 of P.L.1960, c.183 (C.40:37A-46), shall jointly prepare, or cause to be prepared, a feasibility study which shall address the costs and benefits of developing convention center and athletic arena facilities in those counties through a joint venture by the improvement authorities designated in this section.

b. The feasibility study shall focus on the development of multi-purpose convention and arena facilities to accommodate a wide variety of events and activities including, but not limited to, professional sports franchises, Olympic athletic activities, track meets, trade shows, conventions, conferences, and meetings of civic, business and trade groups. The study shall also consider the most appropriate site for the facilities, the projected demands for the new facilities, the estimated revenues and expenses of the facilities and the projected economic impact of the facilities on the county or counties hosting the facilities and on the overall economic growth of the State. In addition, the study shall also focus on the feasibility of providing various recreational facilities, including indoor tracks and basketball courts, for use by county residents in

conjunction with the development of convention and athletic facilities. The cost and expense of this joint study shall be met and provided for by the two improvement authorities.

c. The county improvement authorities designated pursuant to this section shall complete the joint feasibility study and issue a written report containing their findings and determinations relevant to each element of the feasibility study as it relates to the convention center and athletic arena facilities no later than one year after the effective date of this act. The report required pursuant to this section shall be submitted to each member of the improvement authorities, to the governing bodies of Camden county and Gloucester county, to the Legislature and to the Governor.

3. All officers, departments, boards, agencies, divisions and commissioners of the State are authorized to render any services to the county improvement authorities designated pursuant to section 2 of this act as may be within the area of their respective governmental functions as established by law, and as may be requested by the improvement authorities. The cost and expense of these services shall be met and provided for by the improvement authorities.

4. This act shall take effect immediately and shall expire on the 30th day after submission by the improvement authorities of their report and recommendations to the authority members, to the county governing bodies, to the Legislature and to the Governor.

Approved August 5, 1991.

CHAPTER 243

AN ACT concerning lobbyists and legislative agents, amending P.L.1981, c.150, and amending the title and amending and supplementing the body of P.L.1971, c.183.

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

1. The title of P.L.1971, c.183 is amended to read as follows:

Title amended.

An act to require the public disclosure of certain information by certain persons seeking to influence legislation and the promulga-

tion of administrative rules and regulations in this State, providing penalties for noncompliance, and repealing the "Legislative Activities Disclosure Act," approved October 16, 1964 (P.L.1964, c.207).

2. Section 1 of P.L.1971, c.183 (C.52:13C-18) is amended to read as follows:

C.52:13C-18 Declaration of intent.

1. The Legislature affirms that the preservation of responsible government requires that the fullest opportunity be afforded to the people of the State to petition their government for the redress of grievances and to express freely to individual legislators, committees of the Legislature and the Governor their opinion on legislation and current issues, and to Executive Branch officers and agencies their opinion on rules and regulations developed and promulgated by those officers and agencies in the exercise of powers delegated to them by law. The Legislature finds, however, that the preservation and maintenance of the integrity of the legislative process, including the development and promulgation of rules and regulations to effectuate the implementation of statutory law, requires the identification in certain instances of persons and groups who seek to influence the content, introduction, passage or defeat of legislation or the proposal, adoption, amendment, or repeal of rules and regulations, and, where it is not otherwise apparent or readily ascertainable, the nature of the interest which those persons and groups seek to advance or protect through such activity. It is the purpose of this act to require adequate disclosure in certain instances in order to make available to the Legislature and the public information relative to the activities of persons who seek to influence the content, introduction, passage or defeat of legislation or the proposal, adoption, amendment, or repeal of rules and regulations by such means.

3. Section 3 of P.L.1971, c.183 (C.52:13C-20) is amended to read as follows:

C.52:13C-20 Definitions.

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

a. The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

b. The term "legislation" includes all bills, resolutions, amendments, nominations and appointments pending or proposed in

either House of the Legislature, and all bills and resolutions which, having passed both Houses, are pending approval by the Governor.

c. The term "Legislature" includes the Senate and General Assembly of the State of New Jersey and all committees and commissions established by the Legislature or by either House thereof.

d. The term "lobbyist" means any person, partnership, committee, association, corporation, labor union, or any other organization that employs, engages or otherwise uses the services of any legislative agent to influence legislation or regulation.

e. The term "Governor" includes the Governor or the Acting Governor.

f. The term "communication with a member of the Legislature," "with legislative staff," "with the Governor," "with the Governor's staff," or "with an officer or staff member of the Executive Branch" means any communication, oral or in writing or any other medium, addressed, delivered, distributed or disseminated, respectively, to a member of the Legislature, to legislative staff, to the Governor, to the Governor's staff, or to an officer or staff member of the Executive Branch, as distinguished from communication to the general public including but not limited to a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch. If any person shall obtain, reproduce or excerpt any communication or part thereof which in its original form was not a communication under this subsection and shall cause such excerpt or reproduction to be addressed, delivered, distributed or disseminated to a member of the Legislature, to legislative staff, to the Governor, to the Governor's staff, or to an officer or staff member of the Executive Branch, such communication, reproduction or excerpt shall be deemed a communication with the member of the Legislature, with legislative staff, with the Governor, with the Governor's staff, or with an officer or staff member of the Executive Branch by such person.

g. The term "legislative agent" means any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value including reimbursement of his expenses where such reimbursement exceeds \$100.00 in any three-month period, to influence legislation or to influence regulation, or both, by direct or indirect communication with, or by making or authorizing, or causing to be made or authorized, any expenditures providing a benefit to, a member of the Legislature, legislative staff, the Governor, the Governor's staff, or any officer or staff member of the Executive

Branch, or who holds himself out as engaging in the business of influencing legislation or regulation by such means, or who incident to his regular employment engages in influencing legislation or regulation by such means; provided, however, that a person shall not be deemed a legislative agent who, in relation to the duties or interests of his employment or at the request or suggestion of his employer, communicates with a member of the Legislature, with legislative staff, with the Governor, with the Governor's staff, or with an officer or staff member of the Executive Branch concerning any legislation or regulation, if such communication is an isolated, exceptional or infrequent activity in relation to the usual duties of his employment.

h. The term "influence legislation" means to make any attempt, whether successful or not, to secure or prevent the initiation of any legislation, or to secure or prevent the passage, defeat, amendment or modification thereof by the Legislature, or the approval, amendment or disapproval thereof by the Governor in accordance with his constitutional authority.

i. The term "statement" includes a notice of representation or a report required by this act.

j. (Deleted by amendment, P.L.1991, c.243).

k. The term "member of the Legislature" includes any member or member-elect of, or any person who shall have been selected to fill a vacancy in, the Senate or General Assembly, and any other person who is a member or member-designate of any committee or commission established by the Legislature or by either House thereof.

l. The term "legislative staff" includes all staff, assistants and employees of the Legislature or any of its members in the member's official capacity, whether or not they receive compensation from the State of New Jersey.

m. The term "Governor's staff" includes the members of the Governor's Cabinet, the Secretary to the Governor, the Counsel to the Governor and all professional employees in the office of the Counsel to the Governor, and all other employees of the Office of the Governor.

n. The term "officer or staff member of the Executive Branch" means any assistant or deputy head of a principal department in the Executive Branch of State Government, including all assistant and deputy commissioners; the members and chief executive officer of any authority, board, commission or other agency or instrumentality in or of such a principal department; and any officer of the Executive Branch of State Government other than the Governor who is not included among the foregoing or among the Governor's staff, but who is empowered by law to issue, pro-

mulgate or adopt administrative rules and regulations, and any person employed in the office of such an officer who is involved with the development, issuance, promulgation or adoption of such rules and regulations in the regular course of employment.

o. The term “regulation” includes any administrative rule or regulation affecting the rights, privileges, benefits, duties, obligations, or liabilities of any one or more persons subject by law to regulation as a class, but does not include an administrative action (1) to issue, renew or deny, or, in an adjudicative action, to suspend or revoke, a license, order, permit or waiver under any law or administrative rule or regulation, (2) to impose a penalty, or (3) to effectuate an administrative reorganization within a single principal department of the Executive Branch of State Government.

p. The term “influence regulation” means to make any attempt, whether successful or not, to secure or prevent the proposal of any regulation or to secure or prevent the consideration, amendment, issuance, promulgation, adoption or rejection thereof by an officer or any authority, board, commission or other agency or instrumentality in or of a principal department of the Executive Branch of State Government empowered by law to issue, promulgate or adopt administrative rules and regulations.

q. The term “expenditures providing a benefit” or “expenditures providing benefits” means any expenditures for entertainment, food and beverage, travel and lodging, honoraria, loans, gifts or any other thing of value, except for (1) any money or thing of value paid for past, present, or future services in regular employment, whether in the form of a fee, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense, or any combination thereof, or (2) any dividends or other income paid on investments, trusts, and estates.

4. Section 4 of P.L.1971, c.183 (C.52:13C-21) is amended to read as follows:

C.52:13C-21 Notice of representation; filing, contents, separate notices.

4. a. Any person who, on or after the effective date of P.L.1991, c.243, is employed, retained or engages himself as a legislative agent shall, prior to any communication with, or the making of any expenditures providing a benefit to, a member of the Legislature, legislative staff, the Governor, the Governor’s staff, or an officer or staff member of the Executive Branch, and

in any event within 30 days of that effective date or of such employment, retainer or engagement, whichever occurs later, file a signed notice of representation with the Attorney General in such detail as the Attorney General may prescribe, identifying himself and persons by whom he is employed or retained, and the persons in whose interests he is working, and the general nature of his proposed services as a legislative agent for such persons, which notice shall contain the following information:

- (1) his name, business address and regular occupation;
- (2) the name, business address and occupation or principal business of the person from whom he receives compensation for acting as a legislative agent;
- (3) (a) the name, business address and occupation or principal business of any person in whose interest he acts as a legislative agent in consideration of the aforesaid compensation, if such person is another than the person from whom said compensation is received; and
(b) if a person, identified under paragraph (2) of this subsection as one from whom the legislative agent receives compensation, is a membership organization or corporation whose name or occupation so identified does not, either explicitly or by virtue of the nature of the principal business in which the organization or its members, or the corporation or its shareholders, is commonly known to be engaged, clearly reveal the primary specific economic, social, political, or other interest which the organization or corporation may reasonably be understood to seek to advance or protect through its employment, retainer, or engagement of the legislative agent, a description of that primary economic, social, political, or other interest and a list of the persons having organizational or financial control of the organization or corporation, including the names, mailing addresses and occupations, respectively, of those persons. The commission shall promulgate rules and regulations to govern the content of any information required to be disclosed under this subparagraph and shall take such steps as are reasonably necessary to ensure that all such information is, in accordance with those rules and regulations, both accurate and complete.

Any list of legislative agents and their principals required to be published quarterly under subsection h. of section 6 of P.L.1971, c.183 (C.52:13C-23) shall include, for each such principal for whom it is not otherwise apparent, the primary specific interest which the principal may reasonably be understood to seek to advance or protect through its engagement of the legislative agent and the category of persons required to file additional informa-

tion, as that interest and such category shall have been determined under subparagraph (b) of this paragraph;

(4) whether the person from whom he receives said compensation employs him solely as a legislative agent, or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation or regulation;

(5) the length of time for which he will be receiving compensation from the person aforesaid for acting as a legislative agent, if said length of time can be ascertained at the time of filing;

(6) the type of legislation or regulation or the particular legislation or regulation in relation to which he is to act as legislative agent in consideration of the aforesaid compensation, and any particular legislation or regulation or type of legislation or regulation which he is to promote or oppose;

(7) a full and particular description of any agreement, arrangement or understanding according to which his compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation or regulation.

b. Any legislative agent who receives compensation from more than one person for his services as a legislative agent shall file a separate notice of representation with respect to each such person; except that a legislative agent whose fee for acting as such in respect to the same legislation or regulation or type of legislation or regulation is paid or contributed to by more than one person may file a single statement, in which he shall detail the name, business address and occupation or principal business of each person so paying or contributing.

5. Section 2 of P.L.1981, c.150 (C.52:13C-22.1) is amended to read as follows:

C.52:13C-22.1 Annual reports.

2. Each legislative agent or lobbyist shall make and certify the correctness of a full annual report to the Election Law Enforcement Commission, of those moneys, loans, paid personal services or other things of value contributed to it and those expenditures made, incurred or authorized by it for the purpose of communication with or providing benefits to any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch during the previous year. The report shall include, but not be limited to, the following expenditures which relate to communication with, or providing

benefits to, any member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch: media, including advertising; entertainment; food and beverage; travel and lodging; honoraria; loans; gifts; and salary, fees, allowances or other compensation paid to a legislative agent. The expenditures shall be reported whether made to the intended recipient of the communication or benefit or to a legislative agent or a lobbyist. The expenditures shall be reported in the aggregate by category, except that if the aggregate expenditures on behalf of a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch exceed \$25.00 per day, they shall be detailed separately as to the name of the member of the Legislature, member of legislative staff, the Governor, member of the Governor's staff, or officer or staff member of the Executive Branch, date and type of expenditure, amount of expenditure and to whom paid. Where the aggregate expenditures for the purpose of communication with or providing benefits to any one member of the Legislature, member of legislative staff, the Governor, the Governor's staff, or officer or staff member of the Executive Branch exceed \$200.00 per year, the expenditures, together with the name of the intended recipient of the communication or benefits, shall be stated in detail including the type of each expenditure, amount of expenditure and to whom paid. Where the expenditures in the aggregate with respect to any specific occasion are in excess of \$100.00, the report shall include the date and type of expenditure, amount of expenditure and to whom paid. The Election Law Enforcement Commission may, in its discretion, permit joint reports by legislative agents. No legislative agent shall be required to file a report unless all moneys, loans, paid personal services or other things of value contributed to it for the purpose of communication with or making expenditures providing a benefit to a member of the Legislature, legislative staff, the Governor, the Governor's staff, or officer or staff member of the Executive Branch exceed \$2,500.00 in any year or unless all expenditures made, incurred or authorized by it for the purpose of communication with or providing benefits to a member of the Legislature, legislative staff, the Governor, the Governor's staff, or officer or staff member of the Executive Branch exceed \$2,500.00 in any year.

Any lobbyist who receives contributions or makes expenditures to influence legislation or regulation shall be required to file and certify the correctness of a report of such contributions or expendi-

tures if the contributions or expenditures made, incurred or authorized by it for the purpose of communication with or providing benefits to a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch exceed, in the aggregate, \$2,500.00 in any year. Any lobbyist required to file a report pursuant to this section may designate a legislative agent in its employ or otherwise engaged or used by it to file a report on its behalf; provided such designation is made in writing by the lobbyist, is acknowledged in writing by the designated legislative agent and is filed with the Election Law Enforcement Commission on or before the date on which the report of the lobbyist is due for filing, and further provided that any violation of this act shall subject both the lobbyist and the designated legislative agent to the penalties provided in this act.

This section shall not be construed to authorize any person to make or authorize, or to cause to be made or authorized, any expenditure providing a benefit, or to provide a benefit, the provision or receipt of which is prohibited under the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.) or any code of ethics promulgated thereunder, or under any other law or any executive order, rule or regulation.

6. Section 10 of P.L.1971, c.183 (C.52:13C-27) is amended to read as follows:

C.52:13C-27 Act not applicable to certain activities.

10. This act shall not apply to the following activities:

- a. the publication or dissemination, in the ordinary course of business, of news items, advertising, editorials or other comments by a newspaper, book publisher, regularly published periodical, or radio or television station, including an owner, editor or employee thereof;
- b. acts of an officer or employee of the Government of this State or any of its political subdivisions, or of the Government of the United States or of any State or territory thereof or any of their political subdivisions, in carrying out the duties of their public office or employment;
- c. acts of bona fide religious groups acting solely for the purpose of protecting the public right to practice the doctrines of such religious groups;
- d. acts of a duly organized national, State or local committee of a political party;

e. acts of a person in testifying before a legislative committee or commission, at a public hearing duly called by the Governor on legislative proposals or on legislation passed and pending his approval, or before any officer or body empowered by law to issue, promulgate or adopt administrative rules and regulations in behalf of a nonprofit organization incorporated as such in this State who receives no compensation therefor beyond the reimbursement of necessary and actual expenses, and who makes no other communication with a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch in connection with the subject of his testimony; and

f. acts of a person in communicating with or providing benefits to a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch if such communication or provision of benefits is undertaken by him as a personal expression and not incident to his employment, even if it is upon a matter relevant to the interests of a person by whom or which he is employed, and if he receives no additional compensation or reward, in money or otherwise, for or as a result of such communication or provision of benefits.

C.52:13C-22.1a Legislative agent to disclose service as member of authority, board, commission, State entity.

7. A person who is registered as a legislative agent and who, on or after the effective date of P.L.1991, c.243 (C.52:13C-18 et al.), serves or shall serve as a member of any independent State authority, county improvement authority or municipal utilities authority, or as a member from New Jersey on an inter-state or bi-state authority, or as a member of any board or commission established by statute or resolution or by executive order of the Governor or by the Legislature or by any agency, department or other instrumentality of the State shall disclose such service, including the name of the authority, board or commission and the date upon which his term as a member thereof expires, in the annual report required to be made under section 2 of P.L.1981, c.150 (C.52:13C-22.1).

8. a. A legislative agent who, prior to the effective date of this act, P.L.1991, c.243, shall have filed under section 4 of P.L.1971, c.183 (C.52:13C-21) a notice of representation with respect to his employment, retention or engagement as such an agent, which notice includes all of the information which, under the amendatory

provisions of this act other than those of subparagraph (b) of paragraph (3) of subsection a. of that section, is required as of and after that date to be contained in such a notice, shall not be required to file further notice hereunder with respect to that employment, retention or engagement until the 30th day after such time as the notice so filed shall cease to include all such information or until one year after that effective date, whichever occurs first.

b. The filing of any statement of the information required under the amendatory provisions of subparagraph (b) of paragraph (3) of subsection a. of section 4 of P.L.1971, c.183 (C.52:13C-21) shall not be required to be made until the second Tuesday in January next following enactment.

9. This act shall take effect January 1 following enactment.

Approved August 5, 1991.

CHAPTER 244

AN ACT concerning the administration and supervision of lobbying, amending and supplementing P.L.1971, c.183, and repealing sections 3 and 5 of P.L.1981, c.150.

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

1. Section 3 of P.L.1971, c.183 (C.52:13C-20) is amended to read as follows:

C.52:13C-20 Definitions.

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

a. The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

b. The term "legislation" includes all bills, resolutions, amendments, nominations and appointments pending or proposed in either House of the Legislature, and all bills and resolutions which, having passed both Houses, are pending approval by the Governor.

c. The term "Legislature" includes the Senate and General Assembly of the State of New Jersey and all committees and commissions established by the Legislature or by either House thereof.

d. The term "lobbyist" means any person, partnership, committee, association, corporation, labor union or any other organization that employs, engages or otherwise uses the services of any legislative agent to influence legislation or regulation.

e. The term "Governor" includes the Governor or the Acting Governor.

f. The term "communication with a member of the Legislature," "with legislative staff," "with the Governor," "with the Governor's staff," or "with an officer or staff member of the Executive Branch" means any communication, oral or in writing or any other medium, addressed, delivered, distributed or disseminated, respectively, to a member of the Legislature, to legislative staff, to the Governor, to the Governor's staff, or to an officer or staff member of the Executive Branch, as distinguished from communication to the general public including but not limited to a member of the Legislature, legislative staff, the Governor, the Governor's staff, or an officer or staff member of the Executive Branch. If any person shall obtain, reproduce or excerpt any communication or part thereof which in its original form was not a communication under this subsection and shall cause such excerpt or reproduction to be addressed, delivered, distributed or disseminated to a member of the Legislature, to legislative staff, to the Governor, to the Governor's staff, or to an officer or staff member of the Executive Branch, such communication, reproduction or excerpt shall be deemed a communication with the member of the Legislature, with legislative staff, with the Governor, with the Governor's staff, or with an officer or staff member of the Executive Branch by such person.

g. The term "legislative agent" means any person who receives or agrees to receive, directly or indirectly, compensation, in money or anything of value including reimbursement of his expenses where such reimbursement exceeds \$100.00 in any three-month period, to influence legislation or to influence regulation, or both, by direct or indirect communication with, or by making or authorizing, or causing to be made or authorized, any expenditures providing a benefit to, a member of the Legislature, legislative staff, the Governor, the Governor's staff, or any officer or staff member of the Executive Branch, or who holds himself out as engaging in the business of influencing legislation or regulation by such means, or who incident to his regular employment engages in influencing legislation or regulation by such means; provided, however, that a person shall not be deemed a legis-

lative agent who, in relation to the duties or interests of his employment or at the request or suggestion of his employer, communicates with a member of the Legislature, with legislative staff, with the Governor, with the Governor's staff, or with an officer or staff member of the Executive Branch concerning any legislation or regulation, if such communication is an isolated, exceptional or infrequent activity in relation to the usual duties of his employment.

h. The term "influence legislation" means to make any attempt, whether successful or not, to secure or prevent the initiation of any legislation, or to secure or prevent the passage, defeat, amendment or modification thereof by the Legislature, or the approval, amendment or disapproval thereof by the Governor in accordance with his constitutional authority.

i. The term "statement" includes a notice of representation or a report required by this act, as amended and supplemented.

j. (Deleted by amendment, P.L.1991, c.243).

k. The term "member of the Legislature" includes any member or member-elect of, or any person who shall have been selected to fill a vacancy in, the Senate or General Assembly, and any other person who is a member or member-designate of any committee or commission established by the Legislature or by either House thereof.

l. The term "legislative staff" includes all staff, assistants and employees of the Legislature or any of its members in the member's official capacity, whether or not they receive compensation from the State of New Jersey.

m. The term "Governor's staff" includes the members of the Governor's Cabinet, the Secretary to the Governor, the Counsel to the Governor and all professional employees in the office of the Counsel to the Governor, and all other employees of the Office of the Governor.

n. The term "officer or staff member of the Executive Branch" means any assistant or deputy head of a principal department in the Executive Branch of State Government, including all assistant and deputy commissioners; the members and chief executive officer of any authority, board, commission or other agency or instrumentality in or of such a principal department; and any officer of the Executive Branch of State Government other than the Governor who is not included among the foregoing or among the Governor's staff, but who is empowered by law to issue, promulgate or adopt administrative rules and regulations, and any person employed in the office of such an officer who is involved with the development, issuance, promulgation or adoption of such rules and regulations in the regular course of employment.

o. The term “regulation” includes any administrative rule or regulation affecting the rights, privileges, benefits, duties, obligations, or liabilities of any one or more persons subject by law to regulation as a class, but does not include an administrative action (1) to issue, renew or deny, or, in an adjudicative action, to suspend or revoke, a license, order, permit or waiver under any law or administrative rule or regulation, (2) to impose a penalty, or (3) to effectuate an administrative reorganization within a single principal department of the Executive Branch of State Government.

p. The term “influence regulation” means to make any attempt, whether successful or not, to secure or prevent the proposal of any regulation or to secure or prevent the consideration, amendment, issuance, promulgation, adoption or rejection thereof by an officer or any authority, board, commission or other agency or instrumentality in or of a principal department of the Executive Branch of State Government empowered by law to issue, promulgate or adopt administrative rules and regulations.

q. The term “expenditures providing a benefit” or “expenditures providing benefits” means any expenditures for entertainment, food and beverage, travel and lodging, honoraria, loans, gifts or any other thing of value, except for (1) any money or thing of value paid for past, present, or future services in regular employment, whether in the form of a fee, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense, or any combination thereof, or (2) any dividends or other income paid on investments, trusts, and estates.

r. The term “commission” means the Election Law Enforcement Commission established pursuant to section 5 of P.L.1973, c.83 (C.19:44A-5).

2. Section 4 of P.L.1971, c.183 (C.52:13C-21) is amended to read as follows:

C.52:13C-21 Notice of representation; filing, contents, separate notices.

4. a. Any person who, on or after the effective date of P.L.1991, c.243, is employed, retained or engages himself as a legislative agent shall, prior to any communication with, or the making of any expenditures providing a benefit to, a member of the Legislature, legislative staff, the Governor, the Governor’s staff, or an officer or staff member of the Executive Branch, and in any event within 30 days of that effective date or of such employment, retainer or

engagement, whichever occurs later, file a signed notice of representation with the Election Law Enforcement Commission in such detail as the commission may prescribe, identifying himself and persons by whom he is employed or retained, and the persons in whose interests he is working, and the general nature of his proposed services as a legislative agent for such persons, which notice shall contain the following information:

- (1) his name, business address and regular occupation;
- (2) the name, business address and occupation or principal business of the person from whom he receives compensation for acting as a legislative agent;
- (3) (a) the name, business address and occupation or principal business of any person in whose interest he acts as a legislative agent in consideration of the aforesaid compensation, if such person is other than the person from whom said compensation is received; and
(b) if a person, identified under paragraph (2) of this subsection as one from whom the legislative agent receives compensation, is a membership organization or corporation whose name or occupation so identified does not, either explicitly or by virtue of the nature of the principal business in which the organization or its members, or the corporation or its shareholders, is commonly known to be engaged, clearly reveal the primary specific economic, social, political, or other interest which the organization or corporation may reasonably be understood to seek to advance or protect through its employment, retainer, or engagement of the legislative agent, a description of that primary economic, social, political, or other interest and a list of the persons having organizational or financial control of the organization or corporation, including the names, mailing addresses and occupations, respectively, of those persons. The commission shall promulgate rules and regulations to govern the content of any information required to be disclosed under this subparagraph and shall take such steps as are reasonably necessary to ensure that all such information is, in accordance with those rules and regulations, both accurate and complete.

Any list of legislative agents and their principals required to be published quarterly under subsection h. of section 6 of P.L.1971, c.183 (C.52:13C-23) shall include, for each such principal for whom it is not otherwise apparent, the primary specific interest which the principal may reasonably be understood to seek to advance or protect through its engagement of the legislative agent and the category of persons required to file additional information, as that interest and such category shall have been determined under subparagraph (b) of this paragraph;

(4) whether the person from whom he receives said compensation employs him solely as a legislative agent, or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation or regulation;

(5) the length of time for which he will be receiving compensation from the person aforesaid for acting as a legislative agent, if said length of time can be ascertained at the time of filing;

(6) the type of legislation or regulation or the particular legislation or regulation in relation to which he is to act as legislative agent in consideration of the aforesaid compensation, and any particular legislation or regulation or type of legislation or regulation which he is to promote or oppose;

(7) a full and particular description of any agreement, arrangement or understanding according to which his compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation or regulation.

b. Any legislative agent who receives compensation from more than one person for his services as a legislative agent shall file a separate notice of representation with respect to each such person; except that a legislative agent whose fee for acting as such in respect to the same legislation or regulation or type of legislation or regulation is paid or contributed to by more than one person may file a single statement, in which he shall detail the name, business address and occupation or principal business of each person so paying or contributing.

3. Section 5 of P.L.1971, c.183 (C.52:13C-22) is amended to read as follows:

C.52:13C-22 Quarterly report.

5. a. Every legislative agent shall file with the commission a signed quarterly report of his activity in attempting to influence legislation during each such quarter.

b. The quarterly reports required under this section shall be made in the form and manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter for such activity during the preceding calendar quarter. The commission may, in its discretion, permit joint reports by persons subject to this act.

c. Each such quarterly report shall

(1) describe the particular items of legislation and any general category or type of legislation regarding which the legislative

agent acted as a legislative agent during the quarter, and any particular items or general types of legislation which he actively promoted or opposed during the quarter; and

(2) supply any information necessary to make the notice of representation filed by the legislative agent pursuant to section 4 of P.L.1971, c.183 (C.52:13C-21), current and accurate as of the final day of the calendar quarter covered by the report.

4. Section 6 of P.L.1971, c.183 (C.52:13C-23) is amended to read as follows:

C.52:13C-23 Duties of the commission.

6. The commission shall:

a. permit public inspection of all statements filed pursuant to this act, as amended and supplemented;

b. compile and summarize information contained in statements filed pursuant to this act, as amended and supplemented, and report the same to the Legislature and the Governor;

c. ascertain whether any persons have failed to file statements as required by this act, as amended and supplemented, or have filed incomplete or inaccurate statements, and give notice to such persons to file such statements as will conform to the requirements of this act, as amended and supplemented;

d. investigate violations of this act, as amended and supplemented, report to the Legislature and the Governor thereon, and notify the Attorney General of any possible criminal violations of this act, as amended and supplemented, that may warrant further investigation and action;

e. make such recommendations to the Legislature and the Governor as will tend to further the objectives of this act, as amended and supplemented, and take such other action as shall be necessary and proper to effectuate the purposes of this act, as amended and supplemented;

f. report to the Legislature and the Governor annually on the administration of this act, as amended and supplemented;

g. develop and prescribe methods and forms for statements required to be filed by this act, as amended and supplemented, and require the use of such forms by persons subject to this act, as amended and supplemented;

h. compile and publish quarterly a list of all legislative agents then registered, together with the information contained in their notices of representation and last quarterly report, which compila-

tion shall be distributed to all members of the Legislature and the Governor, and published in the New Jersey Register;

i. prepare and publish a summary and explanation of the registration and reporting requirements of this act, as amended and supplemented, for the use and guidance of those persons who may be required to file statements under this act, as amended and supplemented;

j. in accordance with a fee schedule adopted by the commission as a rule or regulation, establish and charge reasonable fees for the filing of notices of representation and quarterly and annual reports pursuant to this act, as amended and supplemented, provided that such fees shall not apply to the organizations which qualify under subsection (b) of section 9 of chapter 30 of the laws of 1966, as amended (C.54:32B-9), and provided further that the amount of such fees shall not exceed the cost to the commission of processing and maintaining those notices and reports and of compiling, summarizing and publishing the information contained therein as prescribed by this act, as amended and supplemented;

k. during periods when the Legislature is in session, report monthly to the members of the Legislature and the Governor and his staff all new notices of representation, notices of termination and other notices filed pursuant to this act, as amended and supplemented, during the preceding month.

5. Section 8 of P.L.1971, c.183 (C.52:13C-25) is amended to read as follows:

C.52:13C-25 Legislative agent's responsibilities.

8. a. Every legislative agent shall file a notice of termination report within 30 days after his activity shall cease, on such form as the commission shall prescribe, and any person who engages a legislative agent may file a notice of termination after such agent ceases to represent such person.

b. A legislative agent who receives or agrees to receive compensation for acting as such from any person not named in the notice of representation filed pursuant to section 4 of P.L.1971, c.183 (C.52:13C-21) shall, within 15 days of receiving or agreeing to receive such compensation, file an appropriate notification thereof in writing with the commission.

c. A legislative agent shall notify the commission in writing of any material change in the information supplied by him in the notice of representation filed pursuant to section 4 of P.L.1971, c.183 (C.52:13C-21) within 15 days of the effective date of such change.

6. Section 9 of P.L.1971, c.183 (C.52:13C-26) is amended to read as follows:

C.52:13C-26 Public records; inspection, preservation.

9. The statements required by this act, as amended and supplemented, to be filed with the commission (a) shall constitute part of the public records of the office of the commission and shall be available for public inspection; and (b) shall be preserved by the commission for a period of five years from the date of filing.

7. Section 11 of P.L.1971, c.183 (C.52:13C-28) is amended to read as follows:

C.52:13C-28 Wearing of name tag.

11. Every legislative agent who, for the purpose of influencing legislation, is in the State House, the State House Annex, or any other State building or other location when and where an authorized meeting of a legislative committee is being held shall at all times wear a descriptive name tag of a type prescribed by the commission.

8. Section 15 of P.L.1971, c.183 (C.52:13C-32) is amended to read as follows:

C.52:13C-32 Failure to comply with provisions of act; injunction.

15. Upon the failure to comply with any provisions of this act, as amended and supplemented, by any person subject thereto the commission may institute a civil action to enjoin such person from engaging in activity covered by this act until such time as he shall perform any duty imposed thereby and to require him to file any statement required by this act, as amended and supplemented, for the period he acted in violation thereof, and the court may proceed in a summary manner.

9. Section 18 of P.L.1971, c.183 (C.52:13C-35) is amended to read as follows:

C.52:13C-35 Voluntary statement; acceptance, filing and reporting.

18. The commission shall make provision to accept statements similar to statements required by this act, as amended and supplemented, from persons who are not required by law to file such statements but who choose to make reports upon their activities in influencing legislation. The commission shall have full discretion in prescribing the form and detail of such voluntary statements and may by general rules delimit classes of voluntary filings which it will or will not accept in order to further the purposes of this act, as amended and supplemented, and the efficient adminis-

tration thereof. The information contained in such voluntary statements as are accepted by the commission shall be included in the periodic reports and summaries which it is required to make.

10. Section 19 of P.L.1971, c.183 (C.52:13C-36) is amended to read as follows:

C.52:13C-36 Powers of the commission.

19. a. When it shall appear to the commission that a person required to file any statement under this act, as amended and supplemented, has failed to file such required statement, or has filed a statement false, inaccurate or incomplete in any material matter, or has otherwise violated the provisions of this act, as amended and supplemented; or when the commission believes it to be in the public interest that an investigation should be made to ascertain whether a person has in fact violated any of the provisions of this act, as amended and supplemented, it may apply to the Superior Court for an order or orders directing:

(1) That any such person or persons make available to the commission's inspection, or to the inspection of any of its authorized deputies or agents, such records as are required to be kept by that person pursuant to section 7 of P.L.1971, c.183 (C.52:13C-24); or

(2) That any such person file a statement or report in writing under oath concerning the facts and circumstances upon which the commission's belief in the necessity of an investigation is based; or

(3) That any person submit to examination under oath by the commission in connection with said circumstances, and produce any and all records, books and other documents which may be specified by order of the court; or

(4) That the commission may impound any record, book or other documents specified by order of the court.

b. Such application by the commission shall set forth all the facts and circumstances upon which its belief in the necessity of an investigation is based. The court may proceed on such application in a summary manner; and if the court determines that from the evidence submitted it appears that a person required to file any statement under this act, as amended and supplemented, has failed to file such statement, or has filed a statement false, inaccurate or incomplete in any material respect, or has otherwise violated any of the provisions of this act, as amended and supplemented, or that it is in the public interest that an investigation be held to determine whether such violation has occurred, the court

shall issue such order pursuant to subsection a. of this section as it may deem necessary and proper.

c. The commission shall hold as confidential all statements, books, records, testimony and other information or sources of information coming into its possession or knowledge as a result of an investigation pursuant to this section and shall not disclose or divulge any such materials or information to anyone except the court under whose order such material or information comes into its knowledge or possession, unless the court shall order its disclosure to a grand jury of this State or other appropriate authorities for the purposes of enforcing the provisions of this act, as amended and supplemented, or any other law.

d. If any person shall refuse to testify or produce any book, paper or other document in any proceeding under this section as ordered by the court on the grounds that the testimony or evidence, documentary or otherwise, which is required of him may tend to incriminate him, convict him of a crime, or subject him to a penalty or forfeiture, and shall, notwithstanding, be directed to testify or to produce such book, paper or document, he shall comply with such direction. A person who is entitled by law to assert such privilege, and does so assert, and thereafter complies with such direction, shall not thereafter be prosecuted or subjected to any penalty or forfeiture in any criminal proceeding which arises out of and relates to the subject matter of the proceeding. No person so testifying shall be exempt from prosecution or punishment for perjury on false swearing committed by him in giving such testimony.

e. In any action brought under this section, the court may award to the State all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If costs are awarded in such an action brought against a legislative agent, the judgment may be awarded against the legislative agent, and the legislative agent's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court and paid by the State of New Jersey.

C.52:13C-23.1 Violations, penalties.

11. Upon receiving evidence of any violation of P.L.1971, c.183 (C.52:13C-18 et seq.), as amended and supplemented, the commission shall have power to bring complaint proceedings, to issue subpoenas for the production of witnesses and documents, and to hold or to cause to be held by the Office of Administrative Law,

hearings upon such complaint. In addition to any other penalty provided by law, any person who is found to have committed such a violation shall be liable for civil penalty not in excess of \$1,000, which penalty may be collected in a summary proceeding pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

C.52:13C-23.2 Rules, regulations.

12. The commission shall adopt such rules and regulations as may be necessary to effectuate the purposes of P.L.1971, c.183 (C.52:13C-18 et seq.), as amended and supplemented.

Repealer.

13. Sections 3 and 5 of P.L.1981, c.150 (C.52:13C-22.2 and 22.3) are repealed.

14. This act shall take effect on the January 1st following enactment.

Approved August 5, 1991.

CHAPTER 245

AN ACT concerning notification of certain public utilities and cable television companies in connection with development applications and amending P.L.1975, c.291.

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

1. Section 7.1 of P.L.1975, c.291 (C.40:55D-12) is amended to read as follows:

C.40:55D-12 Notice of applications.

7.1. Notice pursuant to subsections a., b., d., e., f., g. and h. of this section shall be given by the applicant unless a particular municipal officer is so designated by ordinance; provided that nothing contained herein shall prevent the applicant from giving such notice if he so desires. Notice pursuant to subsections a., b., d., e., f., g. and h. of this section shall be given at least 10 days prior to the date of the hearing.

a. Public notice of a hearing on an application for development shall be given, except for (1) conventional site plan review pursuant to section 34 of this act, (2) minor subdivisions pursuant to section 35 of this act or (3) final approval pursuant to section

38 of this act; provided that the governing body may by ordinance require public notice for such categories of site plan review as may be specified by ordinance; and provided further that public notice shall be given in the event that relief is requested pursuant to section 47 or 63 of this act as part of an application for development otherwise excepted herein from public notice. Public notice shall be given by publication in the official newspaper of the municipality, if there be one, or in a newspaper of general circulation in the municipality.

b. Notice of a hearing requiring public notice pursuant to subsection a. of this section shall be given to the owners of all real property as shown on the current tax duplicates, located in the State and within 200 feet in all directions of the property which is the subject of such hearing; provided that this requirement shall be deemed satisfied by notice to the (1) condominium association, in the case of any unit owner whose unit has a unit above or below it, or (2) horizontal property regime, in the case of any co-owner whose apartment has an apartment above or below it. Notice shall be given by: (1) serving a copy thereof on the property owner as shown on the said current tax duplicate, or his agent in charge of the property, or (2) mailing a copy thereof by certified mail to the property owner at his address as shown on the said current tax duplicate.

Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation. Notice to a condominium association, horizontal property regime, community trust or homeowners' association, because of its ownership of common elements or areas located within 200 feet of the property which is the subject of the hearing, may be made in the same manner as to a corporation without further notice to unit owners, co-owners, or homeowners on account of such common elements or areas.

Notice of a hearing requiring public notice pursuant to subsection a. of this section shall be given to public utilities and cable television companies in accordance with subsection h. of this section.

c. Upon the written request of an applicant, the administrative officer of a municipality shall, within seven days, make and certify a list from said current tax duplicates of names and addresses of owners to whom the applicant is required to give notice pursuant to subsection b. of this section. The applicant shall be entitled

to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A sum not to exceed \$0.25 per name, or \$10.00, whichever is greater, may be charged for such list.

d. Notice of hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the clerk of such municipality.

e. Notice shall be given by personal service or certified mail to the county planning board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the official county map or on the county master plan, adjoining other county land or situated within 200 feet of a municipal boundary.

f. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a State highway.

g. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. The notice shall include a copy of any maps or documents required to be on file with the municipal clerk pursuant to subsection b. of section 6 of P.L.1975, c.291 (C.40:55D-10).

h. (1) Notice of hearings on applications for approval of a major subdivision or a site plan not defined as a minor site plan under this act requiring public notice pursuant to subsection a. of this section shall be given by personal service or certified mail to the corporate secretary of all public utilities and the general manager of all cable television companies that own land or any facility or that possess a right-of-way or easement within 200 feet in all directions of the property which is the subject of such hearing;

(2) In addition to any notification requirement otherwise imposed under this act, an applicant seeking approval of a development which does not require notice, as provided in paragraph (1) of this subsection, shall be required to provide notice, by personal service or certified mail, to the corporate secretary of any public utility and the general manager of any cable television company that possesses a right-of-way or easement situated within the property limits of the property which is the subject of the application for development approval under this paragraph.

i. The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing on the application for

development in the event that the applicant is required to give notice pursuant to this section.

j. Notice pursuant to subsections d., e., f., g. and h. of this section shall not be deemed to be required, unless public notice pursuant to subsection a. and notice pursuant to subsection b. of this section are required.

2. This act shall take effect immediately.

Approved August 7, 1991.

CHAPTER 246

AN ACT concerning the funding of the contingent reserve fund for certain TPAF members and amending N.J.S.18A:66-33 and N.J.S.18A:66-66.

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

1. N.J.S.18A:66-33 is amended to read as follows:

Employer and State contributions.

18A:66-33. Regular interest charges payable, the creation and maintenance of reserves in the contingent reserve fund and the maintenance of retirement allowances and other benefits granted by the board of trustees under the provisions of this article are hereby made obligations of each employer, except in the case of employers that are institutions of higher education. Obligations of employers that are institutions of higher education shall be obligations of the State, and the employer shall be deemed to be the State for the purposes of this section. Except as provided in N.J.S.18A:66-27, all income, interest, and dividends derived from deposits and investments authorized by this article shall be used for payment of these obligations.

Upon the basis of each actuarial determination and appraisal provided for in this article, the board of trustees shall annually certify, on or before December 1st of each year, to the Commissioner of Education, the State Treasurer, and to each employer, including the State, the contributions due on behalf of its employees for the ensuing fiscal year and payable by the employer to the contingent reserve fund. The amounts payable into the contingent

reserve fund for each employer, including the State, shall be paid by the State Treasurer, upon the certification of the commissioner and the warrant of the Director of the Division of Budget and Accounting, to the contingent reserve fund not later than July 1 of the ensuing fiscal year. The commissioner shall deduct the amount so certified from any State aid payable to the employer. In the event that no State aid is payable to the employer or in the event that the amount deducted is less than the amount certified as due, the commissioner shall certify the net amount due on behalf of the members to the chief fiscal officer of the employer. Each employer shall pay the net amount due, if any, to the State pursuant to a payment schedule established by the commissioner. The payment schedule shall provide for interest penalties for late payments.

Nothing in this section shall cause the State aid of an institution of higher education to be offset, nor shall an institution of higher education incur a debt or be required to make payments pursuant to this section.

2. N.J.S.18A:66-66 is amended to read as follows:

Employer to pay employer's social security obligations.

18A:66-66. The employer shall pay the employer's share of social security contribution upon all wages. In the case of employers that are institutions of higher education, the employer shall be deemed to be the State for the purposes of this section.

3. This act shall take effect immediately.

Approved August 7, 1991.

CHAPTER 247

AN ACT concerning the fees to be paid to the Secretary of State for certain corporate filings and amending N.J.S.14A:15-2.

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

1. N.J.S.14A:15-2 is amended to read as follows:

Filing fees of the Secretary of State.

14A:15-2. On filing any certificate or other papers relative to corporations in the office of the Secretary of State, there shall be paid to the Secretary of State, filing fees as follows:

- (1) Certificate of incorporation and amendments thereto:
 - (a) for filing the original certificate of incorporation \$100.00
 - (b) for filing a certificate of amendment of the certificate of incorporation, including any number of amendments 50.00
 - (c) for filing a certificate of abandonment of one or more amendments of the certificate of incorporation. 50.00
 - (d) for filing a certificate of merger or a certificate of consolidation. 50.00
 - (e) for filing a certificate of abandonment of a merger or consolidation 50.00
- (2) Restated certificate of incorporation:
 - for filing a restated certificate of incorporation, including any amendments of the certificate of incorporation concurrently adopted 50.00
- (3) Dissolution of corporation:
 - (a) for filing a certificate of dissolution 50.00
 - (b) for filing a certificate of revocation of dissolution proceedings 50.00
- (4) Admission and withdrawal of foreign corporation:
 - (a) for filing an application for a certificate of authority to transact business in this State and issuing a certificate of authority 100.00
 - (b) for filing an application for an amended certificate of authority to transact business in this State and issuing an amended certificate of authority 50.00
 - (c) for filing an application for withdrawal from this State and issuing a certificate of withdrawal 50.00
 - (d) for filing a certificate of change of post-office address to which process may be mailed by the Secretary of State 25.00
 - (e) for filing a certificate, order or decree with respect to the dissolution of a foreign corporation, the termination of its existence, or the cancellation of its authority, and issuing a certificate of withdrawal 50.00
- (5) Registered office and registered agent:
 - (a) for filing a certificate of change of address of registered office, or change of registered agent, or both 10.00

- (b) (i) for filing a certificate of change of address of registered agent, where such certificate effects a change in the address of the registered office of one to 499 corporations or of 500 or more corporations in cases where the filing information is not transmitted to the Secretary of State in a machine readable format agreeable to the Division of Commercial Recording, for each corporation named in the certificate 10.00
- (ii) for filing a certificate of change of address of registered agent, where such certificate effects a change in the address of the registered office of 500 or more corporations in cases where the filing information is transmitted to the Secretary of State in a machine readable format agreeable to the Division of Commercial Recording..... 5,000.00
- (iii) In addition to the fee imposed pursuant to subparagraph (ii) of this paragraph, the Secretary of State may assess an additional fee not to exceed those administrative costs associated with the technical transmission of the filing information.
- (c) for filing an affidavit of resignation of a registered agent..... 10.00
- (6) Annual report:
 - for each such report required to be filed 20.00
- (7) Tax clearance certificate from the Director of the Division of Taxation:
 - for each such certificate required to be filed 20.00

2. This act shall take effect on the 30th day after enactment.

Approved August 7, 1991.

CHAPTER 248

AN ACT supplementing the "Waterfront Commission Compact," P.L.1953, c.202 (C.32:23-1 et seq.), and providing for the extension of the term of the license granted to stevedores pursuant to Article VI thereof.

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

C.32:23-23.1 Term of stevedore's license.

1. A stevedore's license shall, notwithstanding the provisions of Article VI, paragraph 5 of P.L.1953, c.202 (C.32:23-23) be for a term of three years or fraction of such three-year period, and shall expire on the first day of December. In the event of the death of the licensee, if a natural person, or its termination or dissolution by reason of the death of a partner, if a partnership, or if the licensee shall cease to be a party to any contract of the type required by subdivision (d) of paragraph 3 of Article VI (C.32:23-21), the license shall terminate 90 days after such event or upon its expiration date, whichever shall be sooner. A license may be renewed by the commission for successive three-year periods upon fulfilling the same requirements as are set forth in Article VI for an original application for a stevedore's license.

2. If any part or provision of this act or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this act or the application thereof to other persons or circumstances and the two states hereby declare that they would have entered into this act or the remainder thereof had the invalidity of such provision or application thereof been apparent.

3. This act constitutes an agreement between the states of New Jersey and New York, supplementary to the waterfront commission compact and amendatory thereof, and shall be liberally construed to effectuate the purposes of the compact, and the powers vested in the waterfront commission hereby shall be construed to be in aid of and supplemental to and not in limitation or derogation of any of the powers heretofore conferred upon or delegated to the waterfront commission.

4. The State of New York, having enacted L.1986, c.457, a law having an identical effect to this act, this act shall take effect immediately.

Approved August 7, 1991.

CHAPTER 249

AN ACT concerning voter challenges, amending R.S.19:15-18, R.S.19:15-21, R.S.19:15-24 and R.S.19:32-10 and supplementing chapters 12, 15 and 32 of Title 19 of the Revised Statutes.

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

1. R.S.19:15-18 is amended to read as follows:

Voter challenges.

19:15-18. The members of the district boards and any duly authorized challenger, respectively, shall at any election challenge every person who shall claim to have a right to vote therein whom they or he shall know, suspect or believe not to be qualified or entitled to so vote, and said members of the district board or challenger shall have the power and right to ask all questions which are suitable and necessary to determine such person's right.

No member of the district board and no duly authorized challenger shall, however, challenge, delay or prevent the right to vote of any person because of that person's race, color, national origin, expected manner of casting a vote or residence in a particular ward, housing complex or section of a municipality or county, provided that nothing herein shall be construed to prohibit a challenge based upon the failure of the challenged voter to meet the applicable statutory residency qualification for voting in the particular election district. Any member of the district board or duly authorized challenger who violates this section is guilty of a disorderly persons offense.

C.19:15-18.1 Challenged voter may establish right to vote.

2. a. Any voter whose name does not appear on a challenge list prepared by the superintendent of elections of the county but who is challenged as not qualified or entitled to vote by a duly authorized challenger or by a member of a district board of elections shall be permitted to establish his right to vote by:

(1) signing an affidavit which states the voter's qualifications to vote on forms to be supplied by the superintendent of elections in those counties having a superintendent of elections or by the commissioner of registration in all other counties, and;

(2) presenting for inspection a suitable identifying document, which may be, but is not limited to, the following:

- (a) a valid New Jersey driver's license;
 - (b) a sample ballot which lists the voter's name and address;
 - (c) an official federal, State, county or municipal document which lists the voter's name and address;
 - (d) a utility or telephone bill or tax or rent receipt dated; or
 - (e) a piece of mail postmarked, on or after the 60th day before the day of the election at which the voter is challenged.
- b. A copy of the affidavit signed by the challenged voter shall be given to that person.
- c. The affidavit, or a form attached to it, shall state:
- (1) the means by which a person whose name does not appear on a challenge list prepared by the superintendent of elections of the county but who is challenged by a duly authorized challenger or by a member of the district board of elections may seek to establish the person's right to vote, as provided in subsection a. of this section;
 - (2) that a challenger who succeeds in denying a voter the right to vote must sign an affidavit stating the reason why the voter is not entitled to vote and must furnish a copy of the affidavit to the challenged voter, as provided in section 3 of P.L.1991, c.249 (C.19:15-18.2);
 - (3) the legal remedy which a person whose name does not appear on a challenge list prepared by the superintendent of elections of the county but who is challenged by a duly authorized challenger or by a member of the district board of elections and denied the right to vote may use to seek permission to vote, as provided in section 6 of P.L.1991, c.249 (C.19:15-18.3).
- d. In counties in which the primary language of 10% or more of the registered voters is Spanish, the affidavit and instructions for its completion and the information required by subsection c. of this section shall appear in both English and Spanish.

C.19:15-18.2 Grounds for challenging right to vote specified.

3. If a person whose name does not appear on a challenge list prepared by the superintendent of elections of the county is challenged as not qualified or entitled to vote by a duly authorized challenger or by a member of the district board of elections and if this challenge is sustained by the district board of elections, the person making the challenge shall specify the grounds for the challenge in a signed affidavit on forms to be supplied by the superintendent of elections in those counties having a superintendent of elections or by the county clerk in all other counties. This document also shall state that the challenged voter has sought to establish his right to vote by

signing an affidavit which states the challenged voter's qualifications to vote and by presenting a suitable identifying document, the identity of which shall be specified by the challenger. A copy of the challenger's affidavit shall be given to the challenged voter.

4. R.S.19:15-21 is amended to read as follows:

Challenge on grounds of disqualification; oath.

19:15-21. If a person shall be challenged as not qualified or entitled to vote, the judge may forthwith tender to him an oath or affirmation, in the following form:

"You do swear (or affirm, as the case may be), that you are a citizen of the United States; that you have resided in this State and in this county for 30 days next before this election, and not elsewhere; that you are now a resident of this election district; that, as far as you know and verily believe, you are 18 years of age, and in all respects qualified to vote in this election, in this election district, and that you have not voted elsewhere in this election," and if the person so challenged shall refuse to take the oath or affirmation so tendered to him, he shall be deemed not to be qualified or entitled to vote.

5. R.S.19:15-24 is amended to read as follows:

Challenging voter, procedure, violations by members of board, removal.

19:15-24. The district boards shall not give a ballot to any person unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote they shall have power to examine such person, and any other person or persons, under oath or affirmation, touching such right, except as hereinbefore restricted. The board shall determine the right of the voter to vote, after making use of, and giving due weight to, the evidence afforded by his signature, if any, such answers, and an affidavit which states the challenged voter's qualifications to vote and a suitable identifying document, as provided under section 2 of P.L.1991, c.249 (C.19:15-18.1). If any member of the board shall give or assent to give a ballot to any person challenged, without requiring him to take the oath or affirmation hereinbefore prescribed to be made upon such challenge, and the person shall not be qualified and entitled to vote, the member so giving or assenting to give a ballot, shall be deemed to have given to such person a ballot, knowing it to be illegal. The question

as to the giving of the ballot to the person shall be put in the following form: "Shall a ballot be given to this person by this board?"

If a majority of the board shall decide to give a ballot to such voter or in case of a tie vote, the voter shall be given a ballot and allowed to vote. If a majority of the board shall decide against giving a ballot to the voter no ballot shall be given. The board upon demand of a member of the board or any other citizen shall forthwith issue a warrant for the arrest of such person and deliver the same to a peace officer, who shall forthwith arrest him, and the right to challenge voters shall exist until the ballot shall have been deposited in the ballot box.

Every such challenge and the determination of the board shall in every instance be recorded in the signature comparison record, in the column "Sig. Comp. by," used at the election at which the challenge has been made.

Any member of a district board who refuses or neglects to comply with the provisions of this section may be summarily removed from office by the county board, or any judge of the Superior Court assigned to the county.

C.19:15-18.3 Challenged voter may appeal to Superior Court judge.

6. Any person whose name does not appear on a challenge list prepared by the superintendent of elections of the county but who is challenged and denied the right to vote on the day of a municipal, primary, general, or special election by a duly authorized challenger or by a member of a district board of elections, may apply to a Superior Court judge sitting at the county seat for permission to vote. No papers need be filed; the court shall entertain oral applications. The challenged voter may appear pro se or with counsel. The challenger or the member of the district board, as the case may be, may appear or be represented by counsel. The challenged voter shall be permitted to state by oath or affirmation the facts which the voter believes establish eligibility to vote, shall furnish a copy of the affidavit the voter signed when challenged, a copy of the affidavit signed by the challenger and the identifying document found invalid by the challenger and the district board. The rules of evidence shall not apply to those proceedings. The judge shall grant the application and provide the challenged voter with written authorization to vote on that day if the judge finds the following facts to be established by the testimony of the applicant or, in the case of a dispute of facts or some questions as to the challenged voter's credibility, by a preponderance of the following evidence:

a. The challenged voter is at least 18 years old and a citizen of the United States and of this State, has resided in the county at least 30 days prior to the date of the election, and has not been convicted of a crime which would disenfranchise a person under the laws of this State, and either:

b. The challenged voter is properly registered at his location; or

c. The challenged voter was properly registered at his location as of the last election at which the challenged voter voted but has moved to another location within the county since then and in good faith attempted to register at the new address within the time prescribed by law.

For the purposes of this section, a good faith attempt to register shall include: completing the prescribed registration form no later than 29 days before the election in the presence of a person who appears to be over 18 years old and says that he or she can and will witness the form and mail it to the register for the applicant; completing a form received in the mail from the commissioner of registration, superintendent of elections or the county board which states that information has been received that the applicant has moved and placing the completed form in a proper mailbox with proper postage, if necessary, no later than 29 days before the election; completing a registration form in any government office; and reasonably relying upon the oral statements of an official at a polling place that they will insure proper reregistration.

The judge of the Superior Court having the application shall cause a full record of the proceeding to be taken stenographically, transcribed and filed in the office of the county clerk of the county, which record shall be open and public record. All costs and expenses of such proceedings shall be paid by the county.

7. R.S.19:32-10 is amended to read as follows:

Preparation of challenge lists.

19:32-10. In respect to each general, primary, municipal and special election, the superintendent shall prepare for each election district in the county a challenge list containing the names, alphabetically arranged, and the addresses of all persons who have lost the right to register from the addresses within such election district from which they registered at the last preceding election. Such challenge list shall be delivered to the respective district boards in such municipalities at least one-half hour before the commencement of registration. The chairman of the respective

district boards shall challenge the registration of any person applying to them for registration under any name on such challenge list, unless it shall affirmatively appear after strict examination of the voter, and, if necessary, of others, that such voter is domiciled at a new address within the election district. At the close of the last day of registration, the challenge list with the remarks of the district board or of any member or members thereof to be noted thereon shall be signed and certified as true by each member of the respective district boards and returned to the superintendent in a sealed envelope provided therefor.

After the last day of registration and before each general, primary, municipal and special election, the superintendent shall also prepare for each election district a challenge list containing the names, alphabetically arranged, and addresses of all persons registered in the district whom he believes or has reason to suspect are not entitled to vote at the election in the district. Such challenge list shall be delivered to the respective district boards at least one-half hour before the opening of the polls at each election. The chairman of the respective district boards shall challenge the vote of any person presenting himself to vote under any name on the challenge list. The challenge list shall contain a column headed "remarks," and the chairman of the respective district boards shall enter therein opposite the names on such list whether any person applying to vote under any name thereon who was challenged was allowed to vote, and the reason for allowing him to vote.

All persons whose names appear on any challenge list before being allowed to vote shall subscribe to an affidavit on forms supplied by the superintendent to the respective district boards together with the challenge list. Any members of the district boards are hereby empowered to take such affidavits. The affidavit shall show that the affiant is eligible to vote in that district and shall set forth the place of his residence, the fact that he actually resides at that place, the length of time of such residence, and also all the facts necessary to qualify him as a voter under the constitution of this State. A copy of the affidavit signed by the challenged voter shall be given to the affiant. At the close of the polls the affidavits shall be returned to the superintendent in an envelope provided therefor and they shall be preserved in the office of the superintendent.

If a person applying to vote under any name on the challenge list is challenged and does not vote, there shall be entered opposite his name in such column the words "challenged, but did not vote." If no person applies to vote under any name on such challenge list,

there shall be noted opposite each such name in such column the words "no application." At the close of the polls the challenge list shall be signed and certified as true by each member of the respective district boards and returned to the superintendent of the county in a sealed envelope provided therefor.

If a person applying to vote is challenged and denied the right to vote because that person's name appears on a challenge list prepared by the superintendent of elections, that challenged voter may apply to a Superior Court judge sitting at the county seat for permission to vote, as provided in R.S.19:32-18.

The superintendent, concurrently with delivering the challenge lists, shall deliver to the commissioner a true copy, certified by him as correct, of each challenge list delivered by him pursuant to this section to each district board in municipalities having permanent registration.

The superintendent shall prepare duplicates of all challenge lists provided for in this section, and shall keep duplicate challenge lists on file in his office from the time of their preparation until the close of the third general election following their preparation. The original challenge lists shall also be kept on file for two years after the general election following their preparation. All such challenge lists shall be open to inspection by any citizen at any time the superintendent's office is open for business.

C.19:12-9 Publication of certain election procedures required.

8. a. The county board in each county shall cause to be published in a daily newspaper of general circulation throughout the county, a notice containing the information specified in subsection b. hereof. This notice shall be published once on the seventh day preceding the day fixed for a municipal, primary, general or special election and once on the day preceding the day fixed for a primary, general or special election,

b. At the top of the notice the words "Public Notice to All Registered Voters of (insert appropriate name) County" shall be printed in at least 30-point bold-faced capital type. Next underneath, the words "You are hereby advised of the following procedure to be used for the (insert appropriate date and type of election) election:" shall be printed in at least 12-point bold-faced type.

The body of the notice shall be printed in at least 10-point bold-faced type and shall set forth:

(1) that any person attempting to vote may be challenged by a duly authorized challenger for a political party or a candidate or on a public question, or by a member of the district board of elec-

tions, because the voter's name appears on a challenge list prepared by the superintendent of elections of the county or because the challenger or board member has good cause to believe that the voter is not entitled to vote;

(2) that members of the district board and all duly authorized challengers are prohibited from challenging, delaying or preventing the right to vote of any person because of that person's race, color, national origin, expected manner of casting a vote or residence in a particular ward, housing complex or section of a municipality or county;

(3) the means by which any person who is challenged because that person's name appears on a challenge list prepared by the superintendent of elections of the county may seek to establish the person's right to vote, as provided in R.S.19:32-18;

(4) the means by which any person whose name does not appear on a challenge list prepared by the superintendent of elections of the county but who is challenged by a duly authorized challenger or by a member of the district board of elections may seek to establish the person's right to vote, as provided in section 2 of P.L.1991, c.249 (C.19:15-18.1);

(5) that any challenger who succeeds in denying a voter the right to vote must sign an affidavit stating the reason why the voter is not entitled to vote and must furnish a copy of the affidavit to the challenged voter, as provided in section 3 of P.L.1991, c.249 (C.19:15-18.2);

(6) the legal remedy which any person whose name does not appear on a challenge list prepared by the superintendent but who is challenged by a duly authorized challenger or by a member of the district board of elections and denied the right to vote may use to seek permission to vote, as provided in section 6 of P.L.1991, c.249 (C.19:15-18.3);

(7) that forms to register complaints about the conduct of an election shall be available at each polling place in the county; and

(8) the names of the chairman, secretary, clerk and members of the county board of elections and a telephone number at which they may be reached for more information.

c. In counties in which the primary language of 10% or more of the registered voters is Spanish, two notices containing the information in subsection b. of this section shall appear side-by-side, one in English and one in Spanish. The notices shall be identical in size, content and type face.

d. The cost of publishing the notices required by this section shall be paid by the respective counties.

C.19:32-4.1 Complaint forms provided to voters at elections.

9. On the day of every municipal, primary, general, special or annual or special school election the superintendent of elections in counties having a superintendent of elections or the county board of elections in all other counties shall provide to each polling place in the county sufficient numbers of a form on which voters or persons attempting to vote may register any complaint regarding the conduct of the election at the polling place where they voted or attempted to vote. In counties in which the primary language of 10% or more of the registered voters is Spanish, the form for the complaint shall appear in both English and Spanish. The form shall protect the anonymity of the complainant, if that person so wishes, and shall be accompanied by an envelope with the proper postage and the name and address of the superintendent of elections of the county or the chairman of the county board of elections, as the case may be. A complaint may be used by the superintendent of elections or any other municipal or State investigatory agency to conduct an investigation into possible violation of the State election law. Copies of the form containing the complaint shall be available from the superintendent of elections or the county board of elections, as the case may be. The original form of the complaint, or a copy, shall be kept on file with the superintendent of elections or the county board of elections, as the case may be, for two years after the election for which it was filed.

10. This act shall take effect on the 90th day after the date of enactment.

Approved August 8, 1991.

CHAPTER 250

AN ACT concerning child safety and supplementing chapter 8 of Title 56 of the Revised Statutes.

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

C.52:17B-124.1 Physician required to report toy related death or injury.

1. Whenever any physician has before him a person whose injury or death he determines to be, or reasonably suspects may be, toy related he shall, in accordance with the rules and regulations promulgated pursuant to section 2 of this act, report his

findings to the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

The director of any hospital, health-care facility, health maintenance organization, public health center, medical center, or emergency medical treatment facility wherein any physician has made such a determination, or has such a reasonable suspicion, as to whether an injury or death is toy related, shall, in accordance with the rules and regulations promulgated pursuant to section 2 of this act, report that physician's findings to the director.

The director shall review, organize and keep a record of the information set forth in the reports of toy related injuries and deaths submitted by physicians pursuant to this section.

The director, on a regular basis, shall make the information recorded pursuant to this section available to the United States Consumer Product Safety Commission for inclusion in its Injury or Potential Injury Incident Data Base. The information so recorded shall also be made available to the public for a fee determined to be reasonable by the director.

If, on the basis of his review, the director shall determine that a specific toy or item poses an immediate danger or potential threat to the safety of the citizens of this State, he shall immediately issue a public notice, warning the public of his findings concerning that toy or item.

2. The Director of the Division of Consumer Affairs, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act.

3. This act shall take effect immediately.

Approved August 8, 1991.

CHAPTER 251

AN ACT cancelling an appropriation from the "Cultural Centers and Historic Preservation Fund," established pursuant to the "New Jersey Green Acres, Cultural Centers and Historic Preservation Bond Act of 1987," P.L.1987, c.265, and appropriating \$2,237,893 from the fund to assist projects for cultural center development.

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

1. The following amount previously appropriated from the "Cultural Centers and Historic Preservation Fund" created pursuant to section 20 of P.L.1987, c.265 is cancelled:

\$5,000,000 of the \$28,064,000 appropriated for grant awards for cultural center development and allocated for the Whole Theatre pursuant to section 1 of P.L.1989, c.349.

2. There is appropriated to the State Council on the Arts in the Department of State from the "Cultural Centers and Historic Preservation Fund" created pursuant to section 20 of P.L.1987, c.265, the sum of \$2,237,893, representing a portion of the amount cancelled pursuant to section 1 of this act, for the purpose of awarding grants to assist projects of cultural center development which sum shall include administrative costs. The following projects are eligible for funding from this appropriation up to amounts listed herein and subject to grant awards:

Noyes Museum.	\$1,092,500
City of Ocean City	<u>1,145,393</u>
TOTAL.....	\$2,237,893

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1987, c.265.

4. This act shall take effect immediately.

Approved August 8, 1991.

CHAPTER 252

AN ACT creating the South Jersey Transportation Authority as the successor to the New Jersey Expressway Authority and the Atlantic County Transportation Authority, to acquire, construct, maintain, operate and support expressway and transportation projects, transferring the Atlantic City Expressway to the South Jersey Transportation Authority, establishing the Atlantic City International Airport and related facilities and activities as a transportation project, authorizing certain acquisitions, supplementing Title 27 of the Revised Statutes and repealing parts of the statutory law.

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

C.27:25A-1 Short title.

1. This act shall be known and may be cited as the "South Jersey Transportation Authority Act."

C.27:25A-2 Findings, declarations.

2. The Legislature finds and declares that:

a. It is the public policy of this State to provide for the coordinated development and planning of the State's transportation system both on the State and regional level. Through the medium of the Transportation Executive Council, established by Executive Order No. 10 of 1990, the activities of the various transportation related authorities are coordinated on the State level. In the northern region of the State the Port Authority of New York and New Jersey, the New Jersey Turnpike Authority, the New Jersey Highway Authority, the Hackensack Meadowlands Development Commission, the North Jersey Transportation Coordinating Committee and other organizations exist to provide for the support and planning of the transportation system in that region.

b. In the southern region of the State an increase in residential development, the completion of Interstate Route 476 (also known as the "Blue Route") in Pennsylvania, the establishment of casino gaming in Atlantic City, and other factors, have caused an increase in vehicular traffic in southern New Jersey and have highlighted the need for a more coordinated effort on a regional basis to deal with the operation and possible extension of the region's highway system, the improvement and expansion of its aviation facilities, and the coordination of Atlantic County's transportation system within the larger regional system.

c. Concomitant with the development of the transportation system in southern New Jersey the need exists for the ancillary establishment of economic development facilities directly related to transportation projects in that region to be funded by a transportation authority.

d. It is in the public interest to create a South Jersey Transportation Authority, encompassing the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem, as a successor to the New Jersey Expressway Authority and the Atlantic County Transportation Authority, to provide more coordination of the region's transportation system and to deal particularly with the highway system, aviation facilities and the transportation problems of Atlantic County through the acquisition, construction,

maintenance, operation and support of expressway and transportation projects and economic development facilities directly related to transportation projects authorized by this act. However, the activities of a transportation authority are not to supplant or replace the funding of projects by the Transportation Trust Fund Authority or the operation of public transportation services by the New Jersey Transit Corporation.

C.27:25A-3 Definitions.

3. As used in this act:

“Air passenger service” means any service which involves the carriage of persons for compensation or hire by aircraft.

“Atlantic City Expressway” means the expressway project known as the Atlantic City Expressway constructed by the New Jersey Expressway Authority pursuant to section 40 of P.L.1962, c.10 (C.27:12C-40).

“Atlantic City International Airport” means the airport authorized by section 24 of this act.

“Atlantic County Transportation Authority” means the county transportation authority authorized pursuant to P.L.1980, c.44 (C.40:35B-1 et seq.).

