

**LAWS = NEW JERSEY
1998**

New Jersey State Library

ACTS
OF THE
First Annual Session
OF THE
Two Hundred and Eighth Legislature
OF THE
STATE OF NEW JERSEY



1998

New Jersey State Library

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

Legislative Services Commission

MEMBERS
of the
FIRST ANNUAL SESSION
of the
Two Hundred and Eighth Legislature

SENATORS

FIRST DISTRICT
(Cape May, Parts of Atlantic,
Cumberland)
JAMES S. CAFIERO

SECOND DISTRICT
(Part of Atlantic)
WILLIAM L. GORMLEY

THIRD DISTRICT
(Salem, Parts of Cumberland,
Gloucester)
RAYMOND J. ZANE

FOURTH DISTRICT
(Parts of Camden, Gloucester)
JOHN J. MATHEUSSEN

FIFTH DISTRICT
(Parts of Camden, Gloucester)
WAYNE R. BRYANT

SIXTH DISTRICT
(Part of Camden)
JOHN H. ADLER

SEVENTH DISTRICT
(Parts of Burlington, Camden)
DIANE B. ALLEN

EIGHTH DISTRICT
(Parts of Atlantic, Burlington,
Camden)
MARTHA W. BARK

NINTH DISTRICT
(Parts of Atlantic, Burlington,
Ocean)
LEONARD T. CONNORS, JR.

TENTH DISTRICT
(Parts of Monmouth, Ocean)
ANDREW R. CIESLA

ELEVENTH DISTRICT
(Part of Monmouth)
JOSEPH A. PALAIA

TWELFTH DISTRICT
(Part of Monmouth)
JOHN O. BENNETT

THIRTEENTH DISTRICT
(Parts of Middlesex, Monmouth)
JOSEPH M. KYRILLOS, JR.

FOURTEENTH DISTRICT
(Parts of Mercer, Middlesex)
PETER A. INVERSO

FIFTEENTH DISTRICT
(Part of Mercer)
SHIRLEY K. TURNER

SIXTEENTH DISTRICT
(Parts of Morris, Somerset)
WALTER J. KAVANAUGH

SEVENTEENTH DISTRICT
(Parts of Middlesex, Somerset,
Union)
JOHN A. LYNCH

EIGHTEENTH DISTRICT
(Part of Middlesex)
JACK SINAGRA

NINETEENTH DISTRICT
(Part of Middlesex)
JOSEPH F. VITALE

TWENTIETH DISTRICT
(Part of Union)
RAYMOND J. LESNIAK

TWENTY-FIRST DISTRICT
(Parts of Essex, Union)
C. LOUIS BASSANO

TWENTY-SECOND DISTRICT
(Parts of Middlesex, Morris,
Somerset, Union)
DONALD T. DiFRANCESCO

TWENTY-THIRD DISTRICT
(Warren, Parts of Hunterdon,
Mercer)
WILLIAM E. SCHLUTER

TWENTY-FOURTH DISTRICT
(Sussex, Parts of Hunterdon,
Morris)
ROBERT E. LITTELL

TWENTY-FIFTH DISTRICT
(Part of Morris)
ANTHONY R. BUCCO

TWENTY-SIXTH DISTRICT
(Parts of Essex, Morris, Passaic)
ROBERT J. MARTIN

TWENTY-SEVENTH DISTRICT
(Part of Essex)
RICHARD J. CODEY

TWENTY-EIGHTH DISTRICT
(Part of Essex)
RONALD L. RICE

TWENTY-NINTH DISTRICT
(Parts of Essex, Union)
WYNONA M. LIPMAN

THIRTIETH DISTRICT
(Parts of Burlington, Monmouth,
Ocean