“Authority” means the South Jersey Transportation Authority created by section 4 of this act.

“Bond” means any bond or note issued by the authority pursuant to the provisions of this act or issued by or for an original authority or any predecessor authority thereof, as the case may be.

“Commissioner” means the Commissioner of Transportation.

“Construction” or “construct” means the planning, designing, construction, reconstruction, rehabilitation, replacement, repair, extension, enlargement, improvement and betterment of expressway projects and transportation projects, and includes the demolition, clearance and removal of buildings or structures on land acquired, held, leased or used for those projects.

“Cost” means all or any part of the expenses incurred in connection with the acquisition, construction and maintenance of any real property, lands, structures, real or personal property rights, rights-of-way, franchises, easements, and interests acquired or used for a project; any financing charges and reserves for the payment of principal and interest on bonds or notes; the expenses of engineering, appraisal, architectural, accounting, financial and legal services; and other expenses as may be necessary or inci-

dent to the acquisition, construction and maintenance of a project, the financing thereof and the placing of the project into operation.

“County” means a county in South Jersey.

“Department” means the Department of Transportation.

“Economic development facility” means any area, place, building or other improvement or structure related to, connected with, or in the vicinity of, a transportation project which may serve the users of that project or assist in, enhance or stimulate its operation or development.

“Expressway project” means the acquisition, construction and maintenance of the Atlantic City Expressway as transferred to the authority pursuant to this act and of any express highway, super highway or motorway at the locations and between the termini 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, parking facilities, 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 related to the use of the express highway, superhighway or motorway, intersecting highways and bridges and feeder roads which the authority may deem necessary or desirable for the operation of the project, together with all property rights, easements and interests which may be acquired by the authority for the construction or the operation of the project, and includes any planning necessary for the execution of any expressway project.

“Feeder road” means any road which in the determination of the authority is necessary to create or facilitate access to a project and is not more than five miles in length from the point of its connection with the project.

“Land and improvements” means any area or lands, any interest, right or title in land, including but not limited to, any reversionary right, and any real or personal property, structure, facility, building or equipment.

“Marine passenger service” means any service which involves the carriage of persons for compensation or hire by waterborne craft.

“Motorbus charter service” means subscription, tour and other special motorbus services.

“Motorbus regular route service” means the operation of any motorbus or motorbuses on streets, public highways or other facilities, over a fixed route and between fixed termini on a regular schedule for the purpose of carrying passengers, for hire or otherwise, within South Jersey or between points within South Jersey and points without South Jersey.

“Municipality” means any city, borough, village, town or township in South Jersey but not a county or a school district.

“New Jersey Expressway Authority” means the authority created pursuant to P.L.1962, c.10 (C.27:12C-1 et seq.).

“Original authority” means the New Jersey Expressway Authority or the Atlantic County Transportation Authority.

“Paratransit service” means any service, other than motorbus regular route service and motorbus charter service, including but not limited to, dial-a-ride, non-regular route, jitney or community minibus, and shared-ride services such as vanpools, limousines or taxicabs which are regularly available to the public. Paratransit services shall not include limousine or taxicab service reserved for the private and exclusive use of individual passengers.

“Parking facility” means any area or place, garage, building, or other improvement or structure for the parking or storage of motor or other vehicles, including but not limited to all real property and personal property, driveways, roads and other structures or areas necessary or useful or convenient for access to a facility from a public street, road or highway, or from any transportation project; meters, mechanical equipment necessary or useful or convenient for or in connection with that parking or storage; and any structures, buildings, space or accommodations, whether constructed by an authority or by the lessee, to be leased for any business, commercial or other use, including the sale of gasoline or accessories for, or the repair or other servicing of automobiles and other motor vehicles, if, in the opinion of the authority, the inclusion, provision and leasing is necessary to assist in defraying the expenses of the authority and make possible the operation of the parking facility at reasonable rates, but the authority shall not itself engage in the sale of gasoline or accessories for, or in the repair or other servicing of automobiles or other motor vehicles except in emergency, nor in the sale of any service or commodity of trade or commerce.

“Project” means an expressway project or transportation project and the costs associated therewith.

“Public highway” means any public highway, road or street in South Jersey, including federal aid highways, whether maintained

by the State or by a county, municipality or other governmental subdivision in South Jersey.

“Public transportation facility” means, in connection with public transportation service, passenger stations, shelters and terminals, automobile and bus parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights-of-way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbuses and other motor vehicles, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful or related to the provision of transportation service.

“Public transportation service” means rail passenger service, motorbus regular route service, paratransit service, motorbus charter service and marine passenger service.

“Rail passenger service” means the operation of railroad, subway, or light rail systems including fixed and automated guideway systems for the purpose of carrying passengers in South Jersey or between points within South Jersey and points without South Jersey.

“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.

“South Jersey” means the area encompassing the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem.

“Transfer date” means, with respect to the New Jersey Expressway Authority, the date on which all bonds issued by the New Jersey Expressway Authority cease to be outstanding within the meaning of the resolutions pursuant to which those bonds were issued, as certified by the trustee or trustees thereunder and, with respect to the Atlantic County Transportation Authority, the date on which New Jersey Economic Development Authority first mortgage revenue bonds, series of 1980, dated July 1, 1980, (New York Parking Associates - Parking Authority of Atlantic City project) issued by the New Jersey Economic Development Authority cease to be outstanding within the meaning of the indenture pursuant to which those bonds were issued, as certified by the trustees thereunder or the date on which the South Jersey Transportation Authority certifies to the Atlantic County Transportation Authority for a predecessor authority to the Atlantic County Transportation Authority and the State Treasurer that it assumes all debts and obligations of the Atlantic County Transportation Authority.

“Transportation facility” means any area, place, building, or other structure designed to provide rail passenger service, motorbus regular route service, paratransit service, motorbus charter service, air passenger and air freight service, or marine passenger service, or any two or more of these services, to the public, and includes passenger stations, shelters and terminals, air passenger terminals, hangars, heliports, docking and launching facilities, parking facilities, ramps, track connections, signal systems, power systems, information and communication systems, roadbeds, transit lanes or rights-of-way, equipment storage and servicing facilities, bridges, grade crossings, rail cars, locomotives, motorbus and other motor vehicles, boats, ferries and other marine vehicles, aircraft, maintenance and garage facilities, revenue handling equipment and any other equipment, facility or property useful for or related to the provision of these services;

“Transportation project” means the acquisition, construction, and maintenance of an airport, public transportation facility or other transportation facility, established by this act or which may be hereafter established by law and may include related facilities and activities which may consist of public transportation services, public transportation facilities, including but not limited to rail and bus stations and terminals, noise abatement projects, parking facilities, public highways and feeder roads related to or connected with the project, and any economic development facilities as defined in this section. Transportation project includes any planning necessary to develop a comprehensive, efficient, convenient or economical transportation system in South Jersey, any planning or marketing necessary or desirable for the execution of any transportation project, and any planning, acquisition, construction or operation of economic development facilities related to, connected with, or in the vicinity of the project.

“Transportation system” means public highways, expressway projects, transportation projects, and all other methods of transportation for the movement of people and goods in South Jersey.

“Transportation Trust Fund Authority” means the New Jersey Transportation Trust Fund Authority established by section 4 of P.L.1984, c.73 (C.27:1B-4).

C.27:25A-4 “South Jersey Transportation Authority” established.

4. There is established in the Department of Transportation a public body corporate and politic, with corporate succession, to be known as the “South Jersey Transportation Authority,” as the

successor to the New Jersey Expressway Authority and the Atlantic County Transportation Authority. The authority, which shall be a continuance of the corporate existence of the New Jersey Expressway Authority and the Atlantic County Transportation Authority, shall constitute an instrumentality of the State exercising public and essential governmental functions to provide for the public safety, convenience, benefit and welfare, and the exercise by the authority of the powers conferred by this act shall be deemed and held to be an essential governmental function of the State. For the purpose of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the authority is allocated within the Department of Transportation, but notwithstanding that allocation, the authority shall be independent of any supervision or control by the department or any board or officer thereof, except as may be provided in this act.

C.27:25A-5 Membership of the authority.

5. a. The authority shall consist of the Commissioner of Transportation who shall be an ex officio voting member, the Commissioner of Commerce, Energy and Economic Development who shall be an ex officio nonvoting member, and seven members appointed by the Governor with the advice and consent of the Senate, six of whom are residents of South Jersey, four of whom shall be residents of that portion of South Jersey within a 30 mile radius of the civil aviation terminal at the Atlantic City International Airport or of municipalities through which the Atlantic City Expressway traverses and two of whom shall be residents of that portion of South Jersey outside of a 30 mile radius of that terminal; provided that all of the appointed members shall have expertise in transportation, finance, law, public administration, or aviation or any other related field. Not more than four of the appointed members 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.

b. Each ex officio member of the authority may designate an employee of the member's department to represent the member at meetings of the authority. The designee of the commissioner may lawfully vote and otherwise act on behalf of the member. The designation shall be made annually in writing and delivered to the authority and shall be effective until revoked or amended by written notice delivered to the authority.

c. Each appointed member of the authority shall serve for a term of five years, except that, of those first appointed, one shall serve for

a term of two years, two shall serve for a term of three years, two shall serve for a term of four years and two shall serve for a term of five years, as the Governor may designate upon appointment.

d. Each member appointed by the Governor shall hold office for the term of appointment and until a successor is appointed and qualified. A member shall be eligible for reappointment. Any vacancy in the membership occurring other than by expiration of term shall be filled in the same manner as the original appointment but for the unexpired term only.

e. The Governor shall designate one of the members of the authority as chairperson who shall serve as such at the pleasure of the Governor. The authority, upon the first appointment of its members and thereafter on or after July 1 in each year, shall annually elect from among its members, including the ex officio voting member, a vice-chairperson who shall hold office until July 1 next ensuing and until a successor is elected. The authority may also appoint and employ, without regard to the provisions of Title 11A of the New Jersey Statutes, a secretary, a chief financial officer, an executive director, a general counsel and a chief engineer and other consulting engineers, special attorneys or counsel, accountants, construction, legal and financial experts, and other agents and employees as the authority may require, and shall determine their qualifications, terms of office, duties and compensation, except (1) the authority shall not enter into a contract of employment for the position of executive director or other policy-making positions for a term of employment ending later than the last day of the four-year gubernatorial term in effect on the date on which the contract is executed, provided the authority may continue to employ, at its pleasure, the executive director or other employee subject to the provisions of this paragraph after the termination of an employment contract until such time as a contract of employment for that position is executed and (2) those employees not subject to the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.) shall receive (a) sick and vacation leave only as provided for State employees in Title 11A of the New Jersey Statutes and if supplemental compensation upon retirement is to be paid, it shall be calculated and limited as in N.J.S. 11A:6-19 and (b) health benefits no greater than the level of benefits provided to State employees pursuant to the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.).

f. The powers of the authority shall be vested in the voting members thereof in office from time to time; five voting members of the authority shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the authority unless the bylaws of the authority shall require a larger number. 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.

g. The members of the authority shall serve without compensation, but the authority may reimburse its members for actual and necessary expenses incurred in the discharge of their duties. Notwithstanding the provisions of any other law, no member of the authority shall be deemed to have forfeited nor shall forfeit the member's office or employment or any benefits or emoluments thereof by reason of the member's service as ex officio member of the authority.

h. Each appointed member of the authority may be removed by the Governor for cause after a public hearing and may be suspended by the Governor pending the completion of the hearing. Each member of the authority before entering upon the duties of office shall take and subscribe an oath to perform the duties of the office faithfully, impartially and justly to the best of the member's ability. A record of these oaths shall be filed in the office of the Secretary of State. Each member of the authority, the executive director and other employees as the authority may require shall file annually with the Secretary of State a financial disclosure statement in the manner required by Executive Order No. 1 of 1990.

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

C.27:25A-6 Transfer of powers to authority.

6. a. Until the transfer date, the authority shall not exercise any powers, rights or duties conferred by this act in any way which will interfere with the powers, rights and duties of each original authority. The authority and each original authority are directed to cooperate with each other so that the transfer date shall occur as soon as practicable after the effective date of this act, and each original authority shall make available information concerning its

property and assets, outstanding bonds and other debts, obligations, liabilities and contracts, its operations and finances as the authority may require to provide for the refunding of any outstanding bonds or notes of the original authorities and the efficient exercise by the authority of all powers, rights and duties conferred upon it by this act from and after the transfer date.

b. On the transfer date of each original authority:

(1) The South Jersey Transportation Authority shall become the successor to the original authority and the powers, rights and duties of the original authority to the extent provided by this act shall then and thereafter be vested in and shall be exercised by the authority.

(2) The terms of office of the members of each original authority shall terminate, the officers having custody of the funds of the original authority shall deliver those funds into the custody of the chief financial officer of the authority, the property and assets of the original authority shall, without further act or deed, become the property and assets of the authority, and the original authority shall cease to exist.

(3) The officers and employees of the original authority are transferred to the authority and shall become employees of the authority until determined otherwise by the authority.

Nothing in this act shall be construed to deprive any officers or employees of their rights, privileges, obligations or status with respect to any pension or retirement system. The employees shall retain all of their rights and benefits under existing collective bargaining agreements or contracts until such time as new or revised agreements or contracts are agreed to or these agreements or contracts shall expire. All existing bargaining agents shall be retained to act on behalf of those employees until such time as the employees shall, pursuant to law, elect to change those agents.

Nothing in this act shall affect the civil service status, if any, of those officers or employees. The provisions of this paragraph shall not apply to any officer or employee appointed or employed, or any collective bargaining agreement entered into, on or after the date of enactment of this act. Nothing in this act shall be construed as providing for the permanent tenure of officers or employees who were granted this tenure by the original authorities and no officer or employee transferred pursuant to this section shall be deemed to receive or enjoy permanent tenure with the authority by virtue of any action of the original authorities, nor shall the authority grant this tenure to any officer or employee of the authority on or after the transfer date.

(4) The persons appointed and serving as executive directors of each original authority on the transfer date shall be appointed to positions in the authority without diminution in compensation and shall serve in those positions during the valid continuance or duration of their contracts of employment with the original authority, except that the executive directors may resign or otherwise cease to serve or be removed from office in accordance with the valid terms and conditions of their contracts.

(5) All debts, liabilities, obligations and contracts of the original authorities, except to the extent specifically provided or established to the contrary in this act, are imposed upon the authority, and all creditors of the original authorities and persons having claims against or contracts with the original authorities of any kind or character may enforce those debts, claims and contracts against the authority as successor to the original authorities in the same manner as they might have had against the original authorities, and the rights and remedies of those holders, creditors and persons having claims against or contracts with the original authorities shall not be limited or restricted in any manner by this act. Notwithstanding the provisions of any law to the contrary, the right, title and interest of Atlantic County in any property of the Atlantic County Transportation Authority or the authority, shall be extinguished on the transfer date.

(6) In continuing the functions, contracts, obligations and duties of the original authorities, the authority is authorized to act in its own name or in the name of the original authorities as may be convenient or advisable under the circumstances from time to time.

(7) Any references to the original authorities in any other law or regulation shall be deemed to refer and apply to the authority.

(8) All rules and regulations of the original authorities shall continue in effect as the rules and regulations of the authority until amended, supplemented or rescinded by the authority in accordance with law.

(9) All operations of an original authority shall continue as operations of the authority until altered by the authority as may be permitted pursuant to this act.

(10) The powers vested in the authority by this act shall be construed as being in addition to and not in diminution of, the powers heretofore vested by law in an original authority to the extent not otherwise altered or provided for in this act.

c. In the event that the transfer date shall not be the same for the New Jersey Expressway Authority and the Atlantic County

Transportation Authority, the provisions of this section shall apply to the New Jersey Expressway Authority or the Atlantic County Transportation Authority on their respective transfer dates, as the case may be.

d. As soon as practicable after the transfer date or dates, as the case may be, the authority shall notify the Governor, the presiding officers of each house of the Legislature, and the director of the Federal Aviation Administration Technical Center that the transfer has occurred, the date of the transfer and any other information concerning the transfer the authority deems appropriate.

C.27:25A-7 Powers of authority.

7. The authority shall have the following powers:

- a. To adopt bylaws for the regulation of its affairs and the conduct of its business;
- b. To adopt an official common seal and alter it at its pleasure;
- c. To maintain an office at a place or places within the State as it may designate;
- d. To sue and be sued in its own name;
- e. To acquire, construct, maintain, operate and support projects;
- f. To assist in planning for the development of the transportation system in South Jersey, in conjunction with federal, State, local, and other public entities, as appropriate;
- g. To acquire, construct, maintain, and operate feeder roads;
- h. To issue bonds or notes of the authority for the purposes of this act and to provide for the rights of the holders thereof as provided in this act;
- i. In the exercise of any of its powers, to fix and revise from time to time and charge and collect tolls, fares, passenger facility charges or other charges for transit over or use of any project of the authority, including but not limited to any reduced fare or charge programs as deemed appropriate by the authority; and to determine levels of service to be provided by the authority either directly or by contract. Any revenues collected shall be available to the authority for use in furtherance of any of the purposes of this act;
- j. To set and collect rents, fees, charges or other payments for the lease, use, occupancy or disposition of properties owned or leased by the authority. Any revenues collected shall be available to the authority for use in furtherance of any of the purposes of this act;
- k. To enter into contracts with any public or private entity to operate motorbus regular route service, motorbus charter service, marine passenger service, rail passenger service, and air passenger service or

portions or functions thereof; however, these contracts shall not supplant any services operated pursuant to the "New Jersey Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et seq.);

l. To acquire, lease as lessee or lessor, own, rent, use, hold and dispose of real property and personal property or any interest therein, in the exercise of its powers and the performance of its duties under this act;

m. To acquire in the name of the authority by purchase, gift or otherwise, on terms and conditions and in a manner as the authority may deem proper, or by the exercise of the power of eminent domain except as against the State of New Jersey, any land and other property which the authority may determine is necessary for any project or for the relocation or reconstruction of any public highway by the authority under the provisions of this act or the construction of any feeder road which the authority is or may be authorized to construct and any and all rights, title and interest in that land and other property, including public lands, parks, playgrounds, reservations, highways or parkways owned by or in which the State of New Jersey or any county, municipality or other governmental subdivision of South Jersey or any other federal, State or local government entity has any right, title or interest, or parts thereof or rights therein, and any fee simple absolute or any lesser interest in private property, and any fee simple absolute in, easements upon, or the benefit of restrictions upon abutting property to preserve and protect projects;

n. To grant by franchise, lease or otherwise, the use of any project, facility or property owned and controlled by the authority to any person for the consideration and for the period or periods of time and upon terms and conditions as are agreed upon, including but not limited to, the condition that the lessee may construct or provide any buildings or structures for the project facility or property or portions thereof;

o. To locate and designate, and to establish, limit and control points of ingress to and egress from each project as may be necessary or desirable in the judgment of the authority to insure the proper operation and maintenance of that project and to prohibit entrance to a project from any point or points not so designated;

p. Subject to the limitations of this act, to acquire, construct, maintain, or operate any public highway connecting with any one or more projects which in the opinion of the authority will increase the use of a project or projects, to take over for construction, maintenance or operation any existing public highway as a

feeder road and to realign any existing public highway and build additional sections of road over new alignment in connection with that existing public highway;

q. To establish rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary for the management and regulation of its affairs, the use, maintenance and operation of the transportation system, any project, the properties of the authority and the provision of paratransit services to and from any transportation project and to establish a plan for the management, control and regulation of motorbus regular route and motorbus charter services, except for those services which are operated pursuant to the "New Jersey Public Transportation Act of 1979," P.L.1979, c.150 (C.27:25-1 et seq.);

r. To apply for, receive and accept from any federal agency, any bi-State agency, or the State and any subdivision thereof, subject to the approval of the commissioner, grants for or in aid of the planning, acquisition or construction of any project, and to receive and accept aid or contributions from any other public or private source, of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which those grants and contributions may be made;

s. Subject to the limitations of this act, to determine the location, type and character of any project and all other matters in connection with the project;

t. Subject to the rights and security interests of the holders from time to time of bonds or notes issued by the authority, to enter into contracts with the State or the department or the Transportation Trust Fund Authority, providing for the payment from the revenues of the authority to the State or to the Transportation Trust Fund Authority of the amount or amounts of revenues that may be set forth in or determined in accordance with the contracts, provided, that the payments shall be used solely for financing projects in South Jersey, including the payment of principal and interest on any bonds, notes or other obligations issued or entered into by the Transportation Trust Fund Authority, the proceeds of which shall be allocated by the Transportation Trust Fund Authority to projects within South Jersey; any contracts authorized pursuant to this subsection may include conditions and covenants necessary and desirable to facilitate the issuance and sale of bonds, notes and other obligations of the Transportation Trust Fund Authority;

u. To enter into contracts or agreements with any entity for the entity to issue bonds or notes on behalf of the authority and to make payments to the entity to secure those bonds or notes;

v. To establish any reserves, funds or accounts as may be deemed necessary by the authority and to deposit authority revenues in interest bearing accounts or in the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L.1977 c.281 (C.52:18A-90.4);

w. To procure and enter into contracts for any type of insurance and indemnify against loss or damage to property from any cause, including the loss of use and occupancy and business interruption, death or injury of any person, employee liability, any act of any member, officer, employee or servant of the authority, whether part-time, compensated or uncompensated, in the performance of the duties of office or employment or any other insurable risk or any other losses in connection with property, operations, assets or obligations in any amounts and from any insurers as are deemed desirable. In addition, the authority may carry its own liability insurance; and

x. To enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the authority or to carry out any power expressly given in this act.

C.27:25A-8 Purchases, contracts, agreements awarded directly by authority.

8. a. All purchases, contracts or agreements made pursuant to this act shall be made or awarded directly by the authority, except as otherwise provided in this act, only after public advertisement for bids therefor in the manner provided by the authority and notwithstanding the provisions of any other laws to the contrary.

b. Any purchase, contract or agreement may be made, negotiated or awarded by the authority without public bid or advertising under the following circumstances:

(1) When the aggregate amount involved does not exceed the amount set forth in, or the amount calculated by the Governor pursuant to, section 2 of P.L.1954, c.48 (C.52:34-7);

(2) To acquire subject matter which is described in section 4 of P.L.1954, c.48 (C.52:34-9);

(3) To make a purchase or award or make a contract or agreement under the circumstances described in section 5 of P.L.1954, c.48 (C.52:34-10);

(4) When the contract to be entered into is for the furnishing or performing services of a professional or technical nature or for the supplying of any product or the rendering of any service by a public utility;

(5) When the authority deems it appropriate to have any work performed by its own employees;

(6) When the authority has advertised for bids on two occasions and has received no bids on both occasions in response to its advertisement, or received no responsive bids. Any purchase, contract or agreement may then be negotiated and may be awarded to any contractor or supplier determined to be responsible except that the terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding;

(7) When a piece of equipment or part thereof requires diagnostic repairs;

(8) The printing of bonds and documents necessary to the issuance and sale thereof; and

(9) To contract pursuant to subsection w. of section 7 of this act.

C.27:25A-9 "Airport division" to be established.

9. a. Upon the acquisition or operation by the authority of a transportation project authorized in section 24 of this act or upon the authority entering into a contract or agreement concerning that project provided for in this subsection, there shall be established an operating division to be known as the "airport division" with the responsibility for the administration and execution of the authority's powers regarding the construction, maintenance, operation and support of the project. The airport division shall be headed by a director with knowledge and experience in aviation or aeronautics. However, the authority may enter into a contract or agreement providing for the construction, maintenance, operation or support of the project by an entity other than the airport division or the authority. This entity shall be under the supervision of the airport division, as determined by the authority and in accordance with the contract or agreement. In order to protect the missions of the Federal Aviation Administration Technical Center and the Air National Guard, the airport division or any entity acting for the division shall have no supervisory powers with respect to Federal Aviation Administration facilities or its lessees, unless otherwise agreed to by the Federal Aviation Administration.

Upon the establishment of the airport division, there shall be established an advisory committee to be appointed by the Governor with the advice and consent of the Senate. The committee shall consist of State and local government representatives, and concerned citizens, in the number and for terms as may be fixed by the authority, and shall advise the authority and the airport division concerning the project. Representatives of the Federal Aviation Administration or its successor shall be invited by the authority to participate in the committee, shall be notified of all meetings and may attend those meetings. At least a majority of the membership of the committee shall consist of residents of those municipalities, including the city of Atlantic City, directly affected by the operation of the airport or airports for which the airport division has responsibility or supervision.

The Federal Aviation Administration may designate a representative as a liaison to the authority and the airport division concerning matters related to the Atlantic City International Airport.

In operating the project the authority shall be cognizant of the effects of excess aircraft noise and shall encourage efforts by the Federal Aviation Administration to route flights over the least populous areas of South Jersey.

b. The establishment and existence of the airport division shall in no way diminish or impair the rights, duties, powers, responsibilities and obligations of the authority as provided in this act, nor shall it restrict the authority's formation of other operating divisions.

c. The authority may establish other operating divisions and assign responsibilities to them as the authority may consider necessary or appropriate, may prepare divisional or combined budgets, pledge revenues of one or more divisions, may segregate accounts or revenues or combine them and otherwise administer its operations and finances, in each case as the authority deems necessary or appropriate to carry out its functions or as may be specified in any contract of the authority.

C.27:25A-10 Powers of authority relative to public highways.

10. a. Subject to the limitations of this act, the authority shall have the power to construct traffic circles, interchanges and grade separation at intersections of any project with public highways and to change and adjust the lines and grades of the public highways so as to accommodate them to the design of the project. The cost of construction and any damage incurred in changing and adjusting the lines and grades of the public highways shall be

ascertained and, unless otherwise provided for, paid by the authority as a part of the cost of the project.

b. Subject to the limitations of this act, if the authority shall find it necessary in connection with any project to change the location of any portion of any public highway, the authority shall cause the public highway to be reconstructed at any location as the authority deems most favorable and of substantially the same type and in as good condition as the original public highway. The cost of the reconstruction and any damage incurred in changing the location of any highway shall be ascertained and, unless otherwise provided for, paid by the authority as a part of the cost of the project.

c. Any public highway affected by any project may be vacated or relocated by the authority in the manner now provided by law for the vacation or relocation of public roads and any damages awarded on account thereof shall be ascertained and, unless otherwise provided for, paid by the authority as a part of the cost of the project.

C.27:25A-11 Maintenance of completed projects.

11. a. Each project when constructed and completed shall be maintained and kept in the condition and repair as the authority determines, or the bond covenants require. Each project or any part thereof may be policed and operated by the force of police, toll-takers, operating employees and other persons as the authority may employ or authorize.

b. Subject to the terms of any agreement by the authority with the holders of bonds or notes, if the authority finds that any part of an expressway project is not suitable or sufficient as a highway to carry mixed traffic, the authority may exclude from that part any traffic other than passenger motor vehicles.

C.27:25A-12 Power of eminent domain.

12. The exercise of the power of eminent domain and the compensation to be paid thereunder by the authority shall be in accordance with the provisions of the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.) insofar as the provisions thereof are applicable and not inconsistent with the provisions contained in this act.

C.27:25A-13 Authority bonds, notes.

13. a. The authority may from time to time issue its bonds or notes for any of its purposes under this act, including the payment, funding, or refunding of principal or interest or redemption premiums on any bonds or notes issued by it or by or for any original authority or predecessor authority thereof whether the

bonds or notes or interest to be funded or refunded have or have not become due.

b. Except as may be otherwise expressly provided by the authority, every issue of bonds or notes shall be general obligations payable out of any moneys or revenues of the authority, subject only to any agreements with the holders of particular bonds or notes pledging any particular revenues or funds. The authority may issue the types of bonds or notes as it may determine, including, without limiting the generality of the foregoing, bonds or notes on which the principal and interest are payable (1) exclusively from the income and revenues of a project financed with the proceeds of the bonds or notes; (2) exclusively from the income and revenues of certain designated projects whether or not the projects are financed in whole or in part with the proceeds of the bonds or notes; or (3) from its revenues generally. Any bonds or notes may be additionally secured by a pledge of any grant or contribution from the federal government or any state or any agency or public subdivision thereof or any person or a pledge of any moneys, income or revenues of the authority from any source whatsoever. In addition, the authority may, in anticipation of the issuance of the bonds or the receipt of appropriations, grants, reimbursements or other funds, including without limitation grants from the federal government, issue notes, the principal of or interest on which, or both, shall be payable out of the proceeds of notes, bonds or other obligations of the authority or appropriations, grants reimbursements or other funds or revenues of the authority. The authority may also enter into bank loan agreements, lines of credit or bond insurance and other security agreements and obtain for or on its behalf letters of credit in each case for the purpose of securing its bonds, notes or other obligations or to provide direct payment of any costs which the authority is authorized to pay by this act and to secure repayment of any borrowings under the loan agreement, line of credit, letter of credit, bond insurance or other security agreement by its bonds, notes or other obligations or the proceeds thereof or by any or all of the revenues of and payments to the authority or by any appropriation, grant or reimbursement to be received by the authority and other moneys or funds as the authority shall determine.

c. Any provision of any law to the contrary notwithstanding, any bond or note issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law of the State, and each holder or owner of a bond or note, or of any coupon appurtenant thereto, by accepting the bond, note or coupon shall be conclusively deemed to have agreed

that the bond, note or coupon is and shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law.

d. Bonds or notes of the authority shall be authorized by resolution of the authority and may be issued in one or more series and shall bear the date or dates, mature at the time or times not exceeding 40 years from the date thereof, bear interest at a rate or rates within the maximum rate, as shall be determined by the authority, shall be in the denomination or denominations, be in the form, either coupon or registered, carry the conversion or registration privileges, have the rank or priority, be executed in the manner, be payable from the sources in the medium of payment at the place or places within or without the State, and be subject to the terms of redemption, with or without premium, as the resolution or resolutions may provide.

e. Bonds or notes of the authority may be sold at public or private sale at the price or prices as the authority shall determine.

C.27:25A-14 Actions of authority require prior approval of State.

14. No resolution or other action of the authority providing for the issuance of bonds, notes, refunding bonds or other obligations or for the fixing, revising or adjusting of tolls, fares or charges for the use of any 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 either the State Treasurer or 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 that meeting by the authority shall have force or effect until the earlier of 15 days, exclusive of Saturdays, Sundays, and public holidays, after the copy of the minutes shall have been so delivered, or the approval thereof by the Governor. If, in the 15-day period, the Governor returns the copy of the minutes with veto of any action taken by the authority or any member thereof at that meeting, the action shall be null and of no effect. The minutes of any meeting at which the authority proposes or approves its operating or capital outlay budget shall include a copy of that budget.

The powers conferred by 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 or other entity, if applicable, 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.

C.27:25A-15 Powers of authority to secure payment of bonds, notes.

15. In any resolution of the authority authorizing or relating to the issuance of any bonds or notes, the authority, in order to secure the payment of the bonds or notes and in addition to its other powers, shall have power by provisions therein which shall constitute covenants by the authority and contracts with the holders of the bonds or notes:

a. To pledge to any payment or purpose all or any part of its tolls, charges, fares, leases, rents, receipts or revenues to which its right then exists or may thereafter come into existence, and the moneys derived therefrom, and the proceeds of any bonds or notes.

b. To covenant against pledging all or any part of its tolls, charges, fares, rents, receipts or revenues, or against mortgaging all or any part of its real or personal property then owned or thereafter acquired, or against permitting or suffering any lien on the tolls, charges, revenues or property.

c. To covenant with respect to limitations on any right to sell, lease or otherwise dispose of any project or any part thereof or any property of any kind.

d. To covenant as to any bonds and notes to be issued and the limitations thereon and the terms and conditions thereof and as to the custody, application, investment and disposition of the proceeds thereof.

e. To covenant as to the issuance of additional bonds or notes or as to limitations on the issuance of additional bonds or notes and on the incurring of other debts by the authority.

f. To covenant as to the payment of the principal of or interest on the bonds or notes, or any other obligations, as to the sources and methods of that payment, as to the rank or priority of any bonds, notes or obligations with respect to any lien or security or as to the acceleration of the maturity of any bonds, notes or obligations.

g. To provide for the replacement of lost, stolen, destroyed or mutilated bonds or notes.

h. To covenant against extending the time for the payment of bonds or notes or interest thereon.

i. To covenant as to the redemption of bonds or notes and privileges of exchange thereof for other bonds or notes of the authority.

j. To covenant as to the rates of toll, fares and other charges to be established and charged including reduced fare or charge programs, the amount to be raised each year or other period of time by tolls, fares or other revenues and as to the use and disposition to be made thereof.

k. To covenant to create or authorize the creation of special funds or moneys to be held in pledge or otherwise for construction, operating expenses, payment or redemption of bonds or notes, reserves or other purposes and as to the use and disposition of the moneys held in the funds.

l. To establish the procedure, if any, by which the terms of any contract or covenant with or for the benefit of the holders of bonds or notes may be amended or abrogated, the amount of bonds or notes the holders of which must consent thereto, and the manner in which the consent may be given.

m. To covenant as to the construction, operation or maintenance of its real property and personal property, the replacement thereof, the insurance to be carried thereon, and the use and disposition of insurance moneys.

n. To provide for the release of property, leases or other agreements, or revenues and receipts from any pledge or mortgage and to reserve rights and powers in, or the right to dispose of, property which is subject to a pledge or mortgage.

o. To mortgage all or any part of its property, real or personal, then owned or thereafter to be acquired.

p. To provide for the rights and liabilities, powers and duties arising upon the breach of any covenant, condition or obligation and to prescribe the events of default and the terms and conditions upon which any or all of the bonds, notes or other obligations of the authority shall become or may be declared due and payable before maturity and the terms and conditions upon which any declaration and its consequences may be waived.

q. To vest in a trustee or trustees within or without the State such property, rights, powers and duties in trust as the authority may determine and to limit the rights, powers and duties of the trustee.

r. To pay the costs or expenses incident to the enforcement of the bonds or notes or of the provisions of the resolution or of any covenant or agreement of the authority with the holders of its bonds or notes.

s. To limit the rights of the holder of any bonds or notes to enforce any pledge or covenant securing bonds or notes.

t. To make covenants other than and in addition to the covenants herein expressly authorized, of like or different character, and to make the covenants to do or refrain from doing any acts and things as may be necessary, or convenient and desirable, in order to better secure bonds or notes or which, in the absolute discretion of the authority, will tend to make bonds or notes more marketable, notwithstanding that the covenants, acts or things may not be enumerated herein.

C.27:25A-16 Pledges of authority revenues valid, binding.

16. Any pledge of tolls, fares, charges or other revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made. The tolls, fares or other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of that pledge without any physical delivery thereof or further act, and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether the parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded except in the records of the authority.

C.27:25A-17 Members of authority not liable on bonds, notes.

17. Neither the members of the authority nor any person executing bonds or notes issued pursuant to this act shall be liable personally on the bonds or notes by reason of the issuance thereof. Bonds and notes issued by the authority pursuant to this act shall not be in any way a debt or liability of the State or any subdivision thereof and shall not create or constitute any indebtedness, liability or obligation of the State or any subdivision, except the authority and any county which in accordance with this act shall have guaranteed payment of the principal of and interest on the bonds or notes.

C.27:25A-18 Authority may purchase bonds, notes out of available funds.

18. The authority shall have power to purchase bonds or notes of the authority out of any funds available therefor. The authority may hold, cancel or resell the bonds or notes subject to and in accordance with agreements with holders of its bonds or notes.

C.27:25A-19 Authority may collect charges for use of each project.

19. a. The authority is authorized to fix, revise, charge and collect tolls, fares, passenger facility charges and other charges,

including reduced fare or charge programs, for the use of each project and the different parts or sections thereof. No toll shall be charged for the passage of any motorbus operated on motorbus regular route service, ambulance, first-aid or emergency-aid vehicle, vehicular fire-fighting apparatus, or other similar vehicle, operated for the benefit of the public by the State, or by any county or municipality or charitable or nonprofit corporation or organization, first-aid squad, emergency squad, or fire company of this State. The tolls, fares and charges shall be so fixed and adjusted as to effectuate the purposes of this act including assisting in the funding of projects and in any event to carry out and perform the terms and provisions of any contract with or for the benefit of holders of bonds or notes. The tolls, fares, and charges shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the State or subdivision of the State. The use and disposition of tolls, fares, charges and revenues shall be subject to the provisions of any resolution authorizing the issuance of the bonds or notes.

b. The authority is authorized to contract with any person, partnership, association, corporation or federal, State or local government entity or subdivision thereof desiring the use of any part of a project, including the right-of-way adjoining a paved portion, for operation or placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, or restaurants, or for any other purpose, and to fix the terms, conditions, rents and rates of charges for that use. For contracts related to an expressway project, the authority shall provide that a sufficient number of gas stations be established in the service areas along any project to permit reasonable competition by private business in the public interest. No contract shall be required, and no rent, fee or other charge of any kind shall be imposed, for the use and occupation, other than for freight railroad purposes, of the highway portion of any project for the installation, construction, use, operation, maintenance or repair, renewal, relocation or removal of tracks, pipes, mains, conduits, cables, wires, towers, holes or other equipment or appliances in, on, along, over or under any such project by any public utility as defined in R.S.27:7-1 which is subject to taxation pursuant to either P.L.1940, c.4 (C.54:30A-16 et seq.) or P.L.1940, c.5 (C.54:30A-49 et seq.), or pursuant to any other law imposing a tax for the privilege of using the public streets, highways, roads or other public places in the State.

C.27:25A-20 Authority may increase tolls, fares or charges; hearings.

20. The authority may increase any existing toll, fare or facility or other charge or establish any new toll, fare or charge for the use of any project and the different parts or sections thereof.

a. The authority shall hold at least three public hearings, each in a different county, on a proposed toll, fare or charge for any expressway project the latter of which shall be held at least 45 days prior to the date on which the toll, fare or charge is proposed to become effective. The authority shall publish a notice of the hearing at least 10 days prior to each hearing in at least five newspapers with the largest daily circulation in South Jersey and in at least one newspaper with the largest daily circulation in this State.

b. The authority shall hold at least two public hearings, each in a different location in Atlantic County, on a proposed toll, fare or charge related to any project operated pursuant to section 22 of this act at least 45 days prior to the date on which the toll, fare or charge is proposed to become effective. The authority shall publish a notice of the hearing at least 10 days prior to each hearing in at least five newspapers with the largest daily circulation in South Jersey and in at least one newspaper with the largest daily circulation in this State.

C.27:25A-21 Traffic regulations; violations, penalties.

21. a. Except as otherwise provided in subsection a. of section 19 of this act, no vehicle shall be permitted to make use of any expressway project except upon the payment of the tolls as may from time to time be prescribed by the authority. It shall be unlawful for any person to refuse to pay, or to evade or to attempt to evade the payment of the tolls.

b. No vehicle shall be operated on any project carelessly or recklessly, or in disregard of the rights or safety of others, or without due caution or prudence, or in a manner so as to endanger unreasonably or to be likely to endanger unreasonably persons or property, while the operator thereof is under the influence of intoxicating liquors or any narcotic or habit-forming drug, nor shall any vehicle be so constructed, equipped, lacking in equipment, loaded or operated in such a condition of disrepair as to endanger unreasonably or to be likely to endanger unreasonably persons or property.

c. A person operating a vehicle on any project shall operate at a careful and prudent speed, having due regard to the rights and safety of others and to the traffic, surface and width of the high-

way, and any other conditions then existing; and no person shall operate a vehicle on any project at a speed as to endanger life, limb or property; except that it shall be *prima facie* lawful for a driver of a vehicle to operate it at a speed not exceeding a speed limit which is designated by the authority as a reasonable and safe speed limit, when appropriate signs giving notice of that speed limit are erected at the roadside or otherwise posted for the information of operators of vehicles.

d. No person shall operate a vehicle on any project at a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation thereof.

e. No person shall operate a vehicle on any project in violation of any speed limit designated by regulation adopted by the authority.

f. All persons operating vehicles upon any project must at all times comply with any lawful order, signal or direction by voice or hand of any police officer engaged in the direction of traffic upon such project. When traffic on a project is controlled by traffic lights, signs or by mechanical or electrical signals, those lights, signs and signals shall be obeyed unless a police officer directs otherwise.

g. All persons operating vehicles upon any project, or seeking to do so, must at all times comply with regulations, not inconsistent with the other sections of this act, adopted by the authority concerning types, weights and sizes of vehicles permitted to use the project, and with regulations adopted by the authority for or prohibiting the parking of vehicles, concerning the making of turns and the use of particular traffic lanes, together with any and all other regulations adopted by the authority to control traffic and prohibit acts hazardous in their nature or tending to impede or block the normal and reasonable flow of traffic upon the project; except that prior to the adoption of any regulation for the control of traffic on any project, including the designation of any speed limits, the authority shall investigate and consider the need for and desirability of the regulation for the safety of persons and property, including the authority's property, and the contribution which that regulation would make toward the efficient and safe handling of traffic and use of the project, and shall determine that the regulation is necessary or desirable to accomplish the purposes or one or some of them, and that upon or prior to the effective date of the regulation and during its continuance, notice thereof shall be given to the drivers of vehicles by appropriate

signs erected at the roadside or otherwise posted. The authority may adopt regulations referred to in this section in accordance with the provisions hereof and in accordance with the provisions of the "Administrative Procedure Act." Regulations adopted by the authority pursuant to the provisions of this section shall insofar as practicable, having due regard to the features of the project and the characteristics of traffic thereon and except as to maximum or minimum speed limits, be consistent with the provisions of Title 39 of the Revised Statutes applicable to similar subjects. The authority shall have power to amend, supplement or repeal any regulation adopted by it under the provisions of this section. No regulation and no amendment or supplement thereto or repealer thereof adopted by the authority shall take effect until it is filed with the Office of Administrative Law, by the filing of a copy thereof certified by the secretary of the authority.

h. The operator of any vehicle upon a project involved in an incident resulting in injury or death to any person or damage to any property shall immediately stop the vehicle at the scene of the incident, render assistance as may be needed, and give his name, address, and operator's license and motor vehicle registration number to the person injured and to any officer or witness of the injury and shall make a report of the incident in accordance with law.

i. No person shall transport in or upon any expressway project, any dynamite, nitroglycerin, black powder, fireworks, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other inflammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered metallic magnesium, nitro-cellulose film, peroxides or other readily inflammable solids or oxidizing materials, hydrochloric acid, sulfuric acid, or other corrosive liquids, prussic acid, phosgene, arsenic, carbolic acid, potassium cyanide, tear gas, lewisite or any other poisonous substances, liquids or gases, or any compressed gas, or any radioactive article, substance or material, at a time or place or in a manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.

j. If the violation of any provision of this section or the violation of any regulation adopted by the authority under the provisions of this section would have been a violation of law or ordinance if committed on any public road, street or highway in the municipality in which the violation occurred, it shall be tried and punished in the same manner as if it had been committed in that municipality.

k. Notwithstanding the provisions of subsection j. of this section, if the violation of the provisions of subsection i. of this section shall result in injury or death to a person or persons or damage to property in excess of the value of \$5,000, that violation shall constitute a crime of the third degree.

l. Except as provided in subsection j. or k. of this section, any violation of any of the provisions of this section, including but not limited to those regarding the payment of tolls, and any violation of any regulation adopted by the authority under the provisions of this section shall be punishable by a fine not exceeding \$500 or by imprisonment not exceeding 30 days or by both. A violation shall be tried in a summary way and shall be within the jurisdiction of and may be brought in the Special Civil Part of the Law Division of the Superior Court or any municipal court in the county where the offense was committed. Proceedings under this section may be instituted on any day of the week, and the institution of the proceedings on a Sunday or a holiday shall be no bar to the successful prosecution thereof. Any process served on a Sunday, or a holiday shall be as valid as if served on any other day of the week. When imposing any penalty under the provisions of this subsection the court having jurisdiction shall be guided by the appropriate provisions of any statute fixing uniform penalties for violation of provisions of the motor vehicle and traffic laws contained in Title 39 of the Revised Statutes.

m. In any prosecution for violating a regulation of the authority adopted pursuant to the provisions of this section, copies of that regulation when authenticated under the seal of the authority by its secretary or assistant secretary shall be evidence in like manner and equal effect as the original.

n. No resolution or ordinance adopted by the governing body of any county or municipality for the control and regulation of traffic shall be applicable to vehicles while upon any expressway project operated by the authority.

o. In addition to any punishment or penalty provided by other subsections of this section, every registration certificate and every license certificate to drive motor vehicles may be suspended or revoked and any person may be prohibited from obtaining a driver's license or a registration certificate and the reciprocity privileges of a nonresident may be suspended or revoked by the Director of the Division of Motor Vehicles for a violation of any of the provisions of this section, after due notice in writing of the proposed suspension, revocation or prohibition

and the ground thereof, all otherwise in accordance with the powers, practice and procedure established by the provisions of Title 39 of the Revised Statutes applicable to the suspension, revocation or prohibition.

p. Except as otherwise provided by this section or by any regulation of the authority adopted in accordance with the provisions of this section, the requirements of Title 39 of the Revised Statutes applicable to persons using, driving or operating vehicles on the public highways of this State and to vehicles so used, driven or operated shall be applicable to persons using, driving or operating vehicles on any expressway project and to vehicles so used, driven or operated.

C.27:25A-22 Provisions of plan for motorbus services.

22. a. If a plan is established under subsection q. of section 7 of this act for motorbus regular route and motorbus charter services, the plan may provide for: (1) the designation of certain routes upon which motorbus regular route and charter services shall be permitted to travel and, with the consent of the affected municipalities, the posting of signs by the authority to this effect. The authority may require the owner or operator of a bus entering Atlantic County to file with the authority a notice, in the form and manner which the authority may direct, indicating the proposed route and destination or destinations and the parking facility at which the motorbus intends to park. The authority may issue a permit without charge to the owner or operator filing this notice; (2) the regulation of the manner in which buses may travel to points of loading and unloading by providing for the interception and dispatching of buses; (3) regulation of the activities of the buses incident to their reception at, and leaving of, places of business, in particular casino hotels; (4) the requirement that the buses entering a municipality in which casino gaming is authorized park at a parking facility which can accommodate motorbus parking situated in Atlantic County and which is owned, operated, leased, licensed or approved by the authority. This shall not apply to those motorbuses, as determined by the authority, which have as their ultimate destination their point of origin, without the necessity of interrupting a continuous journey for the purpose of stopping within Atlantic County, except for the purpose of discharging passengers or those motorbuses whose only destination within Atlantic County is a bus terminal designated by the authority as a public bus terminal. Such a motorbus shall complete its

journey by the most direct and expeditious route, as provided by the authority; (5) licensing, including renewals thereof, and regulation of parking, repair and maintenance facilities which can accommodate motorbus parking, repair and maintenance not owned, operated, leased, or approved by the authority, including the regulation of size, location, utilization and operation of, and need for, the facilities. The authority shall notify and request comment from any municipality affected by rules and regulations concerning licensure and regulation of parking, repair and maintenance facilities which can accommodate motorbus parking in accordance with subsection d. of this section. The authority shall regulate repair and maintenance facilities only to the extent necessary to assure that those facilities are not operated as parking facilities and may adopt criteria for determining when the parking of motorbuses at repair and maintenance facilities constitutes operation as a parking facility. This subsection shall not apply to a privately owned parking, repair and maintenance facility in existence at a location in Atlantic County as of February 1, 1983, which exclusively accommodates motorbuses owned by the owner of the parking facility and does not rent or lease the facility or its use to any other motorbus provided there is no increase in the capacity of the facility after the date of enactment of this act, except that any such facility located within the city limits of Atlantic City may provide repair and maintenance service to its motorbuses and other motorbuses and attendant storage and may expand its facility to an adjoining property, subject to municipal planning and zoning ordinances. This subsection shall also not apply to a privately owned parking, repair or maintenance facility located outside the city limits of Atlantic City in existence on February 1, 1983, and in continuous operation thereafter, which exclusively accommodates motorbuses, tractor trailers, and limousines owned directly or through a corporation by an owner or a contract purchaser of the facility, provided there is no increase in the land area of the entire facility after February 1, 1983, the number of buses parked at any one time does not exceed 85, and that on or after January 1, 1992 this exemption shall not transfer with title to the facility.

b. The authority may establish a reasonable service charge to be paid by the owner or operator of each motorbus which shall enter a municipality in which casino gaming is authorized, which service charge shall be collected in a manner as the authority may direct. The fee shall not exceed \$2.00 per motorbus, except once the maximum fee is reached, the authority may increase the fee annually by

the percentage increase of the Consumer Price Index for the Philadelphia-New Jersey area for the preceding year as determined by the Bureau of Labor Statistics. This subsection shall not apply to those motorbuses whose only destination within Atlantic County is a bus terminal designated by the authority as a public bus terminal.

The authority is empowered to require casino hotels in a municipality in which casino gaming is authorized to furnish it with information as is necessary to collect the reasonable service charge referred to in this subsection.

c. Rules and regulations promulgated by the authority under this section may include the provision for an assessment of penalties for any violation of these rules and regulations not to exceed \$500 for any single violation. Any violation of these rules and regulations shall be prosecuted by the municipality in which the violation occurred. All moneys collected as a result of the imposition of fines in cases prosecuted by the municipality shall be paid to the municipality. However, if in the judgment of the authority, any municipality shall fail to enforce adequately the provisions of these rules and regulations, proceedings to enforce rules and regulations in that municipality shall be prosecuted by the authority, and moneys collected as result of the imposition of fines shall be paid to the authority. Proceedings under this section may be instituted on any day of the week and institution of proceedings on a Sunday or holiday shall be no bar to successful prosecution. Any process served on a Sunday or holiday shall be valid as if served on any other day of the week.

d. The authority shall notify by personal service or registered or certified mail, return receipt requested, the clerk of any municipality to be affected by the rules and regulations to be promulgated under this section at least 15 days prior to their promulgation and request comment from the municipality.

e. All rules and regulations adopted pursuant to this section shall be submitted to the commissioner for review prior to adoption by the authority pursuant to the "Administrative Procedure Act," and the commissioner shall have 30 business days to approve or reject the rules and regulations. If the commissioner rejects the rules and regulations, they shall not be approved. If the commissioner approves the rules and regulations or fails to act within 30 business days after submission, then the authority may adopt the rules and regulations.

f. In order to provide for equitable treatment of all motorbus carriers, including those exempted from this act, and for the

proper routing of all carriers, the authority in conjunction with the commissioner or the Board of the New Jersey Transit Corporation, as the case may be, may adopt policies and issue rules and regulations providing for the routing, interception, dispatching, reception and leaving of places of business of exempt motorbuses, in a manner consistent with subsection a. of this section.

g. The Chairperson of the Senate Transportation and Public Utilities Committee, the Chairperson of the Assembly Transportation Authorities, Telecommunications and Technology Committee, or their successor committees, and the director of the Federal Aviation Administration Technical Center shall receive copies of any rules and regulations to be adopted by the authority at the time of submission to the commissioner pursuant to subsection e. of this section or if not submitted to the commissioner, at the time of submission to the Governor as provided in the "Administrative Procedure Act."

C.27:25A-23 Authority to own, operate "Atlantic City Expressway" project.

23. The authority, as successor to the New Jersey Expressway Authority, shall be the owner and operator of the project known as the "Atlantic City Expressway," which on the transfer date is transferred to the authority, consisting of a highway extending and located as follows: Beginning at a westerly terminus in the township of Gloucester in the county of Camden at the connection with the North-South Freeway and extending in a general southeasterly direction and between the White Horse and Black Horse Pikes thence, in various sections located in the township of Gloucester, the township of Washington in the county of Gloucester and the township of Monroe in the county of Gloucester or any of them, to and through the township of Winslow in the county of Camden, and thence through the town of Hammonton, township of Hamilton, township of Egg Harbor, city of Pleasantville, and again the township of Egg Harbor, and the city of Atlantic City, all in the county of Atlantic, to an easterly terminus within the city of Atlantic City, southeasterly of Beach Thorofare, at a connection or connections with the public highway or highways or other public facilities as may be determined by the authority to be the most feasible and practicable or at a point in Cape May county.

C.27:25A-24 "Atlantic City International Airport" project established.

24. a. There is established a transportation project, which shall consist of an airport and related facilities and activities. The airport, which shall be known as the "Atlantic City International Airport,"

shall consist of such lands and improvements as the authority may acquire in Egg Harbor, Hamilton and Galloway townships, county of Atlantic, including but not limited to the lands and improvements to be acquired from the city of Atlantic City and lands and improvements which may be acquired from the Federal Aviation Administration. The airport shall include but not be limited to any area, place, building, structure, equipment, material, supplies, or real property designed to provide or be used in, or necessarily related to, the provision of air passenger or freight service and the stations, shelters and terminals, heliports, gates, terminal aprons, runways, taxiways, air rights, baggage facilities, parking facilities, ramps, track connections, signal systems, power systems, public highways, noise abatement projects, information and communication systems, transit lines and rights-of-way, equipment storage and servicing facilities, aircraft, maintenance and garage facilities, revenue handling equipment and any other building, structure, equipment, materials, supplies or real property employed or used in, or necessarily related to, the provision of these services.

b. The authority may enter into contracts, leases, or agreements with any agency or instrumentality of the federal government, a bi-state agency, the State or any subdivision thereof or a county or municipal government, including but not limited to the United States Department of Transportation Federal Aviation Administration, concerning the acquisition, construction, maintenance, operation, or support of this project.

c. The authority may enter into agreements with surrounding municipalities for reimbursement to these municipalities for costs incurred as a result of services provided by these municipalities to the Atlantic City International Airport.

C.27:25A-25 Authority to own, operate transportation, parking facilities.

25. The authority, as the successor to the Atlantic County Transportation Authority, shall be the owner and operator of all transportation and parking facilities and other properties of the Atlantic County Transportation Authority, and may continue to operate all facilities and services previously operated by the Atlantic County Transportation Authority.

C.27:25A-26 Authority may make regulations in connection with utility works on projects.

26. In addition to the other powers conferred by this act or by any other law and not in limitation thereof, the authority, in connection with construction or operation of any project, may make

reasonable regulations for the installation, construction, maintenance, renewal and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles or any other equipment and appliances, herein called "works," of any public utility as defined in R.S.48:2-13, in, on or along, over or under any project, public highway or real property, including public lands or waters. Whenever in connection with construction or operation of any project, the authority shall determine that it is necessary that any works, which now are or hereafter may be located in, on, along, over or under any project, public highway, or real property, should be relocated in the project, public highway, or real property or should be removed therefrom, the public utility owning or operating the works shall relocate or remove the same in accordance with the order of the authority, provided, however, that the cost and expenses of the relocation or removal, including the cost of installing these works in a new location or locations, and the cost of any lands or any rights or interest in lands or any other rights acquired to accomplish the relocation or removal, less the cost of any lands or any rights or interest in lands or any other rights of the public utility, paid to the public utility in connection with the relocation or removal of the works, shall be paid by the authority and may be included in the cost of the project. In case of any relocation or removal of works, the public utility owning or operating the same, its successors or assigns, may maintain and operate the works, with the necessary appurtenances, in the new location for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate the works in their former location.

In case of any relocation or removal of works, the authority shall own and maintain, repair and renew structures within the rights-of-way of railroad companies carrying any project or feeder road over railroads, and the authority shall bear the cost of maintenance, repair and renewal of structures within the rights-of-way of railroad companies carrying railroads over any project or feeder road, but this provision shall not relieve any railroad company from responsibility for damage caused to any authority or railroad structure by the operation of its railroad. The approaches, curbing, sidewalk paving, guard rails on approaches and surface paving projects or feeder roads as shall be within the rights-of-way of a railroad company or companies shall be owned and maintained, repaired and renewed by the authority; rails, pipes and lines shall be owned and maintained, repaired and renewed by the railroad company or companies.

C.27:25A-27 Consent necessary for takeover of existing public highway as feeder road.

27. Before taking over any existing public highway as a feeder road, the authority shall obtain the consent of any entities then exercising jurisdiction over the highway, which are authorized to give this consent by resolution, ordinance or other appropriate written instrument of its governing body. Each feeder road or section thereof acquired or constructed, or public highway taken over from these entities as a feeder road, in connection with an expressway project by the authority shall for all purposes of this act be deemed to constitute part of the project, except that the authority may turn back to the entities any public highway taken over as a feeder road from the entities or any feeder road or section thereof constructed upon a new alignment in substitution for the previous alignment of a public highway so taken over unless 80% or more of the feeder road or section is constructed upon a new alignment.

C.27:25A-28 Real property may be conveyed to authority by government entity.

28. Any government entity, notwithstanding any contrary provision of law, is authorized to lease, lend, grant or convey to the authority at its request upon the terms and conditions as the governing body or other proper agencies of the government entity may deem reasonable and fair and without the necessity for any advertisement, order of court or other action, other than the authorizing resolution or other formal action of the government entity, any real property or personal property or interest therein which may be necessary or convenient to effectuate the purposes of the authority, including public highways, feeder roads, transportation projects and other real property already devoted to public use.

At any time as the authority undertakes to construct any part of a project and acquires any portion of a State highway route as part of that project, the jurisdiction of the department over that portion shall cease. No property of the State, other than riparian lands or lands under water and similar lands or interest therein referred to in Title 12 of the Revised Statutes shall be granted, leased or conveyed to the authority except upon payment to the State of the price therefor.

C.27:25A-29 County, municipality may cooperate with authority in projects.

29. For the purpose of aiding and cooperating in the acquisition, construction, or operation of any project of the authority, any county or municipality may, upon agreement with the authority and in the manner provided by law:

- a. Appropriate moneys for the purposes of the authority and to loan or donate the money to the authority in the installments and upon the terms as may be agreed upon by the authority.
- b. Perform any act for the authority which it is empowered by law to perform;
- c. Incur indebtedness, borrow money and issue bonds or notes for the purpose of financing a project pursuant to the provisions of the "Local Bond Law" (N.J.S.40A:2-1 et seq.); and
- d. Unconditionally guarantee the punctual payment of the principal of and interest on any bonds or notes of the authority.

C.27:25A-30 Amount of departmental costs, expenses certified to authority.

30. If the department shall have incurred or paid any costs or expenses with respect to a project or with respect to preliminary studies of the feasibility or location thereof, the commissioner may from time to time certify the amount thereof to the authority. Immediately upon the first ensuing issuance by the authority of any bonds or notes for financing the project, the amount of the costs and expenses so certified by the commissioner shall be reimbursed by the authority to the State from funds available to the authority.

C.27:25A-31 Authority property exempt from execution.

31. All property of the authority, except any property which is subjected to a lien to secure any bonds or notes issued by the authority, shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same, nor shall any such judgment against the authority be a charge or lien upon its property; provided that nothing herein contained shall apply to or limit the rights of the holders of any bonds or notes to pursue any remedy for the enforcement of any pledge or lien given by the authority on its revenues or other moneys.

C.27:25A-32 Authority projects declared public property; exemption from State taxes.

32. All projects and other property of the authority are declared to be public property of an instrumentality of the State and devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of the State or any subdivision thereof. All bonds or notes issued pursuant to this act are declared to be issued by an instrumentality of this State and for an essential public and governmental purpose and the bonds and notes, and the interest thereon and the income therefrom, and all tolls, charges, funds, revenues, income and other moneys pledged or available to pay, or secure the payment of the bonds or

notes, or interest thereon, shall at all times be exempt from taxation except for transfer inheritance and estate taxes.

C.27:25A-33 Authority deposits, banking transactions.

33. All banks, trust companies, savings banks, investment companies and other persons carrying on a banking business are each authorized to give to the authority a good and sufficient undertaking with the sureties as shall be approved by the authority to the effect that the bank or banking institution shall faithfully keep and pay over to the order of or upon the warrant of the authority or its authorized agent all those funds as may be deposited with it by the authority and agreed interest thereon, at the times and upon the demands as may be agreed to with the authority or, in lieu of these sureties, deposit with the authority or its authorized agent or any trustee therefor or for the holders of any bonds or notes, as collateral, these securities as the authority may approve. The deposits of the authority may be evidenced or secured by a depository collateral agreement in that form and upon the terms and conditions as may be agreed upon by the authority and at the bank or banking institution.

C.27:25A-34 Investment in authority bonds, notes permitted.

34. Notwithstanding the provisions of any other law, the State and all public officers, municipalities, counties, political subdivisions and public bodies and agencies thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, investment companies, savings and loan associations, and other persons carrying on a banking or investment business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries, may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or notes issued pursuant to this act, and these bonds and notes shall be authorized security for any and all public deposits.

C.27:25A-35 Submission of reports by authority.

35. Notwithstanding any inconsistent provisions of this act or any other law, the authority shall submit to the Governor, the commissioner, the President of the Senate and the Speaker of the General Assembly, and the State Treasurer, the following reports:

a. Within 90 days after the end of each fiscal year, a complete and detailed report of the following:

(1) Its operations and accomplishments during the completed fiscal year;

(2) Its receipts and disbursements or revenues and expenses during that year in accordance with the categories and classifications established by the authority for its own operating and capital outlay purposes and as may be requested by the commissioner and the State Treasurer;

(3) Its assets and liabilities at the end of the fiscal year, including the status of reserve, depreciation, special or other funds including debits and credits of these funds;

(4) A schedule of bonds and notes outstanding at the end of the fiscal year; and

(5) A list of all contracts exceeding \$100,000 entered into during the fiscal year.

b. By a date established by the commissioner, a business plan for the authority and for each of its operating divisions. The business plan shall include the following information and any additional information required by the commissioner:

(1) A statement of the goals and objectives of the authority;

(2) A statement of the strategies, including a resource allocation strategy, for achieving the stated objectives and performance measurements for evaluating the achievement of these objectives;

(3) A list of specific standards for defining a state of good repair for each project and pavement management plans, bridge management plans, or other appropriate infrastructure renewal and preservation plans for achieving and maintaining these standards;

(4) An annual operating and maintenance budget and an annual capital budget; and

(5) A five year capital plan.

The commissioner shall review, approve, approve with conditions, or disapprove the capital budget and the capital plan submitted pursuant to this section within 15 working days of receipt of the budget and plan. The authority shall not expend or obligate any funds pursuant to the capital budget until the capital budget has been approved by the commissioner. The commissioner may provide for amendments to the capital budget and the capital plan.

C.27:25A-36 Financial, management audits.

36. a. The authority shall cause a financial audit of its books and accounts to be made at least once each year by certified public accountants and a copy thereof shall be filed with the State Treasurer.

b. Not less than once every five years the authority shall cause a management audit of its operational effectiveness and efficiency to be conducted by an independent consulting firm selected by the authority from a list of at least five such firms provided by the Director of the Division of Budget and Accounting in the Department of the Treasury. No firm which has performed a financial audit of the authority in the five years previous to an impending management audit shall be selected by the authority to perform that impending management audit.

A copy of the management audit shall be filed in the same manner as the copy of the reports required to be submitted pursuant to section 35 of this act. In addition, the officials receiving a copy of the management audit also shall receive a copy of the recommendations or comments of the consultant concerning the management or operation of any of the authority's resources or programs.

The first management audit to be conducted pursuant to this subsection shall commence within three years of the effective date of this act.

The cost of the audits required by this section may be treated as a part of the cost of a project.

C.27:25A-37 Conflicts of interest, penalty.

37. Any member, agent or employee of the authority who is interested, either directly or indirectly, in any contract of another with the authority or the sale of any property, either real or personal, to the authority, shall be guilty of a crime of the fourth degree.

C.27:25A-38 Regulations for outdoor advertising on Atlantic City Expressway.

38. The erection, use or maintenance of any structure for the display of outdoor advertising on the Atlantic City Expressway shall be consistent with the provisions of P.L.1959, c.191 (C.54:40-50 et seq.) and P.L.1979, c.111 (C.13:18A-1 et seq.) and the regulations promulgated pursuant to those laws.

C.27:25A-39 State may require authority to redeem, pay bonds or notes.

39. The State shall have the right, upon furnishing the authority with sufficient funds therefor, to require the authority to redeem, pay or cause to be paid, at or prior to maturity, in whole or in part, any bonds or notes issued by the authority under this act, provided that the redemption or payment shall be made in accordance with the provisions of any contract entered into by the authority with the holders of the bonds or notes.

C.27:25A-40 Powers limited against State property.

40. Nothing in this act shall be construed to authorize or empower the authority to:

a. Vacate, close, connect with, adjust, relocate, cross or otherwise physically affect any State highway without written approval by the commissioner; or

b. Acquire State property or any interest therein by the exercise of the power of eminent domain.

C.27:25A-41 Authority may enter lands, waters, premises.

41. The authority and its authorized agents and employees may enter upon any lands, waters and premises other than State property for the purpose of making surveys, soundings, drillings and examinations as it may deem necessary or convenient for the purposes of this act, and this entry shall not be deemed a trespass, nor shall the entry for this purpose be deemed an entry under any condemnation proceedings which may be then pending. The authority shall make reimbursement for any actual damages resulting to such lands, waters and premises as a result of those activities.

C.27:25A-42 State not to limit, alter rights or powers vested in authority.

42. The State of New Jersey does hereby pledge to and covenant and agree with the holders of any bonds or notes issued by the authority or other entity pursuant to the provisions of this act that the State will not limit or alter the rights or powers vested in the authority to acquire, construct, maintain and operate any project, or to perform and fulfill the terms of any agreement made with the holders of the bonds or notes, or to fix, establish, charge and collect tolls or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the authority and fulfill the terms of any contract with another entity or any agreement made with the holders of the bonds or notes, and that the State will not in any way impair the rights or remedies of the holders or modify in any way the exemptions from taxation provided for in this act, until the bonds and notes, together with interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged or provided for.

C.27:1A-5.6 Department authorized to acquire lands, improvements for airport purposes.

43. a. Notwithstanding any other provision of law to the contrary, the Department of Transportation and the commissioner

thereof are authorized to acquire lands and improvements for airport purposes, in Egg Harbor, Hamilton and Galloway Townships, county of Atlantic, and to convey the same to the South Jersey Transportation Authority for a nominal or other consideration and under other terms and conditions as the commissioner deems appropriate.

b. The department and the commissioner thereof are authorized to expend funds specifically appropriated by P.L.1991, c.185 from the revenues and other funds of the Transportation Trust Fund Authority for the acquisition authorized under subsection a. of this section and also for the planning, engineering, construction, reconstruction, repair and rehabilitation of the transportation project known as the Atlantic City International Airport and related facilities and activities, or a portion thereof, as authorized by section 24 of this act.

Repealer.

44. The following are repealed:

P.L.1962, c.10 (C.27:12C-1 et seq.)

P.L.1968, c.462 (C.27:12C-11.1)

Section 2 of P.L.1969, c.196, (C.27:12C-12.1)

P.L.1970, c.183 (C.27:12C-38.1)

P.L.1977, c.360 (C.27:12C-26.1 et seq.).

Repealer.

45. The following are repealed:

P.L.1980, c.44 (C.40:35B-1 et seq.)

Section 2 of P.L.1983, c.242 (C.40:35B-15.1).

46. This act shall take effect immediately except that section 44 shall take effect on the transfer date of the New Jersey Expressway Authority and section 45 shall take effect on the transfer date of the Atlantic County Transportation Authority.

Approved August 9, 1991.

CHAPTER 253

AN ACT prohibiting the sale of wild birds and amending R.S.23:4-50.

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

1. R.S.23:4-50 is amended to read as follows:

Wild birds other than game birds; capturing; killing; possession; sale; penalties; enforcement.

23:4-50. a. As used in this section, except as otherwise noted:

“Department” means the Department of Environmental Protection.

“Wild bird” means any bird other than a native, introduced, or feral game bird as defined in R.S.23:4-49 and other than a domesticated bird such as a chicken, turkey, guinea fowl, goose, duck, pigeon, or peafowl. “Wild bird” also means the egg of a wild bird.

b. Except as may be otherwise provided by law, rule, or regulation, or by the State Fish and Game Code, no person shall within this State pursue, hunt, take, capture, kill, attempt to take, capture, or kill, or have in possession, living or dead, a wild bird.

c. (1) Except pursuant to a permit issued by the department for scientific, zoological, or educational purposes or to a licensed wild bird breeder for the purpose of obtaining new stock to increase genetic variety, no person shall within this State offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, transport or cause to be transported, carry or cause to be carried, or receive or cause to be received for shipment, transportation, carriage, or export, living or dead, any wild bird, unless the wild bird was raised, and came from an egg produced by captive parents and hatched, in captivity.

(2) The fact that a wild bird belongs to a species not native to this State shall not constitute a defense to a violation of this subsection.

(3) Any wild bird that enters or is brought into the State from another state or from a point outside the territorial limits of the United States, and which is transported without significant delay but within not more than 48 hours across the State destined for a point beyond the State, may be so entered or brought into the State and transported in accordance with the terms of any federal permit or permit issued under the laws, rules, or regulations of another state.

(4) The prohibitions of paragraphs (1) and (2) of this subsection shall not apply to the cockatiel (*Nymphicus hollandicus*), budgerigar (*Melopsittacus undulatus*), or common canary (*Serinus*

canarius), nor to any wild birds legally possessed before the 120th day after the date of enactment of P.L.1991, c.253.

The department shall provide for a method or methods to distinguish wild birds legally possessed before the 120th day after the date of enactment of P.L.1991, c.253 from those entering or being brought into the State subsequent to the 120th day after such date of enactment.

d. Except as may be otherwise provided by law, rule, or regulation, or by the State Fish and Game Code, no part of plumage, skin or body of a wild bird shall be sold or had in possession for sale. Plumage, as used in this section, includes any part of the feathers, head, wings, or tail of a wild bird, and refers equally to plumage of wild birds coming from without the State as to birds obtained within the State, but it shall not be construed to apply to the feathers of ostriches, domestic fowl, or domestic pigeons. The fact that a wild bird belongs to a species not native to this State shall not constitute a defense to the possession of parts thereof.

e. The English or European house sparrow and the European starling are not included among the birds protected by this section. Nothing herein shall make it unlawful for the owner or occupant of land, the regular employees thereof, or an agent designated by the department to control hawks or owls only when in the act of destroying poultry or livestock, provided that such control activities are conducted in compliance with all relevant State and federal laws, rules, and regulations and that such owner, occupant, employee, or agent has first obtained all permits required thereby.

f. Except as may be otherwise provided by law, rule, or regulation, or by the State Fish and Game Code, no State permit shall be required to control yellow-headed, red-winged, bi-colored red-winged, tri-colored red-winged, Rusty and Brewer's blackbirds, cowbirds, grackles, and crows when found committing or about to commit depredations upon ornamental or shade trees, crops, livestock, or wildlife, or when concentrated in such manners or manner as to constitute a health hazard or other nuisance; provided, that none of the birds killed pursuant to this subsection, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

g. Nothing herein contained shall prohibit the control of animals or birds in instances where there is specific documentation that they are doing damage to wildlife or agricultural crops, by the department or its employees on any lands in the State.

h. (1) If any person violates any provision of this section, the department may institute a civil action in a court of competent

jurisdiction for injunctive relief to prohibit and prevent such violation, and the court may proceed in the action in a summary manner.

(2) A person violating any provision of this section shall be subject to:

(a) a penalty of not less than \$200 nor more than \$1000 for each offense;

(b) a penalty of \$500 for each bird or part thereof that is a subject of the violation; and

(c) forfeiture of any such bird or part thereof that is a subject of the violation, which penalties may be collected in a civil action by a summary proceeding pursuant to "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 and the municipal court shall have jurisdiction to enforce "the penalty enforcement law." If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.

(3) The department may compromise and settle any claim for a penalty under this section in such amount in the discretion of the department as may appear appropriate and equitable under all of the circumstances.

(4) The department may sell, sell at auction, or donate any wild bird or part thereof forfeited pursuant to this subsection to any permittee or licensee designated pursuant to paragraph (1) of subsection c. of this section. The proceeds derived from such sales of any wild birds or parts thereof, together with any penalties collected pursuant to paragraph (2) of this subsection and any fees collected pursuant to this section, shall be deposited in a fund for use by the department in administering and enforcing this section and "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.).

i. The department shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to implement the provisions of this section, which rules and regulations may include a list of species of native, introduced, or feral wild birds determined by the department to be exempt from the prohibitions imposed by this section.

j. The prohibitions, restrictions, penalties, and other provisions of this section shall be in addition to, and shall be implemented and enforced in conjunction with, any set forth in, or adopted pursuant to, "The Endangered and Nongame Species Conservation Act," P.L.1973, c.309 (C.23:2A-1 et seq.).

2. This act shall take effect on the 120th day after enactment.

Approved August 12, 1991.

CHAPTER 254

AN ACT concerning conflicts of interest and supplementing P.L.1971, c.182.

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

C.52:13D-19.1 State officer, employee may enter into certain contracts with State agency.

1. Notwithstanding the provisions of P.L.1971, c.182 (C.52:13D-12 et seq.), a State officer or employee or a special State officer or employee or his partners or any corporation or firm in which he owns or controls more than 1% of the stock, assets or profits may enter into a contract or agreement with a State agency where the contract or agreement is for the development of scientific or technological discoveries or innovations in which the State agency has a property right, if the State agency has a procedure in its code of ethics for authorizing these contracts or agreements which minimizes actual conflicts of interest and the code of ethics was approved in accordance with section 12 of P.L.1971, c.182 (C.52:13D-23) and the contract or agreement complies with that code procedure.

C.52:13D-19.2 State officer, employee may enter into certain rental agreements with State agency.

2. Notwithstanding the provisions of P.L.1971, c.182 (C.52:13D-12 et seq.), a State officer or employee or a special State officer or employee or his partners or any corporation or firm in which he owns or controls more than 1% of the stock, assets or profits may enter into a rental agreement with a State agency which operates a facility which rents space or provides services to assist small businesses which employ 50 people or less, pursuant to the same terms and conditions as those offered to members of the public generally.

C.52:13D-19.3 Other provisions not altered or affected.

3. Nothing in this act shall alter or affect any other applicable provisions regulating public contracts.

4. Four years after the effective date of this act, a State agency shall provide the Legislature with a synopsis of all contracts or agreements which it has entered into pursuant to this act and any complaints which it has received concerning a contract or agreement entered into pursuant to this act.

5. This act shall take effect immediately.

Approved August 13, 1991.

CHAPTER 255

AN ACT concerning the self-proving of wills in certain cases and amending N.J.S.3B:3-4.

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

1. N.J.S.3B:3-4 is amended to read as follows:

Making will self-proved at time of execution.

3B:3-4. Any will executed on or after September 1, 1978 may be simultaneously executed, attested, and made self-proved, by acknowledgment thereof by the testator and affidavits of the witnesses, each made before an officer authorized pursuant to R.S.46:14-6, R.S.46:14-7 or R.S.46:14-8 to take acknowledgments and proofs of instruments entitled to be recorded under the laws of this State, in substantially the following form:

I,....., the testator, sign my name to this instrument this.....day of....., 19..., and being duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

.....
Testator

We,....., the witnesses, sign our names to this instrument, and, being duly sworn, do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will

and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the testator, hereby signs this will as witness to the testator's signing, and that to the best of our knowledge the testator is 18 years of age or older, of sound mind, and under no constraint or undue influence.

.....
Witness

.....
Witness

The State of.....
County of.....

Subscribed, sworn to and acknowledged before me by....., the testator and subscribed and sworn to before me by.....and....., witnesses, this.....day of.....

(Signed).....

.....
(Official capacity of officer)

2. This act shall take effect immediately.

Approved August 13, 1991.

CHAPTER 256

AN ACT concerning municipal land use and amending and supplementing P.L.1975, c.291 and P.L.1979, c.216.

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

1. Section 3.2 of P.L.1975, c.291 (C.40:55D-5) is amended to read as follows:

C.40:55D-5 Definitions.

3.2. "Maintenance guarantee" means any security which may be accepted by a municipality for the maintenance of any improve-

ments required by this act, including but not limited to surety bonds, letters of credit under the circumstances specified in section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

“Major subdivision” means any subdivision not classified as a minor subdivision.

“Master plan” means a composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to section 19 of P.L.1975, c.291 (C.40:55D-28).

“Mayor” means the chief executive of the municipality, whatever his official designation may be, except that in the case of municipalities governed by municipal council and municipal manager the term “mayor” shall not mean the “municipal manager” but shall mean the mayor of such municipality.

“Minor site plan” means a development plan of one or more lots which (1) proposes new development within the scope of development specifically permitted by ordinance as a minor site plan; (2) does not involve planned development, any new street or extension of any off-tract improvement which is to be prorated pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42); and (3) contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met.

“Minor subdivision” means a subdivision of land for the creation of a number of lots specifically permitted by ordinance as a minor subdivision; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to section 30 of P.L.1975, c.291 (C.40:55D-42).

“Municipality” means any city, borough, town, township or village.

“Municipal agency” means a municipal planning board or board of adjustment, or a governing body of a municipality when acting pursuant to this act and any agency which is created by or responsible to one or more municipalities when such agency is acting pursuant to this act.

“Nonconforming lot” means a lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

“Nonconforming structure” means a structure the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to

conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

“Nonconforming use” means a use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

“Official county map” means the map, with changes and additions thereto, adopted and established, from time to time, by resolution of the board of chosen freeholders of the county pursuant to R.S.40:27-5.

“Official map” means a map adopted by ordinance pursuant to article 5 of P.L.1975, c.291.

“Offsite” means located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a development application or contiguous portion of a street or right-of-way.

“Off-tract” means not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

“Onsite” means located on the lot in question.

“On-tract” means located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

“Open-space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space; provided that such areas may be improved with only those buildings, structures, streets and offstreet parking and other improvements that are designed to be incidental to the natural openness of the land.

2. Section 3.3 of P.L.1975, c.291 (C.40:55D-6) is amended to read as follows:

C.40:55D-6 Definitions.

3.3. “Party immediately concerned” means for purposes of notice any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice under section 7.1 of P.L.1975, c.291 (C.40:55D-12).

“Performance guarantee” means any security, which may be accepted by a municipality, including but not limited to surety bonds, letters of credit under the circumstances specified in section 16 of P.L.1991, c.256 (C.40:55D-53.5), and cash.

“Planned commercial development” means an area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate commercial or office uses or both and any residential and other uses incidental to the predominant use as may be permitted by ordinance.

“Planned development” means planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development.

“Planned industrial development” means an area of a minimum contiguous size as specified by ordinance to be developed according to a plan as a single entity containing one or more structures with appurtenant common areas to accommodate industrial uses and any other uses incidental to the predominant use as may be permitted by ordinance.

“Planned unit development” means an area with a specified minimum contiguous acreage of 10 acres or more to be developed as a single entity according to a plan, containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning ordinance.

“Planned unit residential development” means an area with a specified minimum contiguous acreage of 5 acres or more to be developed as a single entity according to a plan containing one or more residential clusters, which may include appropriate commercial, or public or quasi-public uses all primarily for the benefit of the residential development.

“Planning board” means the municipal planning board established pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23).

“Plat” means a map or maps of a subdivision or site plan.

“Preliminary approval” means the conferral of certain rights pursuant to sections 34, 36 and 37 of P.L.1975, c.291 (C.40:55D-46; C.40:55D-48; and C.40:55D-49) prior to final approval after specific elements of a development plan have been agreed upon by the planning board and the applicant.

“Preliminary floor plans and elevations” means architectural drawings prepared during early and introductory stages of the design of a project illustrating in a schematic form, its scope, scale and relationship to its site and immediate environs.

“Public areas” means (1) public parks, playgrounds, trails, paths and other recreational areas; (2) other public open spaces; (3) scenic and historic sites; and (4) sites for schools and other public buildings and structures.

“Public development proposal” means a master plan, capital improvement program or other proposal for land development adopted by the appropriate public body, or any amendment thereto.

“Public drainage way” means the land reserved or dedicated for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the biological as well as drainage function of the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion and to assure the adequacy of existing and proposed culverts and bridges, to induce water recharge into the ground where practical, and to lessen nonpoint pollution.

“Public open space” means an open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, State or county agency, or other public body for recreational or conservational uses.

“Quorum” means the majority of the full authorized membership of a municipal agency.

“Residential cluster” means an area to be developed as a single entity according to a plan containing residential housing units which have a common or public open space area as an appurtenance.

“Residential density” means the number of dwelling units per gross acre of residential land area including streets, easements and open space portions of a development.

“Resubdivision” means (1) the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or (2) the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

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

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

8. Appeal to the governing body; time; notice; modification; stay of proceedings. a. Any interested party may appeal to the governing body any final decision of a board of adjustment approving an application for development pursuant to subsection d. of section 57 of P.L.1975, c.291 (C.40:55D-70), if so permitted by ordinance. Such appeal shall be made within 10 days of the

date of publication of such final decision pursuant to subsection i. of section 6 of P.L.1975, c.291 (C.40:55D-10). In the case of any board established pursuant to article 10 of P.L.1975, c.291, the governing body of the municipality in which the land is situated shall be the "governing body" for purposes of this section. The appeal to the governing body shall be made by serving the municipal clerk in person or by certified mail with a notice of appeal, specifying the grounds thereof and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the board of adjustment.

b. Notice of the meeting to review the record below shall be given by the governing body by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to subsection h. of section 6 of P.L.1975, c.291 (C.40:55D-10) and to the board from which the appeal is taken, at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record at such meeting, and the governing body shall provide for verbatim recording and transcripts of such meeting pursuant to subsection f. of section 6 of P.L.1975, c.291 (C.40:55D-10).

c. The appellant shall, (1) within five days of service of the notice of the appeal pursuant to subsection a. hereof, arrange for a transcript pursuant to subsection f. of section 6 of P.L.1975, c.291 (C.40:55D-10) for use by the governing body and pay a deposit of \$50.00 or the estimated cost of such transcript, whichever is less, or (2) within 35 days of service of the notice of appeal, submit a transcript as otherwise arranged to the municipal clerk; otherwise, the appeal may be dismissed for failure to prosecute.

The governing body shall conclude a review of the record below not later than 95 days from the date of publication of notice of the decision below pursuant to subsection i. of section 6 of P.L.1975, c.291 (C.40:55D-10), unless the applicant consents in writing to an extension of such period. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a decision within such specified period shall constitute a decision affirming the action of the board.

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

e. The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse or remand to the board of adjustment or to impose conditions on or alter conditions to any final action of the board of adjustment. Otherwise the final action of the board of adjustment shall be deemed to be affirmed; a tie vote of the governing body shall constitute affirmance of the decision of the board of adjustment.

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

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

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

4. Section 14 of P.L.1975, c.291 (C.40:55D-23) is amended to read as follows:

C.40:55D-23 Planning board membership.

14. Planning board membership. a. The governing body may, by ordinance, create a planning board of seven or nine members.

The membership shall consist of, for convenience in designating the manner of appointment, the four following classes:

Class I--the mayor or, in the case of the council-manager form of government pursuant to the Optional Municipal Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.) or "the municipal manager form of government law" (R.S.40:79-1 et seq.), the manager, if so provided by the aforesaid ordinance.

Class II--one of the officials of the municipality other than a member of the governing body, to be appointed by the mayor; provided that if there be an environmental commission, the member of the environmental commission who is also a member of the planning board as required by section 1 of P.L.1968, c.245 (C.40:56A-1), shall be deemed to be the Class II planning board member for purposes of this act in the event that there be among the Class IV or alternate members of the planning board both a member of the zoning board of adjustment and a member of the board of education.

Class III--a member of the governing body to be appointed by it.

Class IV--other citizens of the municipality, to be appointed by the mayor or, in the case of the council-manager form of government pursuant to the Optional Municipal Charter Law, P.L.1950, c.210 (C.40:69A-1 et seq.) or "the municipal manager form of government law" (R.S.40:79-1 et seq.), by the council, if so provided by the aforesaid ordinance.

The members of Class IV shall hold no other municipal office, position or employment, except that in the case of nine-member boards, one such member may be a member of the zoning board of adjustment or historic preservation commission. No member of the board of education may be a Class IV member of the planning board, except that in the case of a nine-member board, one Class IV member may be a member of the board of education. If there be a municipal environmental commission, the member of the environmental commission who is also a member of the planning board, as required by section 1 of P.L.1968, c.245 (C.40:56A-1), shall be a Class IV planning board member, unless there be among the Class IV or alternate members of the planning board both a member of the zoning board of adjustment or historic preservation commission and a member of the board of education, in which case the member common to the planning board and municipal environmental commission shall be deemed a Class II member of the planning board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment

of which is discretionary and not required by statute, shall not be considered the holding of municipal office.

b. The term of the member composing Class I shall correspond to his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the environmental commission. The term of a Class II or Class IV member who is also a member of the environmental commission shall be for three years or terminate at the completion of his term of office as a member of the environmental commission, whichever occurs first. The term of a Class IV member who is also a member of the board of adjustment or board of education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed under this act shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointments; provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years. If a vacancy in any class shall occur otherwise than by expiration of the planning board term, it shall be filled by appointment, as above provided, for the unexpired term. No member of the planning board shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. Any member other than a Class I member, after a public hearing if he requests one, may be removed by the governing body for cause.

c. In any municipality in which the term of the municipal governing body commences on January 1, the governing body may, by ordinance, provide that the term of appointment of any class of member of the planning board appointed pursuant to this section shall commence on January 1. In any municipality in which the term of the municipal governing body commences on July 1, the governing body may, by ordinance, provide that the term of appointment of any class of member appointed pursuant to this section commence on July 1.

C.40:55D-23.2 Members of board of adjustment may serve as temporary members of planning board.

5. If the planning board lacks a quorum because any of its regular or alternate members is prohibited by subsection b. of section 14 of P.L.1975, c.291 (C.40:55D-23) or section 13 of P.L.1979,

c.216 (C.40:55D-23.1) from acting on a matter due to the member's personal or financial interests therein, regular members of the board of adjustment shall be called upon to serve, for that matter only, as temporary members of the planning board in order of seniority of continuous service to the board of adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the chairman of the board of adjustment shall make the choice.

6. Section 25 of P.L.1975, c.291 (C.40:55D-34) is amended to read as follows:

C.40:55D-34 Issuance of permits for buildings or structures.

25. Issuance of permits for buildings or structures. For purpose of preserving the integrity of the official map of a municipality no permit shall be issued for any building or structure in the bed of any street or public drainage way, flood control basin or public area reserved pursuant to section 23 of P.L.1975, c.291 (C.40:55D-32) as shown on the official map, or shown on a plat filed pursuant to this act before adoption of the official map, except as herein provided. Whenever one or more parcels of land, upon which is located the bed of such a mapped street or public drainage way, flood control basin or public area reserved pursuant to section 23 of P.L.1975, c.291 (C.40:55D-32), cannot yield a reasonable return to the owner unless a building permit is granted, the board of adjustment, in any municipality which has established such a board, may, in a specific case, by an affirmative vote of a majority of the full authorized membership of the board, direct the issuance of a permit for a building or structure in the bed of such mapped street or public drainage way or flood control basin or public area reserved pursuant to section 23 of P.L.1975, c.291 (C.40:55D-32), which will as little as practicable increase the cost of opening such street, or tend to cause a minimum change of the official map and the board shall impose reasonable requirements as a condition of granting the permit so as to promote the health, morals, safety and general welfare of the public. Sections 59 through 62 of P.L.1975, c.291 (C.40:55D-72 through C.40:55D-75) shall apply to applications or appeals pursuant to this section. In any municipality in which there is no board of adjustment, the planning board shall have the same powers and be subject to the same restrictions as provided in this section.

The board of adjustment shall not exercise the power otherwise granted by this section if the proposed development requires approval by the planning board of a subdivision, site plan or conditional use in conjunction with which the planning board has power to direct the issuance of a permit pursuant to subsection b. of section 47 of P.L.1975, c.291 (C.40:55D-60).

7. Section 27 of P.L.1975, c.291 (C.40:55D-36) is amended to read as follows:

C.40:55D-36 Appeals.

27. Appeals. Where the enforcement of section 26 of P.L.1975, c.291 (C.40:55D-35) would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do not require the building or structure to be related to a street, the board of adjustment may upon application or appeal, vary the application of section 26 of P.L.1975, c.291 (C.40:55D-35) and direct the issuance of a permit subject to conditions that will provide adequate access for firefighting equipment, ambulances and other emergency vehicles necessary for the protection of health and safety and that will protect any future street layout shown on the official map or on a general circulation plan element of the municipal master plan pursuant to paragraph (4) of subsection b. of section 19 of P.L.1975, c.291 (C.40:55D-28).

Sections 59 through 62 of P.L.1975, c.291 (C.40:55D-72 through C.40:55D-75) shall apply to applications or appeals pursuant to this section. In any municipality in which there is no board of adjustment, the planning board shall have the same powers and be subject to the same restrictions as provided in this section.

The board of adjustment shall not exercise the power otherwise granted by this section if the proposed development requires approval by the planning board of a subdivision, site plan or conditional use in conjunction with which the planning board has power to direct the issuance of a permit pursuant to subsection c. of section 47 of P.L.1975, c.291 (C.40:55D-60).

8. Section 14 of P.L.1979, c.216 (C.40:55D-46.1) is amended to read as follows:

C.40:55D-46.1 Minor site plan; approval.

14. An ordinance requiring, pursuant to section 7.1 of P.L.1975, c.291 (C.40:55D-12), notice of hearings on applications for development for conventional site plans, may authorize the

planning board to waive notice and public hearing for an application for development, if the planning board or site plan subcommittee of the board appointed by the chairman finds that the application for development conforms to the definition of "minor site plan." Minor site plan approval shall be deemed to be final approval of the site plan by the board, provided that the board or said subcommittee may condition such approval on terms ensuring the provision of improvements pursuant to sections 29, 29.1, 29.3 and 41 of P.L.1975, c.291 (C.40:55D-38, 40:55D-39, 40:55D-41 and 40:55D-53).

a. Minor site plan approval shall be granted or denied within 45 days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute minor site plan approval.

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

c. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor site plan approval was granted, shall not be changed for a period of two years after the date of minor site plan approval. The planning board shall grant an extension of this period for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the approvals. A developer shall apply for this extension before: (1) what would otherwise be the expiration date, or (2) the 91st day after the date on which the developer receives the last of the legally required approvals from the other governmental entities, whichever occurs later.

9. Section 35 of P.L.1975, c.291 (C.40:55D-47) is amended to read as follows:

C.40:55D-47 Minor subdivision.

35. a. Minor subdivision. An ordinance requiring approval of subdivisions by the planning board may authorize the planning board to

waive notice and public hearing for an application for development if the planning board or subdivision committee of the board appointed by the chairman find that the application for development conforms to the definition of "minor subdivision" in section 3.2 of P.L.1975, c.291 (C.40:55D-5). Minor subdivision approval shall be deemed to be final approval of the subdivision by the board; provided that the board or said subcommittee may condition such approval on terms ensuring the provision of improvements pursuant to sections 29, 29.1, 29.2 and 41 of P.L.1975, c.291 (C.40:55D-38, C.40:55D-39, C.40:55D-40, and C.40:55D-53).

b. Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application to the administrative officer, or within such further time as may be consented to by the applicant. Failure of the planning board to act within the period prescribed shall constitute minor subdivision approval and a certificate of the administrative officer as to the failure of the planning board to act shall be issued on request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval, herein required, and shall be so accepted by the county recording officer for purposes of filing subdivision plats.

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

d. Except as provided in subsection f. of this section, approval of a minor subdivision shall expire 190 days from the date on which the resolution of municipal approval is adopted unless within such period a plat in conformity with such approval and the provisions of the "Map Filing Law," P.L.1960, c.141 (C.46:23-9.9 et seq.), or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the municipal engineer and the municipal tax assessor. Any such plat or deed accepted for such filing shall have been signed by the chairman and secretary of the planning board. In reviewing the application for development for a proposed minor subdivision the planning board may be permitted by ordinance to accept a plat not in conformity with the "Map Filing Law," P.L.1960, c.141 (C.46:23-9.9 et seq.); provided that if the developer chooses to file

the minor subdivision as provided herein by plat rather than deed such plat shall conform with the provisions of said act.

e. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted, shall not be changed for a period of two years after the date on which the resolution of minor subdivision approval is adopted; provided that the approved minor subdivision shall have been duly recorded as provided in this section.

f. The planning board may extend the 190-day period for filing a minor subdivision plat or deed pursuant to subsection d. of this section if the developer proves to the reasonable satisfaction of the planning board (1) that the developer was barred or prevented, directly or indirectly, from filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the planning board. The developer may apply for the extension either before or after what would otherwise be the expiration date.

g. The planning board shall grant an extension of minor subdivision approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of minor subdivision approval or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later.

10. Section 37 of P.L.1975, c.291 (C.40:55D-49) is amended to read as follows:

C.40:55D-49 Effect of preliminary approval.

37. Effect of preliminary approval. Preliminary approval of a major subdivision pursuant to section 36 of P.L.1975, c.291 (C.40:55D-48) or of a site plan pursuant to section 34 of P.L.1975, c.291 (C.40:55D-46) shall, except as provided in sub-

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section d. of this section, confer upon the applicant the following rights for a three-year period from the date on which the resolution of preliminary approval is adopted:

a. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; and, in the case of a site plan, any requirements peculiar to site plan approval pursuant to section 29.3 of P.L.1975, c.291 (C.40:55D-41); except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety;

b. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat or site plan, as the case may be; and

c. That the applicant may apply for and the planning board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

d. In the case of a subdivision of or site plan for an area of 50 acres or more, the planning board may grant the rights referred to in subsections a., b., and c. of this section for such period of time, longer than three years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, (2) economic conditions, and (3) the comprehensiveness of the development. The applicant may apply for thereafter and the planning board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under preliminary approval, and (2) the potential number of dwelling units and nonresidential floor area of the section or sections awaiting final approval, (3) economic conditions and (4) the comprehensiveness of the development; provided that if the design standards have been revised, such revised standards may govern.

e. Whenever the planning board grants an extension of preliminary approval pursuant to subsection c. or d. of this section and

preliminary approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

f. The planning board shall grant an extension of preliminary approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued the required approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of preliminary approval or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the planning board from granting an extension pursuant to subsection c. or d. of this section.

11. Section 40 of P.L.1975, c.291 (C.40:55D-52) is amended to read as follows:

C.40:55D-52 Effect of final approval of a site plan or major subdivision.

40. Effect of final approval of a site plan or major subdivision.
a. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to section 37 of P.L.1975, c.291 (C.40:55D-49), whether conditionally or otherwise, shall not be changed for a period of two years after the date on which the resolution of final approval is adopted; provided that in the case of a major subdivision the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in section 42 of P.L.1975, c.291 (C.40:55D-54). If the developer has followed the standards prescribed for final approval, and, in the case of a subdivision, has duly recorded the plat as required in section 42 of P.L.1975, c.291 (C.40:55D-54), the planning board may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this act, the granting of final approval terminates the time period of preliminary approval pursuant to section 37 of P.L.1975, c.291 (C.40:55D-49) for the section granted final approval.

b. In the case of a subdivision or site plan for a planned development of 50 acres or more, conventional subdivision or site plan for 150 acres or more, or site plan for development of a nonresidential floor area of 200,000 square feet or more, the planning board may grant the rights referred to in subsection a. of this section for such period of time, longer than two years, as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) economic conditions and (3) the comprehensiveness of the development. The developer may apply for thereafter, and the planning board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the planning board to be reasonable taking into consideration (1) the number of dwelling units and nonresidential floor area permissible under final approval, (2) the number of dwelling units and nonresidential floor area remaining to be developed, (3) economic conditions and (4) the comprehensiveness of the development.

c. Whenever the planning board grants an extension of final approval pursuant to subsection a. or b. of this section and final approval has expired before the date on which the extension is granted, the extension shall begin on what would otherwise be the expiration date. The developer may apply for the extension either before or after what would otherwise be the expiration date.

d. The planning board shall grant an extension of final approval for a period determined by the board but not exceeding one year from what would otherwise be the expiration date, if the developer proves to the reasonable satisfaction of the board that the developer was barred or prevented, directly or indirectly, from proceeding with the development because of delays in obtaining legally required approvals from other governmental entities and that the developer applied promptly for and diligently pursued these approvals. A developer shall apply for the extension before (1) what would otherwise be the expiration date of final approval or (2) the 91st day after the developer receives the last legally required approval from other governmental entities, whichever occurs later. An extension granted pursuant to this subsection shall not preclude the planning board from granting an extension pursuant to subsection a. or b. of this section.

12. Section 41 of P.L.1975, c.291 (C.40:55D-53) is amended to read as follows:

C.40:55D-53 Guarantees required; surety; release.

41. Guarantees required; surety; release. a. Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the approving authority may require and shall accept in accordance with the standards adopted by ordinance for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for improvements which the approving authority may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," P.L.1960, c.141 (C.46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

The municipal engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(2) Provision for a maintenance guarantee to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4). In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guaran-

tee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all improvements covered by the obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report prepared by the municipal engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory

improvements, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The governing body, by resolution, shall either approve the improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements, except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

f. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of improvements, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

C.40:55D-53.2 Municipal payments to professionals for services rendered.

13. The municipality shall make all of the payments to professionals for services rendered to the municipality for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of P.L.1975, c.291 (C.40:55D-1 et seq.). If the municipality requires of the developer a deposit toward anticipated municipal expenses for these professional services, the deposit shall be placed in an escrow account pursuant to section 1 of P.L.1985, c.315 (C.40:55D-53.1). The amount of the deposit required shall be reasonable in regard to the scale and complexity of the development. All payments charged to the deposit shall be pursuant to vouchers from the professionals stating the hours spent, the hourly rate and the expenses incurred. The municipality shall render a written final accounting to the developer on the uses to which the deposit was put. Thereafter the municipality

shall, upon written request, provide copies of the vouchers to the developer. If the salary, staff support and overhead for a professional are provided by the municipality, the charge to the deposit shall not exceed 200% of the sum of the products resulting from multiplying (1) the hourly base salary of each of the professionals by (2) the number of hours spent by the respective professional on review of the application for development or the developer's improvements, as the case may be. For other professionals the charge to the deposit shall be at the same rate as all other work of the same nature by the professional for the municipality.

C.40:55D-53.3 Maintenance, performance guarantees.

14. A municipality shall not require that a maintenance guarantee required pursuant to section 41 of P.L.1975, c.291 (C.40:55D-53) be in cash or that more than 10% of a performance guarantee pursuant to that section be in cash. A developer may, however, provide at his option some or all of a maintenance guarantee in cash, or more than 10% of a performance guarantee in cash.

C.40:55D-53.4 Municipal engineer to estimate cost of installation of improvements.

15. The cost of the installation of improvements for the purposes of section 41 of P.L.1975, c.291 (C.40:55D-53) shall be estimated by the municipal engineer based on documented construction costs for public improvements prevailing in the general area of the municipality. The developer may appeal the municipal engineer's estimate to the governing body. The governing body shall decide the appeal within 45 days of receipt of the appeal in writing by the municipal clerk. After the developer posts a guarantee with the municipality based on the cost of the installation of improvements as determined by the governing body, he may institute legal action within one year of the posting in order to preserve the right to a judicial determination as to the fairness and reasonableness of the amount of the guarantee.

C.40:55D-53.5 Performance of maintenance guarantee, acceptance.

16. The approving authority shall, for the purposes of section 41 of P.L.1975, c.291 (C.40:55D-53), accept a performance guarantee or maintenance guarantee which is an irrevocable letter of credit if it:

a. Constitutes an unconditional payment obligation of the issuer running solely to the municipality for an express initial period of time in the amount determined pursuant to section 41 of P.L.1975, c.291 (C.40:55D-53);

- b. Is issued by a banking or savings institution authorized to do and doing business in this State;
- c. Is for a period of time of at least one year; and
- d. Permits the municipality to draw upon the letter of credit if the obligor fails to furnish another letter of credit which complies with the provisions of this section 30 days or more in advance of the expiration date of the letter of credit or such longer period in advance thereof as is stated in the letter of credit.

C.40:55D-53.6 Municipality to assume payment of cost of street lighting.

17. If an approving authority includes as a condition of approval of an application for development pursuant to P.L.1975, c.291 (C.40:55D-1 et seq.) the installation of street lighting on a dedicated public street connected to a public utility, then upon notification in writing by the developer to the approving authority and governing body of the municipality that (1) the street lighting on a dedicated public street has been installed and accepted for service by the public utility and (2) that certificates of occupancy have been issued for at least 50% of the dwelling units and 50% of the floor area of the non-residential uses on the dedicated public street or portion thereof indicated by section pursuant to section 29 of P.L.1975, c.291 (C.40:55D-38), the municipality shall, within 30 days following receipt of the notification, make appropriate arrangements with the public utility for, and assume the payment of, the costs of the street lighting on the dedicated public street on a continuing basis. Compliance by the municipality with the provisions of this section shall not be deemed to constitute acceptance of the street by the municipality.

18. Section 42 of P.L.1975, c.291 (C.40:55D-54) is amended to read as follows:

C.40:55D-54 Recording of final approval of major subdivision; filing of all subdivision plats.

42. Recording of final approval of major subdivision; filing of all subdivision plats. a. Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The planning board may for good cause shown extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat. The planning board may extend the 95-day or 190-day period if the developer proves to the reasonable satisfaction of the planning board (1) that the developer was barred or prevented, directly or indirectly, from

filing because of delays in obtaining legally required approvals from other governmental or quasi-governmental entities and (2) that the developer applied promptly for and diligently pursued the required approvals. The length of the extension shall be equal to the period of delay caused by the wait for the required approvals, as determined by the planning board. The developer may apply for an extension either before or after the original expiration date.

b. No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the planning board as indicated on the instrument by the signature of the chairman and secretary of the planning board or a certificate has been issued pursuant to sections 35, 38, 44, 48, 54 or 63 of P.L.1975, c.291 (C.40:55D-47, 40:55D-50, 40:55D-56, 40:55D-61, 40:55D-67, 40:55D-76). The signatures of the chairman and secretary of the planning board shall not be affixed until the developer has posted the guarantees required pursuant to section 41 of P.L.1975, c.291 (C.40:55D-53). If the county recording officer records any plat without such approval, such recording shall be deemed null and void, and upon request of the municipality, the plat shall be expunged from the official records.

c. It shall be the duty of the county recording officer to notify the planning board in writing within seven days of the filing of any plat, identifying such instrument by its title, date of filing, and official number.

19. Section 50 of P.L.1975, c.291 (C.40:55D-63) is amended to read as follows:

C.40:55D-63 Protest.

50. Protest. A protest against any proposed amendment or revision of a zoning ordinance may be filed with the municipal clerk, signed by the owners of 20% or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending 200 feet in all directions therefrom inclusive of street space, whether within or without the municipality. Such amendment or revision shall not become effective following the filing of such protest except by the favorable vote of two-thirds of all the members of the governing body of the municipality.

C.40:55D-69.1 Members of planning board may serve temporarily on the board of adjustment.

20. If the board of adjustment lacks a quorum because any of its regular or alternate members is prohibited by section 56 of

P.L.1975, c.291 (C.40:55D-69) from acting on a matter due to the member's personal or financial interest therein, Class IV members of the planning board shall be called upon to serve, for that matter only, as temporary members of the board of adjustment. The Class IV members of the planning board shall be called upon to serve in order of seniority of continuous service to the planning board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the chairman of the planning board shall make the choice.

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

C.40:55D-70 Powers.

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

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

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

c. (1) Where: (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship; (2) where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations pursuant to article 8 of this act;

provided, however, that no variance from those departures enumerated in subsection d. of this section shall be granted under this subsection; and provided further that the proposed development does not require approval by the planning board of a subdivision, site plan or conditional use, in conjunction with which the planning board has power to review a request for a variance pursuant to subsection a. of section 47 of this act; and

d. In particular cases and for special reasons, grant a variance to allow departure from regulations pursuant to article 8 of this act to permit: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a nonconforming use, (3) deviation from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining solely to a conditional use, (4) an increase in the permitted floor area ratio as defined in section 3.1 of P.L.1975, c.291 (C.40:55D-4), (5) an increase in the permitted density as defined in section 3.1 of P.L.1975, c.291 (C.40:55D-4), except as applied to the required lot area for a lot or lots for detached one or two dwelling unit buildings, which lot or lots are either an isolated undersized lot or lots resulting from a minor subdivision or (6) a height of a principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five members, in the case of a municipal board, or 2/3 of the full authorized membership, in the case of a regional board, pursuant to article 10 of this act.

If an application for development requests one or more variances but not a variance for a purpose enumerated in subsection d. of this section, the decision on the requested variance or variances shall be rendered under subsection c. of this section.

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

any appropriate person or agency for its report; provided that such reference shall not extend the period of time within which the zoning board of adjustment shall act.

22. This act shall take effect immediately.

Approved August 13, 1991.

CHAPTER 257

AN ACT concerning the ascertainment of principal and income in estates and trusts, revising parts of the statutory law and enacting chapter 19A of Title 3B of the New Jersey Statutes.

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

1.

TITLE 3B CHAPTER 19A PRINCIPAL AND INCOME

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3B:19A-2.	Definitions.
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3B:19A-4.	Scope of chapter; effect of trust instrument.
3B:19A-5.	Duty of fiduciary as to receipts and disbursements.
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- 3B:19A-17. Principal and income; declaration of dividend before estate established; record date designated.
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- 3B:19A-22. Business operation.
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Short title.

3B:19A-1. Short title.

This act shall be known and may be cited as the “Revised Uniform Principal and Income Act.”

Source: New.

Definitions.

3B:19A-2. Definitions.

As used in this chapter:

a. “Trust instrument” means a will, deed, agreement, statute, court order or other instrument pursuant to which money or other property is so set aside or limited that a fiduciary or other person is charged with the duty of ascertaining what constitutes principal and what constitutes income with respect to all or part of the money or other property, or any substitutions for it;

b. “Estate” means the money or other property limited or set aside in the manner described in subsection a. of this section;

c. “Corporation” includes the United States of America, all foreign countries or divisions thereof, the State of New Jersey, all other states, territories and possessions of the United States, all municipal

corporations, all bodies politic, all boards and commissions, and all private corporations and associations issuing securities;

d. "Fiduciary" means a person or a corporation authorized by a trust instrument to act as a trustee, personal representative, or guardian, and every other person or corporation charged with the duty of administering an estate. Where an estate is established without the interposition of a trust instrument, "fiduciary" means the person charged with the duty of ascertaining what constitutes principal and what constitutes income;

e. "Income beneficiary" means the person or corporation to whom income is presently payable or for whom it is accumulated for distribution as income;

f. "Property" means real property or any interest therein and personal property of every kind and description;

g. "Remainderman" means the person or corporation entitled to all or part of the principal of an estate, including income which has been accumulated and added to principal, after all life or lesser interests have terminated.

Source: N.J.S.3B:19-1.

Scope of chapter; generally.

3B:19A-3. Scope of chapter; generally.

This chapter shall govern, to the extent provided, the ascertainment of principal and income in respect to property held in an estate, only in those cases where the trust instrument makes no provision governing the ascertainment or allocation of principal and income with respect to any one or more of the particulars covered by this chapter, and where a fiduciary is required, pursuant to the trust instrument, to make allocation of the principal and income.

Source: N.J.S.3B:19-2.

Scope of chapter; effect of trust instrument.

3B:19A-4. Scope of chapter; effect of trust instrument.

Where the trust instrument makes provision for the ascertainment of principal and income or grants discretion to the fiduciary or other person to do so, the provision or the grant of discretion shall control, notwithstanding any provision of this chapter to the contrary.

Source: N.J.S.3B:19-3.

Duty of fiduciary as to receipts and disbursements.

3B:19A-5. Duty of fiduciary as to receipts and disbursements.

A trust shall be administered with due regard to the respective interests of income beneficiaries and remaindermen. A trust is so

administered with respect to the allocation of receipts and expenditures if a receipt is credited or an expenditure is charged to income or principal or partly to each:

- a. In accordance with the terms of the trust instrument, notwithstanding contrary provisions of this chapter;
- b. In the absence of any contrary terms of the trust instrument, in accordance with the provisions of this chapter; or
- c. If neither of the preceding rules of administration is applicable, in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as those entitled to principal, and in view of the manner in which persons of ordinary prudence, discretion and judgment would act in the management of their own affairs. If the trust instrument gives the fiduciary discretion in crediting a receipt or charging an expenditure to income or principal or partly to each, no inference of imprudence or partiality arises from the fact that the fiduciary has made an allocation contrary to a provision of this chapter.

Source: New.

Income.

3B:19A-6. Income.

Income is the return in money or property derived from the use of principal, including return received as:

- a. Rent of property, including sums received for cancellation or renewal of a lease;
- b. Interest on money lent, including sums received as consideration for the privilege of prepayment of principal except as provided in N.J.S.3B:19A-18, N.J.S.3B:19A-19 and N.J.S.3B:19A-20 on bond premium and bond discount;
- c. Income earned during administration of a decedent's estate as provided in N.J.S.3B:19A-12;
- d. Corporate distributions as provided in N.J.S.3B:19A-13;
- e. Accrued increment on bonds or other obligations issued at a discount as provided in N.J.S.3B:19A-19 and N.J.S.3B:19A-20;
- f. Receipts from business and farming or agricultural operations as provided in N.J.S.3B:19A-22 and N.J.S.3B:19A-23;
- g. Receipts from disposition of natural resources and timber as provided in N.J.S.3B:19A-24 and N.J.S.3B:19A-25;
- h. Receipts from other property subject to depletion as provided in N.J.S.3B:19A-26;
- i. Receipts from disposition of underproductive property as provided in N.J.S.3B:19A-27.

Source: New.

Principal.**3B:19A-7. Principal.**

Principal is the property disposed of in trust, which is eventually to be delivered to a remainderman while the return on or use of the property is in the meantime taken by or held for accumulation for an income beneficiary. Principal includes:

- a. Consideration received by the fiduciary on the sale or other transfer of principal or on repayment of a loan (other than accrued interest) or as a refund or replacement or change in the form of principal;
- b. Proceeds of property taken on eminent domain proceedings;
- c. Proceeds of insurance upon property forming part of the principal except proceeds of insurance upon a separate interest of an income beneficiary;
- d. Stock dividends, receipts on liquidation of a corporation, and other corporate distributions as provided in N.J.S.3B:19A-13;
- e. Receipts from the disposition of corporate securities as provided in N.J.S.3B:19A-18 and N.J.S.3B:19A-19;
- f. Royalties and other receipts from disposition of natural resources and timber as provided in N.J.S.3B:19A-24 and N.J.S.3B:19A-25;
- g. Receipts from other property subject to depletion as provided in N.J.S.3B:19A-26;
- h. Any profit resulting from any change in the form of principal except as provided in N.J.S.3B:19A-27 on underproductive property;
- i. Receipts from disposition of underproductive property as provided in N.J.S.3B:19A-27;
- j. Any allowances for depreciation established under N.J.S.3B:19A-22, N.J.S.3B:19A-23 and subsection b. of N.J.S.3B:19A-28.

Source: New.

Blank.**3B:19A-8. Blank.****When right to income arises.****3B:19A-9. When right to income arises.**

An income beneficiary is entitled to income from the date specified in the trust instrument, or, if none is specified, from the date an asset becomes subject to trust. In the case of an asset becoming subject to a residuary trust by reason of a will, it becomes subject to the trust as of the date of the death of the testator even though there is an intervening period of administration of the testator's estate.

Source: New.

Apportionment of receipts.**3B:19A-10. Apportionment of receipts.**

a. In the administration of a decedent's estate or a testamentary trust:

(1) Receipts due but not paid at the date of death of the testator are principal;

(2) Receipts in the form of periodic payments (other than as provided in paragraph (3) below and other than corporate distributions to stockholders), including rent, interest, or annuities, not due at the date of the death of the testator shall be treated as accruing from day to day, and the portion of the receipt accruing before the date of death is principal, and the balance is income.

(3) Receipts from a qualified pension or profit-sharing plan, including but not limited to corporate plans, partnership and individual self-employment retirement plans, and individual retirement accounts, as those terms are used in the Internal Revenue Code of the United States, as from time to time amended, which are received or paid in installments or annuity payments, shall be principal, except to the extent of interest or other income earned on the proceeds after the death of the decedent.

b. In all other cases except as otherwise provided in N.J.S.3B:19-20, any receipt from an income producing asset is income even though the receipt was earned or accrued in whole or in part before the date when the asset became subject to the trust.

Source: New.

Apportionment of income; termination of income interest.

3B:19A-11. Apportionment of income; termination of income interest.

On termination of an income interest, the income beneficiary whose interest is terminated, or his estate, is entitled to:

- a. Income undistributed on the date of termination;
- b. Income due but not paid to the trustee on the date of termination;
- c. Income in the form of periodic payments (other than corporate distributions to stockholders) such as rent, interest, or annuities, not due on the date of termination, accrued from day to day to the date of termination.

Source: New.

Income earned during the administration of decedent's estate.

3B:19A-12. Income earned during the administration of decedent's estate.

- a. Unless the will provides otherwise, income from the assets of a decedent's estate after the death of the testator and before distribution, including income from property used to discharge

liabilities, shall be determined in accordance with the rules applicable to a fiduciary under this chapter and distributed as follows:

(1) To specific devisees, the net income from the property devised to them;

(2) To all other devisees, except devisees of pecuniary devises whether outright or in trust, the balance of net income in proportion to their respective interests in the undistributed assets of the estate computed at times of distribution on the basis of their adjusted bases for federal income tax purposes, except that:

(a) The amount of income earned during the further administration of the estate after payment of any estate or inheritance tax shall be distributed to those devisees in proportion to their respective interests in the undistributed assets of the estate after the making of those payments, and

(b) Any amount allowed as a tax deduction to the estate for income payable to a charitable organization shall be paid, without diminution for taxes, to the charitable organization entitled to receive the income.

b. Income received by a fiduciary under subsection a. of this section shall be treated as income of the trust.

Source: New.

Corporate distributions.

3B:19A-13. Corporate distributions.

a. A distribution made by a corporation to a fiduciary in the shares of the distributing corporation, whether in the form of a stock split or stock dividend, is principal unless the distribution is 6% or less of the number of shares of the stock of the corporation held by the estate or trust, in which event the distribution shall be income.

b. A distribution made by a corporation to a fiduciary in the shares of the distributing corporation, but of a different type than the shares held by the fiduciary, or a distribution of shares, securities or obligations of a corporation other than those of the distributing corporation (or the proceeds of such a distribution), or a distribution made of such securities and cash, shall be principal.

c. A non-recurring cash distribution (or series of cash distributions) made by a corporation to a fiduciary which results from a financing or refinancing of corporate debt, or a sale or other disposition of corporate assets intended to prevent a merger or takeover, or any other extraordinary financial restructuring of the corporation is principal.

d. A right issued by a distributing corporation to subscribe to shares or other securities, whether in the stock or securities of the distributing corporation or of a corporation other than the distrib-

uting corporation, accruing to shareholders, and the proceeds of any sale of the right, are principal.

e. When a corporation calls in shares of stock or when a corporation succeeds another by merger, consolidation, reorganization or other method of acquiring its assets, shares of stock issued for the shares so called in or shares of stock in the succeeding corporation are principal.

f. When a corporation is being wholly or partially liquidated, shares of stock and cash or other assets distributed to shareholders are principal, except that if the corporation indicates that some part of the distribution is a settlement of preferred or guaranteed dividends, that part of the distribution settling dividends accruing since the fiduciary became a shareholder is income. For the purposes of this subsection, a corporation is in liquidation if the corporation indicates that the distribution is in total or partial liquidation, or if the corporation is making a distribution of assets other than cash pursuant to a court judgment or final administrative order by a government agency ordering the distribution of the particular assets, unless the distributing corporation indicates that a distribution pursuant to the court or administrative order is wholly or partly in lieu of an ordinary cash dividend, in which case the distribution is to that extent income.

g. If the distributing corporation gives a shareholder an option to receive a distribution which is otherwise treated as income hereunder, whether in the form of cash or its own shares or cash or an option to purchase new shares, the distribution chosen is income.

h. Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing under federal law to be taxed as a real estate investment trust are income. All other distributions made by the company or trust, including distributions from capital gains, depreciation or depletion, whether in the form of cash or an option to take new shares or cash or an option to purchase additional shares, are principal.

i. Except as otherwise provided in this section, all corporate distributions are income.

j. A fiduciary may rely upon any statement of the distributing corporation as to any act relevant under any provisions of this section concerning the source or character of dividends or distributions of corporate assets.

Source: New.

Principal and income; declaration of dividend after estate established; no record date designated.

3B:19A-14. Principal and income; declaration of dividend after estate established; no record date designated.

If a dividend in the nature of income is declared by a corporation, after the estate is established, and the corporation does not designate a record date on or as of which the stockholders of the corporation entitled to the dividend are to be determined, the dividend shall be income to the person who is the income beneficiary on the date when the dividend is declared, regardless of whether, at the time of the payment of the dividend, the period during which the person is entitled to income has terminated. There shall be no apportionment of the dividend between that person and a preceding or succeeding income beneficiary, if any, or between the income beneficiary and the remainderman. If, on the date of declaration of the dividend, there is not an income beneficiary, the dividend shall be principal, and there shall be no apportionment thereof between the remainderman and any former income beneficiary.

Source: N.J.S.3B:19-11.

Principal and income; declaration of dividend after estate established; record date designated.

3B:19A-15. Principal and income; declaration of dividend after estate established; record date designated.

If a dividend in the nature of income is declared by a corporation, after the estate is established, and the corporation designates a record date on or as of which the stockholders of the corporation entitled to the dividend are to be determined, the dividend shall be income to the person who is the income beneficiary on the record date, regardless of whether, at the time of payment of the dividend, the period during which the person is entitled to income has terminated. There shall be no apportionment of the dividend between that person and a preceding or succeeding income beneficiary, if any, or between that person and the remainderman. If, on the record date, there is not an income beneficiary, the dividend shall be principal, and there shall be no apportionment thereof between the remainderman and any former income beneficiary.

Source: N.J.S.3B:19-12.

Principal and income; declaration of dividend before estate established; no record date designated.

3B:19A-16. Principal and income; declaration of dividend before estate established; no record date designated.

If a dividend in the nature of income is declared by a corporation before the estate is established, and the corporation does not designate a record date on or as of which the stockholders of the corporation entitled to the dividend are to be determined, and the dividend is paid after the estate is established, the dividend shall be principal.

Source: N.J.S.3B:19-13.

Principal and income; declaration of dividend before estate established; record date designated.

3B:19A-17. Principal and income; declaration of dividend before estate established; record date designated.

If a dividend in the nature of income is declared by a corporation before the estate is established, and the corporation designates a record date on or as of which the stockholders of the corporation entitled to the dividend are to be determined, and the record date falls after the estate is established, the dividend shall be income to the person who is the income beneficiary on the record date, and shall be subject to the provisions of N.J.S.3B:19A-15 to the same extent as if the dividend had been declared after the estate was established.

Source: N.J.S.3B:19-14.

Bonds; premium.

3B:19A-18. Bonds; premium.

Bonds or other obligations for the payment of money are principal at their adjusted bases for federal income tax purposes, except as provided in N.J.S.3B:19A-19 for discount bonds. No provision shall be made for amortization of bond premiums or for accumulation for discount. The proceeds of sale, redemption, or other disposition of the bonds or obligations are principal.

Source: New.

Bonds; discount.

3B:19A-19. Bonds; discount.

The increment in value of a bond or other obligation, including United States savings bonds and United States savings certificates, for the payment of money bearing no stated interest but payable or redeemable at maturity or at a future time at an amount in excess of the amount in consideration of which it was issued is income. If the income accrues pursuant to a fixed schedule of appreciation the income is distributable to the beneficiary at the time the increment accrues and the fiduciary may transfer the amount thereof from principal to income on that date. Whenever unrealized increment is distributed as income but out of principal, the principal shall be reimbursed from the increment when realized.

Source: New.

Apportionment of increment on bonds issued at discount.

3B:19A-20. Apportionment of increment on bonds issued at discount.

Upon commencement of or upon termination of the right of the income beneficiary to receive income, that part of the increment in value of the bonds or other obligations which accrued after the commencement of or up to the time of termination of right to receive income, respectively, shall be apportioned to income. Any remaining part shall be apportioned to principal.

Source: N.J.S.3B:19-18.

United States treasury bills; increase or decrease arising on sale or maturity.

3B:19A-21. United States treasury bills; increase or decrease arising on sale or maturity.

Any increment or decrease in value arising on the sale or maturity of United States treasury bills shall inure to or fall upon income.

Source: N.J.S.3B:19-19.

Business operation.

3B:19A-22. Business operation.

If a fiduciary uses any part of the principal in the continuance of a business of which the creator of the trust was a sole proprietor or a partner, the net profits of the business, computed in accordance with generally accepted accounting principles for a comparable business, are income. If a loss results in any fiscal or calendar year, the loss falls on principal and shall not be carried into any other fiscal or calendar year for purposes of calculating net income.

Source: New.

Farming or agricultural operation.

3B:19A-23. Farming or agricultural operation.

If a fiduciary uses any part of the principal in the continuance of a farming or agricultural operation, including the raising of animals or the operation of a nursery, of which the creator of the trust was a sole proprietor or a partner, the net profits of the farming or agricultural operation, computed in accordance with generally accepted accounting principles for a comparable farming or agricultural operation, are income. If a loss occurs in any fiscal or calendar year, the loss falls on principal and shall not be carried into any other fiscal or calendar year for purposes of calculating net income.

Source: New.

Disposition of natural resources.

3B:19A-24. Disposition of natural resources.

If any part of the principal consists of a right to receive royalties, overriding or limited royalties, working interests, production payments, net profit interests, or other interests in minerals or other natural resources in, on or under land, the receipts from taking the natural resources from the land shall be allocated as follows:

a. If received as rent on a lease or extension payments on a lease, the receipts are income;

b. If received from a production payment, the receipts are income to the extent of any factor for interest or its equivalent provided in the governing instrument, and there shall be allocated to principal the fraction of the balance of the receipts which the unrecovered cost of the production payment bears to the balance owed on the production payment exclusive of any factor for interest or its equivalent, and the receipts not allocated to principal are income;

c. If received as a royalty, overriding or limited royalty, or bonus, or from a working, net profit, or any other interest in minerals or other natural resources, receipts not provided for in the preceding subsections of this section shall be apportioned on a yearly basis in accordance with this subsection whether or not any natural resource was being taken from the land at the time the trust was established, and (1) there shall be allocated to principal as an allowance for depletion that portion of the gross receipts as shall be allowed as a deduction for depletion in computing taxable income for federal income tax purposes, and (2) the balance of the gross receipts, after payment therefrom of all expenses, direct and indirect, is income.

d. If a trustee, on the effective date of this chapter, held an item of depletable property of a type specified in this section he shall allocate receipts from the property in the manner used before the effective date of this chapter, but as to all depletable property acquired after the effective date of this chapter by an existing or new trust, the method of allocation provided herein shall be used.

Source: New.

Sale of timber.

3B:19A-25. Sale of timber.

If any part of the principal consists of land from which merchantable timber may be removed, the receipts from taking the timber from the land shall be allocated in accordance with subsection c. of N.J.S.3B:19A-5.

Source: New.

Other property subject to depletion.

3B:19A-26. Other property subject to depletion.

Except as provided in N.J.S.3B:19A-24 and N.J.S.3B:19A-25, if the principal consists of property subject to depletion, including leaseholds, patents, copyrights, royalty rights, and rights to receive payments on a contract for deferred compensation, receipts from the property, not in excess of 5% per year of its inventory value, are income, and the balance is principal.

Source: New.

Underproductive property.

3B:19A-27. Underproductive property.

a. Except as otherwise provided in this section, a portion of the net proceeds of sale of any part of principal which consists of property, other than securities listed on a national securities exchange or traded over the counter, which has not produced an average net income of at least 1% per year of its fair market value for more than a year (including as income the value of any beneficial use of the property by the income beneficiary) shall be treated as delayed income to which the income beneficiary is entitled as provided in this section. The net proceeds of sale are the gross proceeds received, including the value of any property received in substitution for any property disposed of, less the expenses, including capital gains tax, if any, incurred in the transaction and less any carrying charge paid while the property was underproductive.

b. The sum allocated as delayed income is the difference between the net proceeds and the amount which, had it been invested at simple interest at 5% per year while the property was underproductive, would have produced the net proceeds. This sum, plus any carrying charges and expenses previously charged against income while the property was underproductive, less any income received by the income beneficiary from the property and less the value of any beneficial use of the property by the income beneficiary, is income, and the balance is principal.

c. An income beneficiary or his estate is entitled to delayed income under this section as if it accrued from day to day during the time he was a beneficiary.

d. If principal subject to this section is disposed of by conversion into property which cannot be apportioned easily, including land or mortgages (for example, realty acquired by or in lieu of foreclosure), the income beneficiary is entitled to the net income from any form of property or obligation into which the original principal is converted while the substituted property or obligation is held, and when the property or

obligation is sold or otherwise converted into easily apportionable property, no allocation as provided in this section shall be made.

Source: New.

Charges against income.

3B:19A-28. Charges against income.

The following charges shall be made against income:

- a. Ordinary expenses incurred in connection with the administration, management, or preservation of the trust property, including regularly recurring taxes assessed against any portion of the principal, water rates, insurance and bond premiums, interest paid by the fiduciary, ordinary repairs, and any tax levied upon receipts defined as income under this chapter or the trust instrument and payable by the fiduciary;
- b. A reasonable allowance for depreciation on property subject to depreciation under generally accepted accounting principles, but no allowance shall be made for depreciation of that portion of any real property used by a beneficiary as a residence or for depreciation of any property held by the trustee on the effective date of this chapter for which the trustee is not then making an allowance for depreciation;
- c. Court costs, attorney's fees, and other fees on accountings or judicial proceedings if the matter primarily concerns the income interest, unless the court directs otherwise;
- d. Commissions allowed by law to a fiduciary on income receipts; and
- e. One-half of the fees paid to banks and other financial institutions for custodial services properly chargeable to the trust.
- f. If charges against income are of an unusual amount, the trustee may by means of reserves or other reasonable means charge them over a reasonable period of time and withhold from distribution sufficient sums to regularize distributions.
- g. Regularly recurring charges payable from income shall be apportioned to the same extent and in the same manner that income is apportioned under N.J.S.3B:19A-10 and N.J.S.3B:19A-11.

Source: New.

Charges against principal.

3B:19A-29. Charges against principal.

The following charges shall be made against principal:

- a. Unless the will provides otherwise, the following expenses incurred in connection with the settlement of a decedent's estate: debts, funeral expenses, income taxes due at date of death but

unpaid, gift taxes, estate taxes, inheritance taxes, and generation-skipping transfer taxes, and interest and penalties concerning such taxes, and family allowances;

b. Trustee's commissions as allowed by law on principal or corpus receipts;

c. Attorney's fees, unless properly chargeable to income under subsection c. of N.J.S.3B:19A-28;

d. Court costs and other fees on accountings or judicial proceedings if the matter primarily concerns the principal interest or if incurred in maintaining or defending any action to construe the trust, protect it or the property or assure the title of any trust property, unless the court otherwise directs;

e. Cost of investing and reinvesting principal, payments on principal of an indebtedness (including a mortgage or security interest amortized by periodic payments of principal), and expenses for preparation of property for rental or sale;

f. One-half of the fees paid to banks and other financial institutions for custodial services, if properly chargeable to the trust;

g. Fees paid to banks, other financial institutions, and registered investment advisors for investment advisory services, if properly chargeable to the trust;

h. Extraordinary repairs or expenses incurred in making a capital improvement, including special assessments, but a trustee may establish a reasonable allowance for depreciation out of income to the extent permitted by N.J.S.3B:19A-22, N.J.S.3B:19A-23 and N.J.S.3B:19A-28;

i. Any tax levied upon profit, gain or other receipts allocated to principal notwithstanding denomination of the tax as an income tax by the taxing authority; and

j. If an estate or inheritance tax is levied in respect of a trust in which both an income beneficiary and remainderman have an interest, any amount apportioned to the trust, including interest and penalties, even though the income beneficiary also has rights in the principal.

Source: New.

Expenses; nontrust estates.

3B:19A-30. Expenses; nontrust estates.

The provisions of N.J.S.3B:19A-28 and N.J.S.3B:19A-29 so far as applicable shall govern the apportionment of expenses between income beneficiaries and remaindermen where no trust has been created, subject to any legal agreement of the parties, or any specific provision of tax law or other statutes, but where either the

income beneficiary or remainderman has incurred an expense for the benefit of his own estate and without the consent or agreement of the other he shall pay the expense in full.

Source: New.

Special taxes or assessments; nontrust estates.

3B:19A-31. Special taxes or assessments; nontrust estates.

Special taxes or assessments for an improvement, representing an addition of value to property, forming part of the principal, shall be paid by the income beneficiary, where the improvement cannot reasonably be expected to outlast the estate of the income beneficiary. In all other cases a portion thereof only shall be paid by the income beneficiary, while the remainder shall be paid by the remainderman. The portion shall be ascertained by taking that percentage of the total which is found by dividing the present value of the income beneficiary's estate by the present value of an estate of the same form as that of the income beneficiary, except that it is limited for a period corresponding to the reasonably expected duration of the improvement. The computation of present values of the estates shall be made on the expectancy basis set forth in the American experience tables of mortality and no other evidence of duration of expectancy shall be considered.

Source: New.

Equitable adjustment.

3B:19A-32. Equitable adjustment.

Notwithstanding the foregoing provisions of this chapter, if the fiduciary determines that either the income beneficiaries or the remaindermen would benefit unreasonably or inequitably at the expense of the other from the strict application of any provision of this chapter, the fiduciary shall allocate the item between income and principal, in whole or in part, in such manner and in such proportions as the fiduciary determines to be reasonable and equitable in order to preserve the respective interests of the beneficiaries.

Source: New.

Application of chapter.

3B:19A-33. Application of chapter.

Except as specifically provided in the trust instrument, the will or in this chapter, this chapter shall apply to any receipt or expense received or incurred after the effective date of this chapter by any trust or decedent's estate whether established before or after the effective date of this chapter and whether the asset involved was acquired by the fiduciary before or after the effective date of this chapter.

Source: New.

Construction of chapter.

3B:19A-34. Construction of chapter.

This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Source: New.

Statutes repealed.

3B:19A-35. Statutes repealed.

The following are repealed:

N.J.S.3B:19-1 to N.J.S.3B:19-19 inclusive.

2. This act shall take effect immediately.

Approved August 13, 1991.

CHAPTER 258

AN ACT concerning certification of public works managers and supplementing P.L.1981, c.383 (C.40A:9-154.5 et seq.).

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

C.40A:9-154.6a Definitions.

1. As used in this act:

a. "Director" means the Director of the Division of Local Government Services in the Department of Community Affairs.

b. "Management responsibility" means the supervisory responsibility for planning, scheduling, directing, controlling and coordinating the daily and long term activities of a municipal or county public works department or subdivision, as applicable, including the utilization of manpower, equipment, materials and funds appropriated to the public works department, and other resources available to the department.

c. "Public Works Advisory Board" means that board appointed by the director to assist the Division of Local Government Services in the examination and certification process and as may be required for the general administration of this act.

d. "Public works department" means a local agency which has the responsibility for the care and maintenance of streets, roads, avenues, public buildings and places, water and waste water, solid waste, motor vehicles, or similar items related to the physi-

cal plant and infrastructure of the jurisdiction. For the purposes of this act, neither an agency of county government nor a municipal utilities authority shall be considered a public works department.

e. "Public works manager" means a person appointed by the local governing body, its designated appointing authority or chief executive officer to serve as the public works superintendent, director, supervisor, foreman, or in a title as designated by that governing body, and who is not an elected member of that governing body, and who has management responsibility for the activities of a public works department or any subdivision thereof.

f. "Principal public works manager" means a person who has management responsibility for an entire public works department.

C.40A:9-154.6b Public Works Advisory Board, appointment, terms; certification requirements for managers.

2. a. The director shall appoint five persons who shall constitute the Public Works Advisory Board as follows: one designee from the Division of Local Government Services in the Department of Community Affairs; one from Rutgers, The State University of New Jersey, Department of Government Services; two public works managers who have public works manager certificates; and one public works manager who has a public works manager certificate and a degree in engineering from a four-year institution of higher education. The terms of each of the appointments shall be for three years except that the initial term of one of the public works managers shall be for one year and a second shall serve an initial term of two years so that the terms of the public works managers shall be staggered. Any member of the Public Works Advisory Board may be reappointed to succeed himself. The director may dismiss any member of the Public Works Advisory Board for cause and then make another appointment to serve for the remainder of that term.

b. The director, with the advice of the Public Works Advisory Board, shall develop and hold examinations semi-annually, and at such times as he may determine appropriate, for qualification as a certified public works manager. An applicant for examination shall present to the director a written application on a form 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 as a certi-

fied public works manager from Rutgers, the State University of New Jersey, or a program certified as its equivalent by the Division of Local Government Services. An applicant shall have a minimum of five years' experience in public works operations in a position requiring the exercise of management skills.

C.40A:9-154.6c Issuance of public works manager certificate without examination; requirements.

3. Notwithstanding the examination requirements in section 2 of this act, the director shall issue, upon receipt of an application within one year after the effective date of this act and the payment of a fee of \$25 to the order of the Treasurer of the State of New Jersey, a public works manager certificate to any applicant who has successfully completed a certified public works manager program described in section 2 of this act, is not less than 21 years of age, is a citizen of the United States, is of good moral character, has obtained a high school diploma as described in section 2 of this act, and has at least 10 years of experience in public works operations, and has served in a position of management responsibility for any local unit of government for five consecutive years prior to the date of application for certification.

C.40A:9-154.6d Application fee, examination.

4. a. Each completed application form shall be accompanied by a fee in the amount of \$50 payable to the Treasurer of the State of New Jersey 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 a certified public works manager.

b. The first examination for a public works manager certificate shall take place not less than 180 days from the effective date of this act.

C.40A:9-154.6e Issuance of certificate.

5. Upon a finding by the director that an applicant has successfully completed the examination, a public works manager certificate shall be issued to the applicant.

C.40A:9-154.6f Revocation, suspension of certificate.

6. a. Any public works manager certificate may be revoked or suspended by the director for dishonest practices or failure, neglect or refusal to comply with the Constitution of the State of New Jersey or the laws relating to local management of public works, or other just cause. Request may be made to the director

by any governing body of any municipality for a review of the behavior or practices of a certified public works manager when the governing body may feel his certificate should be revoked. No certificate shall be revoked or suspended except upon a proper hearing before the director or his designee, after 14 days' notice to the certified public works manager. If the certificate of a person serving as a certified public works manager in any municipality shall be revoked by the director, that person shall not be entitled to any benefits pursuant to this act, nor may he make application for re-certification for a period of five years from the date of the revocation.

b. A complaint against a certified public works manager shall be filed with the municipal clerk and the director and a certified copy thereof shall be served upon the person so charged, with notice of a hearing date before the director or his designee, which shall be not less than 30 days or more than 60 days from the date of service of the complaint. The hearing date may on application be extended by the director for good cause shown.

c. The person so charged and the complainant shall have the right to be represented by counsel, the power to subpoena witnesses and documentary evidence, and such discovery as may be necessary to prepare the appeal.

d. The Superior Court shall have jurisdiction to review the determination of the director and shall hear the cause de novo on the record below and affirm, modify or set aside such determination.

e. Either party may supplement the record with additional testimony subject to the rules of evidence.

C.40A:9-154.6g Certificate required after January 1, 1995.

7. Commencing January 1, 1995, no person shall be appointed or reappointed or serve as a principal public works manager unless he holds a public works manager certificate issued pursuant to sections 3 and 5 of this act, which certificate has not been revoked or suspended in accordance with the provisions of subsection b. of section 6, except that a principal public works manager 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 public works manager pursuant to the provisions of this act; and further provided, however, that when a vacancy occurs in the position of principal public works manager, 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 public works manager certificate to serve as a temporary principal public works manager. Any person so appointed may be reappointed as principal public works manager following the termination of the temporary appointment for one additional year; provided, however, that no person shall serve as temporary principal public works manager for more than two years in any municipality.

C.40A:9-154.6h Renewal of certificates.

8. a. Commencing January 1, 1995, all public works manager certificates 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 three years. The renewal date shall be 30 days prior to the expiration date.

b. All public works manager certificates subject to renewal pursuant to this section that were issued prior to January 1, 1995 shall have an expiration date of December 31, 1998. All public works manager certificates issued on or after January 1, 1995 shall have an expiration date of either June 30 or December 31, whichever is sooner, of the third year following the year in which the certificates were originally issued, provided that no certificate shall expire sooner than three years from the date of original issue.

c. Each applicant for renewal of a public works manager certificate shall, on a form prescribed by the director, furnish proof of having earned at least two continuing education units in fields of study related to public works. For the purposes of this section, one continuing education unit equals 10 contact hours. Upon verification of this requirement, and upon payment of a fee of \$10 to the order of the Treasurer of the State of New Jersey, the director shall renew the public works manager certificate.

d. If the holder of a public works manager 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 lapsed 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.

9. The director shall adopt, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the regulations, forms and procedures necessary to carry out the provisions of this act.

10. This act shall take effect immediately.

Approved August 13, 1991.

CHAPTER 259

AN ACT concerning a study of the funding of public schools and supplementing P.L.1990 c.52 (C.18A:7D-1 et al.)

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

1. The Commissioner of the Department of Education shall undertake a study for the purposes of determining the means of measuring parity in spending between the poorer school districts and the wealthier school districts. He shall decide what expenditures should be considered in determining parity, and whether adjustments should be made for items where differences in expenditures between school districts do not create commensurate differences in educational opportunity, such as, but not limited to, regional cost differences or age of facilities. The commissioner shall invite participation by the Governor's Commission on Quality Education in New Jersey established pursuant to Executive Order No. 22 of 1990 in making his determination.

2. The commissioner shall undertake a study of the criteria or method of identifying students that have special disadvantages and identify the requisite programs and services for these students, as well as the costs associated with the programs, as required by the New Jersey Supreme Court in the decision of *Abbott v. Burke*. The commissioner shall invite participation from the Governor's Commission on Quality Education in New Jersey established pursuant to Executive Order No. 22 of 1990. The commissioner shall utilize information obtained from the study in preparation of the Department of Education budget request to the Governor for the 1993 fiscal year.

3. This act shall take effect immediately.

Approved August 13, 1991.

CHAPTER 260

AN ACT concerning the liability of certain persons for discharges of petroleum into the waters and supplementing P.L.1976, c.141 (C.58:23.11 et seq.).

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

C.58:10-23.11g3 No liability for cleanup and removal costs for actions taken with respect to discharge of petroleum.

1. Notwithstanding the provisions of section 8 of P.L.1976, c.141 (C.58:10-23.11g) or any other law, including common law, to the contrary, a person is not liable for any cleanup and removal costs or damages of any kind, direct or indirect no matter by whom sustained, which result from actions taken or not taken in the course of rendering care, assistance, or advice with respect to the discharge or threatened discharge of petroleum into the State's surface waters where the care, assistance, or advice is consistent with the federal National Contingency Plan prepared pursuant to 33 U.S.C. §1321, or is otherwise directed by the federal on-scene coordinator or by the appropriate State official. The defense from liability granted pursuant to this section shall not apply (1) to a person otherwise liable for cleanup and removal costs of the initial discharge pursuant to subsection c. of section 8 of P.L.1976, c.141 (C.58:10-23.11g), (2) with respect to personal injury or wrongful death, or (3) if the person is grossly negligent or engages in willful misconduct. A person liable for the initial discharge or threat of discharge pursuant to subsection c. of section 8 of P.L.1976, c.141 (C.58:10-23.11g) is liable for any cleanup and removal costs and damages that another person is relieved of under this section. Nothing in this section shall limit other defenses or immunities to liability that may exist in P.L.1976, c.141.

For the purposes of this section "petroleum" does not include dredged spoil.

2. This act shall take effect immediately.

Approved August 13, 1991.

CHAPTER 261

AN ACT concerning the prevention of domestic violence and the protection of victims and their families and revising various sections of the statutory law.

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

C.2C:25-17 Short title.

1. This act shall be known and may be cited as the "Prevention of Domestic Violence Act of 1991."

C.2C:25-18 Findings, declarations.

2. The Legislature finds and declares that domestic violence is a serious crime against society; that there are thousands of persons in this State who are regularly beaten, tortured and in some cases even killed by their spouses or cohabitants; that a significant number of women who are assaulted are pregnant; that victims of domestic violence come from all social and economic backgrounds and ethnic groups; that there is a positive correlation between spousal abuse and child abuse; and that children, even when they are not themselves physically assaulted, suffer deep and lasting emotional effects from exposure to domestic violence. It is therefore, the intent of the Legislature to assure the victims of domestic violence the maximum protection from abuse the law can provide.

The Legislature further finds and declares that the health and welfare of some of its most vulnerable citizens, the elderly and disabled, are at risk because of incidents of reported and unreported domestic violence, abuse and neglect which are known to include acts which victimize the elderly and disabled emotionally, psychologically, physically and financially; because of age, disabilities or infirmities, this group of citizens frequently must rely on the aid and support of others; while the institutionalized elderly are protected under P.L.1977, c.239 (C.52:27G-1 et seq.), elderly and disabled adults in noninstitutionalized or community settings may find themselves victimized by family members or others upon whom they feel compelled to depend.

The Legislature further finds and declares that violence against the elderly and disabled, including criminal neglect of the elderly and disabled under section 1 of P.L.1989, c.23 (C.2C:24-8), must be recognized and addressed on an equal basis as violence against spouses and children in order to fulfill our responsibility as a society to protect those who are less able to protect themselves.

The Legislature further finds and declares that even though many of the existing criminal statutes are applicable to acts of domestic violence, previous societal attitudes concerning domestic violence have affected the response of our law enforcement and judicial systems, resulting in these acts receiving different treatment from similar crimes when they occur in a domestic context. The Legislature finds that battered adults presently

experience substantial difficulty in gaining access to protection from the judicial system, particularly due to that system's inability to generate a prompt response in an emergency situation.

It is the intent of the Legislature to stress that the primary duty of a law enforcement officer when responding to a domestic violence call is to enforce the laws allegedly violated and to protect the victim. Further, it is the responsibility of the courts to protect victims of violence that occurs in a family or family-like setting by providing access to both emergent and long-term civil and criminal remedies and sanctions, and by ordering those remedies and sanctions that are available to assure the safety of the victims and the public. To that end, the Legislature encourages the training of all police and judicial personnel in the procedures and enforcement of this act, and about the social and psychological context in which domestic violence occurs; and it further encourages the broad application of the remedies available under this act in the civil and criminal courts of this State. It is further intended that the official response to domestic violence shall communicate the attitude that violent behavior will not be excused or tolerated, and shall make clear the fact that the existing criminal laws and civil remedies created under this act will be enforced without regard to the fact that the violence grows out of a domestic situation.

C.2C:25-19 Definitions.

3. As used in this act:

a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:

(1) Homicide	N.J.S.2C:11-1 et seq.
(2) Assault	N.J.S.2C:12-1
(3) Terroristic threats	N.J.S.2C:12-3
(4) Kidnapping	N.J.S.2C:13-1
(5) Criminal restraint	N.J.S.2C:13-2
(6) False imprisonment	N.J.S.2C:13-3
(7) Sexual assault	N.J.S.2C:14-2
(8) Criminal sexual contact	N.J.S.2C:14-3
(9) Lewdness	N.J.S.2C:14-4
(10) Criminal mischief	N.J.S.2C:17-3
(11) Burglary	N.J.S.2C:18-2
(12) Criminal trespass	N.J.S.2C:18-3
(13) Harassment	N.J.S.2C:33-4

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute "domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

b. "Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

c. "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.

d. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member, or a person with whom the victim has a child in common.

C.2C:25-20 Development of training course, curriculum.

4. The Division of Criminal Justice shall develop and approve a training course and curriculum on the handling, investigation and response procedures concerning reports of domestic violence and abuse and neglect of the elderly and disabled. This training course and curriculum shall be reviewed at least every two years and modified by the Division of Criminal Justice from time to time as need may require, and shall be made available to all law enforcement personnel who are likely to encounter situations of domestic violence. The Division of Criminal Justice shall distribute the curriculum to all local police agencies. The Attorney General shall be responsible for ensuring that law enforcement officers throughout the State receive training concerning domestic violence.

The Administrative Office of the Courts shall develop and approve a training course and a curriculum on the handling, investigation and response procedures concerning allegations of domestic violence. This training course shall be reviewed at least every two years and modified by the Administrative Office of the Courts from time to time as need may require, and shall be made available to all judges and judicial personnel who are likely to encounter situations of domestic violence. The Administrative Director of the Courts shall be responsible for ensuring that judges and judicial personnel throughout the State receive training concerning domestic violence.

The Division of Criminal Justice and the Administrative Office of the Courts shall provide that all training on the handling of domestic violence complaints shall stress the enforcement of criminal laws in domestic situations, the protection of the victim, and the use of available community resources. Law enforcement agencies may establish domestic crisis teams or individual officers may be trained in methods of dealing with domestic violence and neglect and abuse of the elderly and disabled. The teams may include social workers, clergy or other persons trained in counseling, crisis intervention or in the treatment of domestic violence and neglect and abuse of the elderly and disabled victims.

C.2C:25-21 Arrest of alleged attacker; seizure of weapons.

5. a. When a person claims to be a victim of domestic violence, and where a law enforcement officer responding to the incident finds probable cause to believe that domestic violence has occurred, the law enforcement officer shall arrest the person who is alleged to be the person who subjected the victim to domestic violence and shall sign a criminal complaint if:

(1) The victim exhibits signs of injury caused by an act of domestic violence;

(2) A warrant is in effect;

(3) There is probable cause to believe that the person has violated N.J.S.2C:29-9, and there is probable cause to believe that the person has been served with the order alleged to have been violated. If the victim does not have a copy of a purported order, the officer may verify the existence of an order with the appropriate law enforcement agency; or

(4) There is probable cause to believe that a weapon as defined in N.J.S.2C:39-1 has been involved in the commission of an act of domestic violence.

b. A law enforcement officer may arrest a person; or may sign a criminal complaint against that person, or may do both, where there is probable cause to believe that an act of domestic violence has been committed, but where none of the conditions in subsection a. of this section applies.

c. (1) As used in this section, the word "exhibits" is to be liberally construed to mean any indication that a victim has suffered bodily injury, which shall include physical pain or any impairment of physical condition. Where the victim exhibits no visible sign of injury, but states that an injury has occurred, the officer

should consider other relevant factors in determining whether there is probable cause to make an arrest.

(2) In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider the comparative extent of the injuries, the history of domestic violence between the parties, if any, and any other relevant factors.

(3) No victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self defense against domestic violence by an attacker.

d. (1) In addition to a law enforcement officer's authority to seize any weapon that is contraband, evidence or an instrumentality of crime, a law enforcement officer who has probable cause to believe that an act of domestic violence has been committed may:

(a) question persons present to determine whether there are weapons on the premises; and

(b) upon observing or learning that a weapon is present on the premises, seize any weapon that the officer reasonably believes would expose the victim to a risk of serious bodily injury.

(2) A law enforcement officer shall deliver all weapons seized pursuant to this section to the county prosecutor and shall append an inventory of all seized weapons to the domestic violence report.

(3) Weapons seized in accordance with the above shall be returned to the owner except upon order of the Superior Court. The prosecutor who has possession of the seized weapons may, upon notice to the owner, petition a judge of the Family Part of the Superior Court, Chancery Division, within 45 days of seizure, to obtain title to the seized weapons, or to revoke any and all permits, licenses and other authorizations for the use, possession, or ownership of such weapons pursuant to the law governing such use, possession, or ownership, or may object to the return of the weapons on such grounds as are provided for the initial rejection or later revocation of the authorizations, or on the grounds that the owner is unfit or that the owner poses a threat to the public in general or a person or persons in particular.

A hearing shall be held and a record made thereof within 15 days of the notice provided above. No formal pleading and no filing fee shall be required as a preliminary to such hearing. The hearing shall be summary in nature. Appeals from the results of the hearing shall be to the Superior Court, Appellate Division, in accordance with the law.

If the prosecutor does not institute an action within 45 days of seizure, the seized weapons shall be returned to the owner.

After the hearing the court shall order the return of the firearms, weapons and any authorization papers relating to the seized

weapons to the owner if the complaint has been dismissed at the request of the complainant and the prosecutor determines that there is insufficient probable cause to indict; or if the defendant is found not guilty of the charges; or if the court determines that the domestic violence situation no longer exists.

Nothing in this act shall impair the right of the State to retain evidence pending a criminal prosecution. Nor shall any provision of this act be construed to limit the authority of the State or a law enforcement officer to seize, retain or forfeit property pursuant to chapter 64 of Title 2C of the New Jersey Statutes.

If, after the hearing, the court determines that the weapons are not to be returned to the owner, the court may:

(a) With respect to weapons other than firearms, order the prosecutor to dispose of the weapons if the owner does not arrange for the transfer or sale of the weapons to an appropriate person within 60 days; or

(b) Order the revocation of the owner's firearms purchaser identification card or any permit, license or authorization, in which case the court shall order the owner to surrender any firearm seized and all other firearms possessed to the prosecutor and shall order the prosecutor to dispose of the firearms if the owner does not arrange for the sale of the firearms to a registered dealer of the firearms within 60 days; or

(c) Order such other relief as it may deem appropriate. When the court orders the weapons forfeited to the State or the prosecutor is required to dispose of the weapons, the prosecutor shall dispose of the property as provided in N.J.S. 2C:64-6.

(4) A civil suit may be brought to enjoin a wrongful failure to return a seized firearm where the prosecutor refuses to return the weapon after receiving a written request to do so and notice of the owner's intent to bring a civil action pursuant to this section. Failure of the prosecutor to comply with the provisions of this act shall entitle the prevailing party in the civil suit to reasonable costs, including attorney's fees, provided that the court finds that the prosecutor failed to act in good faith in retaining the seized weapon.

(5) No law enforcement officer or agency shall be held liable in any civil action brought by any person for failing to learn of, locate or seize a weapon pursuant to this act, or for returning a seized weapon to its owner.

C.2C:25-22 Immunity from civil liability for law enforcement officer, domestic crisis team.

6. A law enforcement officer or a member of a domestic crisis team shall not be held liable in any civil action brought by any party

for an arrest based on probable cause, enforcement in good faith of a court order, or any other act or omission in good faith under this act.

C.2C:25-23 Dissemination of notice to victim of domestic violence.

7. A law enforcement officer shall disseminate and explain to the victim the following notice, which shall be written in both English and Spanish:

“You have the right to go to court to get an order called a temporary restraining order, also called a TRO, which may protect you from more abuse by your attacker. The officer who handed you this card can tell you how to get a TRO.

The kinds of things a judge can order in a TRO may include:

(1) That your attacker is temporarily forbidden from entering the home you live in;

(2) That your attacker is temporarily forbidden from having contact with you or your relatives;

(3) That your attacker is temporarily forbidden from bothering you at work;

(4) That your attacker has to pay temporary child support or support for you;

(5) That you be given temporary custody of your children;

(6) That your attacker pay you back any money you have to spend for medical treatment or repairs because of the violence. There are other things the court can order, and the court clerk will explain the procedure to you and will help you fill out the papers for a TRO.

You also have the right to file a criminal complaint against your attacker. The police officer who gave you this paper will tell you how to file a criminal complaint.

On weekends, holidays and other times when the courts are closed, you still have a right to get a TRO. The police officer who gave you this paper can help you get in touch with a judge who can give you a TRO.”

C.2C:25-24 Domestic violence offense reports.

8. a. It shall be the duty of a law enforcement officer who responds to a domestic violence call to complete a domestic violence offense report. All information contained in the domestic violence offense report shall be forwarded to the appropriate county bureau of identification and to the State bureau of records and identification in the Division of State Police in the Department of Law and Public Safety. A copy of the domestic violence offense report shall be forwarded to the municipal court where the offense was committed unless the case has been transferred to the Superior Court.

b. The domestic violence offense report shall be on a form prescribed by the supervisor of the State bureau of records and identification which shall include, but not be limited to, the following information:

- (1) The relationship of the parties;
- (2) The sex of the parties;
- (3) The time and date of the incident;
- (4) The number of domestic violence calls investigated;
- (5) Whether children were involved, or whether the alleged act of domestic violence had been committed in the presence of children;
- (6) The type and extent of abuse;
- (7) The number and type of weapons involved;
- (8) The action taken by the law enforcement officer;
- (9) The existence of any prior court orders issued pursuant to this act concerning the parties; and
- (10) Any other data that may be necessary for a complete analysis of all circumstances leading to the alleged incident of domestic violence.

c. It shall be the duty of the Superintendent of the State Police with the assistance of the Division of Systems and Communications in the Department of Law and Public Safety to compile and report annually to the Governor, the Legislature and the Advisory Council on Domestic Violence on the tabulated data from the domestic violence offense reports.

C.2C:25-25 Criminal complaints; proceedings.

9. The court in a criminal complaint arising from a domestic violence incident:

- a. Shall not dismiss any charge or delay disposition of a case because of concurrent dissolution of a marriage, other civil proceedings, or because the victim has left the residence to avoid further incidents of domestic violence;
- b. Shall not require proof that either party is seeking a dissolution of a marriage prior to institution of criminal proceedings;
- c. Shall waive any requirement that the victim's location be disclosed to any person.

C.2C:25-26 Release of defendant before trial.

10. a. When a defendant charged with a crime or offense involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may as a condition of release issue an order prohibiting the defendant from having any contact with the victim including, but not limited to, restraining the defendant from entering the victim's residence,

place of employment or business, or school, and from harassing the victim or victim's relatives in any way. The court may enter an order prohibiting the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1.

b. The written court order releasing the defendant shall contain the court's directives restricting the defendant's ability to have contact with the victim or the victim's relatives. The clerk of the court or other person designated by the court shall provide a copy of this order to the victim forthwith.

c. The victim's location shall remain confidential and shall not appear on any documents or records to which the defendant has access.

d. Before bail is set, the defendant's prior record shall be considered by the court. Bail shall be set as soon as is feasible, but in all cases within 24 hours of arrest.

e. Once bail is set it shall not be reduced without prior notice to the county prosecutor and the victim. Bail shall not be reduced by a judge other than the judge who originally ordered bail, unless the reasons for the amount of the original bail are available to the judge who reduces the bail and are set forth in the record.

f. A victim shall not be prohibited from applying for, and a court shall not be prohibited from issuing, temporary restraints pursuant to this act because the victim has charged any person with commission of a criminal act.

C.2C:25-27 Conditions of sentencing of defendant found guilty of domestic violence.

11. When a defendant is found guilty of a crime or offense involving domestic violence and a condition of sentence restricts the defendant's ability to have contact with the victim, that condition shall be recorded in an order of the court and a written copy of that order shall be provided to the victim by the clerk of the court or other person designated by the court. In addition to restricting a defendant's ability to have contact with the victim, the court may require the defendant to receive professional counseling from either a private source or a source appointed by the court, and the court may require the defendant to provide documentation of attendance at the professional counseling.

C.2C:25-28 Filing complaint alleging domestic violence in Family Part; proceedings.

12. a. A victim may file a complaint alleging the commission of an act of domestic violence with the Family Part of the Chancery Division of the Superior Court in conformity with the rules of court. The court shall not dismiss any complaint or delay disposi-

tion of a case because the victim has left the residence to avoid further incidents of domestic violence. Filing a complaint pursuant to this section shall not prevent the filing of a criminal complaint for the same act.

On weekends, holidays and other times when the court is closed, a victim may file a complaint before a judge of the Family Part of the Chancery Division of the Superior Court or a municipal court judge who shall be assigned to accept complaints and issue temporary restraining orders pursuant to this act.

A plaintiff may apply for relief under this section in a court having jurisdiction over the place where the alleged act of domestic violence occurred, where the defendant resides, or where the plaintiff resides or is sheltered, and the court shall follow the same procedures applicable to other emergent applications. Criminal complaints filed pursuant to this act shall be investigated and prosecuted in the jurisdiction where the offense is alleged to have occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in the county where the contempt is alleged to have been committed and a copy of the contempt complaint shall be forwarded to the court that issued the order alleged to have been violated.

b. The court shall waive any requirement that the petitioner's place of residence appear on the complaint.

c. The clerk of the court, or other person designated by the court, shall assist the parties in completing any forms necessary for the filing of a summons, complaint, answer or other pleading.

d. Summons and complaint forms shall be readily available at the clerk's office, at the municipal courts and at municipal and State police stations.

e. As soon as the domestic violence complaint is filed, both the victim and the abuser shall be advised of any programs or services available for advice and counseling.

f. A plaintiff may seek emergency, ex parte relief in the nature of a temporary restraining order. The judge of the Family Part of the Chancery Division of the Superior Court may enter ex parte orders when necessary to protect the life, health or well-being of a victim on whose behalf the relief is sought.

g. If it appears that the plaintiff is in danger of domestic violence, the judge shall, upon consideration of the plaintiff's domestic violence complaint, order emergency relief, including ex parte relief, in the nature of a temporary restraining order. A decision shall be made by the judge regarding the emergency relief forthwith. An order granting emergency relief, together

with all pleadings, process and other orders, shall immediately be forwarded to the sheriff for immediate service of the order for emergency relief upon the defendant.

h. A judge may issue a temporary restraining order upon sworn testimony or complaint of an applicant who is not physically present, pursuant to court rules, or by a person who represents a person who is physically or mentally incapable of filing personally. A temporary restraining order may be issued if the judge is satisfied that exigent circumstances exist sufficient to excuse the failure of the applicant to appear personally and that sufficient grounds for granting the application have been shown.

i. An order for emergency relief shall be granted upon good cause shown and shall remain in effect until a judge of the Family Part issues a further order. The Family Part of the Chancery Division of the Superior Court shall hold a hearing on an emergency order within 10 days. Any temporary order hereunder may be dissolved or modified on 24 hours' notice or immediately appealable for a plenary hearing de novo not on the record before the judge who issued the temporary order, or before any judge of the Family Part of the county in which the plaintiff resides if that judge has access to the reasons for the issuance of the temporary order and sets forth in the record the reasons for the modification or dissolution.

j. Emergency relief may include forbidding the defendant from returning to the scene of the domestic violence, forbidding the defendant to possess any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 and any other appropriate relief.

k. The judge may permit the defendant to return to the scene of the domestic violence to pick up personal belongings and effects but shall by order restrict the time and duration and provide for police supervision of such visit.

l. An order granting emergency relief shall immediately be served upon the defendant by the police, except that an order issued during regular court hours may be forwarded to the sheriff for immediate service upon the defendant.

m. A temporary restraining order shall remain in effect until further action by the court.

n. Notice of temporary restraining orders issued pursuant to this section shall be sent by the clerk of the court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency or court.

o. All pleadings, process, and other orders filed pursuant to this act shall be served upon the defendant in accordance with the

rules of court. If personal service cannot be effected upon the defendant, the court may order other appropriate substituted service. At no time shall the plaintiff be asked or required to serve any order on the defendant.

p. Any temporary or permanent restraining order issued pursuant to this act shall be in effect throughout the State, and shall be enforced by all law enforcement officers.

C.2C:25-29 Hearing procedure; relief.

13. a. A hearing shall be held in the Family Part of the Chancery Division of the Superior Court within 10 days of the filing of a complaint pursuant to section 12 of this act. A copy of the complaint shall be served on the defendant in conformity with the rules of court. If a criminal complaint arising out of the same incident which is the subject matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 has been filed, testimony given by the plaintiff or defendant in the domestic violence matter shall not be used in the simultaneous or subsequent criminal proceeding against the defendant, other than domestic violence contempt matters and where it would otherwise be admissible hearsay under the rules of evidence that govern where a party is unavailable. At the hearing the standard for proving the allegations in the complaint shall be by a preponderance of the evidence. The court shall consider but not be limited to the following factors:

- (1) The previous history of domestic violence between the plaintiff and defendant, including threats, harassment and physical abuse;
- (2) The existence of immediate danger to person or property;
- (3) The financial circumstances of the plaintiff and defendant;
- (4) The best interests of the victim and any child;
- (5) In determining custody and visitation the protection of the victim's safety; and
- (6) The existence of a verifiable order of protection from another jurisdiction.

b. In proceedings in which complaints for restraining orders have been filed, the court shall grant any relief necessary to prevent further abuse. At the hearing the judge of the Family Part of the Chancery Division of the Superior Court may issue an order granting any or all of the following relief:

- (1) An order restraining the defendant from subjecting the victim to domestic violence, as defined in this act.

(2) An order granting exclusive possession to the plaintiff of the residence or household regardless of whether the residence or household is jointly or solely owned by the parties or jointly or solely leased by the parties. This order shall not in any manner affect title or interest to any real property held by either party or both jointly. If it is not possible for the victim to remain in the residence, the court may order the defendant to pay the victim's rent at a residence other than the one previously shared by the parties if the defendant is found to have a duty to support the victim and the victim requires alternative housing.

(3) An order providing for visitation. The order shall protect the safety and well-being of the plaintiff and minor children and shall specify the place and frequency of visitation. Visitation arrangements shall not compromise any other remedy provided by the court by requiring or encouraging contact between the plaintiff and defendant. Orders for visitation may include a designation of a place of visitation away from the plaintiff, the participation of a third party, or supervised visitation.

(a) The court shall consider a request by the plaintiff for an investigation or evaluation by the appropriate agency to assess the risk of harm to the child prior to the entry of a visitation order. Any denial of such a request must be on the record and shall only be made if the judge finds the request to be arbitrary or capricious.

(b) The court shall consider suspension of the visitation order and hold an emergent hearing upon an application made by the plaintiff certifying under oath that the defendant's access to the child pursuant to the visitation order has threatened the safety and well-being of the child.

(4) An order requiring the defendant to pay to the victim monetary compensation for losses suffered as a direct result of the act of domestic violence. The order may require the defendant to pay the victim directly, to reimburse the Violent Crimes Compensation Board for any and all compensation paid by the Violent Crimes Compensation Board directly to or on behalf of the victim, and may require that the defendant reimburse any parties that may have compensated the victim, as the court may determine. Compensatory losses shall include, but not be limited to, loss of earnings or other support, out-of-pocket losses for injuries sustained, cost of repair or replacement of real or personal property damaged or destroyed or taken, cost of counseling for the victim, moving or other travel expenses, reasonable attorney's fees, court costs, and compensation for pain and suffering. Where appropriate, punitive damages may be awarded in addition to compensatory damages.

(5) An order requiring the defendant to receive professional domestic violence counseling from either a private source or a source appointed by the court and, in that event, at the court's discretion requiring the defendant to provide the court at specified intervals with documentation of attendance at the professional counseling. The court may order the defendant to pay for the professional counseling.

(6) An order restraining the defendant from entering the residence, property, school, or place of employment of the victim or of other family or household members of the victim and requiring the defendant to stay away from any specified place that is named in the order and is frequented regularly by the victim or other family or household members.

(7) An order restraining the defendant from making any communication likely to cause annoyance or alarm including, but not limited to, personal, written, or telephone contact with the victim or other family members, or their employers, employees, or fellow workers, or others with whom communication would be likely to cause annoyance or alarm to the victim.

(8) An order requiring that the defendant make or continue to make rent or mortgage payments on the residence occupied by the victim if the defendant is found to have a duty to support the victim or other dependent household members; provided that this issue has not been resolved or is not being litigated between the parties in another action.

(9) An order granting either party temporary possession of specified personal property, such as an automobile, checkbook, documentation of health insurance, an identification document, a key, and other personal effects.

(10) An order awarding emergent monetary relief to the victim and other dependents, if any. An ongoing obligation of support shall be determined at a later date pursuant to applicable law.

(11) An order awarding temporary custody of a minor child. The court shall presume that the best interests of the child are served by an award of custody to the non-abusive parent.

(12) An order requiring that a law enforcement officer accompany either party to the residence to supervise the removal of personal belongings in order to ensure the personal safety of the plaintiff when a restraining order has been issued. This order shall be restricted in duration.

(13) An order which permits the victim and the defendant to occupy the same premises but limits the defendant's use of that premises, but only if it is documented by the judge granting the order that:

(a) The plaintiff specifically and voluntarily requests such an order; and

(b) The judge determines that the request is made voluntarily and with the plaintiff's knowledge that the order may not provide the same protection as an order excluding the defendant from the premises and with the plaintiff's knowledge that the order may be difficult to enforce; and

(c) Any conditions placed upon the defendant in connection with the continued access to the premises and any penalties for noncompliance with those conditions shall be explicitly set out in the order and shall be in addition to any other remedies for non-compliance available to the victim.

(14) An order granting any other appropriate relief for the plaintiff and dependent children, provided that the plaintiff consents to such relief, including relief requested by the plaintiff at the final hearing, whether or not the plaintiff requested such relief at the time of the granting of the initial emergency order.

(15) An order that requires that the defendant report to the intake unit of the Family Part of the Chancery Division of the Superior Court for monitoring of any other provision of the order.

(16) An order prohibiting the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1.

c. Notice of orders issued pursuant to this section shall be sent by the clerk of the Family Part of the Chancery Division of the Superior Court or other person designated by the court to the appropriate chiefs of police, members of the State Police and any other appropriate law enforcement agency.

d. Upon good cause shown, any final order may be dissolved or modified upon application to the Family Part of the Chancery Division of the Superior Court, but only if the judge who dissolves or modifies the order has available a complete record of the hearing or hearings on which the order was based.

C.2C:25-30 Violations, penalties.

14. Except as provided below, a violation by the defendant of an order issued pursuant to this act shall constitute an offense under subsection b. of N.J.S.2C:29-9 and each order shall so state. 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. Additionally, and notwithstanding the term of imprisonment provided in N.J.S.2C:43-8, any person convicted of a sec-

and or subsequent nonindictable domestic violence contempt offense shall serve a minimum term of not less than 30 days. Orders entered pursuant to paragraphs (3), (4), (8) and (9) of subsection b. of section 13 of this act shall be excluded from enforcement under subsection b. of N.J.S.2C:29-9; however, violations of these orders may be enforced in a civil or criminal action initiated by the plaintiff or by the court, on its own motion, pursuant to applicable court rules.

C.2C:25-31 Contempt, law enforcement procedures.

15. Where a law enforcement officer finds that there is probable cause that a defendant has committed contempt of an order entered pursuant to the provisions of P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261, the defendant shall be arrested and taken into custody by a law enforcement officer. The law enforcement officer shall follow these procedures:

a. On weekends, holidays and other times when the court is closed, the law enforcement officer shall transport the defendant to either the police station or the municipal court or such other place as the law enforcement officer shall determine is proper. The law enforcement officer shall:

(1) Sign a complaint concerning the incident which gave rise to the contempt charge;

(2) Telephone the appropriate judge assigned pursuant to this act and request bail be set on the contempt charge;

(3) If the defendant is unable to meet the bail set, take the necessary steps to insure that the defendant shall be incarcerated at police headquarters or at the county jail; and

(4) On the next working day notify the clerk of the Family Part of the new complaint, the amount of bail, defendant's whereabouts and all other necessary details. In addition, if a municipal court judge set the bail, notify the clerk of that municipal court of this information.

b. During regular court hours, the law enforcement officer shall transport the defendant to the Family Part of the Chancery Division of the Superior Court or to such other place as the law enforcement officer shall determine is proper. The law enforcement officer shall complete and sign a complaint concerning the incident which gave rise to the contempt charge, and the defendant shall have bail set by a judge that day.

C.2C:25-32 Alleged contempt, complainant's procedure.

16. Where a person alleges that a defendant has committed contempt of an order entered pursuant to the provisions of P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261, but where a law enforcement officer has found that there is not probable cause

sufficient to arrest the defendant, the law enforcement officer shall advise the complainant of the procedure for completing and signing a criminal complaint alleging a violation of N.J.S.2C:29-9. During regular court hours, the assistance of the clerk of the Family Part of the Chancery Division of the Superior Court shall be made available to such complainants. Nothing in this section shall be construed to prevent the court from granting any other emergency relief it deems necessary.

C.2C:25-33 Records of requests for orders; reports; confidentiality.

17. The Administrative Office of the Courts shall maintain a uniform record of all requests for orders issued pursuant to sections 9, 10, 12, and 13 of this act. The record shall include the following information:

- a. The number of complaints filed in all municipal courts and the Superior Court;
- b. The sex of the parties;
- c. The relationship of the parties;
- d. The relief sought;
- e. The nature of the relief granted, including, but not limited to, custody and child support; and
- f. The effective date of each order issued.

It shall be the duty of the Director of the Administrative Office of the Courts to compile and report annually to the Governor, the Legislature and the Advisory Council on Domestic Violence on the data tabulated from the records of these orders.

All records maintained pursuant to this act shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.

18. 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 of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) when the conduct which constitutes the violation could also con-

stitute 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 (3), (4), (5), (8) and (9) of subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) shall be excluded from the provisions of this subsection.

19. N.J.S.2C:58-3 is amended to read as follows:

Purchase of firearms.

2C:58-3. Purchase of Firearms.

a. Permit to purchase a handgun. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase, or otherwise acquire a handgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a handgun as provided by this section.

b. Firearms purchaser identification card. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire an antique cannon or a rifle or shotgun, other than an antique rifle or shotgun, unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of subsection c. of this section and shall contain his name, address and firearms purchaser identification card number or dealer's registration number. The said certification shall be retained by the seller, as provided in section 2C:58-2a., or, in the case of a person who is not a dealer, it may be filed with the chief of police of the municipality in which he resides or with the superintendent.

c. Who may obtain. No person of good character and good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase a handgun or a firearms purchaser identification card, except as hereinafter set forth. No handgun purchase permit or firearms purchaser identification card shall be issued:

(1) To any person who has been convicted of a crime, whether or not armed with or possessing a weapon at the time of such offense;

(2) To any drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently an habitual drunkard;

(3) To any person who suffers from a physical defect or disease which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic unless any of the foregoing persons produces a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in the handling of firearms; to any person who knowingly falsifies any information on the application form for a handgun purchase permit or firearms purchaser identification card;

(4) To any person under the age of 18 years;

(5) To any person where the issuance would not be in the interest of the public health, safety or welfare; or

(6) To any person who is subject to a court order issued pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing any firearm.

d. Issuance. The chief of police of an organized full-time police department of the municipality where the applicant resides or the superintendent, in all other cases, shall upon application, issue to any person qualified under the provisions of subsection c. of this section a permit to purchase a handgun or a firearms purchaser identification card.

Any person aggrieved by the denial of a permit or identification card may request a hearing in the Superior Court of the county in which he resides if he is a resident of New Jersey or in the Superior Court of the county in which his application was filed if he is a non-resident. The request for a hearing shall be made in writing within 30 days of the denial of the application for a permit or identification card. The applicant shall serve a copy of his request for a hearing upon the chief of police of the municipality in which he resides, if he is a resident of New Jersey, and upon the superintendent in all cases. The hearing shall be held and a record made thereof within 30 days of the receipt of the application for such hearing by the judge of the Superior Court. No formal pleading and no filing fee shall be required as a preliminary to such hearing. Appeals from the results of such hearing shall be in accordance with law.

e. Applications. Applications for permits to purchase a handgun and for firearms purchaser identification cards shall be in the form prescribed by the superintendent and shall set forth the

name, residence, place of business, age, date of birth, occupation, sex and physical description, including distinguishing physical characteristics, if any, of the applicant, and shall state whether the applicant is a citizen, whether he is an alcoholic, habitual drunkard, drug dependent person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether he has ever been confined or committed to a mental institution or hospital for treatment or observation of a mental or psychiatric condition on a temporary, interim or permanent basis, giving the name and location of the institution or hospital and the dates of such confinement or commitment, whether he has been attended, treated or observed by any doctor or psychiatrist or at any hospital or mental institution on an inpatient or outpatient basis for any mental or psychiatric condition, giving the name and location of the doctor, psychiatrist, hospital or institution and the dates of such occurrence, whether he presently or ever has been a member of any organization which advocates or approves the commission of acts of force and violence to overthrow the Government of the United States or of this State, or which seeks to deny others their rights under the Constitution of either the United States or the State of New Jersey, whether he has ever been convicted of a crime or disorderly persons offense, whether the person is subject to a court order issued pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing any firearm, and such other information as the superintendent shall deem necessary for the proper enforcement of this chapter. For the purpose of complying with this subsection, the applicant shall waive any statutory or other right of confidentiality relating to institutional confinement. The application shall be signed by the applicant and shall contain as references the names and addresses of two reputable citizens personally acquainted with him.

Application blanks shall be obtainable from the superintendent, from any other officer authorized to grant such permit or identification card, and from licensed retail dealers.

The chief police officer or the superintendent shall obtain the fingerprints of the applicant and shall have them compared with any and all records of fingerprints in the municipality and county in which the applicant resides and also the records of the State Bureau of Identification and the Federal Bureau of Investigation, provided that an applicant for a handgun purchase permit who possesses a valid firearms purchaser identification card, or who has previously obtained a handgun purchase permit from the same

licensing authority for which he was previously fingerprinted, and who provides other reasonably satisfactory proof of his identity, need not be fingerprinted again; however, the chief police officer or the superintendent shall proceed to investigate the application to determine whether or not the applicant has become subject to any of the disabilities set forth in this chapter.

f. Granting of permit or identification card; fee; term; renewal; revocation. The application for the permit to purchase a handgun together with a fee of \$2.00, or the application for the firearms purchaser identification card together with a fee of \$5.00, shall be delivered or forwarded to the licensing authority who shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within 30 days from the date of receipt of the application for residents of this State and within 45 days for nonresident applicants. A permit to purchase a handgun shall be valid for a period of 90 days from the date of issuance and may be renewed by the issuing authority for good cause for an additional 90 days. A firearms purchaser identification card shall be valid until such time as the holder becomes subject to any of the disabilities set forth in subsection c. of this section, whereupon the card shall be void and shall be returned within five days by the holder to the superintendent, who shall then advise the licensing authority. Failure of the holder to return the firearms purchaser identification card to the superintendent within the said five days shall be an offense under section 2C:39-10a. Any firearms purchaser identification card may be revoked by the Superior Court of the county wherein the card was issued, after hearing upon notice, upon a finding that the holder thereof no longer qualifies for the issuance of such permit. The county prosecutor of any county, the chief police officer of any municipality or any citizen may apply to such court at any time for the revocation of such card.

There shall be no conditions or requirements added to the form or content of the application, or required by the licensing authority for the issuance of a permit or identification card, other than those that are specifically set forth in this chapter.

g. Disposition of fees. All fees for permits shall be paid to the State Treasury if the permit is issued by the superintendent, to the municipality if issued by the chief of police, and to the county treasurer if issued by the judge of the Superior Court.

h. Form of permit; quadruplicate; disposition of copies. The permit shall be in the form prescribed by the superintendent and shall be issued to the applicant in quadruplicate. Prior to the time

he receives the handgun from the seller, the applicant shall deliver to the seller the permit in quadruplicate and the seller shall complete all of the information required on the form. Within five days of the date of the sale, the seller shall forward the original copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides, except that in a municipality having no chief of police, such copy shall be forwarded to the superintendent. The third copy shall then be returned to the purchaser with the pistol or revolver and the fourth copy shall be kept by the seller as a permanent record.

i. Restriction on number of firearms person may purchase. Only one handgun shall be purchased or delivered on each permit, but a person shall not be restricted as to the number of rifles or shotguns he may purchase, provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required in subsection b. of this section for each transaction.

j. Firearms passing to heirs or legatees. Notwithstanding any other provision of this section concerning the transfer, receipt or acquisition of a firearm, a permit to purchase or a firearms purchaser identification card shall not be required for the passing of a firearm upon the death of an owner thereof to his heir or legatee, whether the same be by testamentary bequest or by the laws of intestacy. The person who shall so receive, or acquire said firearm shall, however, be subject to all other provisions of this chapter. If the heir or legatee of such firearm does not qualify to possess or carry it, he may retain ownership of the firearm for the purpose of sale for a period not exceeding 180 days, or for such further limited period as may be approved by the chief law enforcement officer of the municipality in which the heir or legatee resides or the superintendent, provided that such firearm is in the custody of the chief law enforcement officer of the municipality or the superintendent during such period.

k. Sawed-off shotguns. Nothing in this section shall be construed to authorize the purchase or possession of any sawed-off shotgun.

l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the sale or purchase of a visual distress signalling device approved by the United States Coast Guard, solely for possession on a private or commercial aircraft or any boat; provided, however, that no person under the age of 18 years shall purchase nor shall any person sell to a person under the age of 18 years such a visual distress signalling device.

Repealer

20. P.L.1981, c.426 (C.2C:25-1 through 2C:25-16), section 8 of P.L.1987, c.356 (C.2C:25-15.1) and section 1 of P.L.1988, c.28 (C.2C:25-15a) are repealed.

21. This act shall take effect on the 90th day after enactment.

Approved August 14, 1991.

CHAPTER 262

AN ACT concerning interest on security deposits held by nursing homes and supplementing P.L.1976, c.120 (C.30:13-1 et seq.).

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

C.30:13-4.1 Nursing home security deposits; disposition.

1. Whenever a nursing home requires a security deposit advanced prior to the admission of a person to the nursing home, the money or other form of security, until repaid or applied to payments in accordance with the terms of the contract or agreement, including the resident's portion of the interest or earnings accumulated thereon as hereinafter provided, shall continue to be the property of the resident and shall be held in trust by the nursing home and shall not be mingled with the personal property or become an asset of the nursing home.

a. The nursing home shall: (1) invest that money in shares of an insured money market fund established by an investment company based in this State and registered under the "Investment Company Act of 1940," 54 Stat. 789 (15 U.S.C. § 80a-1 et seq.) whose shares are registered under the "Securities Act of 1933," 48 Stat. 74 (15 U.S.C. § 77a et seq.) and the only investments of which fund are instruments maturing in one year or less, or (2) deposit that money in a State or federally chartered bank, savings bank or savings and loan association in this State insured by an agency of the federal government in an account bearing a variable rate of interest, which shall be established at least quarterly, which is similar to the average rate of interest on active interest bearing money market transaction accounts paid by the bank or

association, or equal to similar accounts of an investment company described in paragraph (1) of this subsection, less an amount not to exceed 1% per annum of the amount so invested or deposited for the costs of servicing and processing the accounts.

b. Immediately after the security money is invested, the nursing home shall notify the resident in writing of the name and address of the investment company, State or federally chartered bank, savings bank or savings and loan association in which the deposit or investment of security money is made, and the amount of the deposit.

c. All of the money so deposited or advanced may be deposited or invested by the nursing home in one interest-bearing or dividend yielding account as long as the nursing home complies with all the other requirements of this act.

d. The nursing home is entitled to receive as administration expenses, a sum equivalent to 1% per annum thereon or 12.5% of the aggregate interest yield on the security deposit, whichever is greater, less the amount of any service fee charged by an investment company, a State or federally chartered bank, savings bank or savings and loan association for money deposited pursuant to this section, which is in lieu of all other administrative and custodial expenses. The balance of the interest or earnings paid thereon by the investment company, State or federally chartered bank, savings bank or savings and loan association shall belong to the resident and shall be permitted to compound to the benefit of the resident, or be paid to the resident in cash, or be credited toward the payments due on the anniversary of the resident's admission to the nursing home in accordance with the terms of the contract or agreement.

e. If the nursing home fails to notify the resident of the name and address of the investment company, State or federally chartered bank, savings bank or savings and loan association in which the deposit or investment of the security is made, and the amount thereof, within 30 days after receipt of the money from the resident, the resident may give written notice to the nursing home that the security money shall be applied on account of payments due or to become due from the resident, and thereafter the resident shall be without obligation to make any further security deposit and the nursing home shall not be entitled to make further demand for a security deposit.

f. Within 60 days after the person is no longer a resident of the nursing home, the nursing home shall return to the former resident or, if appropriate, to the resident's estate, by personal delivery, registered or certified mail the sum so deposited plus the former

resident's portion of the interest or earnings accumulated thereon, less any charges expended in accordance with the terms of a contract or agreement. The interest or earnings and any such deductions shall be itemized and the resident or, if appropriate, the resident's estate, notified thereof by personal delivery, registered or certified mail.

g. The Commissioner of Banking may promulgate rules and regulations with respect to the establishment of the method of computing the interest due to either the nursing home or to the resident pursuant to the provisions of this act in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) if the money is deposited in an account or in shares of an investment company upon which the interest varies on a periodic basis.

C.30:13-4.2 Violations; enforcement.

2. A person shall have a cause of action against the nursing home for any violation of this act. The Department of Health may maintain an action in the name of the State to enforce the provisions of this act and any rules and regulations promulgated pursuant to this act. The action to recover actual and punitive damages shall be brought in a court of competent jurisdiction. A plaintiff who prevails in an action shall be entitled to recover reasonable attorney's fees and costs of the action.

3. This act shall take effect on the first day of the sixth month following enactment.

Approved August 15, 1991.

CHAPTER 263

AN ACT authorizing the governing body of the borough of Cliffside Park in the county of Bergen to make permanent the appointment of Timothy Kelly to the police department of the borough of Cliffside Park.

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

1. Pursuant to the provisions of P.L.1948, c.199 (C.1:6-10 et seq.), under which a petition for a special law has been filed with the Legislature, the borough of Cliffside Park in the county of Bergen is authorized to make permanent the appointment of Timothy Kelly as a

full-time police officer, notwithstanding that his age is greater than the maximum age for appointment thereto set forth in N.J.S.40A:14-127.

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

3. This act shall take effect upon due adoption of an ordinance of the borough of Cliffside Park for the purpose of adopting same.

Approved August 16, 1991.

CHAPTER 264

AN ACT providing for the issuance of special license plates commemorating the successful involvement of the United States armed forces in the Persian Gulf war.

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

1. a. The Director of the Division of Motor Vehicles is authorized to issue a special license plate of a design approved by the Governor commemorating the successful participation of the United States armed forces in Operations Desert Shield and Desert Storm or what is commonly known as the "Persian Gulf war." The license plates shall be made available, at a fee sufficient to defray both administrative and production costs, to (1) any nonprofit organization dedicated to celebrating or commemorating the Persian Gulf war or aiding the participants or their families, or (2) any nonprofit organization dedicated to establishing or maintaining a memorial to any war. These plates may be sold by the nonprofit organization at a fee, to be determined by the director, which may exceed the fee paid by the organization to the division.

b. The special Persian Gulf war commemorative license plate may be displayed from the first day of the second month after the effective date of this act until the first day of the eighth month after the effective date pursuant to regulations promulgated by the director. The regular

front license plate presently required shall be removed. The last day during which the plate may be displayed on a vehicle shall be stated on the plate in a location and manner which the division deems appropriate.

c. Commercial establishments may sell the special commemorative license plates only if the license plates were received or purchased initially from any nonprofit organization to which the plates have been made available by the division, and only if the commercial establishment does not retain a portion of the proceeds or profits.

d. The director shall arrange for the manufacture of the special Persian Gulf war commemorative license plate by the appropriate bureau of the Department of Corrections using existing license plate manufacturing procedures and facilities.

e. Pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the director shall promulgate rules and regulations to effectuate the purposes of this act.

2. This act shall take effect immediately.

Approved August 16, 1991.

CHAPTER 265

AN ACT providing for a standard 9-1-1 locatable mailing address system pilot program for Burlington County and supplementing chapter 23 of Title 40 of the Revised Statutes.

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

C.40:23-47 Findings, declarations.

1. The Legislature finds and declares that it is necessary for the health, safety and welfare of the residents of this State that a standard, basic three-line address system be established and adopted on a county-by-county basis which will accurately reflect the location of all existing and potential properties, without duplication. The Legislature further finds and declares that such a standard mailing address system shall function for use in conjunction with the emergency 9-1-1 system, for delivery of mail, and for all other uses for which an address is applicable.

The Legislature further finds and declares that prior to the implementation of a standard 9-1-1 locatable mailing address system on a

Statewide level, it is necessary to demonstrate the feasibility of such a program by establishing a pilot program in a single county; that the pilot program should take place in an area where significant problems exist due to a dual mailing address system; that Burlington County is a large county in which several municipalities have the same postal name, several streets within municipalities have similar names, and many residents of municipalities in the county have experienced difficulty when needing emergency services due to these circumstances; and that because of the above mentioned criteria, in Burlington County, a pilot program to test the feasibility of a standard mailing address system would be especially suitable and would provide the best laboratory to demonstrate the feasibility of the program.

C.40:23-48 Definitions.

2. As used in this act:

“Building” means a house, residence, dwelling, store or other structure used for residential, commercial or public purpose which has frontage on, or access to, a street in a municipality.

“County” means Burlington County.

“Street” means any paved or unpaved road, highway, avenue, lane, pedestrian mall, alleyway or cartway for the passage of motor vehicles and pedestrians and located within the borders of a municipality or a county.

“System” means the 9-1-1- locatable mailing address system.

C.40:23-49 9-1-1 locatable mailing address system.

3. The governing body of the county shall, by resolution, establish a 9-1-1 locatable mailing address system within the county. The county governing body shall require the governing body of each municipality within the county to implement the system as follows:

a. The governing body in each municipality in the county shall review the names and numbers assigned to county and municipal streets within the municipality and the numbering of properties and buildings within the municipality to determine if the assignment of names and numbers conforms with the guidelines established in section 4 of this act.

b. Upon completion of the review required by subsection a. of this section, the governing body of each municipality shall determine what changes, if any, are necessary in the naming or numbering of the county or municipal streets, or in the numbering of properties or buildings in order to effectuate the provisions of this act.

c. Any changes which are made pursuant to the provisions of subsections a. and b. of this section shall be reflected on the

appropriate municipal tax and house numbering maps and the 9-1-1 Vernon Graphics maps for inclusion in the 9-1-1 data base. A copy of the corrected municipal tax map cover sheet, and emergency services map as adopted by the governing body, shall be presented to the county for its use. The new or corrected maps are to be available to the public, map companies, and any State or federal agency requesting or entitled to a copy.

C.40:23-50 Guidelines for implementation of act.

4. The guidelines for the implementation of this act shall include, but shall not be limited to, the following:

a. Municipalities shall have one correct name, which shall be filed with the county clerk and the Secretary of State.

b. No two municipalities in the county shall have the exact same name. For the purposes of this act, a prefix or suffix in the name of a municipality, such as "Township," shall constitute a separate name.

c. In the event that two or more municipalities within the county have the same name, the municipality which incorporated first under its existing name shall retain the right to continue to use its existing name.

d. If a municipality is required, or chooses, to change its name pursuant to the provisions of this act, it shall not adopt any existing municipal or county name currently being used in this State.

e. One correct name shall be used for each street in a municipality and where two separate and noncontiguous streets within a municipality have the exact same name, a distinctive prefix or suffix shall be assigned to distinguish the streets, or a new name shall be assigned to one street. If two existing streets have names that have resulted in confusion due to any similarity, and a name change is not practical, the property numbering on the streets shall be made to contrast significantly as an added safety measure. Numbering by the mile post system may be used as an alternative, if applicable.

f. All properties which now or hereafter have frontage on or access to any street shall be plotted on the official tax map of the municipality.

g. Each property with frontage on or access to any street shall be assigned an official property number, except where one or more buildings or lots are located on an unnamed private road, lane or way having access to a street. In that situation only one official number shall be assigned, and it shall be based upon the number which best describes the location of the access point on the street. If more than one occupied building exists, each build-

ing shall be known as the number assigned, followed by a letter, beginning with "A" and continuing alphabetically.

h. Official property numbers shall proceed from a logical point of origin and shall be in proper numerical sequence in relation to the numbers assigned to other lots with frontage on or access to the same street.

i. Odd numbers shall be assigned to properties on one side of a street and even numbers assigned to properties on the other side of the street with sufficient flexibility so that the numbering system may accommodate maximum density as allowed by zoning regulations now in effect. If existing lot frontage is less than the minimum zoned frontage, the numbering shall compress to accommodate the existing lot frontage.

j. Governing bodies are encouraged to number property on federal and State highways and county roads by the mile post marker system, according to the following protocol. Even numbers shall be on the right as the numbering increases according to the mile posts. The most southern or westerly street origin of a mile post marker system shall be indicated as zero. The numbering shall relate and progress according to the mileage. If a municipality has already established mile post marker numbering with the odd numbers on the right, the numbering may remain if no confusion exists.

If the county elects to request mile post numbering on a county road, or a key access road, it shall erect the mile post markers if they do not presently exist. If a county route is comprised of two or more streets that have separate names, then the names assigned by the municipality shall be used in the addressing, the 9-1-1 data base and on the 9-1-1 map, and street signs. Where applicable, the county route number shall also be listed in the 9-1-1 data bank.

k. Priority shall be given to numbers or names of federal highways and roads over all other numbers and names of streets in a county. State highway or street numbers or names shall have priority over all county or municipal street names or numbers. Governing bodies are encouraged to number property on all major highways and important county roads by the mile post marker system, except that if an important county road that provides access to many municipalities is not easily numbered by the mile post marker system, it shall have one set of numbers that is in sequence for its entire length.

l. All municipalities shall erect "Entering" (insert name of municipality) signs at the municipal boundary on every major access road that enters the municipality, except interstate highways. The sign shall face traffic as it enters the municipality. If the street name changes or the property numbering is not in

sequence on any street that crosses a municipal boundary then that data shall be announced by a sign. When a major access road crosses a municipal boundary, the street name shall stay the same and the property numbering shall remain in sequence.

m. Upon any subdivision of land in a municipality resulting in lots other than those delineated in the official municipal tax map, the governing body of a municipality shall assign a property number to each lot resulting from the subdivision. Any new street shall have a unique name which shall be registered with the county 9-1-1 coordinator for entry into the data base prior to the issuance of a construction permit.

n. If a large lot has more than one available property number and it contains a building, then the property number that best describes the location of the driveway, or access point shall be assigned.

o. The owner of any building or occupied lot for which an official property number is designed and assigned shall be required at his own expense to place the official number at a point near where the driveway enters the street, or in such a manner that the number is easily visible from the street, or both. Three inch high numbers shall be the standard, and reflective numbers shall be encouraged. In those cases where more than one building exists on a lot or private road, land, or way, an address sign shall be placed near the point of access to the street showing the official number and letter designation of each building with a legal address on the lot or private roadway. Each building shall also have the number and letter designation clearly posted in front of or on the structure. The cost of erecting and maintaining an address sign shall be borne by the owners of the buildings who are also responsible for notifying any tenants of their official 9-1-1 locatable mailing address.

p. Each municipality shall, after implementation and adoption of the 9-1-1 locatable mailing address system, forward a correct version of the official municipal tax map and house numbering map, where available, to each U.S. Post Office serving the municipality, and to all emergency services. Each municipality shall take any steps which it deems necessary to inform the residents and businesses of the changes in their addresses. The residents or businesses are responsible for making the address corrections at their delivering postal facility and all other notifications.

q. The legal name of the municipality shall appear on the bottom line of all mailing addresses within the municipality. The name of the postal facility shall not be used unless it is exactly the same as the municipal name. The existing five digit zip-code that presently delivers the mail shall be incorporated into the address and remain unchanged.

The standard three-line 9-1-1 locatable mailing address shall appear as follows when mail is delivered to the location:

RESIDENT OR BUSINESS NAME
STREET NAME APT, SUITE, ETC.
MUNICIPAL NAME NJ XXZIP-CODE

The standard three-line 9-1-1 locatable mailing address shall appear as follows for a location when the occupant receives mail delivered to a post office box within a postal facility:

RESIDENT OR BUSINESS NAME
STREET NAME MUNICIPAL NAME
P O BOX ###
POST OFFICE NAME NJ XXZIP-CODE

This standard shall apply to the entire State and shall become effective within the county after adoption of the provisions of this act by the county governing body.

If postal rural route or rural box numbers are still in use, they shall be replaced by municipally designated and assigned property numbers according to standard protocols defined in this legislation. The county governing body shall assist any municipality unable to accomplish the property numbering or street name corrections if financial hardship exists or technical assistance is required by funding or performing the necessary work in cooperation with the municipal governing body.

r. If a rural mail box is located at the driveway entrance to a rural property and it is on the same side of the street it shall have three-inch high numbers on both sides of the mail box.

If the mail box is located across the street, then it shall have at least one number on the box. The number shall face traffic, and a three-inch high property number shall be posed at the driveway entrance of the property.

If the mail box is remotely located on another street or clustered with several other mail boxes then the number and street name should be printed on the front of the box in one-inch high letters or numbers, as appropriate, and a three-inch high property number is to be posted at the driveway entrance.

C.40:23-51 Completion of review required.

5. The governing body of the county shall require municipalities within the county to complete the review required under section 3 of this act and to complete all changes required under section 4 of this act as

soon as is practical and in combination with preparations for the implementation of the mandated enhanced 9-1-1 program.

C.40:23-52 Use of municipal names.

6. Beginning on the effective date of this act and pending compliance with the provisions of this act by all of the municipalities in Burlington County, all State income tax and data forms shall accurately show the municipal name on the form, and data processing in all State departments, agencies and commissions, especially with regard to school funding, shall be accomplished using the legal municipal name and not postal facility names or zip-codes.

C.40:23-53 Report.

7. Within one year of the establishment of the system by the board of freeholders, the board of freeholders shall provide a report to the Governor and to the Legislature evaluating the effectiveness of the program.

8. This act shall take effect 60 days after enactment.

Approved August 16, 1991.

CHAPTER 266

AN ACT permitting negotiation of a host community benefit between certain municipalities and certain authorities, and supplementing chapter 14A and chapter 14B of Title 40 of the Revised Statutes.

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

C.40:14A-8.1 Definitions; host community benefit.

1.a. As used in this act:

“Residential property” means any building or part of a building used, to be used or held for use as a home or residence, together with the land upon which it is situate. A residential property shall include single family dwellings, multifamily dwellings as defined under subsection (k) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L.1967, c.76 (C.55:13A-1 et seq.), and other rental unit property, and individual residences within a horizontal property regime as defined pursuant to the “Horizontal Property Act,” P.L.1963, c.168

(C.46:8A-1 et seq.), or a condominium as defined pursuant to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), units in a cooperative, and units in a mutual housing corporation;

"Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association;

"Mutual housing corporation" means a corporation not-for-profit, incorporated under the laws of this State on a mutual or cooperative basis within the scope of section 607 of the "National Defense Housing Act," Pub. L. 76-849, (42 U.S.C. § 1521 et seq.), as amended, which acquired a National Defense Housing Project pursuant to that act;

"Qualified resident" means a person who owns, rents or occupies residential property;

"Qualified entity" means a building or facility which is owned and used by:

(1) a public or private school, university, college or seminary for either classroom space or administrative office space;

(2) a church, synagogue or temple for holding religious services, or which is used to house church-, synagogue- or temple-related personnel;

(3) a clinic or hospital, including a residential building which is used to house personnel who are employed by the clinic or hospital;

(4) a nonprofit organization which operates under the provisions of Title 15A of the New Jersey Statutes, for the purposes for which the organization was created, or for administrative office space; or

(5) a business which has less than 10 full-time employees.

b. A city of the second class with a population of more than 80,000 but less than 88,000 according to the latest federal decennial census, located in a county of the second class with a population of more than 455,000 but less than 510,000 according to the latest federal decennial census, and a county or municipal sewerage authority whose operations plant is located within the city's boundaries may negotiate a host community benefit for qualified residents and qualified entities within the city. The benefit shall be provided as a credit against the individual accounts of the qualified resident or entity, and the county or municipal sewerage authority and the city shall negotiate the amount of the benefit. Upon agreement of the parties, the governing body of the

city shall adopt an ordinance setting forth the specific requirements under the agreement. In cases in which a qualified resident is not billed directly for the county or municipal sewerage authority's services, the city shall, as part of the ordinance setting forth the specific requirements of the agreement, establish procedures under which the owner of the appropriate property shall insure that the qualified resident is compensated for the amount of the credit.

C.40:14B-23.1 Definitions; host community benefit.

2. a. As used in this section:

"Residential property" means any building or part of a building used, to be used or held for use as a home or residence, together with the land upon which it is situate. A residential property shall include single family dwellings, multifamily dwellings as defined under subsection (k) of section 3 of the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), and other rental unit property, and individual residences within a horizontal property regime as defined pursuant to the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.), or a condominium as defined pursuant to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), units in a cooperative, and units in a mutual housing corporation;

"Cooperative" means a housing corporation or association which entitles the holder of a share or membership interest thereof to possess and occupy for dwelling purposes a house, apartment, manufactured or mobile home or other unit of housing owned or leased by the corporation or association, or to lease or purchase a unit of housing constructed or to be constructed by the corporation or association;

"Mutual housing corporation" means a corporation not-for-profit, incorporated under the laws of this State on a mutual or cooperative basis within the scope of section 607 of the "National Defense Housing Act," Pub. L. 76-849, (42 U.S.C. § 1521 et seq.), as amended, which acquired a National Defense Housing Project pursuant to that act;

"Qualified resident" means a person who owns, rents or occupies residential property;

"Qualified entity" means a building or facility which is owned and used by:

(1) a public or private school, university, college or seminary for either classroom space or administrative office space;

(2) a church, synagogue or temple for holding religious services, or which is used to house church-, synagogue- or temple-related personnel;

(3) a clinic or hospital, including a residential building which is used to house personnel who are employed by the clinic or hospital;

(4) a nonprofit organization which operates under the provisions of Title 15A of the New Jersey Statutes, for the purposes for which the organization was created, or for administrative office space; or

(5) a business which has less than 10 full-time employees.

b. A city of the second class with a population of more than 80,000 but less than 88,000 according to the latest federal decennial census, located in a county of the second class with a population of more than 455,000 but less than 510,000 according to the latest federal decennial census, and a county or municipal utilities authority whose operations plant is located within the city's boundaries may negotiate a host community benefit for qualified residents and qualified entities within the city. The benefit shall be provided as a credit against the individual accounts of the qualified resident or entity, and the county or municipal utilities authority and the city shall negotiate the amount of the benefit. Upon agreement of the parties, the governing body of the city shall adopt an ordinance setting forth the specific requirements under the agreement. In cases in which a qualified resident is not billed directly for the county or municipal utilities authority's services, the city shall, as part of the ordinance setting forth the specific requirements of the agreement, establish procedures under which the owner of the appropriate property shall insure that the qualified resident is compensated for the amount of the credit.

3. This act shall take effect immediately.

Approved August 16, 1991.

CHAPTER 267

AN ACT concerning certain supervisory personnel in local school districts, amending N.J.S.18A:17-15, N.J.S.18A:17-20 and N.J.S.18A:28-5, and supplementing Title 18A of the New Jersey Statutes.

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

1. N.J.S.18A:17-15 is amended to read as follows:

Appointment of superintendents; terms; apportionment of expense.

18A:17-15. The board of education of a Type I district and of any Type II district, now having or hereafter authorized to have a superintendent of schools, may, by contract appoint, for a term of not less than three nor more than five years and expiring July 1, a superintendent of schools by the recorded roll call majority vote of the full membership of the board.

A superintendent of schools may be appointed for a like term also in any other Type II district or in any other two or more Type II districts as follows:

Application for the establishment of the office of superintendent of schools for the district or districts shall be made to the county superintendent of the county or the county superintendent of each of the counties in which such district or districts are situate and if said application is agreed to in writing by such county superintendent or county superintendents and shall be approved by the commissioner and the State board, the board of education of such a district so applying may appoint a superintendent of schools for a single district in the manner hereinbefore provided or the commissioner shall appoint, subject to the approval of the State board, a superintendent of schools for two or more districts making such application and the State board shall apportion the expense of maintaining such a superintendent in more than one district equitably between the districts.

2. N.J.S.18A:17-20 is amended to read as follows:

Superintendent; general powers and duties.

18A:17-20. a. Any superintendent of schools, who has acquired tenure in the position of superintendent as of the effective date of P.L.1991, c.267 (C.18A:17-20.1 et al.), shall have general supervision over the schools of the district or districts under rules and regulations prescribed by the State board and shall keep himself informed as to their condition and progress and shall report thereon, from time to time, to, and as directed by, the board and he shall have such other powers and perform such other duties as may be prescribed by the board or boards employing him.

He shall have a seat on the board or boards of education employing him and the right to speak on all educational matters at meetings of the board or boards but shall have no vote.

b. Any superintendent of schools who has not acquired tenure in the position of superintendent as of the effective date of P.L.1991, c.267 (C.18A:17-20.1 et al.) but who holds tenure during the term of his employment contract pursuant to section 5 of P.L.1991, c.267 (C.18A:17-20.2), shall be the chief executive and administrative officer of the board or boards of education employing him and shall have general supervision over all aspects, including the fiscal operations and instructional programs, of the schools of the district or districts under rules and regulations prescribed by the State board and shall keep himself informed as to their condition and progress and shall report thereon, from time to time, to, and as directed by, the board and he shall have such other powers and perform such other duties as may be prescribed by the board or boards employing him.

He shall have a seat on the board or boards of education employing him and the right to speak on all matters at meetings of the board or boards but shall have no vote.

3. N.J.S.18A:28-5 is amended to read as follows:

Tenure of teaching staff members.

18A:28-5. The services of all teaching staff members including all teachers, principals other than administrative principals, assistant principals, vice principals, assistant superintendents, and all school nurses including school nurse supervisors, head school nurses, chief school nurses, school nurse coordinators, and any other nurse performing school nursing services and such other employees as are in positions which require them to hold appropriate certificates issued by the board of examiners, serving in any school district or under any board of education, excepting those who are not the holders of proper certificates in full force and effect, shall be under tenure during good behavior and efficiency and they shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming such a teaching staff member or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of this Title, after employment in such district or by such board for:

(a) Three consecutive calendar years, or any shorter period which may be fixed by the employing board for such purpose; or

(b) Three consecutive academic years, together with employment at the beginning of the next succeeding academic year; or

(c) The equivalent of more than three academic years within a period of any four consecutive academic years.

C.18A:17-20.1 Reappointment of superintendent.

4. At the conclusion of the term of the initial contract or of any subsequent contract as hereinafter provided, the superintendent shall be deemed reappointed for another contracted term of the same duration as the previous contract unless either: a. the board by contract reappoints him for a different term which term shall be not less than three nor more than five years, in which event reappointments thereafter shall be deemed for the new term unless a different term is again specified; or b. at least one year prior to the expiration of the first or any subsequent contract the board shall notify the superintendent in writing that he will not be reappointed at the end of the current term, in which event his employment shall cease at the expiration of that term.

C.18A:17-20.2 Dismissal of superintendent.

5. During the term of any employment contract with the board, a superintendent shall not be dismissed or reduced in compensation except for inefficiency, incapacity, or conduct unbecoming a superintendent or other just cause and then only in the manner prescribed by subarticle B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes.

C.18A:17-20.3 Evaluation of superintendent's performance.

6. a. Every local board of education having a superintendent shall evaluate the performance of the superintendent at least once a year. Each evaluation shall be in writing, a copy shall be provided to the superintendent and the superintendent and the board shall meet to discuss the findings. The evaluations shall be based upon the goals and objectives of the district, the responsibilities of the superintendent and such other criteria as the State Board of Education shall by regulation prescribe. Any contract entered into pursuant to N.J.S.18A:17-15 shall provide for an evaluation pursuant to this section and may provide for additional evaluation criteria or procedures which shall not be inconsistent with the regulations of the State board.

b. The New Jersey School Boards Association shall establish a training program for local school board members on the evaluation of superintendents pursuant to subsection a. of this section. Every newly

appointed or elected school board member shall complete the training program within six months of commencement of his term of office.

7. a. There is hereby established in the Department of Education a commission to be known as the "Superintendent Certification Commission."

b. The commission shall consist of ten members: the Commissioner of Education, or his designee, who shall serve ex-officio; two representatives of higher education institutions within the State which offer programs that prepare students to become superintendents to be appointed by the Chancellor of Higher Education; two superintendents, one school board member, one principal and one teacher all currently serving in their respective positions to be appointed by the Commissioner of Education; and two public members to be appointed by the Governor.

c. Members of the commission shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their duties.

d. The commission shall study the skills and knowledge which are necessary to serve as superintendent and shall prepare, within 18 months of the effective date of this amendatory and supplementary act, a report to the State board with its findings and recommendations.

e. The commission shall dissolve 30 days after presentation of its report to the State board pursuant to subsection d. of this section.

C.18A:17-20.4 Tenure rights not affected.

8. Nothing in this section or in this act shall affect any tenure rights which shall have already accrued to any superintendent prior to the effective date of this amendatory and supplementary act. A superintendent of schools promoted from within a district shall retain all tenure rights accrued in any position which was previously held by the superintendent in the district.

C.18A:17-20.5 Appointment of administrative principal.

9. In any district not having a superintendent of schools, the board of education shall appoint an administrative principal for the district. In a district having two or more schools the board shall appoint the principal of one of those schools as administrative principal, and in a district having only one school, the principal of that school shall be so appointed. The appointment of an administrative principal shall be made by contract for a term of not less than three nor more than five years and expiring July 1, by the recorded roll call majority vote of the full membership

of the board. Reappointment of the administrative principal shall be governed by the same provisions as set forth in section 4 of P.L.1991, c.267 (C.18A:17-20.1) with respect to superintendents.

The administrative principal shall have all the powers, authority, privileges, rights and duties set forth in N.J.S.18A:17-20 and sections 5 and 6 of P.L.1991, c.267 (C.18A:17-20.2 and 18A:17-20.3) with respect to superintendents.

No administrative principal hereafter appointed shall have tenure in any other position in the district; but nothing in this section or in P.L.1991, c.267 (C.18A:17-20.1 et al.) shall affect any tenure rights which shall have already accrued to any individual who was appointed as or functioning as an administrative principal prior to the effective date of P.L.1991, c.267 (C.18A:17-20.1 et al.).

10. This act shall not impair the validity of any contract of employment between a board of education and a superintendent of schools or an administrative principal which was entered into prior to the effective date of this amendatory and supplementary act.

11. This act shall take effect immediately.

Approved August 24, 1991.

CHAPTER 268

AN ACT providing for a higher education loan program, amending 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:72-34 Findings, declarations.

1. The Legislature finds and declares that:
 - a. There has been a substantial reduction in the amount of total student aid available from federal programs since 1980.
 - b. Further reductions in federal student aid have occurred as a result of the Balanced Budget and Emergency Deficit Control Act of 1985, (Pub.L.99-177), commonly referred to as "Gramm-Rudman."
 - c. The possibility of student loans becoming less readily available to New Jersey's students poses an intolerable threat to the future of this State's young people and its institutions of higher education.

d. There is, therefore, a need for a State program to make State sponsored student loans available to students who cannot obtain federally guaranteed loans, either because those loans are not available, because the student does not meet the program eligibility requirements as defined by the federal government, or because the student has additional financial need unmet by federally guaranteed student loans.

C.18A:72-35 New Jersey College Loans to Assist State Students (NJ Class) Loan Program.

2. There is hereby established within the New Jersey Higher Education Assistance Authority a New Jersey College Loans to Assist State Students (NJ CLASS) Loan Program. Under the NJ CLASS Loan Program, the authority shall make loans available in such amounts as necessary to ensure that student loans remain generally available to, or for the benefit of, eligible students as defined pursuant to section 7 of this act who are not eligible for, or have additional financial need beyond, a federally insured student loan and who meet the eligibility criteria set forth in section 7 of this act.

C.18A:72-36 New Jersey College Loans to Assist State Students (NJ Class) Loan Fund.

3. a. The authority shall establish and maintain a special fund called the "New Jersey College Loans to Assist State Students (NJ CLASS) Loan Fund" in which there shall be deposited (1) all funds received by the authority from the sale of State bonds as provided by law, (2) all monies appropriated by the State for the purposes of the fund, (3) all funds contributed to the authority by private sources, to be used for the purposes of this act, and (4) any other monies or funds of the authority, including the proceeds of bonds and bond anticipation notes issued by the authority, which it determines to deposit therein. Moneys in the New Jersey College Loans to Assist State Students (NJ CLASS) Loan Fund shall be held and applied to make direct loans pursuant to this act and to pay for the costs of administering the NJ CLASS Loan Program.

b. The sum total of all funds on deposit in the NJ CLASS Loan Fund shall be maintained in the amount determined by the authority to be necessary to fulfill its responsibilities as set forth in this act.

c. Moneys in the NJ CLASS Loan Fund at any time in excess of the NJ CLASS Loan Program requirements, whether by reason of investment or otherwise, may be withdrawn at any time by the authority and transferred to any other fund or account of the authority.

d. Moneys at any time in the NJ CLASS Loan Fund may be invested in any direct obligations of, or obligations as to which the principal and interest thereof is guaranteed by the United States of America or such other obligations as the authority may approve.

C.18A:72-37 Loans to eligible borrowers.

4. Loans under the NJ CLASS Loan Program may be made to eligible borrowers; an eligible borrower is an eligible student or any parent, spouse, legal guardian or other relative providing financial support for a dependent eligible student. The authority shall, by regulation, set maximum loan amounts for each participant based on factors such as the cost of attending the particular institution, family income, value of family assets or other factors the authority may consider relevant. The loans may be secured by such endorsement, co-maker's collateral or other security as may be required by rules and regulations established by the Higher Education Assistance Authority.

C.18A:72-38 Maximum loan amounts.

5. The authority shall, by regulation, establish maximum annual loan amounts and maximum total loan amounts which may be made under the NJ CLASS Loan Program; however, the amount of a NJ CLASS Loan Program loan shall not exceed, in combination with other financial aid, the total education costs of attending college as determined by the college plus the amount of interest payments which may be deferred pursuant to section 6 of this act.

C.18A:72-39 Deferral of payment.

6. Interest on each NJ CLASS Loan Program loan shall accrue from the date of the making of the loan; however, the payment of the principal or the interest or both may be deferred until a time or times determined by the authority. The rate of interest on each such loan shall be determined by the authority.

C.18A:72-40 Conditions for eligibility.

7. An eligible student under the NJ CLASS Loan Program is a student who cannot obtain federally guaranteed student loans either because those loans are not available or because the student does not meet the program eligibility requirements as defined by the federal government, or who requires the NJ CLASS loan to supplement the student's federally guaranteed loans and unless otherwise restricted by the authority by regulation, such student shall:

a. Be a New Jersey resident enrolled on at least a half-time basis as an undergraduate or graduate student in a curriculum leading to a degree or certificate in an institution of collegiate grade in

New Jersey, approved or licensed by the State Board of Higher Education and accredited by a regional accrediting association recognized by the Council on Postsecondary Accreditation; or

b. Be a New Jersey resident enrolled on a least a half-time basis as an undergraduate or graduate student in a curriculum leading to a degree or certificate in an out-of-State institution of collegiate grade accredited by an accrediting association recognized by the Council on Postsecondary Accreditation; or

c. Reside outside this State and be enrolled on at least a half-time basis as an undergraduate or graduate student in a curriculum leading to a degree or certificate in an institution of collegiate grade in New Jersey, approved or licensed by the State Board of Higher Education and accredited by a regional accrediting association recognized by the Council on Postsecondary Accreditation.

C.18A:72-41 Limitation on loans; fee.

8. a. The authority may limit the number of students who receive NJ CLASS Loan Program loans for attendance at any educational institution with a default rate exceeding the standard which will be set annually by the authority.

b. The authority may place a limitation upon the number of NJ CLASS Loan Program loans made pursuant to this act if, in its judgment, a limitation is necessary to preserve the fiscal viability of the fund.

c. The authority may establish and collect a fee, to be paid by each eligible borrower under the NJ CLASS Loan Program, to assist in the support of the administration of the NJ CLASS Loan Program by the authority.

C.18A:72-42 Higher Education Assistance Fund, not affected by act.

9. Nothing in this act shall be construed to limit the power of the authority to establish and maintain the "Higher Education Assistance Fund" or to alter the terms and conditions of loans made to students under that fund.

10. The authority shall promulgate any rules and regulations necessary to carry out the purposes of this act in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

11. N.J.S.18A:72-10 is amended to read as follows:

Powers of authority.

18A:72-10. The authority shall have the following powers:

(1) (a) To make loans

(i) To persons or to assist in the placing of loans to persons, who are residents of this State, and who are attending and are in good standing in, or who plan to attend, any qualified institution of collegiate grade, located in this State or elsewhere, which is approved by any regional accrediting association recognized by the national commission on accrediting, or approved by the Board of Higher Education, any qualified post-secondary nondegree institution of higher education, located in this State or elsewhere, or any other eligible institution, or

(ii) To persons who reside outside this State and who plan to attend, are enrolled in or are attending in good standing any eligible educational institution located within this State or elsewhere, or

(iii) To parents of persons meeting requirements set forth in (i) or (ii) above, in order to assist them in meeting expenses of higher education, and to guarantee such loans upon such terms and conditions as the authority may prescribe, in an amount for any academic year or in total as may be authorized by the New Jersey Higher Education Assistance Authority and approved by the Board of Higher Education; provided, however, that such amounts may not exceed in any given year or in total that amount which is guaranteed by the federal government.

For the purposes of this section, a qualified institution of collegiate grade shall be deemed to include a school of professional nursing accredited or approved by the New Jersey Board of Nursing, and a qualified post-secondary nondegree institution of higher education located outside the State shall mean and include any such institution offering courses in one or more of the fields enumerated, and meeting the admission standards set forth in N.J.S.18A:72-2.

(b) When the authority determines that higher annual or cumulative student loan limits than those established in section (1)(a) are warranted in order to carry out the purposes of the statute with regard to students engaged in high cost graduate or professional education, the authority may make or guarantee loans to eligible students in amounts to correspond to those higher limits, provided that such maximum limits are recommended by the authority and approved by the Board of Higher Education.

(2) To adopt rules not inconsistent with law governing the application for and the guarantee of loans made by the authority and governing any other matters related to its activities.

(3) To buy and sell approved notes evidencing loans made under this chapter, and to buy and sell participations in approved notes made pursuant to this chapter.

(4) From time to time to issue its negotiable bonds and bond anticipation notes for the purpose of providing funds (a) to carry out any purposes of the authority under this chapter, including, without limitation, making or purchasing loans under any provision of this chapter; (b) to purchase from lenders approved notes or participations in approved notes as provided by law; and (c) for the refunding of outstanding bonds.

(5) To engage in programs which state guaranty agencies are authorized to participate in pursuant to 20 U.S.C. § 1071 et seq. as amended.

(6) To perform any other acts which may be deemed necessary or appropriate to carry out the objects and purposes of this chapter.

12. Section 23 of P.L.1969, c.135 (C.18A:72-17.1) is amended to read as follows:

C.18A:72-17.1 New Jersey Higher Educational Assistance Capital Reserve Fund.

23. (a) The authority shall establish and maintain a special fund called the "New Jersey Higher Educational Assistance Capital Reserve Fund" in which there shall be deposited (1) all moneys appropriated by the State for the purpose of such fund, (2) all proceeds of bonds required to be deposited therein by terms of any contract between the authority and its bondholders or any resolution of the authority with respect to such proceeds or bonds, and (3) any other moneys or funds of the authority which it determines to deposit therein. Moneys in the reserve fund shall be held and applied solely to the payment of the interest on and principal of bonds of the authority as the same shall become due and payable and for the retirement of bonds, and shall not be withdrawn therefrom if such withdrawal would reduce the amount in the reserve fund to an amount equal to less than the "maximum debt service reserve" (as hereinafter defined) except for payment of interest then due and payable on bonds and the principal of bonds then maturing and payable and for the retirement of bonds in accordance with the terms of any contract between the authority and its bondholders and for the payments on account of which interest or principal or retirement of bonds other moneys of the authority are not then available in accordance with the terms of any such contract. As herein used "maximum debt service reserve" means, as of any date of computation, the lesser of: (1) the largest amount of

money required by the terms of all contracts between the authority and its bondholders to be raised in any succeeding calendar year for the payment of interest on and maturing principal of outstanding bonds and payments required by the terms of any such contracts to sinking funds established for the payment or redemption of such bonds, all calculated on the assumption that bonds will cease to be outstanding after date of such computation by reason of the payment of bonds at their respective maturities and the payments of such required moneys to sinking funds and the application thereof in accordance with the terms of all such contracts to the retirement of bonds; or (2) the amount of money required by the terms of all contracts between the authority and its bondholders to be maintained in said fund.

(b) Moneys in said fund at any time in excess of the maximum debt service reserve, whether by reason of investment or otherwise, may be withdrawn at any time by the authority and transferred to any other fund or account of the authority.

(c) Moneys at any time in the reserve fund may be invested in any direct obligations of, or obligations as to which the principal and interest thereof is guaranteed by, the United States of America or such other obligations as the authority may approve.

(d) For purposes of valuation, investments in the reserve fund shall be valued at the lowest of the par value, cost to the authority or market value of such investments. Valuation on any particular date shall include the amount of interest then earned or accrued to such date on any moneys or investments in the reserve fund.

(e) Notwithstanding any other provision contained in this act, no bonds shall be issued by the authority unless there is in the reserve fund the maximum debt service reserve for all bonds then issued and outstanding and the bonds about to be issued, provided, however, that nothing herein shall prevent or preclude the authority from satisfying the foregoing requirement by depositing so much of the proceeds of the bonds about to be issued, upon their issuance, as is needed to achieve the maximum debt service reserve. The authority may at any time issue its bonds or notes for the purpose of providing any amount necessary to increase the amount in the reserve fund to the maximum debt service reserve, or to meet such higher or additional reserve as may be fixed by the authority with respect to such fund.

(f) In order to assure the maintenance of the maximum debt service reserve in the reserve fund, there shall be appropriated annually and paid to the authority for deposit in said fund, such

sum, if any, as shall be certified by the chairman of the authority to the Governor as necessary to restore said fund to an amount equal to the maximum debt service reserve. The chairman shall annually, on or before December 1, make and deliver to the Governor his certificate stating the sums, if any, required to restore said fund to the amount aforesaid, and the sum or sums so certified shall be appropriated and paid to the authority during the then current State fiscal year.

(g) This reserve fund shall be kept separate from any other reserve fund established by the authority and shall not be subject to the provisions of section 18A:72-17 of the New Jersey Statutes.

13. This act shall take effect immediately.

Approved August 26, 1991.

CHAPTER 269

AN ACT concerning the licensing and regulation of the solid and hazardous waste industries, amending and supplementing P.L.1983, c.392, and amending P.L.1970, c.40, P.L.1970, c.39, P.L.1971, c.461, P.L.1975, c.326 and P.L.1981, c.306.

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

1. Section 2 of P.L.1983, c.392 (C.13:1E-127) is amended to read as follows:

C.13:1E-127 Definitions.

2. As used in this act:

a. "Applicant" means any business concern which has filed a disclosure statement with the department and the Attorney General and is seeking an initial license, provided that the business concern has furnished the department and the Attorney General with any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et al.).

b. "Application" means the forms and accompanying documents filed in connection with an applicant's or permittee's request for a license.

c. "Business concern" means any corporation, association, firm, partnership, sole proprietorship, trust or other form of commercial organization.

d. "Department" means the Department of Environmental Protection.

e. "Disclosure statement" means a statement submitted to the department and the Attorney General by an applicant or a permittee, which statement shall include:

(1) The full name, business address and social security number of the applicant or the permittee, as the case may be, and of any officers, directors, partners, or key employees thereof and all persons holding any equity in or debt liability of that business concern, or, if the applicant or permittee is a publicly traded corporation, all persons holding more than 5% of the equity in or the debt liability of that business concern, except that where the debt liability is held by a chartered lending institution, the applicant or permittee need only supply the name and business address of the lending institution;

(2) The full name, business address and social security number of all officers, directors, or partners of any business concern disclosed in the disclosure statement and the names and addresses of all persons holding any equity in or the debt liability of any business concern so disclosed, or, if the business concern is a publicly traded corporation, all persons holding more than 5% of the equity in or the debt liability of that business concern, except that where the debt liability is held by a chartered lending institution, the applicant or permittee need only supply the name and business address of the lending institution;

(3) The full name and business address of any business concern which collects, transports, treats, stores, transfers or disposes of solid waste or hazardous waste in which the applicant or the permittee holds an equity interest;

(4) A description of the experience and credentials in, including any past or present licenses for, the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste possessed by the applicant or the permittee, as the case may be, and by the key employees, officers, directors, or partners thereof;

(5) A listing and explanation of any notices of violation or prosecution, administrative orders or license revocations issued by this State or any other state or federal authority, in the 10 years immediately preceding the filing of the application or disclosure statement, whichever is later, which are pending or have resulted in a finding or a settlement of a violation of any law or

rule and regulation relating to the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste by the applicant or the permittee, as the case may be, or by any key employee, officer, director, or partner thereof;

(6) A listing and explanation of any judgment of liability or conviction which was rendered, pursuant to the laws of this State, or any other state or federal statute or local ordinance, against the applicant or the permittee, as the case may be, or against any key employee, officer, director, or partner thereof, except for any violation of Title 39 of the Revised Statutes other than a violation of the provisions of P.L.1983, c.102 (C.39:5B-18 et seq.), P.L.1983, c.401 (C.39:5B-25 et seq.) or P.L.1985, c.415 (C.39:5B-30 et seq.);

(7) A listing of all labor unions and trade and business associations in which the applicant or the permittee was a member or with which the applicant or the permittee had a collective bargaining agreement during the 10 years preceding the date of the filing of the application or disclosure statement, whichever is later;

(8) A listing of any agencies outside of New Jersey which had regulatory responsibility over the applicant or the permittee, as the case may be, in connection with the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste;

(9) Any other information the Attorney General or the department may require that relates to the competency, reliability or integrity of the applicant or the permittee.

f. "Key employee" means any individual employed by the applicant, the permittee or the licensee in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the business concern but shall not include employees exclusively engaged in the physical or mechanical collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste.

g. "License" means the initial approval and first renewal by the department of any registration statement or engineering design pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.), for the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste in this State.

A "license" shall not include any registration statement or engineering design approved for:

(1) Any State department, division, agency, commission or authority, or county, municipality or agency thereof;

(2) Any person solely for the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste generated by that person;

(3) Any person for the operation of a hazardous waste facility, if at least 75% of the total design capacity of that facility is utilized to treat, store or dispose of hazardous waste generated by that person;

(4) Any person for the operation of a hazardous waste facility which is considered as such solely as the result of the reclamation, recycling or refining of hazardous wastes which are or contain any of the following precious metals: gold, silver, osmium, platinum, palladium, iridium, rhodium, ruthenium, or copper;

(5) Any person solely for the transportation of hazardous wastes which are or contain precious metals to a hazardous waste facility described in paragraph (4) of this subsection for the purposes of reclamation.

A "license" shall include any registration statement approved for any person who transports any other hazardous waste in addition to hazardous wastes which are or contain precious metals;

(6) Any person solely for the collection, transportation, treatment, storage or disposal of granular activated carbon used in the adsorption of hazardous waste; or

(7) Any regulated medical waste generator for the treatment or disposal of regulated medical waste at any noncommercial incinerator or noncommercial facility in this State that accepts regulated medical waste for disposal.

h. "Licensee" means any business concern which has completed the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and whose application for the issuance or renewal of a license has been approved by the department pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133).

i. "Permittee" means and shall include:

(1) Any business concern which has filed a disclosure statement with the department and the Attorney General and to which a valid registration statement or engineering design approval for the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has been given by the department prior to June 14, 1984;

(2) Any business concern which has filed a disclosure statement with the department and the Attorney General and to which a temporary license has been approved, issued or renewed by the department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135), but which

has not otherwise completed the requirements of section 3 of P.L.1983, c.392 (C.13:1E-128) and whose application for a license has not been approved by the department pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133), provided that the temporary license remains valid, and provided further that the business concern has furnished the department and the Attorney General with any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et al.);

(3) Any business concern which has filed a disclosure statement with the department and the Attorney General and to which a valid registration statement or engineering design approval for the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.) or P.L.1981, c.279 (C.13:1E-49 et seq.) has been given by the department between February 20, 1985 and January 23, 1986, inclusive, provided that the registration statement or engineering design approval remains valid, and provided further that the business concern has furnished the department and the Attorney General with any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et al.); or

(4) Any business concern to which a temporary approval of registration has been given by the department at any time after January 23, 1986 pursuant to statute or rule and regulation, provided that such temporary approval of registration, statute, or rule and regulation remains valid, and provided further that the business concern has furnished the department and the Attorney General with any information required pursuant to P.L.1991, c.269 (C.13:1E-128.1 et al.) and filed a disclosure statement with the department and the Attorney General.

j. "Person" means any individual or business concern.

2. Section 3 of P.L.1983, c.392 (C.13:1E-128) is amended to read as follows:

C.13:1E-128 Disclosure statement.

3. In addition to any other procedure, condition or information required pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), P.L.1981, c.279 (C.13:1E-49 et seq.) or any other law:

a. (1) Every applicant and permittee shall file a disclosure statement with the department and the Attorney General;

(2) Any person required to be listed in the disclosure statement shall be fingerprinted for identification and investigation purposes in accordance with procedures therefor established by the Attorney General;

(3) The Attorney General shall, upon the receipt of the disclosure statement from an applicant for an initial license or from a permittee, prepare and transmit to the department an investigative report on the applicant or the permittee, as the case may be, based in part upon the disclosure statement. In preparing this report, the Attorney General may request and receive criminal history information from the State Commission of Investigation or the Federal Bureau of Investigation; and

(4) In conducting a review of the application, the department shall include a review of the disclosure statement and investigative report.

b. All applicants, permittees and licensees shall have the continuing duty to provide any assistance or information requested by the department or the Attorney General, and to cooperate in any inquiry or investigation conducted by the Attorney General or the State Commission of Investigation and any inquiry, investigation, or hearing conducted by the department. If, upon issuance of a formal request to answer any inquiry or produce information, evidence or testimony, any applicant, permittee or licensee refuses to comply, the application of the business concern for a license may be denied, or the license of that business concern may be revoked by the department.

c. If any of the information required to be included in the disclosure statement changes, or if any additional information should be added after the filing of the disclosure statement, the applicant, permittee or licensee shall provide that information to the department and the Attorney General, in writing, within 30 days of the change or addition.

C.13:1E-128.1 Priority schedule for investigative reports.

3. a. With respect to the preparation and transmittal to the department of the investigative reports required pursuant to section 3 of P.L.1983, c.392 (C.13:1E-128), the Attorney General shall establish a priority schedule for their timely completion. The priority schedule shall accord priority consideration to:

(1) Those permittees who own or operate a solid waste facility pursuant to a temporary license or registration approved, issued or renewed by the department or whose temporary license or registration is limited by the time constraints imposed pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135) or section 11 of P.L.1970, c.39 (C.13:1E-11); and

(2) Any applicant proposing to own or operate a resource recovery facility or other solid waste facility approved by the department for the long-term solid waste disposal requirements of a district or districts pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.).

b. With respect to the review of the investigative reports of applicants or permittees transmitted by the Attorney General pursuant to section 3 of P.L.1983, c.392 (C.13:1E-128), the department shall comply with the priority schedule established by the Attorney General pursuant to subsection a. of this section.

c. Nothing in this section shall be construed to establish any priority which would preclude or restrict the timing or discretion of the Attorney General or the department regarding a decision to institute and prosecute a revocation proceeding against a permittee or licensee.

4. Section 4 of P.L.1983, c.392 (C.13:1E-129) is amended to read as follows:

C.13:1E-129 Investigative interrogatory.

4. a. Whenever the Attorney General determines that there exists a reasonable suspicion that any person may have information or be in possession, custody, or control of any documentary materials relevant to an investigation of an applicant, permittee or licensee conducted pursuant to this act, he may issue in writing, and cause to be served upon that person an investigative interrogatory requiring that person to answer questions under oath and produce material for examination.

b. Each interrogatory shall:

(1) Identify the licensee, permittee or applicant who is the subject of the investigation;

(2) Advise the person that he has the right to discuss the interrogatory with legal counsel prior to returning it to the Attorney General or prior to making material available, as provided in subsection f. of this section, and that he has the right to file in Superior Court a petition to modify or set aside the interrogatory, as provided in subsection j. of this section;

(3) Describe the class or classes of documentary material to be produced thereunder with sufficient particularity as to permit the material to be reasonably identified;

(4) Prescribe a return date, which date shall provide a reasonable period of time within which answers may be made and material so demanded may be assembled and made available for inspection and copying or reproduction, as provided in subsection f. of this section.

c. No interrogatory shall:

(1) Contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued in aid of a grand jury investigation; or

(2) Require the production of any documentary evidence which would be otherwise privileged from disclosure if demanded by a subpoena duces tecum issued in aid of a grand jury investigation.

d. Service of any interrogatory filed under this section may be made upon any person by:

(1) Delivering a duly executed copy thereof to the person or any partner, executive officer, managing agent, employee or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of the person; or

(2) Delivering a duly executed copy thereof to the principal office or place of business of the person to be served; or

(3) Depositing a copy in the United States mail, by registered or certified mail duly addressed to the person at his principal office or place of business.

e. A verified return by the individual serving any interrogatory, setting forth the manner of service, shall be prima facie proof of service. In the case of service by registered or certified mail, the return shall be accompanied by the return post office receipt of delivery of the interrogatory.

f. Any person upon whom any interrogatory issued under this section has been duly served which requires the production of materials shall make the material available for inspection and copying or reproduction to the Attorney General at the principal place of business of that person in the State of New Jersey or at any other place as the Attorney General and the person thereafter may agree and prescribe in writing, on the return date specified in the interrogatory or on a later date as the Attorney General may prescribe in writing. Upon written agreement between the person and the Attorney General, copies may be substituted for all or any part of the original materials. The Attorney General may cause the preparation of any copies of documentary material as may be required for official use by the Attorney General.

No material produced pursuant to this section shall be available for examination, without the consent of the person who produced the material, by an individual other than the Attorney General or any person retained by the Attorney General in connection with the enforcement of this act. Under reasonable terms and conditions as the Attorney General shall prescribe, documentary material while in his possession shall be available for examina-

tion by the person who produced the material or any of his duly authorized representatives.

In any investigation conducted pursuant to this act, the Attorney General may present before the department, court or grand jury any documentary material in his possession pursuant to this section, subject to any protective order deemed proper by the Superior Court.

g. Upon completion of:

(1) The review and investigation for which any documentary material was produced under this section, and

(2) Any case or proceeding arising from the investigation, the Attorney General shall return to the person who produced the material all the material, other than copies thereof made by the Attorney General pursuant to this section, which has not passed into the control of the department or any court or grand jury through the introduction thereof into the record of the case or proceeding.

h. When any documentary material has been produced by any person under this section for use in an investigation, and no case or proceeding arising therefrom has been instituted within two years after completion of the examination and analysis of all evidence assembled in the course of the investigation, the person shall be entitled, upon written demand made upon the Attorney General, to the return of all documentary material, other than copies thereof made pursuant to this section so produced by him.

i. Whenever any person fails to comply with any investigative interrogatory duly served upon him under this section, or whenever satisfactory copying or reproduction of any material cannot be done and he refuses to surrender the material, the Attorney General may file in the Superior Court a petition for an order of the court for the enforcement of this section.

j. At any time before the return date specified in the interrogatory, the person served with the interrogatory may file in the Superior Court a petition for an order modifying or setting aside the interrogatory. The time allowed for compliance with the interrogatory shall not run during the pendency of this petition. The petition shall specify each ground upon which the petition relies in seeking relief, and may be based upon any failure of the interrogatory to comply with the provisions of this section or upon any constitutional or other legal right or privilege of the petitioner. In this proceeding, the Attorney General shall establish the existence of an investigation pursuant to this act and the nature and subject matter of the investigation.

5. Section 5 of P.L.1983, c.392 (C.13:1E-130) is amended to read as follows:

C.13:1E-130 Subpena power.

5. a. Whenever the Attorney General determines that there exists a reasonable suspicion that any person may have information or knowledge relevant to an investigation conducted pursuant to this act, he may issue in writing and cause to be served upon that person a subpoena to appear and be examined under oath before the Attorney General.

b. The subpoena shall:

(1) Identify the licensee, permittee or applicant who is the subject of the investigation;

(2) Advise that person that he may have an attorney present when he appears and testifies or otherwise responds to the subpoena, that he has a right, at any time before the return date of the subpoena, to file in Superior Court a petition to modify or set aside the subpoena, as provided in subsection f. of this section;

(3) Prescribe a date and time at which that person must appear to testify, under oath, provided that this date shall not be less than seven days from the date of service of the subpoena.

c. Except as otherwise provided in this section, no information derived pursuant to the subpoena shall be disclosed by the Attorney General or the department without the consent of the person testifying.

In any investigation conducted pursuant to this act, the Attorney General may present before the department, court or grand jury any information disclosed pursuant to the subpoena, subject to any protective order deemed proper by the Superior Court.

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

e. Whenever any person fails to comply with any subpoena duly served upon him under this section, or whenever satisfactory copying or reproduction of any material cannot be done and he refuses to surrender the material, the Attorney General may file in the Superior Court a petition for an order of the court for the enforcement of the subpoena.

f. At any time before the return date specified in the subpoena, the person who has been served with the subpoena may file in the Superior Court a petition for an order modifying or setting aside the subpoena. The time allowed for compliance with the subpoena shall not run during the pendency of this petition. The petition shall specify each ground upon which the petitioner relies in

seeking relief, and may be based upon any failure of the subpoena to comply with the provisions of this section or upon any constitutional or other legal right or privilege of the petitioner. In this proceeding, the Attorney General shall establish the existence of an investigation pursuant to this act and the nature and subject matter of the investigation.

6. Section 8 of P.L.1983, c.392 (C.13:1E-133) is amended to read as follows:

C.13:1E-133 Disqualification criteria.

8. The provisions of any law to the contrary notwithstanding, no license shall be approved by the department:

a. Unless the department finds that the applicant, or the permittee, as the case may be, in any prior performance record in the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste, has exhibited sufficient integrity, reliability, expertise, and competency to engage in the collection or transportation of solid waste or hazardous waste, or to operate the solid waste facility or hazardous waste facility, given the potential economic consequences for affected counties, municipalities and ratepayers or significant adverse impacts upon human health and the environment which could result from the irresponsible participation therein or operation thereof, or if no prior record exists, that the applicant or the permittee is likely to exhibit that integrity, reliability, expertise and competence.

b. If any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, the permittee or the licensee, has been convicted of any of the following crimes under the laws of New Jersey or the equivalent thereof under the laws of any other jurisdiction:

- (1) Murder;
- (2) Kidnapping;
- (3) Gambling;
- (4) Robbery;
- (5) Bribery;
- (6) Extortion;
- (7) Criminal usury;
- (8) Arson;
- (9) Burglary;
- (10) Theft and related crimes;
- (11) Forgery and fraudulent practices;

- (12) Fraud in the offering, sale or purchase of securities;
- (13) Alteration of motor vehicle identification numbers;
- (14) Unlawful manufacture, purchase, use or transfer of firearms;
- (15) Unlawful possession or use of destructive devices or explosives;
- (16) Violation of N.J.S.2C:35-5, except possession of 84 grams or less of marijuana, or of N.J.S.2C:35-10;
- (17) Racketeering, P.L.1981, c.167 (C.2C:41-1 et seq.);
- (18) Violation of criminal provisions of the "New Jersey Anti-trust Act," P.L.1970, c.73 (C.56:9-1 et seq.);
- (19) Any purposeful or reckless violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations, including, but not limited to, solid waste or hazardous waste management laws, rules, or regulations;
- (20) Violation of N.J.S.2C:17-2;
- (21) Any offense specified in chapter 28 of Title 2C; or
- (22) Violation of the "Solid Waste Utility Control Act of 1970," P.L.1970, c.40 (C.48:13A-1 et seq.) or P.L.1981, c.221 (C.48:13A-6.1).

c. If the Attorney General determines that there is a reasonable suspicion to believe that a person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, the permittee or the licensee, does not possess a reputation for good character, honesty and integrity, and that person or the applicant, the permittee or the licensee fails, by clear and convincing evidence, to establish his reputation for good character, honesty and integrity.

d. With respect to the approval of an initial license, if there are current prosecutions or pending charges in any jurisdiction against any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant or the permittee, for any of the crimes enumerated in subsection b. of this section, provided, however, that at the request of the applicant, permittee, or the person charged, the department shall defer decision upon such application during the pendency of such charge.

e. If any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, permittee or the licensee, has pursued economic gain in an occupational manner or context which is in violation of the criminal or civil public policies of this State, where such pursuit creates a reasonable belief that the participation of that person in any activity required to be licensed under this act would be inimical to the policies of this act. For the pur-

poses of this section, “occupational manner or context” means the systematic planning, administration, management, or execution of an activity for financial gain.

f. If the Attorney General determines that any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, permittee or the licensee, has been identified by the State Commission of Investigation or the Federal Bureau of Investigation as a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel, where such identification, membership or association creates a reasonable belief that the participation of that person in any activity required to be licensed under this act would be inimical to the policies of this act. For the purposes of this section, “career offender” means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, utilizing such methods as are deemed criminal violations of the public policy of this State; and a “career offender cartel” means any group of persons who operate together as career offenders.

A license may be approved by the department for any applicant or permittee if the information contained within the disclosure statement and investigative report, including any determination made by the Attorney General concerning the character, honesty and integrity of any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant or permittee, would not require disqualification pursuant to subsection a., b. c., e. or f. of this section.

A license approved by the department for any applicant or permittee pursuant to this section is non-transferable and shall be valid only for the length of time for which it is given.

Any applicant or permittee who is denied an initial license pursuant to this section shall, upon a written request transmitted to the department within 30 days of that denial, be afforded the opportunity for a hearing thereon in the manner provided for contested cases pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

C.13:1E-133.1 Rehabilitated ex-offenders, licensing.

7. a. Notwithstanding the conviction of any person required to be listed in a disclosure statement, or otherwise shown to have a beneficial interest in the business of an applicant, permittee or licensee for any of the crimes enumerated in subsection b. of sec-

tion 8 of P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a license to an applicant, permittee or licensee if the department determines in a writing setting forth findings of fact that the convicted person has affirmatively demonstrated rehabilitation by clear and convincing evidence pursuant to the provisions of this section. If the department determines that the nature and seriousness of the crime creates a reasonable doubt that an applicant, permittee, or licensee will engage in the activity for which a license is sought in a lawful and responsible manner, the department shall make a determination in a writing setting forth findings of fact that the convicted person cannot affirmatively demonstrate rehabilitation.

b. In determining whether a convicted individual has affirmatively demonstrated rehabilitation, the department shall request a recommendation thereon from the Attorney General, which recommendation shall be in writing and based upon a consideration of at least the following factors:

- (1) The nature and responsibilities of the position which a convicted individual would hold;
- (2) The nature and seriousness of the crime;
- (3) The circumstances under which the crime was committed;
- (4) The date of the crime;
- (5) The age of the convicted individual when the crime was committed;
- (6) Whether the crime was an isolated or repeated act;
- (7) Any evidence of good conduct in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, or the recommendation of persons who have supervised the convicted individual since the conviction; and
- (8) The full criminal record of the convicted individual, any record of civil or regulatory violations or notices or any complaints alleging any such civil or regulatory violations, or any other allegations of wrongdoing.

Notwithstanding any other provision of this subsection, a convicted individual shall have affirmatively demonstrated rehabilitation pursuant to the provisions of this section if the convicted individual produces evidence of a pardon issued by the Governor of this or any other state, or evidence of the expungement of every conviction for any of the crimes enumerated in subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133).

c. In determining whether a convicted business concern has affirmatively demonstrated rehabilitation, the department shall

request a recommendation thereon from the Attorney General, which recommendation shall be in writing and based upon a consideration of at least the following factors:

- (1) The nature and seriousness of the crime;
- (2) The circumstances under which the crime was committed;
- (3) The date of the crime;
- (4) Whether the crime was an isolated or repeated act; and
- (5) The full criminal record of the convicted business concern, any record of civil or regulatory violations or notices or any complaints alleging any such civil or regulatory violations, or any other allegations of wrongdoing.

d. The Attorney General may require, as a predicate to a determination that a convicted business concern has affirmatively demonstrated rehabilitation, that the convicted business concern agree, in writing, to an investigation of the crime or crimes committed by the convicted business concern which caused disqualification pursuant to subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the persons involved in the crime, and any corporate policies, procedures, and organizational structure that may have led to the crime. At the conclusion of this investigation a report shall be prepared identifying the underlying conduct giving rise to any criminal convictions and any steps that have subsequently been taken by the convicted business concern to prevent a recurrence of the criminal activity, and recommending any steps that may be deemed necessary to prevent a recurrence of the criminal activity. The investigation shall be conducted by, or on behalf of, the Attorney General, and the cost thereof shall be borne by the convicted business concern.

The Attorney General may require, on the basis of this investigation and as a condition of recommending that a convicted business concern has affirmatively demonstrated rehabilitation, that a convicted business concern comply, or agree in writing to comply, with any of the following:

- (1) changes in the convicted business concern's organizational structure to reduce the opportunity and motivation of individual employees to engage in criminal activity, including procedures for informing employees of the requirements of relevant state and federal law;
- (2) changes in the convicted business concern's long and short term planning to ensure that the convicted business concern implements procedures and policies to prevent future violations of the law;

(3) changes in the convicted business concern's legal, accounting, or other internal or external control and monitoring procedures to discourage or prevent future violations of state or federal law;

(4) changes in the convicted business concern's ownership, control, personnel, and personnel selection practices, including the removal of any person shown to have a beneficial interest in the convicted business concern, and the imposition of a reward or disincentive system in order to encourage employees to comply with relevant state and federal law;

(5) post-licensing monitoring of the convicted business concern's activities relating to any changes in policy, procedure, or structure required by the Attorney General pursuant to this subsection, the cost of such monitoring to be borne by the convicted business concern; and

(6) any other requirements deemed necessary by the Attorney General.

e. The department shall not determine that a convicted business concern has affirmatively demonstrated rehabilitation if the convicted business concern has not complied, or agreed in writing to comply, with every requirement imposed by the Attorney General pursuant to subsection d. of this section.

C.13:1E-133.2 Reestablished integrity, licensing.

8. a. Notwithstanding any current prosecutions or pending charges in any jurisdiction against any person required to be listed in a disclosure statement, or otherwise shown to have a beneficial interest in the business of an applicant, permittee or licensee for any of the crimes enumerated in subsection b. of section 8 of P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a license to an applicant, permittee or licensee if the department determines in a writing setting forth findings of fact that the person against whom there are current prosecutions or pending charges has affirmatively reestablished a reputation for good character, honesty and integrity by clear and convincing evidence pursuant to the provisions of this section. If the department determines that the nature and seriousness of the crime alleged in a current prosecution or pending charge creates a reasonable doubt that an applicant, permittee, or licensee will engage in the activity for which a license is sought in a lawful and responsible manner, the department shall make a determination in a writing setting forth findings of fact that the person against

whom there are current prosecutions or pending charges cannot reestablish a reputation for good character, honesty and integrity.

A person may affirmatively reestablish a reputation for good character, honesty and integrity pursuant to this section in advance of the disposition of the current prosecutions or pending charges provided that this reestablishment consists of evidence of good character, honesty and integrity rather than any defenses to the current prosecutions or pending charges. A reestablishment of a reputation for good character, honesty and integrity pursuant to this section shall not be deemed insufficient due to a lack of admission of guilt to the current prosecutions or pending charges.

b. In determining whether an individual against whom there are current prosecutions or pending charges has affirmatively reestablished a reputation for good character, honesty and integrity, the department shall request a recommendation thereon from the Attorney General, which recommendation shall be in writing and based upon a consideration of at least the following factors:

(1) The nature and responsibilities of the position which the individual against whom there are current prosecutions or pending charges would hold;

(2) The nature and seriousness of the alleged crime;

(3) The circumstances under which the alleged crime was committed;

(4) The date of the alleged crime;

(5) The age of the individual against whom there are current prosecutions or pending charges when the alleged crime was committed;

(6) Whether the alleged crime was an isolated or repeated act;

(7) Any evidence of good conduct in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, or the recommendation of persons who have supervised the individual since the date of the alleged crime; and

(8) The full criminal record of the individual against whom there are current prosecutions or pending charges, any record of civil or regulatory violations or notices or any complaints alleging any such civil or regulatory violations, or any other allegations of wrongdoing.

c. In determining whether a business concern against whom there are current prosecutions or pending charges has affirmatively reestablished a reputation for good character, honesty and integrity, the department shall request a recommendation thereon from the Attorney General, which recommendation shall be in writing and based upon a consideration of at least the following factors:

- (1) The nature and seriousness of the alleged crime;
- (2) The circumstances under which the alleged crime was committed;
- (3) The date of the alleged crime;
- (4) Whether the alleged crime was an isolated or repeated act; and
- (5) The full criminal record of the business concern against whom there are current prosecutions or pending charges, any record of civil or regulatory violations or notices or any complaints alleging any such civil or regulatory violations, or any other allegations of wrongdoing.

d. The Attorney General may require, as a predicate to a determination that a business concern against which there are current prosecutions or pending charges has affirmatively reestablished a reputation for good character, honesty and integrity, that the business concern agree, in writing, to an investigation of the alleged crime or crimes committed by the business concern, the persons involved in the alleged crime, and any corporate policies, procedures, and organizational structure that may have led to the alleged crime. At the conclusion of this investigation a report shall be prepared identifying the underlying conduct giving rise to any alleged criminal activity and any steps that have subsequently been taken by the business concern to prevent a recurrence of the alleged criminal activity, and recommending any steps that may be deemed necessary to prevent a recurrence of the alleged criminal activity. The investigation shall be conducted by, or on behalf of, the Attorney General, and the cost thereof shall be borne by the business concern.

The Attorney General may require, on the basis of this investigation and as a condition of recommending that a business concern against which there are current prosecutions or pending charges has affirmatively reestablished a reputation for good character, honesty and integrity, that a business concern comply, or agree in writing to comply, with any of the following:

- (1) changes in the business concern's organizational structure to reduce the opportunity and motivation of individual employees to engage in criminal activity, including procedures for informing employees of the requirements of relevant state and federal law;
- (2) changes in the business concern's long and short term planning to ensure that the business concern implements procedures and policies to prevent future violations of state or federal law;
- (3) changes in the business concern's legal, accounting, or other internal or external control and monitoring procedures to discourage or prevent future violations of state or federal law;

(4) changes in the business concern's ownership, control, personnel, and personnel selection practices, including the removal of any person shown to have a beneficial interest in the business concern, and the imposition of a reward or disincentive system in order to encourage employees to comply with relevant state and federal law;

(5) post-licensing monitoring of the business concern's activities relating to any changes in policy, procedure, or structure required by the Attorney General pursuant to this subsection, the cost of such monitoring to be borne by the business concern; and

(6) any other requirements deemed necessary by the Attorney General.

e. The department shall not determine that a business concern against which there are current prosecutions or pending charges has affirmatively reestablished a reputation for good character, honesty and integrity if the business concern has not complied, or agreed in writing to comply, with every requirement imposed by the Attorney General pursuant to subsection d. of this section.

9. Section 9 of P.L.1983, c.392 (C.13:1E-134) is amended to read as follows:

C.13:1E-134 Causes for revocation.

9. Any license may be revoked by the department pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) for any of the following causes:

a. Any cause which would require disqualification, pursuant to subsection a., b., c., e. or f. of section 8 of P.L.1983, c.392 (C.13:1E-133), from receiving a license upon original application;

b. Fraud, deceit or misrepresentation in securing the license, or in the conduct of the licensed activity;

c. Offering, conferring or agreeing to confer any benefit to induce any other person to violate the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.), or of any other law relating to the collection, transportation, treatment, storage, transfer or disposal of solid waste or hazardous waste, or of any rule or regulation adopted pursuant thereto;

d. Coercion of a customer by violence or economic reprisal or the threat thereof to utilize the services of any permittee or licensee; or

e. Preventing, without authorization of the department, any permittee or licensee from disposing of solid waste or hazardous waste at a licensed, authorized or approved treatment, storage, transfer or disposal facility.

10. Section 10 of P.L.1983, c.392 (C.13:1E-135) is amended to read as follows:

C.13:1E-135 Licensing after removal of disqualification; temporary licenses.

10. a. (1) Notwithstanding the disqualification of the applicant or permittee pursuant to subsection a., b., c., e. or f. of section 8 of P.L.1983, c.392 (C.13:1E-133), the department may issue or renew a license if the applicant or permittee severs the interest of or affiliation with the person who would otherwise cause that disqualification.

(2) The department may issue or renew a temporary license to any applicant or permittee for periods not to exceed six months if the department determines that the issuance or renewal of a temporary license is necessitated by the public interest.

b. After July 1, 1992, the provisions of any other law to the contrary notwithstanding, no temporary license shall be approved, issued or renewed by the department for any applicant or permittee, as the case may be, to own or operate a resource recovery facility or other solid waste facility approved by the department for the long-term solid waste disposal requirements of a district or districts pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) prior to the completion by the Attorney General and the department of the requirements of sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133); except that the department may issue a temporary license to an applicant or renew the temporary license of a permittee if the Commissioner of the Department of Environmental Protection determines, in writing, that the issuance of a temporary license for that applicant or renewal of the temporary license for that permittee is necessitated by the public interest.

11. Section 6 of P.L.1970, c.40 (C.48:13A-5) is amended to read as follows:

C.48:13A-5 Award of franchises.

6. a. The Board of Public Utilities may, by order in writing, when it finds that the public interest requires, award a franchise to any person or persons engaged in solid waste disposal at rates and charges published in tariffs or contracts accepted or to be accepted for filing by the board; provided, however, that the proposed franchise for solid waste disposal conforms to the district solid waste management plan of the district or districts in which such service is to be located, as such plan shall have been approved by the Department of Environmental Protection.

b. Franchises awarded pursuant to this section shall be of sufficient area and duration to support the estimated technical and economic needs of the disposal facility which is to serve the district or districts.

c. For the purposes of this section, "franchise" shall mean the exclusive right to control and provide for the disposal of solid waste, except for recyclable material whenever markets for those materials are available, within a district or districts as awarded by the Board of Public Utilities.

d. In no event shall the board award a franchise to any person required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, permittee or the licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127), if the board determines that there is a reasonable suspicion to believe that the person does not possess a reputation for good character, honesty and integrity, and that person or the applicant, permittee or licensee fails, by clear and convincing evidence, to establish his reputation for good character, honesty and integrity.

e. Nothing in section 11 of P.L.1970, c.40 (C.48:13A-10) shall be interpreted to prevent the implementation of this section by the Board of Public Utilities.

12. Section 10 of P.L.1970, c.40 (C.48:13A-9) is amended to read as follows:

C.48:13A-9 Revocation or suspension of certificate of public convenience.

10. The board, on its own initiative or upon complaint by the State Department of Environmental Protection shall revoke or suspend the certificate of public convenience and necessity issued to any person engaged in the solid waste collection business or the solid waste disposal business upon the finding that such person:

a. Has violated any provision of P.L.1970, c.40 (C.48:13A-1 et seq.) or any rule, regulation or administrative order adopted or issued hereunder; or

b. Has violated any provision of any laws related to pollution of the air, water or lands of this State; or

c. Has refused or failed to comply with any lawful order of the board; or

d. Has had its registration revoked by the State Department of Environmental Protection.

13. Section 12 of P.L.1970, c.40 (C.48:13A-11) is amended to read as follows:

C.48:13A-11 Attendance of witnesses; production of tariffs, accounts and documents.

12. a. The board may compel the attendance of witnesses and the production of tariffs, contracts, papers, books, accounts and all the documents necessary to enable the board to administer its duties as prescribed by law and this act.

b. The board may compel any person engaged in the business of solid waste collection or solid waste disposal or otherwise providing solid waste collection or transfer, transportation or disposal services to furnish and file with the board any annual reports, federal or State tax returns, contracts, papers, books, accounts or other documents as may be necessary to enable the board to administer its duties as prescribed by law and this act.

c. Should any person engaged in the business of solid waste collection or solid waste disposal or otherwise providing solid waste collection or transfer, transportation or disposal services fail or refuse to comply with any provision of this section, or any applicable provision of Title 48 of the Revised Statutes, the board may revoke or suspend the certificate of public convenience and necessity issued to that person.

14. Section 11 of P.L.1970, c.39 (C.13:1E-11) is amended to read as follows:

C.13:1E-11 Temporary approval of registration.

11. a. During the first registration year of each applicant or permittee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127) for approval of a registration statement to engage in the collection of solid waste, or a registration statement or engineering design approval for a solid waste facility, or the year following any violation of the provisions of P.L.1970, c.39 (C.13:1E-1 et seq.) resulting in a revocation of registration, the department is authorized to give temporary approval of registrations conditioned upon the applicant or permittee, as the case may be, effecting specified additions, changes or improvements in methods of operation and equipment within such time and manner as may be required by the department. The fee for such temporary approval shall be the appropriate fee established pursuant to section 3 of P.L.1971, c.461 (C.13:1E-18), notwithstanding the length of time for which it is given.

b. After July 1, 1992, the provisions of any other law to the contrary notwithstanding, no temporary approval of registrations shall be given, issued or renewed by the department for any applicant or permittee, as the case may be, to own or operate a resource

recovery facility or other solid waste facility approved by the department for the long-term solid waste disposal requirements of a district or districts pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) prior to the completion by the Attorney General and the department of the requirements of sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133); except that the department may renew the temporary approval of registrations of an applicant or permittee if the commissioner determines, in writing, that the renewal of a temporary approval for that applicant or permittee is necessitated by the public interest.

15. Section 3 of P.L.1971, c.461 (C.13:1E-18) is amended to read as follows:

C.13:1E-18 Fees.

3. a. The department may in accordance with a fee schedule adopted as a rule or regulation establish and charge annual or periodic fees for any of the services to be performed in connection with the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.), except that the annual or periodic fees charged by the department to cover the costs incurred by any State agency relevant to pre-licensing investigations, post-licensing compliance monitoring or related activities under the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.) shall be based upon the size of the business concern. For the purposes of this subsection, "business concern" means any corporation, association, firm, partnership, sole proprietorship, trust or other form of commercial organization; "size" means the number of key employees or persons required to be listed in the disclosure statement, or otherwise shown to have a beneficial interest in the business of the applicant, permittee or licensee as defined in section 2 of P.L.1983, c.392 (C.13:1E-127); and "State agency" means any State department, division, agency, commission or authority.

The department, upon receipt of standard billing, shall provide reimbursement in full to the Attorney General or any other State agency for all expenses incurred by that State agency in the performance of pre-licensing investigations, post-licensing compliance monitoring or any other related activities consistent with the provisions of P.L.1983, c.392 (C.13:1E-126 et seq.).

b. The fee schedule shall reasonably reflect the duration or complexity of the specific service rendered, permit application reviewed, or registration statement or engineering design application approval sought.

16. Section 17 of P.L.1975, c.326 (C.13:1E-26) is amended to read as follows:

C.13:1E-26 Approval by commissioner prior to construction, acquisition, or operation of facility.

17. a. Prior to the construction, acquisition, or operation of any solid waste facility in any solid waste management district pursuant to the adopted and approved district solid waste management plan therefor, the person proposing the construction, acquisition, or operation, in addition to preparing an environmental impact statement for the solid waste facility in such form as shall be required by the commissioner pursuant to the provisions of section 6 of P.L.1970, c.39 (C.13:1E-6), shall make or cause to be made any preliminary surveys, investigations, studies, borings, maps, plans, drawings, and estimates of costs and of revenues as the commissioner may deem necessary relating to the type of solid waste facility.

The results of the environmental impact statements, surveys, investigations, studies, borings, maps, plans, drawings, and estimates required by the commissioner shall be submitted to the commissioner for approval. No person may proceed to construct, acquire, or operate any solid waste facility without having first obtained the approval of the commissioner. Such approval shall be granted only if the commissioner determines that:

(1) The proposed construction, acquisition, or operation is consistent with the adopted and approved district solid waste management plan of the solid waste management district within which the solid waste facility is to be located; and

(2) The proposed solid waste facility will be constructed or acquired, and operated, pursuant to the standards adopted and promulgated therefor by the department pursuant to the provisions of section 6 of P.L.1970, c.39 (C.13:1E-6).

b. In addition to the requirements of subsection a. of this section, no person shall commence construction of a resource recovery facility prior to the completion by the Attorney General and the department of the requirements of sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133), unless such person has received a temporary license approved by the department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135). The commissioner shall not approve the commencement of construction of a resource recovery facility unless the person proposing to own or operate the resource recovery facility has received a license approved by the department pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133)

or a temporary license approved by the department pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).

C.13:1E-133.3 Resource recovery permits; completion of investigation, licensing required.

17. The Department of Environmental Protection shall not issue any permits required pursuant to P.L.1954, c.212 (C.26:2C-1 et seq.), P.L.1962, c.19 (C.58:16A-50 et seq.), P.L.1975, c.232 (C.13:1D-29 et seq.), P.L.1977, c.74 (C.58:10A-1 et seq.), P.L.1981, c.262 (C.58:1A-1 et seq.), or any other law, or any rules and regulations adopted thereto, to any person proposing to own or operate a resource recovery facility prior to the completion by the Attorney General and the department of the requirements of sections 3 and 8 of P.L.1983, c.392 (C.13:1E-128 and 13:1E-133), and unless the person proposing to own or operate the resource recovery facility has received a license approved by the department pursuant to section 8 of P.L.1983, c.392 (C.13:1E-133); except that the department may issue such permits if the department has approved, issued or renewed a temporary license for such person pursuant to section 10 of P.L.1983, c.392 (C.13:1E-135).

18. Section 18 of P.L.1975, c.326 (C.13:1E-27) is amended to read as follows:

C.13:1E-27 Solid waste facility deemed public utility.

18. Any solid waste facility constructed, acquired or operated pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) shall be deemed a public utility and shall be subject to such rules and regulations as may be adopted by the Board of Public Utilities in accordance with the provisions of the "Solid Waste Utility Control Act of 1970," P.L.1970, c.40 (C.48:13A-1 et seq.).

19. Section 9 of P.L.1981, c.306 (C.13:1E-108) is amended to read as follows:

C.13:1E-108 Disbursement of fund.

9. Moneys in the fund shall be disbursed by the department for the following purposes and no others:

- a. Administrative costs incurred by the department pursuant to section 6 of P.L.1981, c.306 (C.13:1E-105);
- b. Damages as provided in section 7 of P.L.1981, c.306 (C.13:1E-106); and
- c. Administrative costs incurred by the Attorney General, the department or any other State agency to implement the provisions of

P.L.1983, c.392 (C.13:1E-126 et seq.), as amended and supplemented by P.L.1991, c.269 (C.13:1E-128.1 et al.), on a timely basis, except that the amounts used for this purpose shall not exceed \$5,000,000.00. Any moneys disbursed by the department from the fund for this purpose shall be repaid to the fund in equal amounts from the fees collected by the department pursuant to section 3 of P.L.1971, c.461 (C.13:1E-18), in annual installments beginning July 1, 1990 and annually thereafter until the full amount is repaid according to a schedule of repayments determined by the State Treasurer. For the purposes of this subsection, "State agency" means any State department, division, agency, commission or authority.

C.13:1E-133.4 Rules, regulations.

20. The Attorney General and the Department of Environmental Protection shall, within 120 days of the effective date of this act and pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules and regulations necessary to implement this act.

21. This act shall take effect immediately.

Approved August 27, 1991.

CHAPTER 270

AN ACT providing immunity from certain civil suits to licensed practitioners of psychology, psychiatry, medicine, nursing, clinical social work or marriage counseling 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:62A-16 Medical or counseling practitioners' immunity from civil liability.

1. a. Any person who is licensed in the State of New Jersey to practice psychology, psychiatry, medicine, nursing, clinical social work or marriage counseling, whether or not compensation is received or expected, is immune from any civil liability for a patient's violent act against another person or against himself unless the practitioner has incurred a duty to warn and protect the potential victim as set forth in subsection b. of this section and fails to discharge that duty as set forth in subsection c. of this section.

b. A duty to warn and protect is incurred when the following conditions exist:

(1) The patient has communicated to that practitioner a threat of imminent, serious physical violence against a readily identifiable individual or against himself and the circumstances are such that a reasonable professional in the practitioner's area of expertise would believe the patient intended to carry out the threat; or

(2) The circumstances are such that a reasonable professional in the practitioner's area of expertise would believe the patient intended to carry out an act of imminent, serious physical violence against a readily identifiable individual or against himself.

c. A licensed practitioner of psychology, psychiatry, medicine, nursing, clinical social work or marriage counseling shall discharge the duty to warn and protect as set forth in subsection b. of this section by doing any one or more of the following:

(1) Arranging for the patient to be admitted voluntarily to a psychiatric unit of a general hospital, a short-term care facility, a special psychiatric hospital or a psychiatric facility, under the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

(2) Initiating procedures for involuntary commitment of the patient to a short-term care facility, a special psychiatric hospital or a psychiatric facility, under the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

(3) Advising a local law enforcement authority of the patient's threat and the identity of the intended victim;

(4) Warning the intended victim of the threat, or, in the case of an intended victim who is under the age of 18, warning the parent or guardian of the intended victim; or

(5) If the patient is under the age of 18 and threatens to commit suicide or bodily injury upon himself, warning the parent or guardian of the patient.

d. A practitioner who is licensed in the State of New Jersey to practice psychology, psychiatry, medicine, nursing, clinical social work or marriage counseling who, in complying with subsection c. of this section, discloses a privileged communication, is immune from civil liability in regard to that disclosure.

C.2A:62A-17 Court order required for certain disclosures.

2. When a duty to warn and protect arises from the receipt of a privileged communication from a patient in a drug or alcohol abuse program governed by federal law, a licensed practitioner of psychology, psychiatry, medicine, nursing, clinical social work or marriage counseling may be required to obtain a court order

authorizing disclosure prior to disclosure of information about the patient including the patient's threat of violence, in accordance with 42 U.S.C. § 290dd-3 and 42 U.S.C. § 290ee-3 and regulations promulgated thereunder.

3. This act shall take effect immediately.

Approved August 27, 1991.

CHAPTER 271

AN ACT concerning the transportation system of the State and making an appropriation from the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Fund of 1989" therefor.

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

1. The appropriations made in this act are appropriated out of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Fund of 1989" established in section 14 of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180.

2. There is appropriated to the Department of Transportation the sum of \$10,000,000 for the cost of rehabilitation, improvement, inspection, and repair of bridges carrying State highways, and bridges owned or maintained by the State, to be allocated to the following projects:

PROJECT	COUNTY	AMOUNT
5th & 6th Street over NJ Transit	Essex	\$700,000
Emergency Repairs	Various	6,700,000
Bridge Inspections (under 20 feet)	Various	2,500,000
Miscellaneous Bridges	Various	100,000

3. There is appropriated to the Department of Transportation the sum of \$30,000,000 for the cost of rehabilitation, improvement, inspection, and repair of bridges carrying county and municipal roads, to be allocated to the following projects:

ATLANTIC COUNTY

Dorset Avenue Bridge, Ventnor City	\$750,000
County Total	750,000

BERGEN COUNTY

Terrace Avenue Bridge over Saddle River, Lodi Township	1,370,000
Main Street Bridge over Coles Brook, City of Hackensack	200,000
County Bridge Redecking Program	853,000
County Total	2,423,000

BURLINGTON COUNTY

Jacksonville/Heddingville Road Bridge over Branch of Assiscunk Creek, Springfield/Mansfield Townships	630,000
Jacksonville/Smithville Road Bridge over Branch of Assiscunk Creek, Springfield Township	142,000
Mount Holly Eayrestown Road Bridge over South Branch of Rancocas Creek, Lumberton Township	540,000
County Total	1,312,000

CAMDEN COUNTY

County Route 536 Spur, Williamstown - Sicklerville Road, 4 mile branch of Great Egg Harbor River, Winslow Township (Joint venture with Gloucester County)	250,000
Miscellaneous Bridges	961,000
County Total	1,211,000

CAPE MAY COUNTY

County Route 657 Stone Harbor Boulevard over Great Channel of Intercoastal Water Way, Middle Township and Stone Harbor Borough	750,000
County Total	750,000

CUMBERLAND COUNTY

County Route 670 Buckshutem Road Bridge over Steep Run Gut Run, Commercial Township	200,000

County Route 626 Jericho Road Bridge over Long Branch Run Stow Creek, Stow Creek Township	250,000
County Route 552 Mays Landing Road Bridge over Manumuskin River, Vineland City and Maurice River Township	300,000
County Total	750,000

ESSEX COUNTY

Franklin Street over the Third River, Bloomfield Township	1,183,500
Little Falls Road Bridge over DeePavall Brook, Fairfield Township	715,000
Culvert Inspection, Various Locations	206,500
County Total	2,105,000

GLOUCESTER COUNTY

County Route 676 Mantua Boulevard over Chestnut Bridge, Mantua Township	495,000
County Route 653 Swedesboro Billingsport Road over Clonmell Creek, Greenwich Township	148,000
County Route 536 Spur, Williamstown Sicklerville Road, 4 mile branch of Great Egg Harbor River, Monroe Township (Joint venture with Camden County)	225,000
County Total	868,000

HUDSON COUNTY

Newark Avenue over Railroad, Jersey City	990,000
Park Avenue over Railroad, Hoboken City/ Weehawken Township	284,000
County Total	1,274,000

HUNTERDON COUNTY

Bridge Q30 over 2nd Neshanic River, Raritan Township	1,071,171
Bridge R178 over Prescott Brook, Readington Township	536,829
County Total	1,608,000

MERCER COUNTY

County Route 518 over Stoney Brook, Hopewell Township	374,400

Hughes Drive over Miry Run, Hamilton Township	377,700
County Route 535 over Big Bear Brook, West Windsor Township	396,900
County Total	1,149,000

MIDDLESEX COUNTY

Englishtown Road over Matchaponix Creek, Monroe Township	900,000
Buckalew Avenue over Manalapan Brook, Jamesburg Borough	980,000
County Total	1,880,000

MONMOUTH COUNTY

Ocean Avenue over Shark River, Avon-by-the-Sea Borough, Belmar Borough	2,085,000
County Total	2,085,000

MORRIS COUNTY

Espanong Road Bridge (Bridge #819) over Lake Hopatcong, Jefferson Township	305,000
NJ Route 24 (County Bridge #1233) over Tanner's Brook, Washington Township	693,000
Powerville Road Bridge (Bridge #177) over Rockaway River, Boonton Township	675,000
County Total	1,673,000

OCEAN COUNTY

Squankum Road Bridge over North Branch Metedeconk River, Lakewood Township	1,054,000
County Total	1,054,000

PASSAIC COUNTY

Danforth Avenue over Molly Ann's Brook, Paterson City	475,000
Murray Avenue over Molly Ann's Brook, Paterson City	475,000
Carlisle Avenue over Molly Ann's Brook, Paterson City	475,000
Glover Avenue over Molly Ann's Brook, Paterson City	190,000
County Total	1,615,000

SALEM COUNTY

Salem-New Bridge-Hammersville Road over Coopers Branch Brook, Lower Alloway Creek Township	550,000

Maskellers Mill Road Bridge over Mad Horse Creek, Lower Alloway Creek Township	150,000
Culvert Inspection, Various Locations	50,000
County Total	750,000
SOMERSET COUNTY	
River Road Bridge #D1102 over Middle Brook, Bedminster Township	700,000
River Road Bridge #E0204 over Pike Brook, Montgomery Township	576,000
County Total	1,276,000
SUSSEX COUNTY	
Saddle Back Road Bridge (Bridge #S-8) over Paulins Kill, Stillwater Township	250,000
Bridge No. V3 Cannister Road over Pochuck Cherry Ridge Brook, Vernon Township	80,000
Bridge No. F1 Hunts Lake Road over Unnamed Tributary to Bear Brook, Fredon Township	250,000
Bridge No. D24 Kice Road over Dry Brook, Frankford Township	100,000
Bridge No. V22 Sleepy Hollow Road over Tributary to Wall Kill, Vernon Township	70,000
County Total	750,000
UNION COUNTY	
Milton Avenue Bridge, Rahway City	450,000
Joeut Brook Culverts, Roselle Borough	1,017,000
County Total	1,467,000
WARREN COUNTY	
County Bridge 23009 County Route 519 over Buckhorn Creek, White Township	346,500
County Bridge 04017 Jacksonburg Road over Jacksonburg Creek, Blairstown Township	201,750
County Bridge 04016 Jacksonburg Road over Jacksonburg Creek, Blairstown Township	201,750
County Total	750,000
Miscellaneous Bridges	
Various local government bridges as needed	100,000
Emergency Repairs	
Various local government bridges as needed, administered by Department of Transportation	2,300,000

Discretionary

Various local government bridges as needed,
administered by Department of Transportation 100,000

4. There is appropriated to the Department of Transportation the sum of \$50,000,000 for the cost of rehabilitation, improvement, inspection, and repair of railroad overhead bridges whose ownership is not determined or is in doubt, to be allocated to the following projects:

ATLANTIC COUNTY

Miscellaneous Bridges \$250,000
County Total 250,000

BERGEN COUNTY

River Road/Edgewater Branch, Edgewater Borough 475,000
Grayson Avenue over River Line, Teaneck Township 680,000
Hendricks Causeway/North Second Line,
Railroad Avenue, Ridgefield Borough 1,125,000
Prospect Avenue/New York Susquehanna
& Western Railroad, Hackensack City 750,000
Miscellaneous Bridges 450,000
County Total 3,480,000

BURLINGTON COUNTY

Miscellaneous Bridges 303,000
County Total 303,000

CAMDEN COUNTY

27th Street/Bordentown Secondary Camden City 1,575,000
Kings Highway/Conrail, East Atlantic
Avenue, Haddon Heights Borough 500,000
River Road/Petty Island Branch, Camden City 115,000
Miscellaneous Bridges 2,006,000
County Total 4,196,000

ESSEX COUNTY

Wilson Avenue/Newark & Elizabeth Branch, Newark 4,806,000
Miscellaneous Bridges 534,000
County Total 5,340,000

GLOUCESTER COUNTY

Mantua Boulevard (County Route 676)/Millville
Branch, Mantua Township 214,590

Miscellaneous Bridges	35,410
County Total	250,000

HUDSON COUNTY

Palisades Avenue/Bergen County Branch, Jersey City	900,000
Ocean Avenue over Conrail (Abandoned), Jersey City	640,000
Central Avenue/Bergen County Branch, Jersey City	1,403,000
Summit Avenue/Bergen County Branch, Jersey City	2,300,000
Miscellaneous Bridges	583,000
County Total	5,826,000

HUNTERDON COUNTY

Milford Road/Lehigh Valley Railroad, Bloomsbury Borough	300,000
Sydney Road/Lehigh Valley Railroad, Franklin Township	371,115
Miscellaneous Bridges	422,885
County Total	1,094,000

MERCER COUNTY

Whitehead Road over Amtrak, Hamilton Township	3,839,400
Miscellaneous Bridges	426,600
County Total	4,266,000

MIDDLESEX COUNTY

Bordentown South Amboy Turnpike/Amboy Secondary, Monroe Township	300,000
Graham Street over Perth Amboy-South Plainfield Branch, Metuchen Borough	400,000
Grove Street/Port Reading Secondary, Metuchen Borough	400,000
Old Bridge Turnpike/Sayreville Secondary, South River Borough	450,000
Pierson Avenue/Perth Amboy-Springfield Branch, Edison Township	300,000
Mountain Avenue over Lehigh Valley Main Line, Middlesex Borough	400,000
East New Road/Amtrak, South Brunswick Township	641,000
Main Street over Sayreville Secondary, South River Borough	450,000
Princeton-Plainsboro Road over Amtrak, Plainsboro Township	1,525,000

Main Street/Perth Amboy-South Plainfield Branch, Metuchen Borough	3,350,000
Washington Road/Sayreville Secondary, South Amboy City	2,200,000
Miscellaneous Bridges	1,158,000
County Total	11,574,000
MONMOUTH COUNTY	
Miscellaneous Bridges	250,000
County Total	250,000
MORRIS COUNTY	
Rockaway Road/High Bridge Industrial, Rockaway Township	225,000
Miscellaneous Bridges	25,000
County Total	250,000
PASSAIC COUNTY	
Madison Avenue/Passaic Spur Railroad, Paterson City	2,490,300
Miscellaneous Bridges	276,700
County Total	2,767,000
SOMERSET COUNTY	
Mill Road over Southern Branch, Hillsborough Township	100,000
Mill Road over Lehigh Valley Branch, Hillsborough Township	100,000
Hamilton Road/New York Branch, Hillsborough Township	866,000
Miscellaneous Bridges	120,000
County Total	1,186,000
SUSSEX COUNTY	
Miscellaneous Bridges	250,000
County Total	250,000
UNION COUNTY	
Central Avenue/Lehigh Valley Main Line, Clark Township	1,514,377
North Broad Street (County Route 623)/Lehigh Valley Railroad, Hillside Township	2,457,439
Miscellaneous Bridges	516,184
County Total	4,488,000

WARREN COUNTY

North Main Street (County Route 637)/ Washington Secondary, Greenwich Township	256,176
Buttermilk Road/Washington Secondary, Washington Township	180,543
Brick Yard Road/Washington Secondary, Mansfield Township	180,438
Main Street/Conrail Washington Secondary, Mansfield Township	320,220
Greenwich Street (County Route 620)/Hudson Secondary, Belvidere Town	512,352
Miscellaneous Bridges	280,271
County Total	1,730,000

Emergency Repairs

Various local government bridges as needed, administered by Department of Transportation	2,400,000

Discretionary

Various local government bridges as needed, administered by Department of Transportation	100,000

5. a. The sums appropriated in this act shall be subject to the following cost sharing requirements:

(1) With respect to bridges carrying State highways, and bridges constructed, owned or maintained by the State identified in section 2 of this act, the State shall defray the cost of rehabilitation and improvement.

(2) With respect to bridges carrying county and municipal roads identified in section 3 of this act, the State shall defray not more than 90% of the cost of rehabilitation and improvement, with the county or municipality defraying not less than 10% of the cost.

(3) With respect to railroad overhead bridges whose ownership is not determined or is in doubt identified in section 4 of this act, the county or municipality shall defray not less than 10% of the cost of rehabilitation, improvement, inspection, and repair with the State defraying not more than 90% of the costs.

b. All cost sharing prescribed in this section shall be determined after first reducing the cost of rehabilitation and improvement of bridges by the amount of available federal funding.

c. With respect to railroad overhead bridges, notwithstanding the provisions of Chapter 12 of Title 48 of the Revised Statutes,

the railroad company whose tracks or right-of-way the bridge crosses shall provide necessary track safety services and engineering reviews at its own expense.

d. For the purpose of this act, "rehabilitation and improvement of bridges" means the construction, reconstruction, demolition, removal, replacement, improvement, repair, or rebuilding of bridges or any other cost allowed under the provisions of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180.

6. It shall be lawful for each county and municipality, upon execution of an agreement by the Commissioner of Transportation indicating approval for and the amount of State aid allocated to a project, to include an amount equal to the amount of such State aid in its annual budget and any amendments and supplements thereto. Immediately thereafter, commitments may be made by counties and municipalities against the amounts so included in their budgets and amendments and supplements thereto.

7. When the Commissioner of Transportation shall notify the governing body of a county or municipality of the amount of State funds allocated to a project, the governing body may borrow money on temporary loan to an amount not to exceed the amount of the State funds allocated to the project in anticipation of the payment of the amount of State funds so allocated to the county or municipality in accordance with the provisions of this act, and may apply the proceeds of the loan to the payment of the cost of the project. The temporary loan shall be repaid upon payment to the county or municipality of the sum in anticipation of payment of which the loan was made.

8. Such sums as may be necessary to meet any expense incurred by the issuing officials under the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180 for advertising, engraving, printing, clerical, authenticating, registering, legal or other services necessary to carry out the duties imposed upon them by the provisions of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989" are appropriated.

9. It is the purpose of this act that the funds from which these appropriations shall be made shall be those funds which shall be

derived from the sale of the bonds the issuance of which is provided for by P.L.1989, c.180.

10. The funds appropriated by this act shall be expended by the Commissioner of Transportation for the uses and purposes enumerated in this act and the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180, subject to the provisions and conditions of P.L.1989, c.180 and subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee or its successor committee.

11. The Department of Transportation is empowered to enter into negotiations with the federal government for the purpose of securing any available federal aid and to receive any such grants.

12. The Director of the Division of Budget and Accounting in the Department of the Treasury is authorized and directed to make such correction of the title or text, or both, of any item in this act necessary to make an appropriation available for the purpose of its intention. The correction shall be by written ruling reciting in appropriate detail the facts thereof and the reasons therefor, attested by the signature of the director and filed by him in his office as an official record, and any action thereunder, including disbursements, and the audit thereof, shall be legally binding and of full force.

13. From the amount provided in this act for the rehabilitation and improvement of bridges, there may be allocated such amounts as the Department of Transportation may determine for personal service by contract or, in lieu thereof, by State employees for planning, engineering, design, research, construction, right-of-way acquisition, or other costs related to the construction program; provided, however, such amounts shall be subject to transfers approved as prescribed in section 28 of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180 and further provided that the amounts used by the Department of Transportation for administrative and program oversight costs, which costs include the review and processing of contractual agreements, plans and specifications, and the processing of award documents, do not exceed 8% of the amount appropriated by this act. The department is authorized and directed to take such steps as shall

be necessary to implement and carry out the programs authorized by the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180 and may fill, subject to the approval of the Director of the Division of Budget and Accounting, such positions as shall be necessary to achieve this purpose within the limits of funds appropriated in this act and approved for this purpose.

14. In order that all costs, whether direct or indirect, of implementing the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180 shall be paid from the fund established in section 14 thereof, the Director of the Division of Budget and Accounting, where appropriate and practicable, may charge the fund and credit to the General Fund or expenditure source such sums as may have been expended from other State appropriations for direct or indirect costs related to the rehabilitation, improvement, inspection and repair of bridges set forth in sections 2, 3 and 4 of this act subject to the approval of the Joint Budget Oversight Committee or its successor committee, provided that those sums so charged for administrative and program oversight costs, which costs include the review and processing of contractual agreements, plans and specifications, and the processing of award documents, do not exceed 8% of the amount provided in this act.

15. In order that some degree of flexibility in administering the provisions of this act may be had, the Commissioner of Transportation may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item to any other item; provided, however that the total amount of funds expended for any program shall be subject to the limitations in section 4 of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bond Act of 1989," P.L.1989, c.180 and those further limitations contained in this act. Upon approval of the application by the director and by the Joint Budget Oversight Committee, or its successor, in writing, the director shall make such transfer as provided by law.

16. It shall be the policy of the Department of Transportation to enter into contracts or agreements not later than three years from the effective date of this act dealing with the projects for which funds are appropriated in sections 3 and 4 of this act. In the event

that the bridge projects for which funds have been appropriated in those sections are not the subject of a design or engineering contract or agreement within this three year period, the appropriated funds shall lapse to the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Fund of 1989" and be available for appropriation by the Legislature pursuant to the provisions of P.L.1989, c.180.

17. The Commissioner of Transportation shall report twice each year to the Senate Transportation and Public Utilities Committee and to the Assembly Transportation Committee, or their successors, on the status of each project. The report shall also include information on major changes in project status or major impediments to the accomplishment of the planned projects.

18. The Commissioner of Transportation shall, within one year of the effective date of this act, and on an annual basis thereafter report to the Joint Budget Oversight Committee, or its successor committee, the administrative and program oversight costs, by project, related to the projects for which sums are provided in this act.

19. This act shall take effect immediately.

Approved August 28, 1991.

CHAPTER 272

AN ACT concerning student financial assistance and providing for the sale of Garden State Savings Bonds.

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

C.18A:71-87 Short title.

1. This act shall be known as the "Garden State Savings Act of 1991."

C.18A:71-88 Findings, declarations.

2. The Legislature finds and declares that:

a. The general welfare, health and prosperity of the people of the State of New Jersey would be promoted and enhanced by making higher education available to the greatest number of students possible.

b. The State can make higher education more affordable to New Jersey families. This can be done by, among other means, providing the families of future students with investment alternatives and financial assistance.

C.18A:71-89 Definitions.

3. As used in this act:

a. "Garden State Savings Bonds" means bonds of the State of New Jersey and its authorities issued pursuant to the provisions of this act.

b. "Institution of higher education" means any public institution of higher education as defined in N.J.S.18A:62-1 and any independent institution of higher education which is an "eligible institution" as defined in section 3 of P.L.1979, c.132 (C.18A:72B-17).

c. "Issuing officials" means the Governor, the State Treasurer, the Director of the Division of Budget and Accounting in the Department of the Treasury and the issuing authority or agency.

C.18A:71-90 Garden State Savings Bonds.

4. a. In furtherance of the public policy of this act, the State shall set aside, from the bonds of the State of New Jersey authorized to be issued or from the bonds of any authority or agency authorized to be issued, an amount to be determined by the Treasurer of the total aggregate original principal amount of such bonds. These bonds shall be issued as determined by the issuing officials and shall be known as "Garden State Savings Bonds," in addition to any other name they may be known as.

b. Garden State Savings Bonds may be issued in low 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, and in such amounts as will allow a large number of New Jersey families to participate in the program, and with the maturity dates which will make funds available to purchasers at the time when such funds are needed for educational purposes.

c. When Garden State Savings 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 so designated shall bear the rate or rates of interest as may be determined by the issuing officials, which interest shall be payable as may be determined by the issuing officials.

C.18A:71-91 Financial incentive program.

5. a. The Treasurer, in consultation with the Board of Higher Education, shall also provide for additional financial incentives to be provided to holders of Garden State Savings Bonds to encourage the enrollment of students at institutions of higher education located in the State of New Jersey. These financial incentives shall be in such forms as determined by the Treasurer in consultation with issuing officials at the time of the authorization of the Garden State Savings Bonds and shall at a minimum provide that each participating institution shall guarantee that the value of Garden State Savings Bonds redeemed for the purposes of the payment of tuition, fees, and other educational costs at the institution, shall, at the time of matriculation of the student, be increased by not less than six percent of the face value of the bonds at the time of redemption. Two percent of the incentive amount shall be paid by the State, and four percent by participating institutions.

b. Every public institution of higher education in New Jersey shall participate in the financial incentive program. Independent institutions of higher education in New Jersey may elect to participate in the program. Each independent institution which elects to participate shall enter into a contract with the State Board of Higher Education which shall, at a minimum, define the terms of participation and establish conditions under which an institution may withdraw from the program. Any independent institution that withdraws from the program shall guarantee to provide the financial incentives in effect for all bonds purchased during the period in which the institution was a participant in the program.

c. The original purchaser and any member of the immediate family of the original purchaser of a Garden State Savings Bond shall be eligible for the financial incentive program established pursuant to this section.

C.18A:71-92 Amount exempt from financial resources.

6. Annually, the Student Assistance Board, created pursuant to section 1 of P.L.1977, c.330 (C.18A:71-15.1), shall determine a dollar amount of Garden State Savings Bonds or accumulated bonds, interest or supplemental payment, which shall not be less than \$25,000.00, which shall not be considered in evaluating the financial needs of a student enrolled at an institution of higher education located in the State of New Jersey, or be deemed a financial resource of or a form of financial aid or assistance to each student, for purposes of determining the eligibility of a student for any scholarship, grant, or monetary

assistance awarded by the State; nor shall the amount of any such bonds, interest or supplemental payment as determined by the Student Assistance Board provided for a qualified student under this act reduce the amount of any scholarship, grant or monetary assistance which such student is entitled to be awarded by the State.

C.18A:71-93 Report of bond sales.

7. The Treasurer or the issuing authority or agency shall submit a report after each bond issuance to the Board of Higher Education detailing the results of each separate sale of Garden State Savings Bonds.

C.18A:71-94 Other incentives, conditions of sale.

8. The Treasurer shall, with the concurrence of the Board of Higher Education, approve the following:

- a. Additional financial incentives as provided in this act;
- b. Limits that may be imposed on the amount of Garden State Savings Bonds that may be purchased by individual households;
- c. Minimum denominations to market the Garden State Savings Bonds so that they are affordable by individuals; however, each issue shall be offered with sufficient bonds at a purchase price of \$100 to satisfy demand;

In addition, the Treasurer shall evaluate the feasibility of staggered or periodic forms of payments for Garden State Savings Bonds, and to advise the issuing officials regarding such evaluation.

C.18A:71-95 Assessment, recommendations.

9. The Board of Higher Education and the Treasurer shall assess the effectiveness of the program and recommend any necessary changes to the issuing officials regarding future bond sales after the initial sale of Garden State Savings Bonds.

10. This act shall take effect immediately.

Approved September 5, 1991.

CHAPTER 273

AN ACT concerning the transfer of the administration of certain tuition assistance programs to the Department of Military and Veterans' Affairs, amending P.L.1975, c.331, P.L.1975, c.356, P.L.1985, c.114 and P.L.1987, c.444, and supplementing P.L.1987, c.444 (C.38A:3-1.1 et seq.).

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

1. Section 3 of P.L.1975, c.331 (C.18A:71-63) is amended to read as follows:

C.18A:71-63 Rules, regulations.

3. The Department of Military and Veterans' Affairs shall promulgate rules and regulations for the implementation of this act.

2. Section 1 of P.L.1975, c.356 (C.18A:71-64) is amended to read as follows:

C.18A:71-64 Definitions.

1. As used in this act:

a. "Eligible veteran" means any veteran of the Armed Forces of the United States residing in New Jersey who is or was eligible for Veteran's Educational Assistance pursuant to federal law and who (1) was domiciled in New Jersey at the time of his induction into the armed forces, or (2) has been domiciled in New Jersey for a period of not less than 12 consecutive months prior to the date of application, exclusive of any time spent on active duty.

b. "Approved educational institution" means (1) any academic, professional or vocational school operating within this State or (2) any graduate level school operating within the United States or (3) any academic, professional or vocational school operating outside of this State; provided, however, that any such institution shall have made a prior written agreement to accept the tuition credit and reimbursement provided for in sections 6 and 7 of this act; provided further, that no more than 20% of the eligible veterans under (1) and (3) of this subsection shall attend an approved educational institution operating outside of this State. To qualify as an "approved educational institution" under this act, any such institution must have been approved for Veteran's Educational Assistance pursuant to federal law.

c. "Approved course of study" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is accepted for Veteran's Educational Assistance pursuant to federal law.

d. "Department" means the Department of Military and Veterans' Affairs and includes any deputies or employees of the department designated to administer and enforce this act.

3. Section 2 of P.L.1975, c.356 (C.18A:71-65) is amended to read as follows:

C.18A:71-65 Courses.

2. For the purposes of this act:

a. (1) an institutional trade or technical course offered at a non-accredited school on a clock-hour basis involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 30 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week allowed;

(2) an institutional course offered at a nonaccredited school on a clock-hour basis in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 25 hours per week net of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required and no more than three hours of supervised study per week is allowed;

b. (1) an institutional trade or technical course offered at an accredited school on a clock-hour basis which leads to a standard trade or technical degree and involves shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 22 hours per week of attendance is required with no more than two and one-half hours of rest periods per week and no more than three hours of supervised study per week allowed;

(2) an institutional course offered at an accredited school on a clock-hour basis which leads to a standard trade or technical degree in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 18 hours per week of instruction (which may include customary intervals not to exceed 10 minutes between hours of instruction) is required and no more than two and one-half hours of supervised study is allowed;

c. an academic high school course requiring 16 units for a full course shall be considered a full-time course when a minimum of four units per year is required. For the purpose of this clause, a unit is defined to be not less than 120 60-minute hours or their equivalent of study in any subject in one academic year; and

d. an institutional undergraduate course offered by a college or university on a quarter- or semester-hour basis shall be considered a full-time course when a minimum of 14 semester hours or the equivalent thereof, for which credit is granted toward a standard college degree (including those for which no credit is

granted but which are required to be taken to correct an educational deficiency), is required, except that where such college or university certifies, upon the request of the department, that (a) full-time tuition is charged to all undergraduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof or (b) all undergraduate students carrying a minimum of less than 14 such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than 12 semester hours or the equivalent thereof, then 12 semester hours or the equivalent thereof shall be considered a full-time course.

4. Section 4 of P.L.1975, c.356 (C.18A:71-67) is amended to read as follows:

C.18A:71-67 Application for tuition credit; approval.

4. Any eligible veteran who desires tuition credit pursuant to this act, within eight years from the date of (a) his separation from active duty or (b) the effective date of this act, whichever is later, shall submit an application to the department which shall be in a form and contain information as the department shall prescribe. The department shall approve the application unless it finds that the veteran is ineligible for or not entitled to tuition credit or that his course of study is not approved pursuant to this act, or that he has already been approved. The department shall notify the veteran and his selected educational institution of the approval of his application.

5. Section 5 of P.L.1975, c.356 (C.18A:71-68) is amended to read as follows:

C.18A:71-68 Tuition credit, schedule; redistribution of credit.

5. a. Each eligible veteran shall be entitled to tuition credit pursuant to this act in accordance with the following schedule:

(1) For a period of one semester (or the equivalent thereof in part-time tuition credit), in the case of educational institutions regularly operated on the semester system, for each three months or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during

such period of time, he shall be entitled to tuition credit pursuant to this act for a period of eight semesters (or the equivalent thereof in part-time tuition credit); the maximum credit hereunder shall be for a period of eight semesters; or

(2) For a period of one-quarter (or the equivalent thereof in part-time tuition credit) in the case of educational institutions regularly operated on the quarter system, for each two months or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit pursuant to this act for a period of 12 quarters; the maximum credit hereunder shall be for a period of 12 quarters; or

(3) For a period of one and one-half months of any tuition period (or the equivalent thereof in part-time tuition credit) in the case of educational institutions not operated on the quarter or semester system, for each month or fraction thereof of the veteran's service on active duty after December 31, 1960 and before May 7, 1975. If an eligible veteran has served a period of 18 months or more on active duty during such period of time, he shall be entitled to tuition credit pursuant to this act for 36 months of tuition credit (or the equivalent thereof in part-time tuition credit). The maximum credit hereunder shall be for a period of 36 months.

b. If an eligible veteran shall change his program of study from an educational institution regularly operated on the quarter or semester system or otherwise, to an educational institution regularly operated on a different system, the remainder of his credit shall accordingly be redistributed by the department in such manner as to carry out the intent of this act.

6. Section 6 of P.L.1975, c.356 (C.18A:71-69) is amended to read as follows:

C.18A:71-69 Benefits.

6. Benefits hereunder shall be in the form of tuition credits limited by the lesser of full tuition or:

a. For educational institutions regularly operated on the semester system, \$200.00 per semester.

b. For educational institutions regularly operated on the quarter system, \$100.00 per quarter.

c. For educational institutions not regularly operated on the semester or quarter system, \$400.00 per full school year prorated on an equal basis as the department shall determine.

d. For veterans pursuing a program of part-time education, the tuition credit shall be in such amounts as the department shall determine. These veterans shall be eligible to receive awards during summer terms, provided that the total award during the period from September 1 to August 31 of any academic year does not exceed the amount of assistance a full-time student at the same institution would receive.

7. Section 7 of P.L.1975, c.356 (C.18A:71-70) is amended to read as follows:

C.18A:71-70 Reimbursement for tuition credit.

7. Reimbursement for tuition credit shall be made by the State Treasurer to the approved educational institution upon certification by the institution that the veteran is enrolled for the current period and upon certification by the department that the veteran is both eligible and entitled to tuition credit hereunder subject to the provisions of section 12 of this act. Reimbursement for tuition credit shall be made out of funds accumulated from the State Lottery.

8. Section 8 of P.L.1975, c.356 (C.18A:71-71) is amended to read as follows:

C.18A:71-71 Rules, regulations.

8. The department shall promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as it deems necessary to effectuate the purposes of this act.

9. Section 12 of P.L.1975, c.356 (C.18A:71-75) is amended to read as follows:

C.18A:71-75 Insufficient appropriation; apportionment.

12. In the event that the amount appropriated in any fiscal year is insufficient to carry out in full the provisions of this act, the department shall apportion such amount among the eligible veterans applying for tuition credit pursuant to the act in proportion to the amount each such veteran would be allocated if the full amount were appropriated.

10. Section 2 of P.L.1985, c.114 (C.18A:71-76.2) is amended to read as follows:

C.18A:71-76.2 Tuition assistance at public colleges.

2. A Vietnam veteran, upon being accepted to pursue a course of study for an initial undergraduate degree in a public institution of higher education of this State as enumerated in N.J.S.18A:62-1, shall be entitled to tuition assistance pursuant to this act, while enrolled as a student in good standing at that college, in an amount up to the full tuition cost as determined by the Department of Military and Veterans' Affairs pursuant to section 6 of this act.

11. Section 3 of P.L.1985, c.114 (C.18A:71-76.3) is amended to read as follows:

C.18A:71-76.3 Tuition assistance at private colleges.

3. A Vietnam veteran upon being accepted to pursue a course of study for an initial undergraduate degree at an independent college or university located in the State shall be entitled to tuition assistance pursuant to this act, while enrolled as a student in good standing at that college or university, in an amount as determined by the Department of Military and Veterans' Affairs pursuant to section 6 of this act, but in an amount not more than the tuition charged at Rutgers, The State University.

12. Section 6 of P.L.1985, c.114 (C.18A:71-76.6) is amended to read as follows:

C.18A:71-76.6 Rules, regulations.

6. The Department of Military and Veterans' Affairs shall, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt the rules and regulations necessary to effectuate the purposes of this act.

13. Section 32 of P.L.1987, c.444 (C.38A:3-2d) is amended to read as follows:

C.38A:3-2d Division of Veterans' Loans, Grants and Services.

32. The Division of Veterans' Loans, Grants and Services shall:

- a. Administer the Blind Veterans' Allowance Program;
- b. Administer the Paraplegic and Hemiplegic Allowance Program;
- c. Maintain a continuous liaison with the Association of Blind Veterans and other similar State and national veterans' associations and organizations;
- d. Provide all necessary assistance to the Agent Orange Commission upon request;
- e. Administer the veterans' loan authority;

f. Supervise and operate the liaison and field offices which serve the federal Veterans' Administration Centers at Lyons and East Orange;

g. Compete for all grants, private and federal, other than education grants, that would fund programs to benefit the State's veterans and their dependents; and

h. Administer State tuition assistance programs for veterans and their dependents established pursuant to the provisions of chapter 71 of Title 18A of the New Jersey Statutes.

C.38A:3-2d1 Transfer of moneys, property.

14. a. All appropriations, grants, and other moneys available and to become available to the MIA/POW Tuition Assistance Program established pursuant to P.L.1975, c.331 (C.18A:71-61 et seq.), the Veterans' Tuition Credit Program established pursuant to P.L.1975, c.356 (C.18A:71-64 et seq.), and the Vietnam Veterans' Tuition Aid Program established pursuant to P.L.1985, c.114 (C.18A:71-76.1 et seq.) are transferred to the Department of Military and Veterans' Affairs and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or federal law.

b. All files, books, papers, records, equipment and other property of the tuition assistance programs enumerated in subsection a. of this section are transferred to the Department of Military and Veterans' Affairs.

c. Whenever in any statute, order, rule or regulation reference is made to the tuition assistance programs enumerated in subsection a. of this section as originally established in the Department of Higher Education, the same shall mean and refer to those programs as transferred to the Department of Military and Veterans' Affairs.

15. This act shall take effect immediately.

Approved September 9, 1991.

CHAPTER 274

AN ACT concerning \$45,000,000 appropriated from the Higher Education Facility Renovation and Rehabilitation Fund and amending P.L.1990, c.126.

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

1. Section 2 of P.L.1990, c.126 is amended to read as follows:

2. a. There is created in the Department of Higher Education a Higher Education Facility Renovation and Rehabilitation Fund to be the depository of moneys appropriated thereto. Any interest earned on the moneys in the fund shall accrue to the fund and be available only for the purposes thereof. Moneys in the fund shall be used only for the renovation and rehabilitation of existing higher education buildings at State colleges, Rutgers, The State University, the New Jersey Institute of Technology and the University of Medicine and Dentistry of New Jersey. No moneys in the fund shall be expended without appropriation thereof by the Legislature which shall include specific allocations for each project to be funded.

b. There is appropriated to the Higher Education Facility Renovation and Rehabilitation Fund, \$45,000,000 from the "Jobs, Education and Competitiveness Fund" created pursuant to the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, as provided for in subsection i. of section 5 of P.L.1988, c.78.

c. There is appropriated from the Higher Education Facility Renovation and Rehabilitation Fund, the following sums for the renovation and rehabilitation of facilities at the following institutions for projects specified as follows:

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
NEW JERSEY INSTITUTE OF TECHNOLOGY		
Installation of water booster pumps to offset low water pressure at main campus of New Jersey Institute of Technology	\$150,000	0.0
Repair deck and roof, upgrade mechanical equipment in Faculty Hall at main campus of New Jersey Institute of Technology	\$150,000	0.0
Control ground water seepage to Mechanical Engineering Library, and other areas at main campus of New Jersey Institute of Technology	\$225,000	0.0

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
Upgrade fume hoods for safety and emission control in labs at main campus of New Jersey Institute of Technology	\$300,000	0.0
Upgrade lighting, audio-visual systems, seating, etc. in Weston Lecture Hall at main campus of New Jersey Institute of Technology	\$375,000	0.0
Exterior building repair, including Eberhardt Hall at main campus of New Jersey Institute of Technology	\$600,000	0.0
Upgrade campus safety and security systems at main campus of New Jersey Institute of Technology	\$600,000	0.0
RUTGERS, THE STATE UNIVERSITY		
Repair heating, ventilation and air conditioning, utilities, masonry at Busch and Kilmer campuses of Rutgers, The State University	\$500,000	0.0
Renovate Serin Physics building at Busch and Kilmer campuses of Rutgers, The State University	\$1,650,000	0.0
Repair roofs at Busch and Kilmer campuses, Rutgers, The State University	\$2,020,000	0.0
Repair roofs at Camden campus, Rutgers, The State University	\$420,000	0.0
Heating, ventilation and air conditioning and fire alarm replacements at Camden campus, Rutgers, The State University	\$775,000	0.0

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
Replace filter system in gym at College Avenue campus, Rutgers, The State University	\$70,000	0.0
Repair and replace roofs, windows, masonry at College Avenue campus, Rutgers, The State University	\$1,915,000	0.0
Rehabilitate heating, ventilation and air conditioning systems at Cook and Douglass campuses, Rutgers, The State University	\$970,000	0.0
Repair and replace masonry at Newark campus, Rutgers, The State University	\$55,000	\$95,000
Repair and replace roofs at Newark campus, Rutgers, The State University	\$625,000	0.0
Replace heating, ventilation and air conditioning at Newark campus, Rutgers, The State University	\$700,000	0.0
UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY		
Purchase and install electric cable G&Y feeders to replace underground feeders to avoid campus-wide power outages and failures at the University of Medicine and Dentistry of New Jersey	\$270,000	0.0
Purchase redundant electric cable to provide backup, emergency power for Administration Complex at the University of Medicine and Dentistry of New Jersey	\$200,000	0.0
Upgrade switchgear and network protectors to improve campus-wide safety by replacing unreliable equipment at the University of Medicine and Dentistry of New Jersey	\$145,000	0.0

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
Conduct a major overhaul of turbine #3 at cogeneration plant to ensure continued power production to Newark campus, University of Medicine and Dentistry of New Jersey	\$250,000	0.0
Overhaul #1, #3, #4 chillers at power plant to ensure continued cooling capability to campus facilities at the University of Medicine and Dentistry of New Jersey	\$185,000	0.0
Conduct a major overhaul of turbine #2 at cogeneration plant to ensure continued power production to Newark campus, at the University of Medicine and Dentistry of New Jersey	\$250,000	0.0
Add concrete dikes to above-ground tanks for fuel oil tank code compliance at the University of Medicine and Dentistry of New Jersey	\$300,000	0.0
Replace chiller at Robert Wood Johnson Medical School (RWJMS), University of Medicine and Dentistry of New Jersey	\$202,700	0.0
Conduct a major overhaul of turbine #1 at cogeneration plant to ensure continued power production to Newark campus, University of Medicine and Dentistry of New Jersey	\$250,000	0.0
Upgrade fire alarms, detectors, address systems, dampers, and stairwell towers at the University of Medicine and Dentistry of New Jersey	\$309,800	0.0

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
Install backflow preventers to avoid contamination and to comply with code requirements at the University of Medicine and Dentistry of New Jersey	\$53,000	0.0
Replace metal cooling tower pans with plastic pans and top water distribution plans at the University of Medicine and Dentistry of New Jersey	\$217,700	0.0
Provide for hazardous waste storage facilities at Robert Wood Johnson Medical School for the Piscataway/New Brunswick campuses, University of Medicine and Dentistry of New Jersey	\$151,800	0.0
Install low-level radiation waste storage to comply with State mandate at the University of Medicine and Dentistry of New Jersey	\$200,700	0.0
Relocate all main power plant alarms to the cogeneration plant control room at the University of Medicine and Dentistry of New Jersey	\$203,400	0.0
Install automatic sprinkler system to meet fire code requirements at the University of Medicine and Dentistry of New Jersey	\$1,228,800	0.0
Install central control station and elevator system for emergency response at the University of Medicine and Dentistry of New Jersey	\$90,000	0.0
Upgrade existing emergency power system to insure emergency power including University Hospital at the University of Medicine and Dentistry of New Jersey	\$610,000	0.0

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
Extend power plant security and paging system and install closed circuit TV at the University of Medicine and Dentistry of New Jersey	\$81,900	0.0
GLASSBORO STATE COLLEGE		
Renovate greenhouse at main campus, Glassboro State College	\$110,000	0.0
Elevator replacement in Robinson and Bosshart halls at main campus, Glassboro State College	\$200,000	0.0
Stair and handrail replacement - Bosshart, Bozorth, Bunce halls at main campus, Glassboro State College	\$250,000	0.0
Repoint, regROUT masonry - Bunce, Esby, Westby, Hawthorn halls at main campus, Glassboro State College	\$275,000	0.0
Rehab heating, ventilation and air conditioning Bozorth, Bosshart, Memorial, and Esby halls at main campus, Glassboro State College	\$1,000,000	0.0
Window replacement - Bunce, Hawthorn, Memorial, Bosshart halls at main campus, Glassboro State College	\$1,165,000	0.0
Renovate interiors at Oak and Laurel halls at main campus, Glassboro State College	\$1,800,000	0.0
JERSEY CITY STATE COLLEGE		
Central boiler plant rehab, replace 5KV electrical switchgear, replace fuel tank at main campus, Jersey City State College	\$2,500,000	0.0

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
KEAN COLLEGE OF NEW JERSEY		
Replace and insulate roof - College Center at main campus, Kean College of New Jersey	\$160,000	0.0
Install elevator - Kean Hall at main campus, Kean College of New Jersey	\$170,000	0.0
Site improvements: eliminate flood conditions and repair paths at main campus, Kean College of New Jersey	\$470,000	0.0
Rehab and upgrade heating system at main campus, Kean College of New Jersey	\$700,000	0.0
Renovate Bruce Hall to meet fire, safety, and air quality codes, Kean College of New Jersey	\$2,000,000	0.0
MONTCLAIR STATE COLLEGE		
Structural repairs to floor joists - College Hall, main campus, Montclair State College	\$100,000	0.0
Remove asbestos pipe insulation, reinsulate mechanical rooms in library, gym, etc., main campus, Montclair State College	\$100,000	0.0
Repair and replace roofs - Panzer Hall, Phase III, main campus, Montclair State College	\$100,000	0.0
Remove asbestos in gym plenum, main campus, Montclair State College	\$200,000	0.0
Roof replacement - Life Hall, main campus, Montclair State College	\$300,000	0.0

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
Roof replacements - Music Building and Finley Hall, main campus, Montclair State College	\$300,000	0.0
Fire and safety renovations required by FireRetrofit Code, Phase I, main campus, Montclair State College	\$600,000	0.0
Renovate Calcia Hall and improve health and safety problems and ventilation, main campus, Montclair State College	\$700,000	0.0
Fire and safety renovations required by Fire Retrofit Codes, Phase II, Main Campus, Montclair State College	\$1,100,000	0.0
WILLIAM PATERSON COLLEGE OF NEW JERSEY		
Rehab exteriors of various instructional facilities main campus, Wm. Paterson College	\$220,400	0.0
Install and rehabilitate elevators - various buildings, main campus, Wm. Paterson College	\$273,000	0.0
Repair and replace equipment and controls, and emergency power system in central body plant, main campus, Wm. Paterson College	\$314,000	0.0
Rehabilitate exterior and replace roof on gym, main campus, Wm. Paterson College	\$344,200	0.0
Alterations/rehabilitation and maintenance plan, main campus, Wm. Paterson College	\$395,000	0.0

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
Correct safety deficiencies and rehabilitate Science Hall, main campus, Wm. Paterson College	\$404,800	0.0
Correct safety deficiencies and rehabilitate various buildings, main campus, Wm. Paterson College	\$638,400	0.0
Rehabilitate and correct safety deficiencies in gym, main campus, Wm. Paterson College	\$640,400	0.0
Rehabilitate and replace heating, ventilation and air conditioning; upgrade Ben Shahn art building, main campus, Wm. Paterson State College	\$815,800	0.0
Rehabilitate and replace heating, ventilation and air conditioning, upgrade library, main campus, Wm. Paterson College of New Jersey	\$754,800	\$125,200
RAMAPO COLLEGE OF NEW JERSEY		
Replace boiler in heating and cooling plant, main campus, Ramapo College of New Jersey	\$224,000	0.0
Retrofit heating, ventilation and air conditioning in Buildings "A" through "E", main campus, Ramapo College of New Jersey	\$363,000	0.0
Electrical and mechanical renovations to Building "G" which houses science programs, main campus, Ramapo College of New Jersey	\$794,000	0.0
Health and safety renovations to Physical Education Building, main campus, Ramapo College of New Jersey	\$905,000	0.0

PROJECT	P.L.1988, c.78 BOND FUNDS	INSTITU- TIONAL FUNDS
Renovation library and classroom, main campus, Ramapo College of New Jersey	\$914,000	0.0
STOCKTON STATE COLLEGE		
Landfill closure and post closure, main campus, Richard Stockton State College	\$186,000	0.0
Heating, ventilation and air conditioning replacement at Academic Facilities, main campus, Richard Stockton State College	\$1,414,000	0.0
TRENTON STATE COLLEGE		
Kendall Hall restoration, main campus, Trenton State College	<u>\$3,800,000</u>	<u>\$400,000</u>
TOTAL	<u>\$45,000,000</u>	<u>\$921,200</u>

d. An institution of higher education may apply to the Department of Higher Education for permission to transfer funds among items appropriated within this section or to transfer funds to other renovation projects at the institution. Upon the approval of an application by the Chancellor, in writing, the institution shall make the transfer as provided by law.

2. This act shall take effect immediately.

Approved September 9, 1991.

CHAPTER 275

AN ACT concerning the termination of parental rights, amending and supplementing P.L.1951, c.138.

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

1. Section 11 of P.L.1951, c.138 (C.30:4C-11) is amended to read as follows:

C.30:4C-11 Application for care and custody; verification, investigation.

11. Whenever it shall appear that any child within this State is of such circumstances that the child's welfare will be endangered unless proper care or custody is provided, an application setting forth the facts in the case may be filed with the Division of Youth and Family Services by a parent or other relative of such child, by a person standing in loco parentis to such child, by a person or association or agency or public official having a special interest in such child or by the child himself, seeking that the division accept and provide such care or custody of such child as the circumstances may require. Such application shall be in writing, and shall contain a statement of the relationship to or special interest in such child which justifies the filing of such application. The provisions of this section shall be deemed to include an application on behalf of an unborn child when the prospective mother is within this State at the time of application for such services.

Upon receipt of an application as provided in this section, the division shall verify the statements set forth in such application and shall investigate all the matters pertaining to the circumstances of the child. If upon such verification and investigation it shall appear (a) that the welfare of such child will be endangered unless proper care or custody is provided; (b) that the needs of such child cannot properly be provided for by financial assistance as made available by the laws of this State; (c) that there is no person legally responsible for the support of such child whose identity and whereabouts are known and who is willing and able to provide for the care and support required by such child; and (d) that such child, if suffering from a mental or physical disability requiring institutional care, is not immediately admissible to any public institution providing such care; then the division may accept and provide such care or custody as the circumstances of such child may require.

2. Section 12 of P.L.1951, c.138 (C.30:4C-12) is amended to read as follows:

C.30:4C-12 Filing complaint; investigation; application for court order; hearing.

12. Whenever it shall appear that the parent or parents, guardian, or person having custody and control of any child within this

State is unfit to be entrusted with the care and education of such child, or shall fail to provide such child with proper protection, maintenance and education, or is endangering the welfare of such child, a written or oral complaint may be filed with the Division of Youth and Family Services by any person or by any public or private agency or institution interested in such child. When such a complaint is filed by a public or private agency or institution, it shall be accompanied by a summary setting forth the reason for such complaint and other social history of the child and his family's situation which justifies such complaint; or, if this is not feasible, such summary shall be made available to the Division of Youth and Family Services as soon thereafter as possible.

Upon receipt of a complaint as provided in this section, the Division of Youth and Family Services shall investigate, or shall cause to be investigated, the statements set forth in such complaint. If the circumstances so warrant, the parent, parents, guardian, or person having custody and control of the child shall be afforded an opportunity to file an application for care, as provided in section 11 of P.L.1951, c.138 (C.30:4C-11). If the parent, parents, guardian, or person having custody and control of the child shall refuse to permit or shall in any way impede investigation, and the division determines that further investigation is necessary in the best interests of the child, the division may thereupon apply to the Family Part of the Chancery Division of the Superior Court in the county where the child resides, for an order directing the parent, parents, guardian, or person having custody and control of the child to permit immediate investigation. The court, upon such application, may proceed to hear the matter in a summary manner and if satisfied that the best interests of the child so require may issue an order as requested.

If, after such investigation has been completed, it appears that the child requires care and supervision by the Division of Youth and Family Services but the parent, parents, guardian, or person having custody and control of the child continue to refuse to apply for care in the manner provided in section 11 of P.L.1951, c.138 (C.30:4C-11), the division may apply to the Family Part of the Chancery Division of the Superior Court in the county where the child resides for an order making the child a ward of the court and placing such child under the care and supervision of the Division of Youth and Family Services.

The court, at a summary hearing held upon notice to the Division of Youth and Family Services, and to the parent, parents,

guardian, or person having custody and control of the child, if satisfied that the best interests of the child so require, may issue an order as requested, which order shall have the same force and effect as the acceptance of a child for care by the division as provided in section 11 of P.L.1951, c.138 (C.30:4C-11); provided, however, that such order shall not be effective beyond a period of six months from the date of entry unless the court, upon application by the Division of Youth and Family Services, at a summary hearing held upon notice to the parent, parents, guardian, or person having custody of the child, extends the time of the order.

Immediately after the court's order and while the child is in the division's care, the division shall initiate a search for the child's natural mother or father, if they are not known to the division. The search shall be initiated within 30 days of the court order. The search will be completed when all sources contacted have either responded to the inquiry or failed to respond within 45 days. The results shall be valid for six months after the date it was completed.

3. Section 15 of P.L.1951, c.138 (C.30:4C-15) is amended to read as follows:

C.30:4C-15 Guardianship petition.

15. Whenever (a) it appears that a court wherein a complaint has been proffered as provided in chapter 6 of Title 9 of the Revised Statutes, has entered a conviction against the parent or parents, guardian, or person having custody and control of any child because of abuse, abandonment, neglect of or cruelty to such child; or (b) (Deleted by amendment, P.L.1991,c.275). (c) it appears that the best interests of any child under the care or custody of the Division of Youth and Family Services require that he be placed under guardianship; or (d) it appears that a parent or guardian of a child, following the acceptance of such child by the division pursuant to section 11 or 12 of P.L.1951, c.138 (C.30:4C-11 or 12), or following the placement or commitment of such child in the care of an authorized agency, whether in an institution or in a foster home, and notwithstanding the diligent efforts of such agency to encourage and strengthen the parental relationship, has failed for a period of one year to remove the circumstances or conditions that led to the removal or placement of the child, although physically and financially able to do so, notwithstanding the division's diligent efforts to assist the parent or guardian in remedying the conditions, and that additional services available from the divi-

sion within program and fiscal constraints will not enable the child to be reunited with the parent or guardian; a petition, setting forth the facts in the case, may be filed with the Family Part of the Chancery Division of the Superior Court in the county where such child may be at the time of the filing of such petition. A petition as provided in this section may be filed by any person or any association or agency, interested in such child, or by the division in the circumstances set forth in items (c) and (d) hereof.

4. Section 17 of P.L.1951, c.138 (C.30:4C-17) is amended to read as follows:

C.30:4C-17 Notice of hearing; copy of petition to absent parent; interlocutory order.

17. a. When a petition is filed under section 15 of P.L.1951, c.138 (C.30:4C-15), by a person, association or agency other than the Division of Youth and Family Services, the court, in addition to causing service to be made upon the parent, parents, guardian or person having custody and control of such child in accordance with rules of court, shall also cause a copy of the petition and notice of the time and place of hearing to be served on or mailed to the division at least 20 days before the time of such hearing.

b. When a petition is filed under section 15 of P.L.1951, c.138 (C.30:4C-15) by a person, association or agency, the court shall cause a copy of the petition to be served upon the absent parent of the child. The notice shall inform the parent of the purpose of the action and of the right to file written objections to the guardianship proceedings within 20 days after notice is given in the case of a resident, and 35 days in the case of a nonresident, of this State.

If personal service of the notice cannot be effected because the whereabouts of an absent parent are unknown, the court shall determine that an adequate effort has been made to serve notice upon the parent if the plaintiff has:

(1) Sent the notice by regular mail and by certified mail return receipt requested, to the last known address of the parent;

(2) Made a discreet inquiry among any known relatives, friends and current or former employers of the parent;

(3) Unless otherwise restricted by law, made direct inquiries, using the party's name and last known or suspected address, to the local post office, the Division of Motor Vehicles in the Department of Law and Public Safety, the county welfare agency, the municipal police department, the Division of State Police in the

Department of Law and Public Safety, the county probation office, the Department of Corrections, and any other social service or law enforcement agency known to have had contact with the parent, or the equivalent agencies in other states, territories or countries.

Failure to receive a response to the inquiries made pursuant to paragraphs (2) and (3) of this subsection within 45 days shall constitute a negative response.

c. In any case in which the identity of an absent parent cannot be determined or the known parent of a child is unable or refuses to identify the other parent, and the court is unable from other information before the court to identify the other parent, service on that parent shall be waived by the court.

d. Whenever a petition is filed under section 15 of P.L.1951, c.138 (C.30:4C-15), and there shall be filed with such petition a statement or statements made under oath and attesting that the best interests of the child require that he be placed under the guardianship of the division immediately and pending final hearing, the court, at a special summary hearing held upon notice to the division, may make an interlocutory order committing such child to the division until a final hearing on the petition. Such interlocutory order shall have the same force and effect as an order of commitment provided for in section 20 of P.L.1951, c.138 (C.30:4C-20).

5. Section 19 of P.L.1951, c.138 (C.30:4C-19) is amended to read as follows:

C.30:4C-19 Adjournments.

19. Adjournment of any hearing on a petition filed under section 15 of P.L.1951, c.138 (C.30:4C-15) shall not exceed a total period of 45 days.

C.30:4C-12.1 Search for relatives; home evaluation study.

6. In any case in which the Division of Youth and Family Services accepts a child in its care or custody, the division shall initiate a search for relatives who may be willing and able to provide the care and support required by the child. A home evaluation study of the relative's home shall be conducted in accordance with procedures established by the division. The search shall be initiated within 30 days of the division's acceptance of the child in its care or custody. The search will be completed when all sources contacted have either responded to the inquiry or failed to respond within 45 days. The results shall be valid for six months after the date it was completed.

C.30:4C-15.1 Termination of parental rights.

7. The division shall initiate a petition to terminate parental rights on the grounds of the “best interest of the child” pursuant to subsection (c) of section 15 of P.L.1951, c.138 (C.30:4C-15) if the following standards are met:

a. The child’s health and development have been or will continue to be endangered by the parental relationship;

b. The parent is unwilling or unable to eliminate the harm facing the child or is unable or unwilling to provide a safe and stable home for the child and the delay of permanent placement will add to the harm;

c. The division has made diligent efforts to provide services to help the parent correct the circumstances which led to the child’s placement outside the home and the court has considered alternatives to termination of parental rights; and

d. Termination of parental rights will not do more harm than good.

As used in this section and in section 15 of P.L.1951, c.138 (C.30:4C-15) “diligent efforts” mean reasonable attempts by an agency authorized by the division to assist the parents in remedying the circumstances and conditions that led to the placement of the child and in reinforcing the family structure, including, but not limited to:

(1) consultation and cooperation with the parent in developing a plan for appropriate services;

(2) providing services that have been agreed upon, to the family, in order to further the goal of family reunification;

(3) informing the parent at appropriate intervals of the child’s progress, development and health; and

(4) facilitating appropriate visitation.

C.30:4C-15.2 Final guardianship hearing.

8. A final hearing for guardianship shall be held within three months from the date the petition is filed with the Family Part of the Chancery Division of the Superior Court pursuant to section 15 of P.L.1951, c.138 (C.30:4C-15).

9. This act shall take effect immediately.

Approved September 10, 1991.

CHAPTER 276

AN ACT concerning pensioners in public employment and amending and supplementing P.L.1968, c.23.

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

1. Section 1 of P.L.1968, c.23 (C.43:3C-1) is amended to read as follows:

C.43:3C-1 Pensioners in public employment.

1. Notwithstanding any other law to the contrary, if a former member of any pension fund or retirement system, contributory or noncontributory, established under any law of this State, who has been granted a pension or retirement allowance for any cause other than vesting or deferred retirement, becomes employed again in a position which makes him eligible to be a member of another pension fund or retirement system established under any law of this State, such person shall not be enrolled in such other pension fund or retirement system if he is eligible to receive such pension or retirement allowance.

2. A person presently employed in a position which is covered by a pension fund or retirement system established under any law of this State who, prior to accepting this position, was granted a pension based on public employment in another state and who, under the provisions of section 1 of P.L.1968, c.23 (C.43:3C-1), (1) was denied enrollment in the pension fund or retirement system, or, (2) was enrolled in the pension fund or retirement system, but whose membership subsequently was terminated and whose contributions were returned, may apply within 180 days of the effective date of this act, to the board of trustees of the pension fund or retirement system to purchase credit for the service which has been rendered in any position covered by that pension fund or retirement system for which, as the result of that denial of enrollment or termination of membership, the person has received no credit, up to the nearest number of years and months, not to exceed 10 years. The person shall purchase the service by paying into the annuity savings fund the amount required by applying the factor, supplied by the actuary, as being applicable to his age at the time of the purchase to his salary at that time or to the highest annual compensation for service in this State for which contributions were made during any prior fiscal year of membership, whichever is

greater. A person who applies to purchase credit for the service shall pay the full cost attributable to the increased benefits to be derived from the purchased credit in accordance with the actuarial method used to determine the cost at the time of the purchase. A person shall not be liable, however, for any costs associated with the financing of pension adjustment benefits and health care benefits for retirees when purchasing credit. The liability shall be paid in a lump sum or in regular installments, equal to at least 1/2 the full normal contribution to the retirement system, over a maximum period of 10 years. The full amount of the credit purchased shall be granted to the member upon the completion of one year of membership after his election to make the purchase and the payment of at least 1/2 the total amount due, except that in the case of retirement for any reason other than disability, the credit granted for the service being purchased shall be in direct proportion as the amount paid bears to the total amount of the purchase obligation.

3. This act shall take effect immediately, but section 2 shall expire on the 181st day following enactment.

Approved September 10, 1991.

CHAPTER 277

AN ACT establishing the "Governor's Lyme Disease Advisory Council."

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

C.26:2P-1 Findings, declarations.

1. The Legislature finds and declares that:
 - a. Lyme disease is a bacterial infection which is spread by certain arthropods and is one of the fastest growing public health problems in New Jersey;
 - b. There is evidence that the disease may be transmitted through blood products, shared needles, raw milk and blood-sucking insects;
 - c. Lyme disease, which is the most common tick-borne disease in this country, is present in 48 states and five continents and

is spreading, with New Jersey being one of the states in which the disease is most prevalent;

d. Lyme disease was not widely recognized in the United States until 1975 and was first identified in New Jersey in Monmouth county in 1978;

e. Because Lyme disease is still relatively unknown among both the medical community and the general public, it is often misdiagnosed or not diagnosed, which results in more serious health problems for the affected person; and

f. If untreated, Lyme disease, in its later stages, can result in neurological disorders, including, but not limited to, chronic and severe fatigue, encephalitis, meningitis, memory loss, dementia and seizures; severe arthritis; cardiac dysfunction; vision loss, gastrointestinal disorders, paralysis, strokes and death.

C.26:2P-2 Governor's Lyme Disease Advisory Council.

2. There is created a 13-member "Governor's Lyme Disease Advisory Council." The council shall consist of: the Commissioners of the Departments of Environmental Protection, Health and Education, or their designees, who shall serve ex officio; and 10 public members who by virtue of education or experience are knowledgeable about the problems of Lyme disease, six to be appointed by the Governor, at least one of whom shall be a physician and at least one of whom shall be a veterinarian, two to be appointed by the President of the Senate and two to be appointed by the Speaker of the General Assembly.

The public members shall serve for three-year terms or until a successor is appointed; but of the members initially appointed, five shall serve for a term of three years and five shall serve for a term of two years.

Vacancies in the membership of the council shall be filled in the same manner as the original appointments are made and a member may be eligible for reappointment. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term.

The members of the council shall serve without compensation but shall be reimbursed for traveling and other miscellaneous expenses necessary to perform their duties, within the limits of funds appropriated or otherwise made available to the council for its purposes.

C.26:2P-3 Purpose of council.

3. The council shall advise the Governor regarding the prevention, detection, occurrence, diagnosis, treatment and cure of Lyme disease, and shall establish a mechanism through which physicians and communities throughout the State can share information on the disease.

C.26:2P-4 Organization of council, meetings.

4. The council shall organize as soon after the appointment of its members as is practicable. A majority of the council members shall elect a chairperson and a secretary who need not be a member of the council. The council shall meet at regular intervals but at least on a monthly basis.

C.26:2P-5 Assistance to council from government entities.

5. The council is entitled to call to its assistance and avail itself of the services of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes. The Department of the Treasury shall supply professional, stenographic and clerical assistance which is necessary for the council to perform its duties. The council may incur miscellaneous expenses as it may deem necessary, in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for those purposes.

C.26:2P-6 Annual report.

6. The council shall submit an annual report to the Governor and the Legislature by March 1 of each year.

7. This act shall take effect immediately.

Approved September 12, 1991.

CHAPTER 278

AN ACT allowing the location of certain family day care homes in all residential zones of a municipality and in certain condominiums, cooperatives and horizontal property regimes, supplementing P.L.1975, c.291 (C.40:55D-1 et seq.), and amending P.L.1987, c.27 and supplementing various parts of the statutory law.

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

C.40:55D-66.5a Findings, declarations.

1. The Legislature finds and declares that:

- a. With over 50 percent of working-age women now in the workforce, the need for high quality child care is of vital importance;
- b. Not only does the availability of child care allow parents the peace of mind to pursue their careers and lead active, productive, professional lives, but it is also a necessity given the high cost of living in this State and the ever increasing need for families to bring home two incomes just to get by;
- c. A significant number of people in this State, recognizing the tremendous need for quality child care, and who, in some cases, are already staying home caring for their own children, are providing child care services for a few additional children, thereby augmenting the supply of child care and providing a vital service that might otherwise not be available elsewhere; and
- d. Given the paucity of decent, affordable child care combined with the current labor shortage in this State, it seems unreasonable to erect zoning barriers which effectively prevent the establishment of or, in some cases, continuation of, these valuable and vitally necessary family day care homes.
- e. It is therefore in the public interest and a valid public policy for this Legislature to eliminate those barriers which currently exist which prevent the establishment, or continued operation of, family day care homes in residential neighborhoods.

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

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

b. In condominiums, cooperatives and horizontal property regimes that represent themselves as being primarily for retirees or elderly persons, or which impose a minimum age limit tending to attract persons

who are nearing retirement age, deed restrictions or bylaws may prohibit family day care homes from being a permitted use.

c. In condominiums, cooperatives and horizontal property regimes other than those permitted to prohibit family day care homes from being a permitted use under subsection b. of this section, deed restrictions or bylaws may prohibit family day care homes from being a permitted use; however, if such condominiums, cooperatives, or horizontal property regimes prohibit such use, the burden of proof shall be on the condominium association, cooperative association, or council of coowners to demonstrate, on a case-by-case basis, that the prohibition is reasonably related to the health, safety, and welfare of the residents. The burden of proof also shall be on the condominium association, cooperative association, or council of coowners to demonstrate, on a case-by-case basis, that any other restrictions imposed upon a family day care home, including but not limited to noise restrictions and restrictions on the use of interior common areas, are reasonably related to the health, safety and welfare of the residents.

d. For the purposes of this act:

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

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

“Commissioner” means the Commissioner of Human Services;

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

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

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

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

C.30:5B-18 Definitions.

3. As used in this act:

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

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

c. "Family day care home" means a private residence in which child care services are provided for a fee to no less than three and no more than five children at any one time for no less than 15 hours per week; except that the division shall not exclude a family day care home with less than three children from voluntary registration.

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

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

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

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

C.30:5B-21 Requirements for issuance of certificate of registration.

6. a. The family day care sponsoring organization shall evaluate a family day care provider prior to the issuance of a certificate of registration. The evaluation shall include at least one visit to the family day care home, in order to ensure that the family day care home is in compliance with the standards required in subsection e. of this section, in addition to personal and health references, and shall be made part of the family day care sponsoring organization's permanent records for that provider. The local code enforcement officer may evaluate the family day care home on an advisory basis. The local code enforcement officer shall notify the sponsoring organization and the family day care provider of the time of the inspection and shall advise the sponsoring organization concerning the correction of any code violations noted. The certificate of registration shall be renewed every three years. The family day care provider is required to pay a registration fee of \$25.00 to the sponsoring organization each time a certificate is granted or renewed. The sponsoring organization shall provide the municipality with a list of all family day care providers under

its jurisdiction within the municipality and shall be responsible for keeping the list current. Each sponsoring organization shall provide its mailing address and telephone number to the police department in each municipality in which it has day care providers under its jurisdiction. Complaints received by local police concerning a family day care provider shall be forwarded to the appropriate sponsoring organization. The sponsoring organization shall keep a file of all such complaints.

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

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

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

e. At the time of inspection the sponsoring organization shall ensure, at a minimum, that the physical environment, general safety, fire safety, and outdoor space are in compliance with applicable regulations promulgated by the Division of Youth and Family Services in the Department of Human Services.

f. The sponsoring organization may revoke or suspend the certificate of any provider who does not maintain the standards required in subsections e. of this section.

5. Section 8 of P.L.1987, c.27 (C.30:5B-23) is amended to read as follows:

C.30:5B-23 Certificate of registration, standards, violations.

8. a. The division shall also establish standards for the issuance, renewal, denial, suspension and revocation of a certificate of registration which the family day care sponsoring organization shall apply. In developing the standards, the division shall consult with the Advisory

Council on Child Care established pursuant to the "Child Care Center Licensing Act," P.L.1983, c.492 (C.30:5B-1 et seq.).

b. A person operating as a registered family day care provider who violates the provisions of this act by failing to adhere to the standards established by the division pursuant to this act shall be notified in writing of the violation of the provisions of this act and provided with an opportunity to comply with those provisions. For a subsequent violation, the person's certificate of registration may be revoked, or the person may be fined in an amount determined by the Commissioner of Human Services, or both. The receipt of excessive complaints by the municipal police or other local or State authorities concerning neglect of children, excessive noise, or property damage resulting from the operation of a family day care home may be considered by the division when renewing, suspending or revoking a certificate of registration.

c. The division, before denying, suspending, revoking or refusing to renew a certificate of registration, shall give notice thereof to the provider personally, or by certified or registered mail to the last known address of the family day care home with return receipt requested. The notice shall afford the provider the opportunity to be heard. The hearing shall take place within 60 days from the receipt of the notice and shall be conducted in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

d. If the certificate of registration is suspended or revoked or not renewed, the provider shall so notify the parent of each child attending the family day care home in writing within 10 days of the action.

e. The division shall not issue a certificate of registration or renewal to a person unless the division has first determined 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 the applicant, assistant provider, substitute provider or any member of the applicant's household who is 18 years of age or older, from operating a registered family day care home.

C.30:5B-23.1 Criminal records check; rehabilitated offenders.

6. a. An applicant shall be disqualified from receiving a certificate of registration if a criminal history record check of the applicant, assistant provider, substitute provider or any person residing in the applicant's household who is 18 years of age or older, reveals a record of conviction in any state or jurisdiction of any crime or offense, the type of which has been determined by the commissioner to render a person unfit to be a family home day care provider.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, a certificate of registration or renewal shall not be denied 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 clear and convincing evidence of 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 an applicant, assistant provider, substitute provider or any member of the applicant's household 18 years of age or older refuses to consent to, or cooperate in, the securing of a criminal history record background check, the commissioner shall direct the division not to issue or renew a family day care home certificate.

C.30:5B-23.2 Submission of personal data, fingerprints.

7. An applicant, assistant provider, substitute provider or any member of the applicant's household 18 years of age or older shall submit to the commissioner 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 provided for in section 6 of this act.

C.30:5B-23.3 Department as cleaninghouse of information.

8. The Department of Human Services shall act as a clearinghouse for the collection and dissemination of information obtained by the Federal Bureau of Investigation and the Division of State

Police as a result of conducting a criminal history record background check pursuant to section 6 of P.L.1991, c.278 (C.30:5B-23.1). The department shall advise a family home day care sponsoring organization of the information received from the bureau concerning an applicant, assistant provider, substitute provider or any member of the applicant's household who is 18 years of age or older.

C.30:5B-23.4 Cost of background checks.

9. The commissioner shall require that the cost of all criminal history record background checks conducted on applicants, assistant providers, substitute providers and any member of an applicant's household who is 18 years of age or older shall be paid by such persons at the time their written consent to the background check is given.

C.30:5B-23.5 Notification from commissioner; appeal; records retention.

10. a. Upon receipt of the criminal history record information for an applicant, assistant provider, substitute provider or any member of the applicant's household who is 18 years of age or older from the Federal Bureau of Investigation and the Division of State Police, the commissioner shall notify that person, in writing, of that individual's qualification or disqualification to be a family home day care provider. If the individual is disqualified, the conviction or convictions which constitute the basis for the disqualification shall be identified in the written notice.

b. The prospective family home day care provider 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 6 of P.L.1991, c.278 (C.30:5B-23.1). The commissioner may refer any case arising hereunder to the Office of Administrative Law for administrative proceedings as a contested case pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

c. The division 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 a family home day care provider.

C.30:5B-23.6 Effectiveness report.

11. The commissioner shall report to the Governor and the Legislature no later than three years after the effective date of this act on the effectiveness of the criminal history record background checks in screening out prospective family home day care providers who have

criminal history records which render them unfit to be family home day care providers. The commissioner shall include in the report any recommendations for modifying the provisions of this act.

C.30:5B-23.7 Rules, regulations.

12. The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate the purposes of this act.

C.53:1-20.9 Criminal record check by State Police.

13. At the request of the Division of Youth and Family Services in the Department of Human Services, 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 applicant, assistant provider, substitute provider or any member of the applicant's household who is 18 years of age or older in order to ascertain whether the person has a criminal history record, pursuant to section 6 of P.L.1991, c.278 (C.30:5B-23.1).

14. This act shall take effect immediately.

Approved September 13, 1991.

CHAPTER 279

AN ACT requiring health insurance benefits for mammograms and supplementing P.L.1938, c.366 (C.17:48-1 et seq.), P.L.1940, c.74 (C.17:48A-1 et seq.), P.L.1985, c.236 (C.17:48E-1 et seq.), chapter 26 of Title 17B of the New Jersey Statutes, chapter 27 of Title 17B of the New Jersey Statutes, and P.L.1973, c.337 (C.26:2J-1 et seq.).

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

C.17:48-6g Hospital service corporation contract, mammogram examination benefits.

1. No group or individual hospital service corporation contract providing hospital or medical expense benefits shall be delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance on or after the effective date of this act, unless the contract provides benefits to any subscriber or other person covered thereunder for expenses incurred in conducting one baseline mammogram examination for

women who are at least 35 but less than 40 years of age; one mammogram examination every two years, or more frequently if recommended by a physician, for women who are at least 40 but less than 50 years of age; and one mammogram examination every year for women age 50 and over. These benefits shall be provided to the same extent as for any other sickness under the contract.

C.17:48A-7f Medical service corporation contract, mammogram examination benefits.

2. No group or individual medical service corporation contract providing hospital or medical expense benefits shall be delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance on or after the effective date of this act, unless the contract provides benefits to any subscriber or other person covered thereunder for expenses incurred in conducting one baseline mammogram examination for women who are at least 35 but less than 40 years of age; one mammogram examination every two years, or more frequently if recommended by a physician, for women who are at least 40 but less than 50 years of age; and one mammogram examination every year for women age 50 and over. These benefits shall be provided to the same extent as for any other sickness under the contract.

C.17:48E-35.4 Health service corporation contract, mammogram examination benefits.

3. No group or individual health service corporation contract providing hospital or medical expense benefits shall be delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance on or after the effective date of this act, unless the contract provides benefits to any subscriber or other person covered thereunder for expenses incurred in conducting one baseline mammogram examination for women who are at least 35 but less than 40 years of age; one mammogram examination every two years, or more frequently if recommended by a physician, for women who are at least 40 but less than 50 years of age; and one mammogram examination every year for women age 50 and over. These benefits shall be provided to the same extent as for any other sickness under the contract.

C.17B:26-2.1e Individual health insurance policy, mammogram examination benefits.

4. No individual health insurance policy providing hospital or medical expense benefits shall be delivered, issued, executed or renewed in

this State, or approved for issuance or renewal in this State by the Commissioner of Insurance on or after the effective date of this act, unless the policy provides benefits to any named insured or other person covered thereunder for expenses incurred in conducting one baseline mammogram examination for women who are at least 35 but less than 40 years of age; one mammogram examination every two years, or more frequently if recommended by a physician, for women who are at least 40 but less than 50 years of age; and one mammogram examination every year for women age 50 and over. These benefits shall be provided to the same extent as for any other sickness under the policy.

C.17B:27-46.1f Group health insurance policy, mammogram examination benefits.

5. No group health insurance policy providing hospital or medical expense benefits shall be delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Insurance on or after the effective date of this act, unless the policy provides benefits to any named insured or other person covered thereunder for expenses incurred in conducting one baseline mammogram examination for women who are at least 35 but less than 40 years of age; one mammogram examination every two years, or more frequently if recommended by a physician, for women who are at least 40 but less than 50 years of age; and one mammogram examination every year for women age 50 and over. These benefits shall be provided to the same extent as for any other sickness under the policy.

C.26:2J-4.4 Health maintenance organization, mammogram examination services.

6. Notwithstanding any provision of law to the contrary, a certificate of authority to establish and operate a health maintenance organization in this State shall not be issued or continued by the Commissioner of Health on or after the effective date of this act unless the health maintenance organization provides health care services to any enrollee for the conduct of one baseline mammogram examination for women who are at least 35 but less than 40 years of age; one mammogram examination every two years, or more frequently if recommended by a physician, for women who are at least 40 but less than 50 years of age; and one mammogram examination every year for women age 50 and over. These health care services shall be provided to the same extent as for any other sickness.

7. This act shall take effect on the 90th day after enactment.

Approved September 16, 1991.

CHAPTER 280

AN ACT concerning the Tourism Advisory Council in the Division of Travel and Tourism and amending P.L.1977, c.225.

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

1. Section 3 of P.L.1977, c.225 (C.34:1A-47) is amended to read as follows:

C.34:1A-47 Definitions.

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

- a. "Council" means the New Jersey Tourism Advisory Council.
- b. "Director" means the Director of the Division of Travel and Tourism.
- c. "Division" means the Division of Travel and Tourism.
- d. "Tourism" means activities involved in providing and marketing services and products, including accommodations, for nonresidents and residents who travel to and in New Jersey for recreation and pleasure.
- e. "Tourist industry" means the industry consisting of private and public organizations which directly or indirectly provide services and products to nonresidents and residents who travel to and in New Jersey for recreation and pleasure.

2. Section 7 of P.L.1977, c.225 (C.34:1A-51) is amended to read as follows:

C.34:1A-51 New Jersey Tourism Advisory Council.

7. a. There is created in the division the New Jersey Tourism Advisory Council which shall consist of 17 members:

(1) Two members of the Senate, to be appointed by the President thereof, not more than one of whom shall be of the same political party, and two members of the General Assembly, to be appointed by the Speaker thereof, not more than one of whom shall be of the same political party;

(2) Twelve public members, not more than seven of whom shall be of the same political party, who shall be appointed by the Governor with the advice and consent of the Senate, one of whom shall be designated as chairman by the Governor for the term of the member's appointment, and 11 of whom shall be chosen from persons who by experience or training represent the areas of the tourist industry cited in subparagraphs (a) through (k) of this paragraph:

- (a) One representative of the lodging sector;
- (b) One representative of the food service sector;
- (c) One representative of the transportation sector;
- (d) One representative of a regional tourism council;
- (e) One representative of the convention and visitor bureaus sector;
- (f) One representative of the tour/receptive services sector;
- (g) One representative of the outdoor recreation sector;
- (h) One representative of the historical and cultural arts sector;
- (i) One representative of the entertainment or amusement sector;
- (j) One representative of the financial community; and
- (k) One representative of the marketing/research sector; and
- (3) The director, who shall be a nonvoting member of the council.

b. The members of the council shall be appointed to three-year terms, except that of the initial appointments, the chairman and each representative of the transportation, tour/receptive services, the financial community, and marketing and research interests shall be appointed to a three-year term, each representative of the lodging, food service, convention and visitors bureaus, and entertainment interests shall be appointed to a two-year term, and each representative of the regional tourism councils, outdoor recreation, and historical and cultural arts interests shall be appointed to a one-year term. Members shall serve until their successors are appointed and qualified. Vacancies occurring other than by expiration of term shall be filled for the unexpired term only.

c. (Deleted by amendment, P.L.1991, c.280).

d. (Deleted by amendment, P.L.1991, c.280).

e. The members of the council shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties as members.

f. (Deleted by amendment, P.L.1991, c.280).

g. The council shall meet at the call of the chairman and not less than four times a year.

3. The provisions of subsection b. of section 7 of P.L.1977, c.225 (C.34:1A-51) notwithstanding, the term of any member of the Tourism Advisory Council appointed pursuant to the provisions of that act shall cease and terminate upon the effective date of this 1991 amendatory and supplementary act.

4. This act shall take effect immediately.

Approved September 17, 1991.

CHAPTER 281

AN ACT limiting a merchant's use of credit card information when accepting a check for a consumer transaction.

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

C.56:11-20 Definitions.

1. As used in this act:

"Charge card" means a credit card on an account for which no periodic rate is used to compute a finance charge.

"Check" means a demand draft drawn on or payable through an office of a depository institution located in the United States that has imprinted on it the account holder's name and the depository institution's name, location and routing number.

"Consumer" means a natural person.

"Consumer transaction" means the sale of goods, services or anything of value to a consumer, primarily for personal, family or household purposes, but does not include the cashing of a check by a depository institution.

"Credit card" means any card, plate, coupon book, or other single credit device that may be used from time to time to obtain credit.

"Depository institution" means a state or federally chartered bank, savings bank, savings and loan association or credit union.

C.56:11-21 Acceptance of checks for consumer transactions.

2. a. No person who receives a check in payment of an obligation resulting from a consumer transaction and which as a condition of such acceptance requires that the check drawer provide a credit card or charge card, shall record on the check or elsewhere, the card account number. Nothing in this section shall be construed to prohibit any person, as a condition for the acceptance of a check in payment for a consumer transaction from doing either or both of the following:

(1) Requesting a consumer to display a credit card or charge card as a means of identification, or as an indication of credit worthiness or financial responsibility;

(2) Recording on the check the type of credit card or charge card so displayed and the credit card or charge card expiration date.

b. Nothing in this section shall:

(1) Require any person to accept a check in payment for a consumer transaction regardless of whether a credit card or charge card is displayed; or

(2) Prohibit a person from recording a credit card number and expiration date on a check as the condition for cashing or accepting that check where that person has agreed with the card issuer to cash or accept checks from the issuer's cardholders and where the issuer guarantees those cardholders' checks.

C.56:11-22 Violations, penalty.

3. Any person who violates any provision of this act shall be liable to a civil penalty of not more than \$250 for a first offense and not more than \$1,000 for a second and each subsequent offense. Any penalty imposed pursuant to this section shall be collected by summary proceedings instituted in the name of the Attorney General in accordance with "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

C.56:11-23 Regulations.

4. The Attorney General of the State of New Jersey may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the purposes of this act.

5. This act shall take effect on the 180th day after the date of enactment.

Approved September 18, 1991.

CHAPTER 282

AN ACT appropriating funds from the Correctional Facilities Construction Fund of 1987 for expansion, renovation and service upgrade 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 \$21,520,743.00 for the following new bedspace projects:

DEPARTMENT OF CORRECTIONS

Edna Mahan, Modular Dormitory Unit	200 Beds	\$5,933,162.00
Northern State Prison, Conventional Dormitory Unit	100 Beds	4,680,000.00
Northern State Prison, Modular Dormitory Unit	200 Beds	5,306,581.00
Northern State Prison, Administrative Close Supervision Unit	324 Beds	2,451,000.00
Garden State Youth Correctional Facility, Modular Dormitory Unit	100 Beds	2,925,000.00
Mid-State Correctional Facility	32 Beds	<u>225,000.00</u>
Total Appropriation.....		<u>\$21,520,743.00</u>

2. 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 \$2,175,000.00 for the following renovations projects:

DEPARTMENT OF CORRECTIONS

Juvenile Medium Security Facility, New Classrooms	\$625,000.00
New Jersey Training School for Boys, Administration Building Renovations	750,000.00
East Jersey State Prison Infirmary Renovations	<u>800,000.00</u>
Total Appropriation.....	<u>\$2,175,000.00</u>

3. 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 \$12,400,000.00 for the following support services upgrade projects:

DEPARTMENT OF CORRECTIONS

Mountainview Youth Correctional Facility, Sewage Treatment Plant (Design Phase)	\$900,000.00
Bayside State Prison Facility, Sewage Treatment Plant (Design and Construction)	<u>11,500,000.00</u>
Total Appropriation.....	<u>\$12,400,000.00</u>

4. 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 \$1,686,650.00 for the following purpose:

DEPARTMENT OF CORRECTIONS

County Assistance.....	\$1,686,650.00
Bergen County 36 Beds	<u>1,686,650.00</u>
Total Appropriation.....	<u>\$1,686,650.00</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.

5. 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.

6. 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.

7. This act shall take effect immediately.

Approved September 18, 1991.

CHAPTER 283

AN ACT concerning farmland preservation by certain counties and amending P.L.1989, c.30.

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

1. The title of P.L.1989, c.30 is amended to read as follows:

Title amended.

An act concerning open space and farmland preservation by certain counties, and supplementing Title 40 of the Revised Statutes.

2. Section 1 of P.L.1989, c.30 (C.40:12-16) is amended to read as follows:

C.40:12-16 Acquisition of open space areas and farmland; definitions.

1. The governing body of any county in which the voters of the county have approved, in a general or special election, a proposition authorizing the acquisition of lands for conservation as open space and/or as farmland, may annually raise by taxation, including for purpose of debt service payments on indebtedness issued for the acquisition of open space and/or farmland, a sum not to exceed the amount or rate set forth in the proposition approved by the voters, for the acquisition of land or water areas, and any existing improvements thereon, within the county for conservation as open space and/or as farmland. Amounts raised by taxation hereunder shall be deposited in a county open space and farmland preservation trust fund and shall be used exclusively for the acquisition of open space areas and/or farmland. Selection of open space areas for acquisition shall be in accordance with a park, recreational and open space plan prepared and adopted by the county. Revenue to be expended for the acquisition of farmland may be expended pursuant to a farmland preservation plan prepared and adopted by the county or pursuant to the provisions of the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et al.) or any other law adopted by the Legislature for the purpose of preserving farmland.

Whenever the county shall determine that it is necessary that any public utility facilities such as tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances of any public utility, as defined in R.S.48:2-13, which are now, or hereafter may be, located

in, on, along, over or under any open space area acquired by the county, should be removed from such area, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the open space plan prepared and adopted by the county; except that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights acquired to accomplish such relocation or removal, less the cost of any lands or any rights of the public utility paid to the public utility in connection with the relocation or removal of such property, shall be ascertained and paid by the county as a part of the cost of the acquisition. In case of any such relocation or removal of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location.

As used in this act:

“Acquisition” means the securing of a fee simple absolute or a lesser interest in land or water areas, including easements restricting development, by gift, purchase, devise or condemnation.

“Farmland” means land actively devoted to agricultural or horticultural use that is valued, assessed and taxed pursuant to the “Farmland Assessment Act of 1964,” P.L.1964, c.48 (C.54:4-23.1 et seq.).

“Open space” means land or water areas to be retained in a largely natural or undeveloped state, for purposes of, among other things, providing parkland or green spaces, protecting ecologically sensitive areas, preserving flora and wildlife, or protecting or preserving areas of scenic, historic and cultural value, while at the same time affording, whenever practicable, public outdoor recreational opportunities for the county’s residents. “Open space” may include a recreational area such as a golf course if the acquisition subserves the objective of this act of protecting a largely undeveloped area from future development.

3. Section 2 of P.L.1989, c.30 (C.40:12-17) is amended to read as follows:

C.40:12-17 County preservation trust.

2. Land or water areas, and any improvements thereon, acquired pursuant to this act shall be held in a county open space and farmland preservation trust and shall be used exclusively for purposes

authorized under this act. Upon a finding that the purposes of this act might otherwise be better served or that an open space and/or farmland area is required for another public use, which finding shall be set forth in a resolution adopted by the governing body of the county, the governing body may convey, through sale, exchange or other disposition, title to, or a lesser interest in, an open space and/or farmland area acquired under this act and described in the resolution, provided the governing body shall replace any open space and/or farmland conveyed under this section by land or water areas at least equal in size to the open space and/or farmland area conveyed, and any monies derived from the conveyance shall be deposited in the county open space and farmland preservation trust fund for use in the acquisition of open space and/or farmland. Conveyance shall be made in accordance with the "Local Lands and Buildings Law," P.L.1971, c.199 (C.40A:12-1 et seq.). In the event of conveyance by exchange, the land or water area to be transferred to the county open space and farmland preservation trust shall be at least equal in value to that of the property conveyed from the trust.

4. Section 3 of P.L.1989, c.30 (C.40:12-18) is amended to read as follows:

C.40:12-18 Apportionment of taxes for local levy.

3. Amounts raised by taxation for the acquisition of open space and/or farmland pursuant to this act shall be apportioned by the county board of taxation among the municipalities within the county in accordance with R.S.54:4-49. The amounts so apportioned shall be assessed, levied and collected in the same manner and at the same time as other county taxes. The tax collected hereunder shall be referred to as the "County Open Space and Farmland Preservation Trust Fund Tax."

5. Section 4 of P.L.1989, c.30 (C.40:12-19) is amended to read as follows:

C.40:12-19 County appropriations, control.

4. The governing body of the county shall annually appropriate such amounts as it may deem necessary for the care, custody, policing and maintenance of, including improvements to, open space, which amounts shall be in addition to any monies deposited in the county open space and farmland preservation trust fund. The governing body of the county shall have full control of the open space and may adopt a resolution providing for suitable rules, regu-

lations and bylaws for their use, provide for the enforcement thereof, and, when appropriate, charge and collect reasonable fees for use of the open space or for activities conducted thereon.

6. This act shall take effect immediately and shall retrospectively apply to any county whose voters have approved a proposition to acquire open space within two years of the effective date of P.L.1989, c.30.

Approved September 18, 1991.

CHAPTER 284

AN ACT concerning the appointment of alternate members to local boards of recreation commissioners and supplementing chapter 12 of Title 40 of the Revised Statutes.

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

C.40:12-1.1 Appointment of alternate members to local boards of recreation commissioners.

1. The governing body of any municipality or county may, by ordinance or resolution as appropriate, provide for the appointment to the board of recreation commissioners of not more than two alternate members. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." The length of the terms of the alternate members shall be the same as the length of the terms of the regular members of the board of recreation commissioners. If two alternates are appointed, their terms shall be staggered by the appointment of one of the alternates for an initial term that is a year less than a regular term. A vacancy occurring otherwise than by expiration of term shall be filled by the governing body for the unexpired term only.

No alternate member shall be permitted to act on any matter in which the alternate has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of the board of recreation commissioners. A vote shall not be delayed in order that a regular

member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

2. This act shall take effect immediately.

Approved September 18, 1991.

CHAPTER 285

AN ACT concerning parking spaces designated for the vehicles of the physically handicapped and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C.39:4-8.1 Approval of handicapped parking spaces, signs.

1. Any municipality, which pursuant to the provisions of R.S.39:4-8, R.S.39:4-197, section 1 of P.L.1977, c.202 (C.39:4-197.5) or section 1 of P.L.1977, c.309 (C.39:4-197.6) designates restricted parking spaces for use by handicapped persons, may, in lieu of having the Department of Transportation inspect those parking spaces and any signs erected in association therewith, designate the municipal engineer to determine whether or not those parking spaces and signs conform to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, adopted by the Commissioner of Transportation, and any other Department of Transportation rules and regulations governing such parking spaces and signs.

Any such parking spaces and signs shall be deemed approved and operational, and in need of no additional inspection by the Department of Transportation, when the municipal engineer, under his seal as a licensed professional engineer, shall certify to the commissioner that the parking spaces and signs:

- a. have been approved by him after investigation; and
- b. conform to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the commissioner, and any other Department of Transportation rules and regulations governing such parking spaces and signs.

The municipal engineer shall submit to the commissioner, together with his certification, detailed information as to the loca-

tion and number of parking spaces, a certified copy of the ordinance, resolution or regulation designating the restricted parking spaces, and such other information as the commissioner shall deem necessary.

2. This act shall take effect immediately.

Approved September 18, 1991.

CHAPTER 286

AN ACT concerning fish and game licenses and amending P.L.1982, c.180, R.S.23:3-3, R.S.23:3-4, P.L.1951, c.226, R.S.23:3-25, P.L.1986, c.198, P.L.1959, c.37, P.L.1952, c.328, P.L.1975, c.117, and P.L.1970, c.247.

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

1. Section 12 of P.L.1982, c.180 (C.23:3-1a) is amended to read as follows:

C.23:3-1a Fees; adjustment by council, once.

12. The Fish and Game Council may, on one occasion only at such time as may be deemed appropriate by the Fish and Game Council, by regulation adopted by August 1 of the preceding year, determine the fees for hunting, fishing and trapping licenses, permits, tags, certificates and stamps under R.S.23:3-3, R.S.23:3-4, section 2 of P.L.1951, c.226 (C.23:3-4.1), section 8 of P.L.1986, c.198 (C.23:3-4.11), R.S.23:3-25, section 7 of P.L.1986, c.198 (C.23:3-27.1), R.S.23:3-29, section 1 of P.L.1959, c.37 (C.23:3-56.1), section 3 of P.L.1952, c.328 (C.23:3-59), section 3 of P.L.1975, c.117 (C.23:3-61.3), section 2 of P.L.1970, c.247 (C.23:3-63), section 5 of P.L.1970, c.247 (C.23:3-66) and section 11 of P.L.1982, c.180 (C.23:3-1.1), in the following manner:

a. The amount of the applicable fee on the effective date of P.L.1991, c.286 (C.23:3-1a et al.) shall be the base fee.

b. The base fee may be adjusted on one occasion only at such time as may be deemed appropriate by the Fish and Game Council by adding to that base fee an amount equal to a percentage of the base fee as determined by the Fish and Game Council; provided,

however, that the amount added shall not exceed an amount equal to 10% of the base fee.

c. Any adjustment in fees shall be rounded to the nearest \$0.25.

2. Section 11 of P.L.1982, c.180 (C.23:3-1.1) is amended to read as follows:

C.23:3-1.1 All Around Sportsman License, fee.

11. a. The Division of Fish, Game and Wildlife shall issue a special license combining the resident's firearm hunting license, the resident's bow and arrow license and the resident's fishing license as provided under R.S.23:3-4 into one license to be designated as the "All Around Sportsman License."

b. The "All Around Sportsman License" shall authorize its holder to hunt with a shotgun or bow and arrow and to angle or attempt to take fish in the fresh waters of this State at the time, and in the manner, provided by law and the State Fish and Game Code, except that this license shall not authorize its holder to take trout from the fresh waters of the State.

c. A resident of this State above the age of 16 years may procure the "All Around Sportsman License" from the Division of Fish, Game and Wildlife at Trenton or from its agents as designated by the division. It shall not be valid unless it contains the signature of the owner written in ink. Each license issued under this section shall expire on December 31 next following its issuance.

d. The division shall determine the form of the "All Around Sportsman License." The fee for this license shall be \$54.50 and an issuance fee of \$0.50, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a). The amounts remitted to the State Treasury from the collection of this fee shall be deposited to the credit of the "hunters' and anglers' license fund."

3. R.S.23:3-3 is amended to read as follows:

Children's licenses, firearm, bow; fee.

23:3-3. The division may, in its discretion, issue a license to a citizen of the United States above 10 years and below 14 years of age, who has successfully completed a course in gun or bow and arrow safety, as the case may be, as required in accordance with this title, when applied for by his parent or legal guardian, authorizing him to hunt only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm or bow

and arrow license, as the case may be. This license shall be void after December 31 next succeeding its issuance. The fee for this license shall be \$2.75, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a). These fees shall be remitted to the State Treasurer, and placed to the credit of the "hunters' and anglers' license fund," and be disbursed by the State Treasurer on vouchers certified by the division.

4. R.S.23:3-4 is amended to read as follows:

Types of licenses; fees.

23:3-4. The licenses issued under this article shall be as follows:

a. A license issued to a person above 14 years of age, who has an actual and bona fide domicile in this State at the time of the application for the license and who has had an actual and bona fide domicile in this State for at least six months immediately prior thereto, provided that for a resident's trapping license the person shall be above 12 years of age. These licenses shall be of five kinds and designated as the resident's firearm hunting license, the resident's bow and arrow license, the resident's trapping license, the resident's fishing license and the resident's family fishing license. The Fish and Game Council in the Division of Fish, Game and Wildlife of the Department of Environmental Protection shall have the authority to adopt and promulgate regulations for family fishing licenses.

The resident's firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of \$19.50 and an issuance fee of \$0.50 shall be charged therefor, except that a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of \$9.25 and an issuance fee of \$0.50. The resident's bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of \$23.50 and an issuance fee of \$0.50 shall be charged therefor, except that a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of \$10.50 and an issuance fee of \$0.50. The resident's trapping license shall authorize its holder to trap only, and a fee of \$31.50 and an issuance fee of \$0.50 shall be charged therefor, except that a person 12, 13, 14 or 15 years of age shall be charged a fee of \$13.25 and an issuance fee of \$0.50. The resident's fishing license shall authorize its holder to fish only, and a fee of \$14.50 and an issuance fee of \$0.50 shall be charged therefor, except that in any case where the applicant is 70 or more years of age and is otherwise qualified, no

fee, except an application fee pursuant to section 9 of P.L.1986, c.198 (C.23:3-1c), shall be charged, and a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of \$6.50 and an issuance fee of \$0.50.

The resident's family fishing license shall authorize the parents or guardians and their children, foster children or wards between the ages of 14 and 18, named therein, to fish only. The fee for the parent's license permitting fishing only by the father or mother, or both, or the guardian shall be \$24.50 and an issuance fee of \$0.50; and each child, foster child or ward named therein shall be required to have and shall be issued an individual supplementary license as a member of such family, at a fee of \$1.50 and an issuance fee of \$0.50. The license shall be invalid from the date of its issuance when issued to a person not entitled thereto. Any person, a resident of this State, who is afflicted with total blindness, upon application to the Division of Fish, Game and Wildlife, shall be entitled to a resident's fishing license without fee or charge.

b. A license issued to a person above 14 years of age not entitled to a resident's license, authorizing him to trap or to hunt. These licenses shall be designated as the nonresident's firearm hunting license, the nonresident's bow and arrow license, the nonresident's trapping license, and the nonresident's two-day small game firearm hunting license, except that a nonresident's two-day small game firearm hunting license shall not permit the taking, hunting or killing of deer.

The fees for the nonresident's firearm hunting license and the nonresident's bow and arrow license shall each be \$99.50 and an issuance fee of \$0.50.

The fees for the nonresident's trapping license shall be \$149.50 and an issuance fee of \$0.50. The fee for a nonresident's two-day small game firearm hunting license shall be \$24.50 and an issuance fee of \$0.50.

c. A license issued to a person above 14 years of age not entitled to a resident's license, authorizing him to fish only. These licenses shall be designated as the nonresident's fishing license and the nonresident's seven-day vacation fishing license, valid for a period of seven consecutive days. The fees for these licenses shall be \$22.50 for the annual fishing license, together with an issuance fee of \$0.50, and \$14.50 and an issuance fee of \$0.50 for the seven-day vacation fishing license.

Every license issued hereunder shall be void after December 31 next succeeding its issuance, except the one-day hunting license,

which shall expire on the date of issuance; the nonresident's seven-day fishing license, which is valid only for seven consecutive days after date of issuance; and the nonresident's two-day small game firearm hunting license, which shall expire on the day after the date of issuance.

The fees for licenses set forth in this section may be adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a).

5. Section 2 of P.L.1951, c.226 (C.23:3-4.1) is amended to read as follows:

C.23:3-4.1 One-day license; fee.

2. The division may, in its discretion, issue a license to a person above the age of 14 years authorizing him to hunt for one day only in areas licensed under subsections b. and d. of R.S.23:3-29, or at a shoot to kill field trial which is being held under a proper permit from the division. The fee for this license shall be \$6.50, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a), and an issuance fee of \$0.50 shall be charged therefor. The fees collected hereunder shall be remitted to the State Treasurer, and placed to the credit of the "hunters' and anglers' license fund," and be disbursed by the State Treasurer on vouchers certified to by the division.

6. Section 8 of P.L.1986, c.198 (C.23:3-4.11) is amended to read as follows:

C.23:3-4.11 Rifle permits; fee.

8. All persons in possession of a muzzleloader rifle or other rifle while hunting or trapping shall have in their possession, in addition to the appropriate and valid firearm hunting license or trapping license, an appropriate and valid rifle permit. The Division of Fish, Game and Wildlife is authorized to charge a fee of \$11.00 for each permit issued. A rifle permit issued hereunder shall be valid for a period not to exceed two years. The amount remitted to the State Treasury for rifle permits shall be deposited to the credit of the "hunters' and anglers' license fund."

The fee for a permit issued pursuant to this section may be adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a).

7. R.S.23:3-25 is amended to read as follows:

Fee for woodcock stamp.

23:3-25. The fee for this stamp shall be \$2.50, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a). The amounts remitted to the State Treasury for stamps issued under R.S.23:3-24 shall be placed to the credit of the "hunters' and anglers' license fund," mentioned in R.S.23:3-12.

8. Section 7 of P.L.1986, c.198 (C.23:3-27.1) is amended to read as follows:

C.23:3-27.1 Wild turkey permits, fee.

7. Whenever an open season is prescribed for wild turkey by the State Fish and Game Code, the Division of Fish, Game and Wildlife is authorized to charge a fee of \$13.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a), for each permit issued. This permit shall be void at the close of the prescribed open season. The amounts remitted to the State Treasury for wild turkey permits shall be deposited to the credit of the "hunters' and anglers' license fund."

9. Section 1 of P.L.1959, c.37 (C.23:3-56.1) is amended to read as follows:

C.23:3-56.1 Limited deer license, fee.

1. When the Fish and Game Council has established a season for deer of either sex and has fixed a certain number of licenses to be issued for such harvest, the division is authorized to charge a fee of \$18.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a), for each license so issued, which fee shall be in addition to any other fees authorized by law. No such fee shall be required of the occupant of a farm in this State, who actually resides thereon, or the members of his immediate family who also reside thereon, provided such person or persons are otherwise authorized to participate in such limited harvest. The exemption of this section shall not apply to a person residing on the farm or in a tenant house thereon who is not a member of the occupant's family, nor to a servant of the occupant.

10. Section 3 of P.L.1952, c.328 (C.23:3-59) is amended to read as follows:

C.23:3-59 Fee for trout stamps.

3. The fee for this stamp shall be \$7.00 for residents and \$14.00 for nonresidents, or as adjusted by the Fish and Game Council pur-

suant to section 12 of P.L.1982, c.180 (C.23:3-1a). The amounts remitted to the State Treasury for stamps issued under this law shall be placed to the credit of the "hunters' and anglers' license fund" mentioned in R.S.23:3-12.

11. Section 3 of P.L.1975, c.117 (C.23:3-61.3) is amended to read as follows:

C.23:3-61.3 Pheasant, quail stamps.

3. The fee for this stamp shall be \$20.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a). The amounts remitted to the State Treasury for special pheasant and quail stamps shall be deposited to the credit of the "hunters' and anglers' license fund."

12. Section 5 of P.L.1970, c.247 (C.23:3-66) is amended to read as follows:

C.23:3-66 Tagging of fish, fee.

5. (a) All fish stocked in the waters of the fishing preserve in accordance with subsection (b) of section 2 of this act that are taken from the licensed fishing preserve waters shall be immediately tagged as prescribed in the license or by order of the division. Such tags shall be furnished by the division and sold to the licensee at the cost of \$0.15 per tag, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a).

(b) The tag so affixed shall not be removed from the fish until the same is finally prepared for consumption.

(c) No fish, required to be tagged as specified in subsection (a) of this section, taken pursuant to this act, shall be possessed off the premises of the fishing preserve without such tag, and no person shall sell such fish without such tag attached, except for scientific, exhibition or stocking purposes.

(d) Fish taken from such fishing preserves and tagged as provided in this section may be possessed, bought, sold and offered for sale, and transported without restriction. Fish raised or possessed under licenses issued under this act may be sold at any time for scientific, exhibition, propagation or stocking purposes.

13. The Department of the Treasury shall, within 180 days of the effective date of this act, conduct or cause to be conducted a financial and performance audit of the Division of Fish, Game and Wildlife in

the Department of Environmental Protection, and transmit a copy of that audit to the Governor and to each member of the Legislature.

14. This act shall take effect immediately and shall apply to the sale of licenses, permits, stamps, tags and certificates that are valid on or after January 1, 1991, except that section 9 shall remain inoperative until January 1, 1991.

Approved September 20, 1991.

CHAPTER 287

AN ACT concerning gross income tax return checkoffs and amending P.L.1985, c.197 and P.L.1981, c.170.

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

1. Section 2 of P.L.1985, c.197 (C.54A:9-25.4) is amended to read as follows:

C.54A:9-25.4 Children's Trust Fund.

2. a. There is established in the Department of the Treasury a special fund to be known as the "Children's Trust Fund."

b. Each taxpayer shall have the opportunity to indicate on his New Jersey gross income tax return that a portion of his tax refund or an enclosed contribution be deposited in the special fund. The Director of the Division of Taxation in the Department of the Treasury shall provide each taxpayer with the opportunity to indicate his preference on the tax return in substantially the following manner:

Children's Trust Fund: I wish to contribute \$5☐, \$10☐, other amount \$ ☐, to this fund.

The State Treasurer shall deposit into the fund all moneys designated for the fund pursuant to this act.

2. Section 2 of P.L.1981, c.170 (C.54A:9-25.2) is amended to read as follows:

C.54A:9-25.2 Endangered and Nongame Species of Wildlife Conservation Fund.

2. There is hereby established in the Department of the Treasury a special fund to be known as the "Endangered and Nongame

Species of Wildlife Conservation Fund.” Each taxpayer shall have the opportunity to indicate on his New Jersey gross income tax return that a portion of his tax refund or an enclosed contribution be deposited in such fund. The Director of the Division of Taxation shall provide the taxpayer with the opportunity to indicate his preference on the tax return in substantially the following way:

Endangered and Nongame Species of Wildlife Conservation Fund: I wish to contribute \$5□, \$10□, other amount \$.....□, to this fund.

The State Treasurer shall deposit into the fund all moneys designated for the fund pursuant to this supplementary act.

3. This act shall take effect immediately and apply to taxable years ending at least 90 days after enactment.

Approved September 20, 1991.

CHAPTER 288

AN ACT authorizing certain municipalities to impose certain taxes, and amending and supplementing P.L.1970, c.326 (C.40:48C-1 et seq.).

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

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

C.40:48C-8 Parking tax, duration.

8. No tax shall be imposed under any ordinance adopted pursuant to this article with respect to parking services provided on or after December 31, 1999.

C.40:48C-1.3 Parking tax, certain municipalities.

2. Any municipality located in a county of the first class with a population density exceeding 10,000 persons per square mile, according to the latest federal decennial census is hereby authorized and empowered to enact an ordinance imposing the tax provided for in Article 3 (Parking Tax) of the “Local Tax Authorization Act,” P.L.1970, c.326 (C.40:48C-6 et seq.) on any facility situated entirely within its borders, or on any portion of a facility

situated within its borders, but which, in part, is also situated in a contiguous municipality which has enacted an ordinance imposing the tax provided for in Article 3 (Parking Tax) of the "Local Tax Authorization Act," P.L.1970, c.326 (C.40:48C-6 et seq.).

3. This act shall take effect immediately.

Approved September 20, 1991.

CHAPTER 289

AN ACT concerning the cancellation of mortgages upon satisfaction and amending the title and body of P.L.1975, c.137.

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

1. The title of P.L.1975, c.137 (C.46:18-11.2 et seq.) is amended to read as follows:

Title amended.

An act establishing certain procedures for cancellation of a mortgage after the mortgage is redeemed, paid and satisfied, providing penalties for violation thereof, and supplementing Title 46 of the Revised Statutes.

2. Section 1 of P.L.1975, c.137 (C.46:18-11.2) is amended to read as follows:

C.46:18-11.2 Cancellation of mortgage after satisfaction.

1. a. When any mortgage registered or recorded pursuant to R.S.46:17-1 et seq. shall be redeemed, paid and satisfied, a mortgagee, other than a bank, savings bank, savings and loan association, credit union or other corporation engaged in the business of making or purchasing mortgage loans, or his agents or assigns shall within 10 days notify the mortgagor that he has the right to demand the mortgagee to cancel the mortgage of record upon payment by the mortgagor of the fee required by the county to effect the cancellation and the mortgagee shall within 30 days of the receipt by the mortgagee of the required fee from the mortgagor apply to the county recording officer to have the mortgage canceled of record.

b. When any mortgage registered or recorded pursuant to R.S.46:17-1 et seq. shall be redeemed, paid and satisfied and the mortgagee is a bank, savings bank, savings and loan association, credit union or other corporation in the business of making or purchasing mortgage loans, that mortgagee, its agents or assigns shall cause the mortgage to be submitted to the county recording officer for cancellation of record within 30 days of receipt of all fees which are required to be paid by the mortgagor pursuant to this subsection. The mortgagee shall have the right to receive from the mortgagor the amount of the fee charged by the county recording officer to cancel the mortgage plus an additional service fee from the mortgagor, which service fee shall not exceed \$25 or such higher amount which the Commissioner of Banking may approve by regulation, provided the mortgagor has received notice of the fees required by the mortgagee. The mortgagee may collect the service fee at the time of the mortgage transaction or at the time the mortgage is redeemed, paid and satisfied. The fee charged by the county recording officer to cancel the mortgage of record shall be collectible at the time the mortgage is redeemed, paid and satisfied.

c. If the final payment is made in cash, by certified check or cashier's check, the mortgage shall be deemed paid, satisfied and redeemed upon receipt of the cash, certified check or cashier's check by the mortgagee, his agents or assigns.

3. Section 2 of P.L.1975, c.137 (C.46:18-11.3) is amended to read as follows:

C.46:18-11.3 Penalty.

2. a. If the mortgagee, his agent or assigns fails to comply with the applicable provisions of section 1 of this act, the mortgagor may serve the mortgagee or his assigns with written notice of the noncompliance, which notice shall identify the mortgage and the date and means of its redemption, payment and satisfaction. If the mortgagee has not complied within 15 business days after receipt of the written notice from the mortgagor pursuant to this subsection a., the mortgagee or his assigns shall be subject to a fine of \$50 per day for each day after the 15-day period until compliance, except that the total fine imposed pursuant to this subsection a. shall not exceed \$1,000.

b. Of each fine collected pursuant to subsection a. of this section, 25% shall be payable to the county clerk for deposit in the county treasury, and 75% shall be payable to the mortgagor. The

fine may be collected by summary proceedings instituted by the county clerk or the Attorney General in accordance with "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

c. If a mortgagee, his agent or assigns has not applied to the county recording officer to cancel the mortgage of record pursuant to section 1 of P.L.1975, c.137 (C.46:18-11.2), within the 15 business day period provided by subsection a. of this section, the mortgagee shall be liable to the mortgagor for the greater of the mortgagor's actual damages or the sum of \$1,000, less any fines recovered by the mortgagor pursuant to subsections a. and b. of this section. In any successful action to recover damages pursuant to this subsection c., the mortgagee shall reimburse the mortgagor for the costs of the action including the mortgagor's reasonable attorneys' fees.

4. This act shall take effect immediately.

Approved September 20, 1991.

CHAPTER 290

AN ACT concerning the rights of children placed outside their homes and supplementing Title 30 of the Revised Statutes.

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

C.9:6B-1 Short title.

1. This act shall be known and may be cited as the "Child Placement Bill of Rights Act."

C.9:6B-2 Findings, declarations.

2. The Legislature finds and declares that:

a. A child placed outside his home by the Department of Human Services, the Department of Health or a board of education, or an agency or organization with which the applicable department contracts to provide services has certain specific rights separate from and independent of the child's parents or legal guardian by virtue of his placement in another residential setting;

b. The State has an affirmative obligation to recognize and protect these rights through its articulation of a clear and specific bill of rights that reflects the best interests of the child and an affirmation by the State of its commitment to enforce these rights

in order to protect and promote the welfare of the child placed outside his home; and

c. The obligation of the State to recognize and protect the rights of the child placed outside his home shall be fulfilled in the context of a clear and consistent policy to promote the child's eventual return to his home or placement in an alternative permanent setting, which this Legislature has expressly declared to be in the public interest in section 2 of the "Child Placement Review Act," P.L.1977, c.424 (C.30:4C-51).

C.9:6B-3 Definitions.

3. As used in this act:

"Child placed outside his home" means a child placed outside his home by the Department of Human Services, the Department of Health or a board of education.

"Department" means the Department of Human Services, the Department of Health or board of education, as applicable.

C.9:6B-4 Child's rights.

4. A child placed outside his home shall have the following rights, consistent with the health, safety and physical and psychological welfare of the child and as appropriate to the individual circumstances of the child's physical or mental development:

a. To placement outside his home only after the applicable department has made every reasonable effort, including the provision or arrangement of financial or other assistance and services as necessary, to enable the child to remain in his home;

b. To the best efforts of the applicable department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child with a relative;

c. To the best efforts of the applicable department, including the provision or arrangement of financial or other assistance and services as necessary, to place the child in an appropriate setting in his own community;

d. To the best efforts of the applicable department to place the child in the same setting with the child's sibling if the sibling is also being placed outside his home;

e. To visit with the child's parents or legal guardian immediately after the child has been placed outside his home and on a regular basis thereafter, and to otherwise maintain contact with the child's parents or legal guardian, and to receive assistance from the applicable department to facilitate that contact, including the provision or arrangement of transportation as necessary;

- f. To visit with the child's sibling on a regular basis and to otherwise maintain contact with the child's sibling if the child was separated from his sibling upon placement outside his home, including the provision or arrangement of transportation as necessary;
- g. To placement in the least restrictive setting appropriate to the child's needs and conducive to the health and safety of the child;
- h. To be free from physical or psychological abuse and from repeated changes in placement before the permanent placement or return home of the child;
- i. To have regular contact with any caseworker assigned to the child's case who is employed by the applicable department or any agency or organization with which the applicable department contracts to provide services and the opportunity, as appropriate to the age of the child, to participate in the planning and regular review of the child's case, and to be informed on a timely basis of changes in any placement plan which is prepared pursuant to law or regulation and the reasons therefor in terms and language appropriate to the child's ability to understand;
- j. To have a placement plan, as required by law or regulation, that reflects the child's best interests and is designed to facilitate the permanent placement or return home of the child in a timely manner that is appropriate to the needs of the child;
- k. To services of a high quality that are designed to maintain and advance the child's mental and physical well-being;
- l. To be represented in the planning and regular review of the child's case, including the placement and development of, or revisions to, any placement plan which is required by law or regulation and the provision of services to the child, the child's parents or legal guardian and the temporary caretaker, by a person other than the child's parent or legal guardian or temporary caretaker who will advocate for the best interests of the child and the enforcement of the rights established pursuant to this act, which person may be the caseworker, as appropriate, or a person appointed by the court for this purpose;
- m. To receive an educational program which will maximize the child's potential;
- n. To receive adequate, safe and appropriate food, clothing and housing;
- o. To receive adequate and appropriate medical care; and
- p. To be free from unwarranted physical restraint and isolation.

C.9:6B-5 Public information.

5. The Departments of Human Services, Health and Education shall each prepare and update at least every six months, and shall make available to the public upon request, aggregate non-identifying data about children under their care, custody or supervision who are placed in out-of-home settings, by category as appropriate. The data shall include the following:

- a. The number of children placed outside their homes during the six-month period and the cumulative number of children residing in out-of-home settings;
- b. The age, sex and race of the children residing in out-of-home settings;
- c. The reasons for placement of these children;
- d. The types of settings in which these children reside;
- e. The length of time that these children have resided in these settings;
- f. The number of placements for those children who have been placed in more than one setting;
- g. The number of children who have been placed in the same county in which their parents or legal guardians reside and the number who have been placed outside of the State;
- h. The number of children who have been permanently placed or returned to their homes during the six-month period, and a projection of the number of children who will be permanently placed or returned to their homes during the following six-month period; and
- i. The number of children who have been permanently placed or returned to their homes who are subsequently returned to an out-of-home setting during the six-month period.

C.9:6B-6 Rules, regulations.

6. The Commissioners of Human Services, Health and Education, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall each adopt rules and regulations to effectuate the purposes of this act.

7. This act shall take effect immediately.

Approved September 23, 1991.

CHAPTER 291

AN ACT concerning county appointments and supplementing Title 40 of the Revised Statutes.

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

C.40A:9-23.1 Term of appointment of member of county governing body to other public entity.

1. Notwithstanding the provisions of any law, rule or regulation to the contrary, whenever an elected member of a county governing body is appointed to a position on any public authority, board, commission, agency or other public entity created by the State or any of its political subdivisions, and when such appointment is made by virtue of the member's position on the county governing body, the term of appointment shall be the same as the member's term of office on the county governing body. Nothing in this act shall preclude the reappointment to a position with an appropriate public entity of a person whose term of office on the county governing body has expired, but who has been reelected to succeed himself on the governing body.

2. This act shall take effect immediately, and shall apply to appointments made on and after the effective date of this act.

Approved September 25, 1991.

CHAPTER 292

AN ACT concerning the Advisory Council on Solid Waste Management, and amending P.L.1970, c.39.

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

1. Section 7 of P.L.1970, c.39 (C.13:1E-7) is amended to read as follows:

C.13:1E-7 Advisory Council on Solid Waste Management.

7. a. There is hereby created in the department an Advisory Council on Solid Waste Management which shall consist of 14 members, four of whom shall be the President of the Board of

Public Utilities, the Commissioner of Community Affairs, the Secretary of Agriculture and the Commissioner of Health, or their designees, who shall serve *ex officio*, and ten citizens of the State, four of whom shall be actively engaged in the solid waste collection, recycling or solid waste disposal industries, of whom one shall be a representative of the Institute for Scrap Recycling Industries who shall represent the scrap recycling or processing industry in the State, two health professionals of whom one shall be a representative of the New Jersey Hospital Association and the other a licensed practitioner selected from the medical or dental communities in the State who shall represent the regulated medical waste generators in the State, and four of whom shall be representing the general public to be appointed by the Governor, with the advice and consent of the Senate. The Governor shall designate a chairman and vice chairman of the council from the public members who shall serve at the will of the Governor.

b. All public members shall be appointed for terms of four years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed membership of the council by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid.

c. Members of the council shall serve without compensation but shall be reimbursed for expenses actually incurred in attending meetings of the council and in performance of their duties as members thereof.

2. Section 8 of P.L.1970, c.39 (C.13:1E-8) is amended to read as follows:

C.13:1E-8 Council powers.

8. The Advisory Council on Solid Waste Management is empowered to:

a. Request from the commissioner such information concerning the Statewide solid waste management plan or district solid waste management plans as it may deem necessary;

b. Consider any matter relating to the improvement of the Statewide solid waste management plan or district solid waste management plans, and advise the commissioner thereon;

c. From time to time submit to the commissioner any recommendations which it deems necessary for the improvement of the Statewide solid waste management plan or district solid waste management plans;

d. From time to time submit to the commissioner recommendations of any statutory and regulatory changes deemed necessary to implement the comprehensive State regulated medical waste management plan prepared by the Department of Environmental Protection and the Department of Health pursuant to section 13 of P.L.1989, c.34 (C.13:1E-48.13);

e. From time to time submit to the commissioner recommendations of any statutory and regulatory changes deemed necessary to implement the State Recycling Plan goals;

f. Study any regulations adopted by the department and the Department of Health concerning the management of regulated medical waste and make its recommendations for their improvement to the commissioner;

g. Study and investigate the state of the art and the technical capabilities and limitations of regulations concerning solid waste collection, disposal or recycling activities and report its findings and recommendations thereon to the commissioner;

h. Study and investigate the need for programs for the long-range technical support of solid waste programs and solid waste management plans, and report its findings and recommendations thereon to the commissioner;

i. Hold public hearings annually or more frequently in regard to existing solid waste statutes and regulations and upon the state of the art and technical capabilities and limitations in solid waste collection, disposal or recycling activities and report its recommendations thereon to the commissioner.

3. This act shall take effect immediately.

Approved September 25, 1991.

CHAPTER 293

AN ACT concerning county special services school districts and amending P.L.1971, c.271.

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

1. Section 10 of P.L.1971, c.271 (C.18A:46-38) is amended to read as follows:

C.18A:46-38 Designation and powers of board of education.

10. The board of education provided for herein shall be a body corporate and shall be known as "The Board of Education of the Special Services School District of the county of, " (here insert the name of the county in which such school shall be located). The board shall organize and operate in the manner provided by law and shall have the power to appoint or employ such officers, agents and employees as may be required to carry out the provisions of P.L.1971, c.271 and to fix and determine their qualifications, duties, compensation, terms of office and all other conditions and terms of employment and retention. In addition, the board shall have all the powers as are now or may hereafter be provided by law and applicable for other school districts, subject to the additional restrictions provided by this act.

2. This act shall take effect immediately.

Approved September 25, 1991.

CHAPTER 294

AN ACT requiring depository institutions to provide certain information to the Commissioner of Banking.

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

C.17:16Q-1 Definitions.

1. As used in this act:

"Appropriate federal financial supervisory agency" means:

- a. The Comptroller of the Currency with respect to federally chartered banks;
- b. The Board of Governors of the Federal Reserve System with respect to bank holding companies and State chartered banks which are members of the Federal Reserve System;
- c. The Federal Deposit Insurance Corporation with respect to State chartered banks and savings banks which are not members of the Federal Reserve System; and

d. The Director of the Office of Thrift Supervision with respect to associations whose deposits are insured by the Federal Deposit Insurance Corporation, and association holding companies.

“Board” means the Community Financial Services Advisory Board established pursuant to section 3 of this act.

“Commissioner” means the Commissioner of Banking.

“CRA” means the “Community Reinvestment Act of 1977,” Pub.L. 95-128 (12 U.S.C. §2901 et seq.).

“Depository institution” means a State or federally chartered bank, savings bank or savings and loan association located in this State.

C.17:16Q-2 CRA rating; receipt; public availability.

2. Beginning on the effective date of this act, each time a depository institution receives a CRA rating on and after July 1, 1990, from its appropriate federal financial supervisory agency, it shall send a copy of the public section of the written evaluation to the commissioner and the board within 45 calendar days of receipt. The commissioner shall make these reports available to the public for inspection, copying, or both, and may set a reasonable fee to be charged for inspection, copying, or both.

C.17:16Q-3 Community Financial Services Advisory Board.

3. There is created in the Department of Banking a Community Financial Services Advisory Board. The board shall consist of the commissioner or his designee, who shall be ex officio the chair of the board, the Commissioner of Community Affairs or his designee, who shall be ex officio the vice-chair of the board, and 11 members to be appointed by the Governor with the advice and consent of the Senate for a term of three years, except that of the 11 members initially appointed by the Governor, four shall be appointed for three years, four shall be appointed for two years, and three shall be appointed for one year. Each member shall hold office for the term of appointment and until his successor is appointed and qualified. A member is eligible to be reappointed to the board. A member appointed to fill a vacancy occurring in the membership of the board for any reason other than the expiration of the term shall have a term of appointment for the unexpired term only. All vacancies shall be filled in the same manner as the original appointment. Any appointed member of the board may be removed from office by the Governor, for cause, after a hearing and may be suspended by the Governor pending the completion of the hearing. Members of the board shall serve without compensation, but shall be reimbursed for

necessary expenses incurred in the performance of their duties as members. Action may be taken and motions and resolutions may be adopted by the board at a board meeting by an affirmative vote of not less than seven members. Of the 11 appointed members, five shall each have had, at the time of appointment, not less than five years of practical experience as an active executive officer in a depository institution located in the State of New Jersey; and six shall be public members who are not salaried officers, directors or employees of any depository institution, at least four of whom shall be selected from nonprofit organizations which have had experience in developing low and moderate income housing programs, assisting low and moderate income consumers in securing credit from depository institutions in this State, or developing programs to educate consumers regarding the credit and lending practices of depository institutions in this State. At no time shall there be more than one representative on the board from any one depository institution or group of depository institutions which form a holding company. Of the five members specified to have had practical executive experience, at least three shall have had responsibility for a depository institution's community reinvestment activities and, at least one each shall be appointed from the following groups: savings banks; banks located in the Second Federal Reserve District; banks located in the Third Federal Reserve District; and savings and loan associations.

C.17:16Q-4 Board duties.

4. a. The board shall review the CRA reports submitted to it pursuant to section 2 of this act.

b. The board shall act as a resource to the commissioner by developing and recommending to the commissioner ideas and programs to assist:

- (1) depository institutions in meeting community credit needs; and
- (2) consumers in understanding and using credit opportunities available through depository institutions in the State.

C.17:16Q-5 Regulations.

5. The commissioner may promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

6. This act shall take effect immediately.

Approved September 25, 1991.

CHAPTER 295

AN ACT concerning toy safety and supplementing P.L.1960, c.39.

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

C.56:8-49 Definitions.

1. As used in this act:

“Dealer” means a person who sells a toy or other article intended for use by children at retail. A dealer who sells at wholesale a toy or article subject to this act shall, with respect to that sale, be considered the distributor of that toy or article.

“Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

“Distributor” means a person who sells a toy or other article intended for use by children at wholesale.

“Manufacturer” means a person who manufactures or imports a toy or other article intended for use by children for distribution in this State, except that when the toy or other article is distributed or sold under a name other than that of the actual manufacturer or the toy or other article, the term “manufacturer” includes any person under whose name the toy or other article is distributed or sold.

C.56:8-50 Notice of defect or hazard in children’s products to director.

2. Any manufacturer, distributor or dealer who, pursuant to any law or any regulation of the U.S. Consumer Product Safety Commission, is required to give public notice with regard to a defect or hazard in any toy or other article intended for use by children of this State shall notify, at the same time and in like manner, the director. The requirements of this section also apply to any such notice that is given voluntarily.

C.56:8-51 Dealer display of notification.

3. A dealer who is notified by a manufacturer, a distributor or the U.S. Consumer Product Safety Commission of a defective or hazardous toy or other article intended for use by children shall prominently display that notification for at least 120 days after its receipt in each premises where the toy or article would normally be sold. The notification shall be displayed in an area readily accessible to the public and its content shall be easily readable by a person of normal vision.

C.56:8-52 Inspection program; regulations.

4. a. The director shall establish an inspection program to insure that dealers in toys and other articles intended for use by children comply with section 3 of this section. The director also shall periodically publish and disseminate to the public a summary of defective and hazardous toys and other articles intended for use by children.

b. The director shall adopt all regulations necessary to carry out the purposes of this act, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.56:8-53 Allocation of penalty monies.

5. The monies collected as penalties for violations of this act shall be allocated to the Division of Consumer Affairs in the Department of Law and Public Safety.

6. This act shall take effect 60 days after enactment, with the exception of subsection b. of section 4 and section 5, which shall take effect immediately.

Approved October 1, 1991.

CHAPTER 296

AN ACT concerning tuition-free enrollment in public institutions of higher education for certain members of the New Jersey National Guard and certain surviving spouses and children of New Jersey National Guard members and supplementing chapter 71 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:71-96 Definition.

1. As used in this act, "Initial Active Duty Training" means Basic Military Training, for members of the New Jersey Air National Guard, and Basic Combat Training and Advanced Individual Training, for members of the New Jersey Army National Guard.

C.18A:71-97 Attendance at courses tuition free for members of New Jersey National Guard.

2. Any member of the New Jersey National Guard shall be permitted to attend regularly scheduled courses at any public institution of higher education in this State enumerated in

N.J.S.18A:62-1 and receive up to 12 credits per semester tuition-free provided that:

- a. the member has completed Initial Active Duty Training and is in good standing as an active member of the New Jersey National Guard;
- b. the member has been accepted to pursue a course of undergraduate study and is enrolled as an undergraduate student in good standing at that institution;
- c. the member has applied for all available State student grants and scholarships and all available federal student grants and scholarships for which the member is eligible; and
- d. available classroom space permits and tuition-paying students constitute the minimum number required for the course.

C.18A:71-98 Provisions for surviving children and spouses.

3. Any child or surviving spouse of a member of the New Jersey National Guard who heretofore completed Initial Active Duty Training and was killed in the performance of his duties while on active duty with the New Jersey National Guard, or who hereafter completes Initial Active Duty Training and is killed in the performance of his duties while a member of the New Jersey National Guard, shall be permitted to attend regularly scheduled courses at any public institution of higher education in this State enumerated in N.J.S.18A:62-1 and receive up to 12 credits per semester tuition-free provided that:

- a. the child or spouse has been accepted to pursue a course of undergraduate study and is enrolled as an undergraduate student in good standing at that institution;
- b. the child or spouse has applied for all available State student grants and scholarships and all available federal student grants and scholarships for which the child or spouse is eligible; and
- c. available classroom space permits and tuition-paying students constitute the minimum number required for the course.

C.18A:71-99 Financial aid information.

4. The financial aid office of the public institution shall advise the member, or surviving spouse or child of a member, of any available State and federal student grants and scholarships for which the member, or surviving spouse or child of a member, may be eligible.

C.18A:71-100 Other fees.

5. Nothing in this act shall preclude a public institution of higher education from requiring the payment of other fees, subject

to approval by the State Board of Higher Education, for individuals attending courses pursuant to the provisions of this act.

C.18A:71-101 Rules, regulations.

6. The State Board of Higher Education shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act.

7. This act shall take effect immediately.

Approved October 3, 1991.

CHAPTER 297

AN ACT concerning motor vehicles and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C.39:4-138.3 Parking in front of driveway permitted; conditions.

1. Notwithstanding the provisions of R.S.39:4-138 to the contrary, any municipality may, by ordinance, permit the parking of motor vehicles in front of private driveways whenever both the motor vehicle and driveway involved are owned by the same person, whenever the motor vehicle is owned by a member of the same household as the owner of the private driveway, or whenever the owner of the private driveway authorizes the parking of a motor vehicle in front of the private driveway; and where such parking is not otherwise prohibited and the permitting thereof would not interfere with the normal flow of traffic.

C.39:4-138.4 Permits; issuance, application, description.

2. Any municipality enacting an ordinance pursuant to section 1 of this act shall provide for the issuance of permits which authorize the parking of motor vehicles in front of private driveways and identify the location of the driveway in front of which the parking of a motor vehicle is permitted. The permits shall be issued to owners of private driveways and to members of the same household as the owner of a private driveway provided that a completed application for a permit has been filed as required by the municipality.

An owner of a private driveway shall be eligible to apply for up to three permits for his own motor vehicles or for use by other parties authorized by the owner to park in front of the private

driveway. Each member of the owner's household who owns a motor vehicle shall also be eligible to apply for a permit issued under this section. The permit shall be 5 1/2 inches by 8 1/2 inches in size, shall bear an appropriate certification of authenticity and shall be displayed prominently within the vehicle when it is parked so as to be seen from the middle of the street.

C.39:4-138.5 Display required; permit fees.

3. A motor vehicle shall not be permitted to be parked in front of a private driveway unless the owner of the private driveway or a member of the owner's household has been issued a valid permit and the permit is properly displayed, or unless the owner has authorized another party to use and display the owner's permit for parking in front of the private driveway, and the permit is valid and properly displayed. A municipality may, by ordinance, establish a fee for these permits.

4. This act shall take effect immediately.

Approved October 4, 1991.

CHAPTER 298

AN ACT concerning the regulation of traffic at public-private intersections and supplementing chapter 4 of Title 39 of the Revised Statutes.

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

C.39:4-120.5 Definitions.

1. As used in this act:
 - a. "Private road open to the public" means a private road leading from an establishment open to the public including but not limited to a shopping center, restaurant, movie theater or arena.
 - b. "Public-private intersection" means the intersection of a private road open to the public with a highway.

C.39:4-120.6 Erection of traffic control device by owner of private open road.

2. The owner of a private road open to the public which forms a public-private intersection may erect an official traffic control device at the public-private intersection after obtaining the necessary approval in accordance with section 3 of this act. All official

traffic control devices shall conform to the same specifications as those regulating intersections.

C.39:4-120.7 Approval for traffic control device.

3. a. Where the public-private intersection contains a State highway, the Commissioner of Transportation by regulation shall approve the erection of an official traffic control device.

b. Where the public-private intersection contains a highway under the jurisdiction of local authorities, the local authorities by ordinance or resolution shall approve the erection of an official traffic control device, subject to the approval of the commissioner.

c. The commissioner by appropriate order may withdraw an official traffic control device from a public-private intersection.

C.39:4-120.8 Owner's responsibilities.

4. The owner of the private road open to the public shall obtain, install and maintain any official traffic control device at a public-private intersection.

C.39:4-120.9 Drivers' obedience.

5. The driver of a motor vehicle shall observe and obey an official traffic control device erected at a public-private intersection in the same manner as those erected at any other intersection.

C.39:4-120.10 Penalties.

6. For a violation of this act, the offender shall be subject to the same penalties as exist in connection with violations at public intersections.

C.39:4-120.11 Rules, regulations.

7. The Commissioner of Transportation may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

8. This act shall take effect on the 120th day following enactment, except for section 7 which shall take effect immediately.

Approved October 4, 1991.

CHAPTER 299

AN ACT concerning the employment of certain law enforcement officers by a county or municipality and supplementing Title 40A of the New Jersey Statutes.

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

C.40A:14-180 Appointments to county or municipal police force; qualifications; priority of residents; seniority non-transferable.

1. a. The provisions of any other law to the contrary notwithstanding, the appointing authority of a county or municipality which, pursuant to N.J.S.40A:14-106, in the case of a county, or N.J.S.40A:14-118, in the case of a municipality, has established and maintains a police force may appoint as a member or officer of the county or municipal police department any person who:

(1) was serving as a law enforcement officer in good standing in any county or municipal law enforcement department or agency;

(2) satisfactorily completed a working test period in a law enforcement title in a county or municipality which has adopted Title 11A of the New Jersey Statutes or satisfactorily completed a comparable, documented probationary period in a law enforcement title in a county or municipality which has not adopted Title 11A; and

(3) was, for reasons of economy, terminated as a law enforcement officer within twelve months prior to the appointment.

b. A county or municipality may employ such a person notwithstanding that (a) Title 11A (Civil Service) of the New Jersey Statutes is operative in that county or municipality, (b) the county or municipality has available to it an eligible or regular reemployment list of persons eligible for such appointments, and (c) the appointed person is not on any eligible list. A county or municipality which has adopted Title 11A may not employ such a person if a special reemployment list is in existence for the law enforcement title to be filled.

c. If a county determines to appoint a person pursuant to the provisions of this act, it shall give first priority in making such appointments to residents of the county. A municipality making such an appointment shall give first priority to residents of the municipality and second priority to residents of the county not residing in the municipality.

d. The seniority, seniority-related privileges and rank a law enforcement officer possessed with the employer who terminated the officer's employment for reasons of economy shall not be transferable to a new position when the officer is appointed to a law enforcement position pursuant to the provisions of this section.

2. This act shall take effect immediately.

Approved October 23, 1991.

CHAPTER 300

AN ACT concerning the enrollment of certain firemen in the Police and Firemen's Retirement System of New Jersey and supplementing P.L.1944, c.255 (C.43:16A-1 et seq.).

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

1. a. Notwithstanding the provisions of section 3 of P.L.1944, c.255 (C.43:16A-3) or any other law or regulation to the contrary, a full-time fireman who was appointed as a fireman on or after January 1, 1989 and prior to July 1, 1989 and who was over 35 years of age at the time of appointment, shall be enrolled in the retirement system, provided that the employee furnishes such evidence of good health at the time of becoming a member as the retirement system shall require.

b. Any officer eligible to become a member pursuant to the provisions of this act who is enrolled in the Public Employees' Retirement System (P.L.1954, c.84; C.43:15A-1 et seq.) shall be permitted to transfer membership from the aforesaid system to the Police and Firemen's Retirement System of New Jersey in accordance with the provisions of P.L.1973, c.156 (C.43:16A-62 et seq.). Whenever in P.L.1973, c.156 a period of time is set which is to be calculated from the effective date of that act, the time shall be calculated from the effective date of this act for the purposes hereof.

2. This act shall take effect immediately and shall expire 90 days thereafter.

Approved October 30, 1991.

CHAPTER 301

AN ACT concerning dedication of certain municipal streets and improvements, and amending P.L.1975, c.291.

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

1. Section 41 of P.L.1975, c.291 (C.40:55D-53) is amended to read as follows:

C.40:55D-53 Guarantees required; surety; release.

41. a. Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the approving authority may require and shall accept in accordance with the standards adopted by ordinance for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4), for improvements which the approving authority may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," P.L.1960, c.141 (C.46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

The municipal engineer shall prepare an itemized cost estimate of the improvements covered by the performance guarantee, which itemized cost estimate shall be appended to each performance guarantee posted by the obligor.

(2) Provision for a maintenance guarantee to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4). In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation, which cost shall be determined by the municipal engineer according to the method of calculation set forth in section 15 of P.L.1991, c.256 (C.40:55D-53.4) as of the time of the passage of the resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements. Such completion or correction of improvements shall be subject to the public bidding requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

d. (1) Upon substantial completion of all required street improvements (except for the top course) and appurtenant utility improvements, and the connection of same to the public system, the obligor may request of the governing body in writing, by certified mail addressed in care of the municipal clerk, that the municipal engineer prepare, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section, a list of all uncompleted or unsatisfactory completed improvements. If such a request is made, the obligor shall send a copy of the request to the municipal engineer. The request shall indicate which improvements have been completed and which improvements remain uncompleted in the judgment of the obligor. Thereupon the municipal engineer shall inspect all improvements covered by obligor's request and shall file a detailed list and report, in writing, with the governing body, and shall simultaneously send a copy thereof to the obligor not later than 45 days after receipt of the obligor's request.

(2) The list prepared by the municipal engineer shall state, in detail, with respect to each improvement determined to be incomplete or unsatisfactory, the nature and extent of the incompleteness of each incomplete improvement or the nature and extent of, and remedy for, the unsatisfactory state of each completed improvement determined to be unsatisfactory. The report

prepared by the municipal engineer shall identify each improvement determined to be complete and satisfactory together with a recommendation as to the amount of reduction to be made in the performance guarantee relating to the completed and satisfactory improvements, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section.

e. (1) The governing body, by resolution, shall either approve the improvements determined to be complete and satisfactory by the municipal engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection, and shall approve and authorize the amount of reduction to be made in the performance guarantee relating to the improvements accepted, in accordance with the itemized cost estimate prepared by the municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section. This resolution shall be adopted not later than 45 days after receipt of the list and report prepared by the municipal engineer. Upon adoption of the resolution by the governing body, the obligor shall be released from all liability pursuant to its performance guarantee, with respect to those approved improvements except for that portion adequately sufficient to secure completion or correction of the improvements not yet approved; provided that 30% of the amount of the performance guarantee posted may be retained to ensure completion and acceptability of all improvements.

(2) If the municipal engineer fails to send or provide the list and report as requested by the obligor pursuant to subsection d. of this section within 45 days from receipt of the request, the obligor may apply to the court in a summary manner for an order compelling the municipal engineer to provide the list and report within a stated time and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

If the governing body fails to approve or reject the improvements determined by the municipal engineer to be complete and satisfactory or reduce the performance guarantee for the complete and satisfactory improvements within 45 days from the receipt of the municipal engineer's list and report, the obligor may apply to the court in a summary manner for an order compelling, within a stated time, approval of the complete and satisfactory improvements and approval of a reduction in the performance guarantee for the approvable complete and satisfactory improvements in accordance with the itemized cost estimate prepared by the

municipal engineer and appended to the performance guarantee pursuant to subsection a. of this section; and the cost of applying to the court, including reasonable attorney's fees, may be awarded to the prevailing party.

(3) In the event that the obligor has made a cash deposit with the municipality or approving authority as part of the performance guarantee, then any partial reduction granted in the performance guarantee pursuant to this subsection shall be applied to the cash deposit in the same proportion as the original cash deposit bears to the full amount of the performance guarantee.

f. If any portion of the required improvements is rejected, the approving authority may require the obligor to complete or correct such improvements and, upon completion or correction, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for the inspection fees in an amount not to exceed, except for extraordinary circumstances, the greater of \$500 or 5% of the cost of improvements, which cost shall be determined pursuant to section 15 of P.L.1991, c.256 (C.40:55D-53.4).

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

2. This act shall take effect on the first day of the second month next following enactment.

Approved November 7, 1991.

CHAPTER 302

AN ACT concerning home manufacture of certain alcoholic beverages and amending R.S.33:1-75.

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

1. R.S.33:1-75 is amended to read as follows:

Special permit for home manufacture of wine or malt alcoholic beverages for personal consumption; issuance, fee, tax liability.

33:1-75. The director may, subject to rules and regulations, issue special permits authorizing the manufacture by a person who is 21 years of age or older, within a home or other noncommercial premises, of wines or malt alcoholic beverages in quantities not exceeding 200 gallons per calendar year for the person's personal or household use or consumption. The director shall, by regulation, establish a reasonable fee to cover the costs incurred in issuing the special permits required by this section.

A person manufacturing wines or malt alcoholic beverages pursuant to this section shall not be liable for any tax imposed under the "Alcoholic beverage tax law," R.S.54:41-1 et seq.

2. This act shall take effect immediately.

Approved November 7, 1991.

CHAPTER 303

AN ACT concerning certain exemptions from the tax on real property.

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

1. The governing body of each municipality may, by ordinance, forgive or return, as the case may be, all taxes, and any interest due thereon levied against any property which would have been exempt pursuant to R.S. 54:4-3.6, but which did not qualify for the exemption within the first ten months following acquisition because the property was acquired

by an organization organized exclusively for religious purposes after the filing deadline for the claim for the exemption in the pretax year provided it was placed in or contemplated for active use for tax exempt purposes prior to October 1 of the ensuing tax year. No refund or forgiveness shall be made if more than ten years have passed since the date of acquisition of the property. No interest shall be paid by the municipality on any refund made pursuant to this section.

2. This act shall take effect immediately and shall expire 90 days next following enactment.

Approved November 7, 1991.

CHAPTER 304

AN ACT concerning the provision of information about certain health care practitioners to pharmacists.

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

C.45:9-16.1 Pharmacists informed of physician's license and status.

1. The State Board of Medical Examiners shall notify each pharmacy owner in the State in writing of any physician permitted to prescribe or administer a controlled dangerous substance in the course of professional practice whose license to practice has been suspended, revoked, or voluntarily surrendered, or who has been ordered to cease and desist from prescribing or administering certain substances. The board shall also notify the pharmacy owners when the physician's license to practice or authority to prescribe or administer certain substances has been reinstated.

Pursuant to section 4 of P.L.1991, c.304 (C.45:14-3.2), the board shall request the Board of Pharmacy of the State of New Jersey to provide the board with a list of names and addresses of the pharmacy owners in the State.

C.45:6-7.1 Pharmacists informed of dentist's license and status.

2. The New Jersey State Board of Dentistry shall notify each pharmacy owner in the State in writing of any dentist permitted to prescribe or administer a controlled dangerous substance in the course of professional practice whose license to practice has been

suspended, revoked, or voluntarily surrendered, or who has been ordered to cease and desist from prescribing or administering certain substances. The board shall also notify the pharmacy owners when the dentist's license to practice or authority to prescribe or administer certain substances has been reinstated.

Pursuant to section 4 of P.L.1991, c.304 (C.45:14-3.2), the board shall request the Board of Pharmacy of the State of New Jersey to provide the board with a list of names and addresses of the pharmacy owners in the State.

C.45:16-6.1 Pharmacists informed of veterinarian's license and status.

3. The State Board of Veterinary Medical Examiners shall notify each pharmacy owner in the State in writing of any veterinarian permitted to prescribe or administer a controlled dangerous substance in the course of professional practice whose license to practice has been suspended, revoked, or voluntarily surrendered, or who has been ordered to cease and desist from prescribing or administering certain substances. The board shall also notify the pharmacy owners when the veterinarian's license to practice or authority to prescribe or administer certain substances has been reinstated.

Pursuant to section 4 of P.L.1991, c.304 (C.45:14-3.2), the board shall request the Board of Pharmacy of the State of New Jersey to provide the board with a list of names and addresses of the pharmacy owners in the State.

C.45:14-3.2 Board of Pharmacy to provide and update pharmacy owners list.

4. The Board of Pharmacy of the State of New Jersey shall provide to the State Board of Medical Examiners, the New Jersey State Board of Dentistry and the State Board of Veterinary Medical Examiners, upon request, a list of names and addresses of all pharmacy owners in the State for use by the respective boards pursuant to P.L.1991, c.304 (C.45:9-16.1 et al.). The board shall periodically update the list and provide the updated information to the respective boards, as appropriate.

5. This act shall take effect immediately.

Approved November 7, 1991.

CHAPTER 305

AN ACT concerning strip searches and body cavity searches and amending P.L.1985, c.70.

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

1. Section 1 of P.L.1985, c.70 (C.2A:161A-1) is amended to read as follows:

C.2A:161A-1 Strip searches restricted.

1. A person who has been detained or arrested for commission of an offense other than a crime shall not be subjected to a strip search unless:

- a. The search is authorized by a warrant or consent;
- b. The search is based on probable cause that a weapon, controlled dangerous substance, as defined by the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., or evidence of a crime will be found and a recognized exception to the warrant requirement exists; or
- c. The person is lawfully confined in a municipal detention facility or an adult county correctional facility and the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, as defined by the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., or contraband, as defined by the Department of Corrections, will be found, and the search is authorized pursuant to regulations promulgated by the Commissioner of the Department of Corrections.

2. Section 2 of P.L.1985, c.70 (C.2A:161A-2) is amended to read as follows:

C.2A:161A-2 Body cavity searches restricted.

2. A person who has been detained or arrested for commission of an offense other than a crime shall not be subjected to a body cavity search unless:

- a. The search is authorized by a warrant or consent; or
- b. The person is lawfully confined in an adult county correctional facility and the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, as defined by the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., or contraband, as defined by the Commissioner of the Department of Corrections, will be found, and the search is authorized pursuant to the regulations promulgated by the Commissioner of the Department of Corrections.

3. Section 3 of P.L.1985, c.70 (C.2A:161A-3) is amended to read as follows:

C.2A:161A-3 Definitions.

3. a. For purposes of this act, a "strip search" means the removal or rearrangement of clothing for the purpose of visual inspection of the person's undergarments, buttocks, anus, genitals or breasts. The term does not include any removal or rearrangement of clothing reasonably required to render medical treatment or assistance or the removal of articles of outer-clothing such as coats, ties, belts or shoelaces.

b. For purposes of this act, a "body cavity search" means the visual inspection or manual search of a person's anal or vaginal cavity.

4. Section 4 of P.L.1985, c.70 (C.2A:161A-4) is amended to read as follows:

C.2A:161A-4 Conduct; reports.

4. a. Any strip search or body cavity search conducted under this act shall be performed by persons of the same sex as the arrested person and at a location where the search cannot be observed by persons not physically conducting the search. The law enforcement officer or other person authorized to conduct a strip search or body cavity search shall obtain permission of the officer in charge of the station house to conduct the search and shall report the reason for the search on the record of arrest. Where emergency conditions require immediate action to prevent bodily harm to the officer or others, the requirements of this section shall not apply. In all cases where a strip search is conducted as an exception to the requirements of this section, the officer conducting the search shall file a separate written report setting forth the emergency conditions which required the immediate action. This written report shall be filed with and reviewed by the officer in charge who had the authority to authorize a strip search.

b. Reports required pursuant to this section shall not be deemed public records within the meaning of P.L.1963, c.73 (C.47:1A-1 et seq.) but, upon request, shall be made available to the person searched, the county prosecutor, the Attorney General or the Commissioner of the Department of Corrections.

c. Nothing in this section is intended to preclude lawful use of the report of a strip search or body cavity search by law enforcement officials, the county prosecutor or officials responsible for the administration of a county or State correctional facility.

5. Section 8 of P.L.1985, c.70 (C.2A:161A-8) is amended to read as follows:

C.2A:161A-8 Regulations; confinement, bail schedule.

8. a. The Commissioner of the Department of Corrections, after consultation with the Attorney General, pursuant to authority granted in sections 6 and 10 of P.L.1976, c.98 (C.30:1B-6 and 30:1B-10) and this section shall promulgate regulations governing strip and body cavity searches of persons detained in municipal detention or adult county correctional facilities. These regulations shall give full recognition to the rights of persons confined granted under the constitutions of the United States and this State.

b. The Attorney General shall issue guidelines or directives for police officers governing the release and confinement of persons who have been arrested for commission of an offense other than a crime and such guidelines governing the performance of strip and body cavity searches as he deems necessary to promote compliance with this act, the regulations promulgated by the Commissioner of the Department of Corrections, and with the constitutions of the United States and this State. The Attorney General may require law enforcement agencies to submit periodic reports providing data on all strip searches and body cavity searches conducted.

c. The Administrative Office of the Courts shall promulgate a bail schedule for all offenses other than crimes, and bail for a person arrested or detained on a warrant may be fixed and accepted by the law enforcement officer in charge of the station house.

6. This act shall take effect immediately.

Approved November 7, 1991.

CHAPTER 306

AN ACT concerning elections, amending R.S.19:6-16, and supplementing chapter 34 of Title 19 of the Revised Statutes.

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

1. R.S.19:6-16 is amended to read as follows:

Police assigned to district boards in municipalities.

19:6-16. The commission, committee, board or official having charge of the police department in any municipality may assign one or more police officers to any district board in such municipality whenever the said commission, committee, board or official deems it necessary to do so. Any police officers so assigned shall, under the direction of the board, enforce the election laws, maintain order, peace and quiet during the hours of registry and election, and assist the members of the board in carrying the ballot box or boxes to the office of the municipal clerk after the ballots are counted. The police officers so assigned shall not assist the board by performing the duties of a board member, nor shall those police officers serve at the polling place of that district board as challengers for a party or candidate or on a public question.

C.19:6-15.1 Uniforms and exposed weapons forbidden; penalty.

2. No person who is employed as a police officer, either full-time or part-time, by the State or an instrumentality thereof, or by a political subdivision of the State or an instrumentality thereof, and who is a member of a district board of elections or serves as a duly authorized challenger for a political party or a candidate or on a public question, shall wear a police officer's uniform or carry an exposed weapon while serving as a board member or a challenger, as the case may be, at a polling place on an election day. Any person who violates this section is guilty of a crime of the fourth degree.

3. This act shall take effect immediately.

Approved November 7, 1991.

CHAPTER 307

AN ACT concerning removal of residential lessees and tenants in certain cases, and amending P.L.1974, c.49.

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

1. Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended to read as follows:

C.2A:18-61.1 Residential lessees and tenants; grounds for removal.

2. No lessee or tenant or the assigns, under-tenants or legal representatives of such lessee or tenant may be removed by the Superior Court from any house, building, mobile home or land in a mobile home park or tenement leased for residential purposes, other than (1) owner-occupied premises with not more than two rental units or a hotel, motel or other guest house or part thereof rented to a transient guest or seasonal tenant; (2) a dwelling unit which is held in trust on behalf of a member of the immediate family of the person or persons establishing the trust, provided that the member of the immediate family on whose behalf the trust is established permanently occupies the unit and; (3) a dwelling unit which is permanently occupied by a member of the immediate family of the owner of that unit, provided, however, that exception (2) or (3) shall apply only in cases in which the member of the immediate family has a developmental disability, except upon establishment of one of the following grounds as good cause:

a. The person fails to pay rent due and owing under the lease whether the same be oral or written;

b. The person has continued to be, after written notice to cease, so disorderly as to destroy the peace and quiet of the occupants or other tenants living in said house or neighborhood;

c. The person has willfully or by reason of gross negligence caused or allowed destruction, damage or injury to the premises;

d. The person has continued, after written notice to cease, to substantially violate or breach any of the landlord's rules and regulations governing said premises, provided such rules and regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term;

e. The person has continued, after written notice to cease, to substantially violate or breach any of the covenants or agreements contained in the lease for the premises where a right of reentry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided that such covenant or agreement is reasonable and was contained in the lease at the beginning of the lease term;

f. The person has failed to pay rent after a valid notice to quit and notice of increase of said rent, provided the increase in rent is not unconscionable and complies with any and all other laws or municipal ordinances governing rent increases;

g. The landlord or owner (1) seeks to permanently board up or demolish the premises because he has been cited by local or State housing inspectors for substantial violations affecting the health

and safety of tenants and it is economically unfeasible for the owner to eliminate the violations; (2) seeks to comply with local or State housing inspectors who have cited him for substantial violations affecting the health and safety of tenants and it is unfeasible to so comply without removing the tenant; simultaneously with service of notice of eviction pursuant to this clause, the landlord shall notify the Department of Community Affairs of the intention to institute proceedings and shall provide the department with such other information as it may require pursuant to rules and regulations. The department shall inform all parties and the court of its view with respect to the feasibility of compliance without removal of the tenant and may in its discretion appear and present evidence; (3) seeks to correct an illegal occupancy because he has been cited by local or State housing inspectors and it is unfeasible to correct such illegal occupancy without removing the tenant; or (4) is a governmental agency which seeks to permanently retire the premises from the rental market pursuant to a redevelopment or land clearance plan in a blighted area. In those cases where the tenant is being removed for any reason specified in this subsection, no warrant for possession shall be issued until P.L.1967, c.79 (C.52:31B-1 et seq.) and P.L.1971, c.362 (C.20:4-1 et seq.) have been complied with;

h. The owner seeks to retire permanently the residential building or the mobile home park from residential use or use as a mobile home park, provided this subsection shall not apply to circumstances covered under subsection g. of this section;

i. The landlord or owner proposes, at the termination of a lease, reasonable changes of substance in the terms and conditions of the lease, including specifically any change in the term thereof, which the tenant, after written notice, refuses to accept; provided that in cases where a tenant has received a notice of termination pursuant to subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-61.2), or has a protected tenancy status pursuant to section 9 of the "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), the landlord or owner shall have the burden of proving that any change in the terms and conditions of the lease, rental or regulations both is reasonable and does not substantially reduce the rights and privileges to which the tenant was entitled prior to the conversion;

j. The person, after written notice to cease, has habitually and without legal justification failed to pay rent which is due and owing;

k. The landlord or owner of the building or mobile home park is converting from the rental market to a condominium, cooperative or fee simple ownership of two or more dwelling units or park sites, except as hereinafter provided in subsection l. of this section. Where the tenant is being removed pursuant to this subsection, no warrant for possession shall be issued until this act has been complied with. No action for possession shall be brought pursuant to this subsection against a senior citizen tenant or disabled tenant with protected tenancy status pursuant to the "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), as long as the agency has not terminated the protected tenancy status or the protected tenancy period has not expired;

l. (1) The owner of a building or mobile home park, which is constructed as or being converted to a condominium, cooperative or fee simple ownership, seeks to evict a tenant or sublessee whose initial tenancy began after the master deed, agreement establishing the cooperative or subdivision plat was recorded, because the owner has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing. However, no action shall be brought against a tenant under paragraph (1) of this subsection unless the tenant was given a statement in accordance with section 6 of P.L.1975, c.311 (C.2A:18-61.9);

(2) The owner of three or less condominium or cooperative units seeks to evict a tenant whose initial tenancy began by rental from an owner of three or less units after the master deed or agreement establishing the cooperative was recorded, because the owner seeks to personally occupy the unit, or has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing;

(3) The owner of a building of three residential units or less seeks to personally occupy a unit, or has contracted to sell the residential unit to a buyer who wishes to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing;

m. The landlord or owner conditioned the tenancy upon and in consideration for the tenant's employment by the landlord or owner as superintendent, janitor or in some other capacity and such employment is being terminated;

n. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et

al. involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located, and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation while completing, a drug rehabilitation program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors therein a person who has been so convicted or has so pleaded, or otherwise permits such a person to occupy those premises for residential purposes, whether continuously or intermittently, except that this subsection shall not apply to a person who harbors or permits a juvenile to occupy the premises if the juvenile has been adjudicated delinquent upon the basis of an act which if committed by an adult would constitute the offense of use or possession under the said act.

o. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord; or, being the tenant or lessee of such leased premises, knowingly harbors therein a person who has been so convicted or has so pleaded, or otherwise permits such a person to occupy those premises for residential purposes, whether continuously or intermittently.

p. The person has been found, by a preponderance of the evidence, liable in a civil action for removal commenced under this act for an offense under N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord, or under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located, and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation

while completing a drug rehabilitation program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors therein a person who committed such an offense, or otherwise permits such a person to occupy those premises for residential purposes, whether continuously or intermittently, except that this subsection shall not apply to a person who harbors or permits a juvenile to occupy the premises if the juvenile has been adjudicated delinquent upon the basis of an act which if committed by an adult would constitute the offense of use or possession under the said "Comprehensive Drug Reform Act of 1987."

For purposes of this section, (1) "developmental disability" means any disability which is defined as such pursuant to section 3 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate family" means a person's spouse, parent, child or sibling, or a spouse, parent, child or sibling of any of them; and (3) "permanently" occupies or occupied means that the occupant maintains no other domicile at which the occupant votes, pays rent or property taxes or at which rent or property taxes are paid on the occupant's behalf.

2. This act shall take effect immediately.

Approved November 7, 1991.

CHAPTER 308

AN ACT revising the law concerning recordation of instruments affecting title to or interests in real property, enacting several sections of law to Title 46 of the Revised Statutes, amending P.L.1968, c.49 and repealing R.S.46:12-1, 46:13-1 to 46:13-4 inclusive, 46:14-1 to 46:14-8 inclusive, 46:15-1 to 46:15-3 inclusive, 46:18-5 to 46:18-8.1 inclusive, 46:18-11 and 46:18-11.1, P.L.1942, c.147 (C.46:13-7), P.L.1977, c.157 (C.46:15-2.1), P.L.1964, c.243 (C.46:15-4), P.L.1970, c.136 (C.46:15-4.1), P.L.1968, c.443, s.1 (C.46:15-12), P.L.1968, c.458, s.1 (C.46:15-13), P.L.1970, c.137, s.1 (C.46:15-14).

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

1. Four additional sections to Chapter 14 of Title 46 of the Revised Statutes, Acknowledgments and Proofs, are added as follows:

Acknowledgment and proof.

46:14-2.1. Acknowledgment and proof. a. To acknowledge a deed or other instrument the maker of the instrument shall appear before an officer specified in R.S.46:14-6.1 and acknowledge that it was executed as the maker's own act. To acknowledge a deed or other instrument made on behalf of a corporation or other entity, the maker shall appear before an officer specified in R.S.46:14-6.1 and state that the maker was authorized to execute the instrument on behalf of the entity and that the maker executed the instrument as the act of the entity.

b. To prove a deed or other instrument, a subscribing witness shall appear before an officer specified in R.S.46:14-6.1 and swear that he or she witnessed the maker of the instrument execute the instrument as the maker's own act. To prove a deed or other instrument executed on behalf of a corporation or other entity, a subscribing witness shall appear before an officer specified in R.S.46:14-6.1 and swear that the representative was authorized to execute the instrument on behalf of the entity, and that he or she witnessed the representative execute the instrument as the act of the entity.

c. The officer taking an acknowledgment or proof shall sign a certificate stating that acknowledgment or proof. The certificate shall also state:

(1) that the maker or the witness personally appeared before the officer;

(2) that the officer was satisfied that the person who made the acknowledgment or proof was the maker of or the witness to the instrument;

(3) the jurisdiction in which the acknowledgment or proof was taken;

(4) the officer's name and title;

(5) the date on which the acknowledgment was taken.

d. The seal of the officer taking the acknowledgment or proof need not be affixed to the certificate stating that acknowledgment or proof.

Proof of instruments not acknowledged or proved.

46:14-4.1. Proof of instruments not acknowledged or proved. If a deed or other instrument cannot be acknowledged or proved for any reason, the instrument may be proved in Superior Court by proof of handwriting or otherwise to the satisfaction of the court. Notice of the application in accordance with the Rules of Court shall be given to any party whose interests may be affected.

Signatures.

46:14-4.2. Signatures. For purposes of this title, a signature includes any mark made on a document by a person who thereby intends to give legal effect to the document. A signature also includes any mark made on a document on behalf of a person, with that person's authority and to effectuate that person's intent.

Source: New.

Officers authorized to take acknowledgments.

46:14-6.1. Officers authorized to take acknowledgments. a. The officers of this State authorized to take acknowledgments or proofs in this State, or in any other United States or foreign jurisdiction, are:

- (1) an attorney-at-law;
- (2) a notary public;
- (3) a county clerk or deputy county clerk;
- (4) a register of deeds and mortgages or a deputy register;
- (5) a surrogate or deputy surrogate.

b. The officers authorized to take acknowledgments or proofs, in addition to those listed in subsection a., are:

(1) any officer of the United States, of a state, territory or district of the United States, or of a foreign nation authorized at the time and place of the acknowledgment or proof by the laws of that jurisdiction to take acknowledgments or proofs. If the certificate of acknowledgment or proof does not designate the officer as a justice, judge or notary, the certificate of acknowledgment or proof, or an affidavit appended to it, shall contain a statement of the officer's authority to take acknowledgments or proofs;

(2) a foreign commissioner of deeds for New Jersey within the jurisdiction of the commission;

(3) a foreign service or consular officer or other representative of the United States to any foreign nation, within the territory of that nation.

2. An additional section to Chapter 15 of Title 46 of the Revised Statutes, Prerequisites to Recording, is added as follows:

Prerequisites to recordation.

46:15-1.1. Prerequisites to recordation. a. Any instrument affecting title to or interest in real estate or containing any agreement in relation to real estate in this State shall be recorded on presentation to the recording officer of any county in which all or part of the real estate is located, if it appears that:

(1) the instrument is in English or accompanied by a translation into English;

- (2) the instrument bears a signature;
- (3) the instrument is acknowledged or proved in the manner provided by this title;
- (4) the names appear typed, printed or stamped beneath the signatures of any parties to the instrument and the officer before whom it was acknowledged or proved;
- (5) any required recordation fee is paid; and
- (6) if the instrument is a deed conveying real property, (a) it fulfills the requirements of P.L.1968, c.49, s.2 (C.46:15-6), (b) it includes the name and signature of its preparer on its first page and (c) it includes a reference to the lot and block number of the property conveyed as designated on the tax map of the municipality at the time of the conveyance or the account number of the property. If the property has been subdivided, the reference shall be preceded by the words "part of." If no lot and block or account number has been assigned to the property, the deed shall state that fact.

b. An instrument, to be entitled to recordation, whether made by an individual or by a corporation or other entity, is not required to be executed under seal, or to contain words referring to execution under seal.

3. Section 2 of P.L.1968, c.49 (C.46:15-6) is amended to read as follows:

C.46:15-6 Requirements for recording of deed evidencing transfer of title.

2. In addition to other prerequisites for recording, no deed evidencing transfer of title to real property shall be recorded in the office of any county recording officer unless it satisfies one of the following requirements:

- a. If the transfer is subject to the additional fee as provided in P.L.1968, c.49, s.3 (C.46:15-7), a statement of the true consideration for the transfer is contained in (1) the deed, or (2) the acknowledgment, or (3) the proof of the execution, or (4) an appended affidavit by one of the parties to the deed or that party's legal representative.
- b. If the transfer is exempt from the additional fee required by P.L.1968, c.49, s.3 (C.46:15-7), an affidavit stating the basis for the exemption is appended to the deed.

4. Section 5 of P.L.1968, c.49 (C.46:15-9) is amended to read as follows:

C.46:15-9 Falsifying consideration; penalty.

5. Any person who knowingly falsifies the consideration recited in a deed or in the proof or acknowledgment of the execu-

tion of a deed or in an affidavit annexed to a deed declaring the consideration therefor or a declaration in an affidavit that a transfer is exempt from recording fee is guilty of a crime of the fourth degree.

5. An additional section to Chapter 18 of Title 46 of the Revised Statutes, Record of and Record Entries As to Instruments Affecting Mortgages, is added as follows:

Cancellation of mortgages.

46:18-5.1. Cancellation of mortgages. A mortgage shall be cancelled of record by the recording officer of any county in which the mortgage was recorded if:

a. The original mortgage bearing on it the receipt given by the county recording officer at the time it was recorded is presented to the county recording officer with an endorsement on it authorizing its cancellation bearing the signature of the mortgagee or, if the mortgage has been assigned of record, of the last assignee of record of the mortgage. If the mortgagee or assignee of the mortgage is a corporation or other entity, the signature for the entity on the endorsement may be made by any person authorized by the entity to do so; or

b. An instrument constituting a satisfaction of mortgage meeting the requirements for recordation, including acknowledgment or proof, is filed with the county recording officer.

Repealer.

6. The following are repealed:

R.S.46:12-1;

R.S.46:13-1 to R.S.46:13-4 inclusive;

R.S.46:14-1 to R.S.46:14-8 inclusive;

R.S.46:15-1 to R.S.46:15-3 inclusive;

R.S.46:18-5 to R.S.46:18-8.1 inclusive;

R.S.46:18-11 and R.S.46:18-11.1;

P.L.1942, c.147 (C.46:13-7);

P.L.1977, c.157 (C.46:15-2.1);

P.L.1964, c.243 (C.46:15-4);

P.L.1970, c.136 (C.46:15-4.1);

P.L.1968, c.443, s.1 (C.46:15-12);

P.L.1968, c.458, s.1 (C.46:15-13);

P.L.1970, c.137, s.1 (C.46:15-14).

7. This act shall take effect on the first day of the seventh month next following enactment.

Approved November 8, 1991.

TITLE 46. PROPERTY
 RECORDATION OF REAL PROPERTY TITLE INSTRUMENTS
 Schedule of Allocations of Source Material

Source Sections		Revised Sections
R.S.46:12-1		Not enacted
R.S.46:13-1		Not enacted
R.S.46:13-2		Not enacted
R.S.46:13-3		Not enacted
R.S.46:13-4		Not enacted
C.46:13-7	L.1942, c.147	Not enacted
R.S.46:14-1		Not enacted
R.S.46:14-2	As am.L.1954, c.132	46:14-2.1
R.S.46:14-3		Not enacted
R.S.46:14-4	As am.L.1953, c.44, s.4	46:14-4.1
R.S.46:14-5	As am.L.1953, c.44, s.5	46:14-4.1
R.S.46:14-6	As am.L.1948, c.223}	
	L.1949, c.279, s.1}	{ 46:14-2.1
	L.1950, c.278, s.1}	{ 46:14-6.1
	L.1964, c.165, s.2}	
R.S.46:14-7	As am.L.1938, c.170}	
	L.1949, c.279, s.2}	
	L.1950, c.278, s.2}	46:14-6.1
	L.1955, c.97}	
	L.1979, c.92}	
R.S.46:14-8	As am.L.1939, c.166}	
	L.1949, c.279, s.3}	46:14-6.1
	L.1963, c.81, s.12}	
R.S.46:15-1		46:15-1.1
R.S.46:15-2		Not enacted
C.46:15-2.1	L.1977, c.157	46:15-1.1
R.S.46:15-3		46:15-1.1
C.46:15-4	L.1964, c.243	Not enacted
C.46:15-4.1	L.1970, c.136	Not enacted
C.46:15-12	L.1968, c.443}	Not enacted
	As am.L.1973, c.70}	
C.46:15-13	L.1968, c.458, s.1}	
	As am.L.1981, c.228, ss.1,2}	Not enacted
	(s.2 am. 1982, c.213, s.1)}	
	L.1983, c.37, ss.1,2}	
C.46:15-14	L.1970, c.137, s.1	Not enacted
R.S.46:18-5		46:18-5.1

Source <u>Sections</u>		Revised <u>Sections</u>
R.S.46:18-6	As am.L.1966, c.22	46:18-5.1
R.S.46:18-7		46:18-5.1
R.S.46:18-8	As am.L.1945, c.145} L.1947, c.81}	46:18-5.1
R.S.46:18-8.1	As am.L.1939, c.370	46:18-5.1
R.S.46:18-11		Not enacted
R.S.46:18-11.1		Not enacted

TITLE 46. PROPERTY

RECORDATION OF REAL PROPERTY TITLE INSTRUMENTS

Treatment of Source Material

Revised <u>Section</u>	<u>Source</u>	Treatment <u>of Source</u>
46:15-1.1	R.S.46:15-1} C.46:15-2.1 (1977, c.157)}	{Revised section {derived from {source
46:18-5.1	R.S.46:15-3} R.S.46:18-5} R.S.46:18-6} R.S.46:18-7} R.S.46:18-8} R.S.46:18-8.1}	{Revised section {derived from {source
46:14-2.1	R.S.46:14-2} R.S.46:14-6}	{Revised section {derived from {source
46:14-6.1	R.S.46:14-6} R.S.46:14-7} R.S.46:14-8}	{Revised section {derived from {source
46:14-4.1	R.S.46:14-4} R.S.46:14-5}	{Revised section {derived from {source
46:14-4.2	New	{See <u>Mutual</u> { <u>Benefit Ins.Co.</u> {v. <u>Brown</u> 30 {N.J. Eq. 193, {202-03 {(Ch. 1878), aff'd. {32 N.J. Eq. 809 {(E.&A. 1880)

CHAPTER 309

AN ACT concerning county pension funds in certain counties of the first class and amending R.S.43:10-2 and P.L.1973, c.345.

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

1. R.S.43:10-2 is amended to read as follows:

Retirement of county employees.

43:10-2. An employee of a county of the first class who shall have served in the county's employ for a period of 20 years and reached 60 years of age, shall, upon his own application, but not later than, except as provided in this section, his attainment of age 65, be retired on half pay.

Any present employee who shall have served in the employ of the county for a period of 20 years, shall be retired in the following manner:

All members 70 years of age, or older, shall file their applications for retirement by July 1, 1977.

All members attaining 69 years of age by July 1, 1976, shall file their applications for retirement by July 1, 1977.

All members attaining 68 years of age by July 1, 1977, shall file their applications for retirement by July 1, 1978.

All members attaining 67 years of age by July 1, 1978, shall file their applications for retirement by July 1, 1979.

All members attaining 66 years of age by July 1, 1979, shall file their applications for retirement by July 1, 1980.

All members attaining 65 years of age by July 1, 1980, shall file their applications for retirement by July 1, 1981.

After July 1, 1981, all members shall file their applications for retirement immediately upon attaining 65 years of age.

Any member required to retire under this section may be continued in service on an annual basis after the required date of retirement at the request of the head of the employee's department, and with the approval of the head of the executive branch of government in a county organized under chapter 41A of Title 40 of the Revised Statutes, or, in all other counties, the board of chosen freeholders, given in written notice to the pension commission; provided, however, that in no event shall any employee be continued beyond age 70.

Any member who upon his attainment of age 65 shall have served in the employ of the county for a total of less than 20 years shall be retired on a pension equal to 2 1/2% of his average annual salary or compensation as defined in R.S.43:10-1, multiplied by the number of years of his service.

No elected official shall be required to retire pursuant to this section. Any employee appointed to an office for a fixed term of years may continue his membership beyond the mandatory date of retirement specified herein, but shall be retired immediately thereafter.

Should any member, after having completed 10 years of service for which credit has been established in the pension fund, be separated voluntarily or involuntarily from the service, before reaching age 60, and not by removal for cause or charges of misconduct or delinquency, he may elect to withdraw his contribution from the fund as provided in R.S.43:10-8 or to receive a deferred pension beginning at age 60 in the amount based on his years of service credited in the fund bear to the total number of years of service that he could have achieved had he continued to age 60 and qualified for the pension of one-half of the annual salary he was receiving at the time he elected the deferred pension.

Subject to the other provisions of this amendatory and supplementary act and of article 1 of chapter 10 of Title 43 of the Revised Statutes, upon and after the death of such pensioner, said pension, which the pensioner was receiving prior to his death, shall be paid to the surviving spouse, so long as he or she remains unmarried, or minor children up to 18 years of age as the case may be.

In no event shall the amount of any pension payable pursuant to the provisions of this section be less than \$3,000 per annum.

2. Section 9 of P.L.1973, c.345 (C.43:10-5.1) is amended to read as follows:

C.43:10-5.1 Pension to permanently and totally disabled employee with 10 years of service.

9. Subject to the other provisions of this amendatory and supplementary act and of article 1 of chapter 10 of Title 43 of the Revised Statutes, any county employee who shall have served or who shall hereafter have served in the employ of such county continuously or in the aggregate for a period of 10 years and shall become permanently and totally disabled as the result of injury or illness not arising out of and in the course of his employment shall, upon his application, or upon the application of the head of the department in which he shall have been employed, be retired on pension equal to 2 1/2 % of his salary for each year of service, and for each additional year of service more than 10 years the amount of said pension shall be increased to the extent of 2 1/2 % of said salary, not exceeding in any event 50% of said salary. Upon and

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after the death of such employee while on such pension the said pension shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to 18 years of age, as the case may be. In no event shall the amount of any pension payable pursuant to the provisions of this section be less than \$3,000 per annum.

The pension commission shall determine as provided in section 10 of this amendatory and supplementary act whether or not such employee has become permanently and totally disabled.

3. Section 10 of P.L.1973, c.345 (C.43:10-5.2) is amended to read as follows:

C.43:10-5.2 Retirement of employee permanently and totally disabled in course of employment; determination of disability.

10. Subject to the other provisions of this amendatory and supplementary act and article 1 of chapter 10 of Title 43 of the Revised Statutes, any county employee who shall become permanently and totally disabled as a result of injury, accident or sickness arising out of and in the course of his employment shall, upon his application, or upon the application of the head of the department in which he shall have been employed, and approval thereof by the pension commission be retired on half pay. Upon and after the death of such employee or upon and after the death of any employee who dies as a result of any disability injury or disease arising out of and in the course of his employment, a pension of one-half the salary of such employee shall be paid to the surviving widow, so long as she remains unmarried, surviving widower, so long as he remains unmarried, or minor children up to 18 years of age, as the case may be. In no event shall the amount of any pension payable pursuant to the provisions of this section be less than \$3,000 per annum.

The pension commission shall have power to determine whether or not any employee is permanently and totally disabled and whether or not a disability, or death of an employee is the result of an injury, accident or sickness arising out of and in the course of the employee's employment. Before approval of an application the physician or physicians designated by the commission shall make a medical examination of the member at his residence or at any other place mutually agreed upon and shall certify to the board that he is physically or mentally incapacitated for the performance of duty, and should be retired. The claimant shall have the right to present

physicians, witnesses or other testimony in his behalf before the commission. The president or any other member of the pension commission may administer oaths to any physicians or other persons called before the commission regarding the employee's disability or death. The commission shall decide, by resolution, whether the applicant is entitled to the benefits of this act and of article 1 of chapter 10 of Title 43 of the Revised Statutes.

4. Section 11 of P.L.1973, c.345 (C.43:10-5.3) is amended to read as follows:

C.43:10-5.3 Employee with one year of service; death benefits; deferred pension; payment.

11. If any member of the pension fund who shall have paid into the fund the full amount of his or her assessments or contributions and been in the county services for a period of at least one year, dies, 2 1/2% of the salary received by such person shall be paid each year to the surviving spouse or minor children, as the case may be, and for each additional year of service more than one year, the amount of the pension shall be increased to the extent of 2 1/2% of the salary, but not to exceed in any event 50% thereof.

If any member of the pension fund who shall have deferred his pension under the provisions of R.S.43:10-2, dies before receiving any benefits, the pension shall be payable to the surviving spouse or children, as the case may be, and shall be based on the amount of salary earned and years of service which the member had at the time of deferral.

In no event shall the amount of any pension payable pursuant to the provisions of this section be less than \$3,000 per annum.

5. This act shall take effect immediately.

Approved November 8, 1991.

CHAPTER 310

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1991 and regulating the disbursement thereof," approved June 27, 1990 (P.L.1990, c.43).

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

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

FEDERAL FUNDS
46 DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

04-4240 Narcotic and Drug Abuse Control	\$4,643,000
05-4250 Alcoholism Control	<u>\$2,480,000</u>
Total Appropriation, Health Services.....	\$7,123,000
Special Purpose:	
Alcohol, drug abuse and mental health	
block grant.....	(\$7,123,000)

2. This act shall take effect immediately.

Approved November 8, 1991.

CHAPTER 311

AN ACT concerning the deposit of inspection fees by developers and amending P.L.1975, c.291.

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

1. Section 41 of P.L.1975, c.291 (C.40:55D-53) is amended to read as follows:

C.40:55D-53 Guarantees requires; surety; release.

41. Guarantees requires; surety; release.

a. Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit pursuant to subsection d. of section 52 of P.L.1975, c.291 (C.40:55D-65), the approving authority may require and shall accept in accordance with the standards adopted by ordinance for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guarantee in favor of the municipality in an amount not to exceed 120% of the cost of installation for improvements it may deem necessary or appropriate including: streets, grading, pavement, gutters, curbs, sidewalks, street lighting, shade trees, surveyor's monuments, as shown on the final map and required by the "Map Filing Law," P.L.1960, c.141 (C.46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

(2) Provision for a maintenance guarantee to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guarantee to another governmental agency, no performance or maintenance guarantee, as the case may be, shall be required by the municipality for such utilities or improvements.

b. The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the governing body by resolution. As a condition or as part of any such extension, the amount of any performance guarantee shall be increased or reduced, as the case may be, to an amount not to exceed 120% of the cost of the installation as determined as of the time of the passage of the resolution.

c. If the required improvements are not completed or corrected in accordance with the performance guarantee, the obligor and surety, if any, shall be liable thereon to the municipality for the reasonable cost of the improvements not completed or corrected and the municipality may either prior to or after the receipt of the proceeds thereof complete such improvements.

d. Upon substantial completion of all required appurtenant utility improvements, and the connection of same to the public system, the obligor may notify the governing body in writing, by certified mail addressed in care of the municipal clerk of the completion or substantial completion of improvements and shall send a copy thereof to the municipal engineer. Thereupon the municipal engineer shall inspect all improvements of which such notice has been given and shall file a detailed report, in writing, with the governing body, indicating either approval, partial approval or rejection of such

improvements with a statement of reasons for any rejection. The cost of the improvements as approved or rejected shall be set forth.

e. The governing body shall either approve, partially approve or reject the improvements, on the basis of the report of the municipal engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said approving authority with relation thereto, not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved; provided that 30% of the amount of the performance guarantee posted may be retained to ensure completion of all improvements. Failure of the governing body to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability pursuant to such performance guarantee for such improvements.

f. If any portion of the required improvements are rejected, the approving authority may require the obligor to complete such improvements and, upon completion, the same procedure of notification, as set forth in this section shall be followed.

g. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the governing body or the municipal engineer.

h. The obligor shall reimburse the municipality for all reasonable inspection fees paid to the municipal engineer for the foregoing inspection of improvements; provided that the municipality may require of the developer a deposit for a portion of the reasonably anticipated fees to be paid to the municipal engineer for such inspection. For those developments for which the reasonably anticipated fees are less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall deposit the remaining 50% of the anticipated inspection fees. For those developments for which the reasonably anticipated fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the

reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the reasonably anticipated fees. The municipal engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit.

i. In the event that final approval is by stages or sections of development pursuant to subsection a. of section 29 of P.L.1975, c.291 (C.40:55D-38), the provisions of this section shall be applied by stage or section.

j. To the extent that any of the improvements have been dedicated to the municipality on the subdivision plat or site plan, the municipal governing body shall be deemed, upon the release of any performance guarantee required pursuant to subsection a. of this section, to accept dedication for public use of streets or roads and any other improvements made thereon according to site plans and subdivision plats approved by the approving authority, provided that such improvements have been inspected and have received final approval by the municipal engineer.

2. This act shall take effect immediately.

Approved November 8, 1991.

CHAPTER 312

AN ACT concerning the duration of certain local public contracts and amending P.L.1971, c.198.

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

1. Section 15 of P.L.1971, c.198 (C.40A:11-15) is amended to read as follows:

C.40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or agreements for the performing of work or the furnishing of materials, supplies or services shall be made for a period not to exceed 12 consecutive months, except that contracts or agreements may be entered into for longer periods of time as follows:

- (1) Supplying of:
 - (a) Fuel for heating purposes, for any term not exceeding in the aggregate, two years;
 - (b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, two years;
 - (c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;
- (2) (Deleted by amendment; P.L.1977, c.53.)
- (3) The collection and disposal of garbage and refuse, and the barging and disposal of sewage sludge, for any term not exceeding in the aggregate, five years;
- (4) The recycling of solid waste, including the collection of methane gas from a sanitary landfill facility, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.), and with the approval of the Division of Local Government Services and the Department of Environmental Protection. The contracting unit shall award the contract to the highest responsible bidder, notwithstanding that the contract price may be in excess of the amount of any necessarily related administrative expenses; except that if the contract requires the contracting unit to expend funds only, the contracting unit shall award the contract to the lowest responsible bidder. The approval by the Division of Local Government Services of public bidding requirements shall not be required for those contracts exempted therefrom pursuant to section 5 of P.L.1971, c.198 (C.40A:11-5);
- (5) Data processing service, for any term of not more than three years;
- (6) Insurance, for any term of not more than three years;
- (7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;
- (8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P.L.1975, c.217; C.52:27D-119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Division of Energy Planning and Conservation, of the Board of Public Utilities, establishing a methodology for computing energy cost savings;

(13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;

(14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed seven years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities,

and the Department of Environmental Protection pursuant to P.L.1985, c.37 (C.58:26-1 et seq.). For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources;

(17) The provision of solid waste disposal services by a resource recovery facility, the furnishing of products of a resource recovery facility, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection; and when the facility is in conformance with a solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy

production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Public Utilities, and when the facility is in conformance with a solid waste management plan approved pursuant to P.L.1970, c.39 (C.13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any component part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P.L.1985, c.72 (C.58:27-1 et seq.). For the purposes of this subsection, "wastewater treatment services" means any service provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation;

(20) The supplying of materials or services for the purpose of lighting public streets, for a term not to exceed five years, provided that the rates, fares, tariffs or charges for the supplying of electricity for that purpose are approved by the Board of Public Utilities;

(21) In the case of a contracting unit which is a county or municipality, the provision of emergency medical services by a hospital to residents of a municipality or county as appropriate for a term not to exceed five years;

(22) Towing and storage contracts, awarded pursuant to paragraph u. of subsection (1) of section 5 of P.L.1971, c.198 (C.40A:11-5) for any term not exceeding three years;

(23) Fuel for the purpose of generating electricity for a term not to exceed eight years;

(24) The purchase of electricity or administrative or dispatching services related to the transmission of such electricity, from a public utility company subject to the jurisdiction of the Board of Public Utilities, a similar regulatory body of another state, or a federal regulatory agency, or from a qualifying small power producing facility or qualifying cogeneration facility, as defined by 16 U.S.C. §796, by a contracting unit engaged in the generation of electricity for retail sale, as of the date of this amendatory act, for a term not to exceed 40 years;

(25) Basic life support services, for a period not to exceed five years. For the purposes of this subsection, "basic life support" means a basic level of prehospital care, which includes but need not be limited to patient stabilization, airway clearance, cardiopulmonary resuscitation, hemorrhage control, initial wound care and fracture stabilization.

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, contracts involving the supplying of electricity for the purpose of lighting public streets and contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16) above, contracts for resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant to subsection (19) above, contracts for the purchase of electricity or administrative or dis-

patching services related to the transmission of such electricity authorized pursuant to subsection (24) above, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

2. This act shall take effect immediately.

Approved November 14, 1991.

CHAPTER 313

AN ACT concerning the licensing of barbers and beauticians as cosmetologist-hairstylists and amending P.L.1984, c.205.

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

1. Section 18 of P.L.1984, c.205 (C.45:5B-18) is amended to read as follows:

C.45:5B-18 Beauty culture licensees' examination.

18. Any applicant holding a license to practice beauty culture issued by the Board of Beauty Culture Control or by the board, who is seeking licensure as a cosmetologist-hairstylist shall be given two opportunities within seven years of the effective date of this act to take and pass an examination conducted by the board, which shall demonstrate to the board's satisfaction that the applicant has attained proficiency in shaving, without undertaking additional training. If the applicant does not pass the examination on either one of the two examination opportunities, the applicant may not take the examination again until the applicant can demonstrate successful completion of a course in shaving, the length of which is to be established by the board pursuant to regulation, and which is offered at:

- a. A school of cosmetology and hairstyling in this State; or
- b. A public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling; or

c. A school of cosmetology and hairstyling, beauty culture or barbering licensed in another state or foreign county, which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State.

2. Section 19 of P.L.1984, c.205 (C.45:5B-19) is amended to read as follows:

C.45:5B-19 Barbering licensees' examination.

19. An applicant holding a license to practice barbering issued by the Board of Barber Examiners or the board, who is seeking licensure as a cosmetologist-hairstylist shall be given two opportunities within seven years of the effective date of this act to take and pass an examination conducted by the board, which shall demonstrate to the board's satisfaction that the applicant has attained proficiency in services included within the definition of beauty culture which are not encompassed within the definition of barbering, without undertaking additional training. If the applicant does not pass that examination on either one of the two examination opportunities, the applicant may not take the examination again until the applicant can demonstrate successful completion of a 500-hour course in beauty culture services offered at:

- a. A school of cosmetology and hairstyling in this State; or
- b. A public school approved by the State Board of Education to offer a vocational program in cosmetology and hairstyling; or
- c. A school of cosmetology and hairstyling or beauty culture licensed in another state or foreign county, which, in the opinion of the board, offers curricula which are substantially similar to that offered at licensed schools within this State.

3. Section 27 of P.L.1984, c.205 (C.45:5B-27) is amended to read as follows:

C.45:5B-27 Examinations.

27. All examinations conducted by the board pursuant to this act shall consist of practical and written portions and may be administered in English, and in the case of practicing licensees, in Spanish or with the aid of a translator, if the board, in its discretion, deems that aid to be warranted.

4. This act shall take effect immediately.

Approved November 14, 1991.

CHAPTER 314

AN ACT concerning continuing care retirement communities and amending P.L.1986, c.103.

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

1. Section 22 of P.L.1986, c.103 (C.52:27D-351) is amended to read as follows:

C.52:27D-351 Violations, enforcement; penalties.

22. If the commissioner determines or has cause to believe that a person has engaged in any act or practice which constitutes a violation of this act, the commissioner may take any or all of the following actions, as appropriate:

a. Issue an order requiring the person to cease and desist from engaging in the act or practice;

b. Bring an action in a court of competent jurisdiction to enjoin the act or practice and to enforce compliance with this act. Upon a proper showing, the court may grant a permanent or temporary injunction, restraining order or writ of mandamus and may appoint a receiver or conservator for the defendant or the defendant's assets. The commissioner shall not be required to post a bond; or

c. Levy and collect civil penalties in the amount of not less than \$250, and not more than \$50,000, for each violation of this act or any rule adopted pursuant thereto, and compromise and settle any claim for a penalty in such amount in the discretion of the commissioner as may appear appropriate and equitable under the circumstances of the violation. Each day during which a violation continues after the effective date of a notice to terminate issued by the commissioner shall constitute an additional, separate and distinct violation. If an administrative order levying a civil penalty is not satisfied within 30 days of its issuance, the commissioner may sue for and recover the penalty with costs in a summary proceeding under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) in the Superior Court.

The commissioner shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), regarding the implementation of subsection c. of this section.

2. This act shall take effect immediately.

Approved November 14, 1991.

CHAPTER 315

AN ACT concerning certain savings banks and savings bank holding companies and amending P.L.1986, c.5.

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

1. Section 1 of P.L.1986, c.5 (C.17:9A-370) is amended to read as follows:

C.17:9A-370 Definitions.

1. As used in this act:

a. "Bank," "bank holding company," and "control" shall have the meanings set forth in the federal "Bank Holding Company Act of 1956," 70 Stat. 133 (12 U.S.C. §1841 et seq.); provided, however, the term "bank" shall not include an institution which limits its activities to the conduct of activities that may be performed by a trust company (including activities of a fiduciary, agency or custodial nature) as those activities are permitted by the Board of Governors of the Federal Reserve System under section 4 of the federal "Bank Holding Company Act of 1956," 70 Stat. 135 (12 U.S.C. §1843).

b. "Banking subsidiary" means a bank or bank holding company, more than 50% of the stock of which is controlled by a bank holding company.

c. "Central-Atlantic Region" means the states of New Jersey, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

d. "Commercial bank deposits" means the total domestic deposits in commercial banks in each state according to the most recent statistics of the Federal Deposit Insurance Corporation or the Federal Reserve System or, if those statistics are not available, from sources designated by the commissioner.

e. "Commissioner" means the Commissioner of Banking of New Jersey.

f. "Eligible state" means any state which meets either or both of the following conditions:

(1) Any state in the Central-Atlantic Region, when at least three of those states (in addition to this State), each of which has at least \$20,000,000,000.00 in commercial bank deposits, have reciprocal legislation in effect, and

(2) Any state or territory of the United States, when at least 13 states in addition to this State (for this purpose the District of Columbia is included as a state, but all other territories are excluded), at least four (other than this State) of which are among the 10 states (other than this State) with the largest amount of commercial bank deposits, have reciprocal legislation in effect.

g. "Eligible bank holding company" means a bank holding company:

(1) Located in an eligible state which has reciprocal legislation in effect, other than this State;

(2) Which is not directly or indirectly controlled by a bank holding company which is not located in an eligible state; and

(3) Which has at least 75% of the total aggregate deposits of its banking subsidiaries in banking subsidiaries located in an eligible state or eligible states.

h. (1) "Location" or "located" when referring to a bank means the state in which the amount of aggregate deposits of all of its offices in that state is greater than the amount of aggregate deposits of all its offices in any one other state or foreign jurisdiction.

(2) "Location" or "located" when referring to a bank holding company means the state in which the amount of aggregate deposits of all of its banking subsidiaries in that state is greater than the amount of aggregate deposits of all of its banking subsidiaries in any one other state or foreign jurisdiction.

i. "Reciprocal legislation" means statutory law of a state of the United States (including the District of Columbia) which authorizes or permits a bank holding company located in this State to acquire banks or bank holding companies located in that state on terms and conditions substantially the same as the terms and conditions pursuant to which a bank holding company located in that state may acquire banks or bank holding companies located in that state. The fact that the law of that other state imposes limitations or restrictions on the acquisition of banks or bank holding companies located in that state by a bank or bank holding company located in this State shall not necessarily mean that the law of that state is not reciprocal legislation; provided, however, that if the law of the other state limits acquisitions by a bank or bank holding company located in this State to banks or bank holding companies which are not in competition with banks or bank holding companies located in or chartered by that state or to banks or bank holding companies which do not have customary banking deposit and commercial loan powers, the law of that

other state shall not be reciprocal legislation. If the reciprocal legislation of that other state imposes limitations or restrictions on the acquisition or ownership of a bank or bank holding company located in that state by a bank holding company located in this State, substantially the same limitations and restrictions shall be applicable to the eligible bank holding company located in that other state with respect to its acquisition of banks or bank holding companies located in this State.

2. This act shall take effect immediately.

Approved November 14, 1991.

CHAPTER 316

AN ACT concerning contracts for the transportation of public school pupils and amending N.J.S.18A:39-3.

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

1. N.J.S.18A:39-3 is amended to read as follows:

Pupil transportation contracts.

18A:39-3. a. No contract for the transportation of pupils to and from school shall be made, when the amount to be paid during the school year for such transportation shall exceed \$7,500.00 or the amount determined pursuant to subsection b. of this section, and have the approval of the county superintendent of schools, unless the board of education making such contract shall have first publicly advertised for bids therefor in a newspaper published in the district or, if no newspaper is published therein, in a newspaper circulating in the district, once, at least 10 days prior to the date fixed for receiving proposals for such transportation, and shall have awarded the contract to the lowest responsible bidder.

Nothing in this chapter shall require the advertisement and letting on proposals or bids of annual extensions, approved by the county superintendent, of any contract for transportation entered into through competitive bidding when--

(1) Such annual extensions impose no additional cost upon the board of education, regardless of the fact that the route description has changed; or

(2) The increase in the original contractual amount as a result of such extensions does not exceed 30% thereof, regardless of the fact that the route description has changed or an aide has been added or removed; or

(3) (Deleted by amendment, P.L.1982, c.74.)

(4) The increase in the original contractual amount as a result of an extension exceeds 30% thereof, but the following apply to the extensions:

(a) The increase is directly attributable to a route change to accommodate new student riders or safety concerns; and

(b) The school destination remains unchanged from the original contract.

Any such extension as described in this paragraph shall be approved by the county superintendent of schools and shall be bid for the next school year.

Nothing in this chapter shall require the immediate bid of any contract renewal for the remainder of a school year in which the only change, in addition to route description, is the bus type. However, any such extension shall be approved by the county superintendent of schools and shall be bid for the next school year.

b. The Governor, in consultation with the Department of the Treasury, shall, no later than March 1 of each odd-numbered year, adjust the threshold amount set forth in subsection a. of this section, or subsequent to 1985 the threshold amount resulting from any adjustment under this subsection or section 17 of P.L.1985. c.469, in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York City and the Philadelphia areas as reported by the United States Department of Labor. The Governor shall, no later than June 1 of each odd-numbered year, notify all local school districts of the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

2. This act shall take effect immediately.

Approved November 15, 1991.

CHAPTER 317

AN ACT concerning certain debates among candidates for nomination for election or for election to the office of Governor and amending P.L.1989, c.4.

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

1. Section 10 of P.L.1989, c.4 (C.19:44A-46) is amended to read as follows:

C.19:44A-46 Number of debates; timing, sponsorship.

10. a. The series of gubernatorial primary debates under subsection a. of section 9 of P.L.1989, c.4 (C.19:44A-45) shall consist of two debates. Each of the debates shall be of at least one hour's duration. The first debate in the series shall occur not earlier than the date on which the ballot for the primary election in which candidates are to be nominated for election to the office of Governor is finally certified by the Secretary of State to the clerks of the several counties, and the second debate in the series shall occur not later than the 11th day prior to the primary election to select candidates for that office unless an emergency, as determined by the vote of a majority of the participating candidates, requires the postponement thereof, but the second gubernatorial primary debate shall in no event be held later than the second day preceding that primary election.

b. The series of gubernatorial election debates under subsection b. of section 9 of P.L.1989, c.4 (C.19:44A-45) shall consist of two debates. Each of the gubernatorial election debates shall be of at least one hour's duration. The first debate in the series shall occur not earlier than the third Tuesday following the first Monday in September of the year in which a general election is to be held for the office of Governor, and the second debate in the series shall occur not later than the 11th day prior to the general election for that office unless an emergency, as determined by the vote of a majority of the participating candidates, requires the postponement thereof, but the final gubernatorial election debate shall in no event be held later than the second day preceding that general election.

c. Organizations which are not affiliated with any political party or with any holder of or candidate for public office, which have not endorsed any candidate in the pending primary or general election for the office of Governor, and which have previously sponsored one or more televised debates among candidates for Statewide office in the State since 1976, shall be eligible to sponsor one or more interactive gubernatorial primary debates or interactive gubernatorial election debates under subsection a. or subsection b., respectively, of this section. In addition, any association of two or more separately owned news

publications or broadcasting outlets, including newspapers, radio stations or networks, and television stations or networks, having between or among them a substantial readership or audience in this State, and any association of print or broadcast news or press service correspondents having among them a substantial readership or audience in this State, shall be eligible to sponsor any such gubernatorial primary or gubernatorial election debate, without regard to whether that association or any of its members shall previously have sponsored any debate among candidates for Statewide office.

The Election Law Enforcement Commission shall accept applications from eligible organizations and eligible associations of news publications and broadcasting outlets or news or press service correspondents to sponsor one or more of those interactive gubernatorial debates. Applications to sponsor debates under subsection a. shall be submitted to the commission no later than March 15 of any year in which a primary election is to be held to nominate candidates for the office of Governor, and applications to sponsor debates under subsection b. shall be submitted to the commission no later than July 1 of any year in which a general election is to be held to fill the office of Governor.

Where the number of eligible applicants to sponsor gubernatorial primary debates or gubernatorial election debates exceeds the number prescribed under subsection a. and subsection b. of this section, respectively, the Election Law Enforcement Commission shall select the sponsors from among the applicants within 30 days of the last day for submitting those applications, as provided by this subsection. To the maximum extent practicable and feasible, the commission shall select a different sponsor for each of the interactive gubernatorial debates, but shall not be precluded from selecting the same sponsor for more than one debate.

The sponsors selected by the commission shall be responsible for selecting the date, time and location of the debates, subject to the limitations set forth in this section. The rules for conducting each debate shall be solely the responsibility of the sponsors so selected, but shall not be made final without consultation with both the chairman of the New Jersey Republican State Committee and the chairman of the New Jersey Democratic State Committee in the case of gubernatorial primary debates, and with a representative designated by each of the participating candidates in the case of gubernatorial election debates.

2. This act shall take effect immediately.

Approved November 19, 1991.

CHAPTER 318

AN ACT concerning the distribution of voter registration forms at certain public offices, amending various parts of the statutory law and supplementing various titles of the statutory law.

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

1. Section 15 of P.L.1974, c.30 (C.19:31-6.3) is amended to read as follows:

C.19:31-6.3 Public agencies defined; registration card.

15. a. As used in this section, "public agency" shall mean:

The Division of Motor Vehicles in the Department of Law and Public Safety, constituted pursuant to section 19 of P.L.1948, c.439 (C.52:17B-19), including any agent of the director of that division designated under R.S.39:3-3;

The Division of Worker's Compensation, the Division of Employment Services and the Division of Unemployment and Temporary Disability Insurance, established initially by section 5 of P.L.1948, c.446 (C.34:1A-5), in the Department of Labor;

The Division of Taxation in the Department of the Treasury, continued under section 24 of P.L.1948, c.92 (C.52:18A-24);

The New Jersey Transit Corporation, established pursuant to section 4 of P.L.1979, c.150 (C.27:25-4); and

Any county welfare agency or county board of social services constituted under the provisions of article 3 of chapter 1 of Title 44 of the Revised Statutes.

b. Any person entitled to register to vote may register as a voter in the election district in which that person resides at any time prior to the twenty-ninth day preceding any primary or general election by completing a registration form described in section 16 of this act (C.19:31-6.4), having his signature or mark witnessed by a person registered to vote in New Jersey and submitting the form to the commissioner of registration of the county wherein the person resides or alternatively, in the case of a registration form provided by the employees or agents of a public agency, to those employees or agents or to the Secretary of State. Any registration form addressed to a commissioner of registration may be mailed to or delivered to the office of that commissioner, and in the case of a registration form provided by the employees or agents of a public agency, the form may be submitted to those

employees or agents, mailed to the Secretary of State, or delivered to the commissioner of registration in the county of the registrant. A registration form postmarked or, in the case of a registration form forwarded from a public agency, stamped or otherwise marked as having been received from the registration applicant, on or before the twenty-ninth day preceding any municipal, primary, special or general election shall be deemed timely.

2. Section 16 of P.L.1974, c.30 (C.19:31-6.4) is amended to read as follows:

C.19:31-6.4 Registration forms, contents, availability; duties of officials.

16. a. The Secretary of State shall cause to be prepared and shall provide to each county commissioner of registration registration forms of size and weight suitable for mailing, which shall require the information required by R.S.19:31-3 in substantially the following form:

VOTER REGISTRATION FORM

(Please print in ink or type)

(1) Name:.....

Last First Middle

(2) Residence:.....

Street Address Apt. No.

.....
Municipality County Zip

(3) Rural Mailing Address (if any):

.....
R.D. Number Box Municipality Zip

(4) This form is being used as (check one):

- ☐ New registration
☐ Change of address
☐ Change of name

(5) Birth Date:

Month Day Year

(6) From what address did you last register to vote; and under what name?

.....
Last First Middle

.....
Street Address Apt. No.

.....
Municipality County State Zip

(7) I am a native born ☐ naturalized ☐ citizen (check one).

I was naturalized on

Month Day Year

in

Municipality

State

(8) By the time of the next general election, I will be at least 18 years of age, I will be a citizen of the United States, and I will have resided in this State at least 30 days and in the county of at least 30 days. To the best of my knowledge and belief, all the foregoing statements made by me are true and correct. I UNDERSTAND THAT ANY FALSE OR FRAUDULENT REGISTRATION OR ATTEMPTED REGISTRATION MAY SUBJECT ME TO A FINE OF UP TO \$1,000.00 OR IMPRISONMENT OF UP TO FIVE YEARS, OR BOTH PURSUANT TO R.S.19:34-1.

.....
Signature or mark of the registrant Date

(9) I, being a registered voter in county in the State of New Jersey, witnessed the making of the above signature or mark.

.....
Signature of the witness Date

.....
Name (Please print)

.....
Street Address of the witness

.....
Municipality County Zip

b. The reverse side of the registration form shall bear the address of the Secretary of State or the commissioner of registration to whom such form is supplied, and a United States postal permit the charges upon which shall be paid by the State.

c. The Secretary of State shall cause to be prepared registration forms of the size, weight and form described in subsection a. of this section in both the English and Spanish language and shall provide such forms to each commissioner of registration of any

county in which there is at least one election district in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:2 3-22.4).

d. The commissioner of registration shall furnish such registration forms upon request in person to any person or organization in such reasonable quantities as such person or organization shall request. The commissioner shall furnish no fewer than two such forms to any person upon request by mail or by telephone.

e. Each such registration form shall have annexed thereto instructions specifying the manner and method of registration and stating the qualifications for an eligible voter.

f. The Secretary of State shall also furnish such registration forms and such instructions to the Director of the Division of Motor Vehicles in the Department of Law and Public Safety; to the Director of the Division of Worker's Compensation, the Director of the Division of Employment Services, and the Director of the Division of Unemployment and Temporary Disability Insurance in the Department of Labor; to the Director of the Division of Taxation in the Department of the Treasury; to the Executive Director of the New Jersey Transit Corporation; and to the appropriate administrative officer of any other public agency, as defined by subsection a. of section 15 of P.L.1974, c.30 (C.19:31-6.3). The forms shall bear the address of the Secretary of State on the reverse side, but shall not include any United States postal permit. The Secretary of State shall adopt, pursuant to consultation with the commissioners of registration of the several counties, regulations for the prompt return, but in any case not later than the fifth day following the date on which they are received by a public agency, of those forms to the secretary.

g. All registration forms received by the Secretary of State in the mail or forwarded to the Secretary of State by employees or agents of a public agency shall be forwarded to the commissioner of registration in the county of the registrant.

C.39:2-3.1 Director of Division of Motor Vehicles; duties.

3. The Director of the Division of Motor Vehicles shall:

a. cause copies of the voter registration forms furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be prominently displayed at each public office of the division and at the office of any agent of the division designated under R.S.39:3-3 and to be made readily available to each individual who, when applying for the original issuance, a renewal, or a correction of a

driver's license or a State identification card, may wish, on a voluntary basis, to register to vote. An employee or agent of the division shall inquire of every applicant for the original issuance, a renewal, or a correction of a driver's license or a State identification card whether the applicant, if not already registered to vote from the place of his or her present residence, wishes to be so registered and shall inform the applicant that whether or not the applicant chooses to register will not affect the applicant's eligibility under any program. The employee or agent shall provide the applicant with any assistance necessary in completing the form; shall inform the applicant that the applicant may leave the completed form with the employee or agent; and, if the applicant chooses to leave the form, shall accept the completed form, stamp or otherwise mark it with the date on which it was so received, and forward it to the Secretary of State or, in the case of an agent of the division, to the director of the division. The processing of voter registration applications under this section by an agent of the division shall be a condition of the agent's continuing eligibility to serve as an agent of the division and shall not entitle the agent to any compensation in addition to that to which the agent is entitled for the processing of driver's license applications;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to every office of the division or any agent thereof which distributes application forms for driver's licenses;

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each office of the division or any agent thereof which distributes application forms for driver's licenses located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4);

d. provide for the collection of completed voter registration forms by any employee or agent of the division who is employed in any office which distributes application forms for driver's licenses, and for the transmittal of the forms to the Secretary of State; and

e. cause the voter registration forms furnished under subsection f. of section 16 of P.L.1974, c.20 (C.19:31-6.4) to be included in each mailing sent by the division to any person who applies for the original issuance, a renewal, or a correction of a driver's license or a State identification card. Upon the return to the division through the mail by that person of a completed voter registration form, an employee of the

division shall stamp or otherwise mark that form with the date on which it was so received and forward it to the Secretary of State.

C.34:1A-12.4 Director of the Division of Worker's Compensation; duties.

4. The Director of the Division of Worker's Compensation shall:

a. cause copies of the voter registration forms furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be prominently displayed at each public office of the division and to be made readily available to each individual who, when applying for benefits under R.S. 43:21-19 et seq., may wish, on a voluntary basis, to register to vote. An employee of the division shall inquire of every applicant for such benefits whether the applicant, if not already registered to vote from the place of his or her present residence, wishes to be so registered and shall inform the applicant that whether or not the applicant chooses to register will not affect the applicant's eligibility for those benefits. The employee shall provide the applicant with any assistance necessary in completing the form; shall inform the applicant that the applicant may leave the completed form with the employee; and, if the applicant chooses to leave the form, shall accept the completed form, stamp or otherwise mark it with the date on which it was so received, and forward it to the Secretary of State;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to every office of the division which distributes application forms for benefits administered by the division;

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each office of the division which distributes application forms for benefits administered by the division which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4); and

d. provide for the collection of completed voter registration forms by any employee of the division who is employed in any office which distributes application forms for benefits administered by the division, and for the transmittal of the forms to the Secretary of State.

C.34:1A-15.1 Director of Division of Employment Services; duties.

5. The Director of the Division of Employment Services shall:

a. cause copies of the voter registration forms furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be prominently displayed at each public office of the division and to be made readily available to each individual who, when applying

for services administered by the division, may wish, on a voluntary basis, to register to vote. An employee of the division shall inquire of every applicant for such services whether the applicant, if not already registered to vote from the place of his or her present residence, wishes to be so registered and shall inform the applicant that whether or not the applicant chooses to register will not affect the applicant's eligibility for those services. The employee shall provide the applicant with any assistance necessary in completing the form; shall inform the applicant that the applicant may leave the completed form with the employee; and, if the applicant chooses to leave the form, shall accept the completed form, stamp or otherwise mark it with the date on which it was so received, and forward it to the Secretary of State;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to every office of the division which receives applications for services administered by the division;

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each office of the division that receives applications for services administered by the division which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4); and

d. provide for the collection of completed voter registration forms by any employee of the division who is employed in any office which receives applications for services administered by the division, and for the transmittal of the forms to the Secretary of State.

C.34:1A-15.2 Director of the Division of Unemployment and Temporary Disability Insurance; duties.

6. The Director of the Division of Unemployment and Temporary Disability Insurance shall:

a. cause copies of the voter registration forms furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be prominently displayed at each public office of the division and to be made readily available to each individual who, when applying for benefits administered by the division, may wish, on a voluntary basis, to register to vote. An employee of the division shall inquire of every applicant for such services whether the applicant, if not already registered to vote from the place of his or her present residence, wishes to be so registered and shall inform the applicant that whether or not the applicant chooses to register will not affect the applicant's eligibility for those benefits. The

employee shall provide the applicant with any assistance necessary in completing the form; shall inform the applicant that the applicant may leave the completed form with the employee; and, if the applicant chooses to leave the form, shall accept the completed form, stamp or otherwise mark it with the date on which it was so received, and forward it to the Secretary of State;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to every office of the division which receives applications for services administered by the division;

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each office of the division that receives applications for services administered by the division which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4); and

d. provide for the collection of completed voter registration forms by any employee of the division who is employed in any office which receives applications for services administered by the division, and for the transmittal of the forms to the Secretary of State.

C.52:18A-24.1 Director of the Division of Taxation; duties.

7. The Director of the Division of Taxation shall:

a. cause copies of the voter registration forms furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be prominently displayed at each public office of the division to be made readily available to each person who, when appearing in person at that office, may wish, on a voluntary basis, to register to vote. An employee of the division shall inquire of every such person whether the person, if not already registered to vote from the place of his or her present residence, wishes to be so registered and shall inform the person that whether or not the applicant chooses to register will not affect the person's legal obligation under any law administered by the division. The employee shall provide the person with any assistance necessary in completing the form; shall inform the person that the person may leave the completed form with the employee; and, if the person chooses to leave the form, shall accept the completed form, stamp or otherwise mark it with the date on which it was so received, and forward it to the Secretary of State;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to every office of the division which provides assistance to the public with respect to the laws administered by the division;

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each office of the division which provides assistance to the public with respect to the laws administered by the division which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4); and

d. provide for the collection of completed voter registration forms by any employee of the division who is employed in any office which provides assistance to the public with respect to the laws administered by the division, and for the transmittal of the forms to the Secretary of State.

C.27:25-15.2 Executive Director of New Jersey Transit; duties.

8. The Executive Director of the New Jersey Transit Corporation shall:

a. cause copies of the voter registration forms furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be prominently displayed at each major bus and rail terminal and at all staffed rail stations at which the corporation maintains operations and to be made readily available to each person using the facilities at those terminals and stations who may wish, on a voluntary basis, to register to vote. An employee of the corporation working at such terminal or station shall provide the person with any assistance necessary in completing the form; shall inform the person that the person may leave the completed form with the employee; and, if the person chooses to leave the form, shall accept the completed form, stamp or otherwise mark it with the date on which it was so received, and forward it to the Secretary of State;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to each major bus and rail terminal and at all staffed rail stations at which the corporation maintains operations;

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to each major bus and rail terminal and at all staffed rail stations at which the corporation maintains operations which are located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4); and

d. provide for the collection of completed voter registration forms by any employee of the corporation who is employed in any major bus or rail terminal or staffed railroad station at which

the corporation maintains operations, and for the transmittal of the forms to the Secretary of State.

C.44:1-24.2 Chief administrative officer of county welfare agencies or boards of social services; duties.

9. The superintendent, director or other chief administrative officer of each county welfare agency or county board of social services shall:

a. cause copies of the voter registration forms furnished under subsection f. of section 16 of P.L.1974, c.30 (C.19:31-6.4) to be prominently displayed at the principal location of the office and to be made readily available to each person who, when appearing in person at that location to apply for services under any program administered by the office, may wish, on a voluntary basis, to register to vote. An employee of the office shall inquire of every such person whether the person, if not already registered to vote from the place of his or her present residence, wishes to be so registered and shall inform the person that whether or not the applicant chooses to register will not affect the person's eligibility for those services. The employee shall provide the person with any assistance necessary in completing the form; shall inform the person that the person may leave the completed form with the employee; and, if the person chooses to leave the form, shall accept the completed form, stamp or otherwise mark it with the date on which it was so received, and forward it to the county board of elections;

b. provide for the continuous supply of the forms and instructions specified in subsection a. of this section to that location;

c. provide the forms and instructions specified in subsection a. of this section in both the English and Spanish languages to the location in the case of any office on aging which is located in any county in which bilingual sample ballots must be provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4); and

d. provide for the collection of completed voter registration forms by any employee of the office and for the transmittal of the forms to the county board of elections.

C.19:31-6.4a Rules, regulations.

10. The Secretary of State may promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act.

C.19:31-6.4b Penalty.

11. No State or county government employee shall be subject to any penalty, liability or disciplinary action for failure to fulfill

any responsibility under the provisions of this act except if the employee engages in the fraudulent registration of a voter.

12. The Secretary of State shall report to the Legislature within two years after the effective date of this act on the effectiveness of this voter registration program.

13. This act shall take effect on the 90th day following the date of enactment.

Approved November 20, 1991.

CHAPTER 319

AN ACT permanently designating the month of November as
"Alzheimer's Disease Awareness Month."

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

C.36:2-23 Findings, declarations.

1. The Legislature finds and declares that:

a. Alzheimer's Disease is a terminal, organic brain disease of unknown origin that causes steady brain deterioration and leads to a complete breakdown of a person's ability to communicate, move about, or control bodily functions and eventually results in death;

b. Alzheimer's Disease is the fourth leading cause of death in the United States and affects two to four million Americans between the ages of 40 and 80, including about 400,000 residents of New Jersey;

c. While presently incurable, Alzheimer's Disease is often confused with other diseases of intellectual impairment, thus necessitating that the specific diagnosis of a person's medical conditions be conducted with great care, since the other causes of impairment can be treated;

d. Alzheimer's Disease has been called a disease which not only "robs the mind of the victim" but "breaks the heart of the family" because it inflicts tremendous burdens on loved ones who must endure emotional, social, physical and financial stress while providing care and comfort to the victim of this ever-worsening disease; and

e. While research continues in a search for cures and controls for this devastating disease, it is important that citizens of this State develop an awareness of the nature of Alzheimer's Disease,

understand the toll it takes on the victim and his or her family, encourage the development of support and assistance groups for these families, and promote efforts for advocacy for the needs of those afflicted with Alzheimer's Disease and their caregivers.

C.36:2-24 Alzheimer's Disease Awareness Month designated.

2. The month of November is permanently designated as "Alzheimer's Disease Awareness Month" in the State of New Jersey.

C.36:2-25 Recognition, encouragement, assistance.

3. The Governor and the Legislature urge all citizens to recognize "Alzheimer's Disease Awareness Month" and to provide encouragement and assistance to those organizations that offer educational, advocacy and support services for Alzheimer's victims and their caregivers.

4. This act shall take effect immediately.

Approved November 20, 1991.

CHAPTER 320

AN ACT concerning registration fees for motor vehicles of PAAD recipients and amending P.L.1990, c.8.

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

1. Section 68 of P.L.1990, c.8 (C.17:33B-63) is amended to read as follows.

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

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

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

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

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

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

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

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

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

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

c. Notwithstanding any provision of subsection a. of this section to the contrary, no fees shall be imposed pursuant to this section on a registration for which no fee is presently collected pursuant to Article 2 of chapter 3 of Title 39 of the Revised Statutes or on a registration for a motor vehicle, except commercial vehicles, if the registrant or, in the case of a leased vehicle, the lessee is eligible for pharmaceutical assistance to the aged and disabled pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.). In the case of a leased vehicle, documentation verifying that the vehicle will be leased for the registration term to a lessee who is entitled to the exemption provided for in this subsection shall be provided according to the requirements established by the Director of the Division of Motor Vehicles. The lessor shall not collect from the lessee any payment for the registration of the vehicle that exceeds the amount that the lessor paid to register the vehicle.

2. This act shall take effect immediately.

Approved November 21, 1991.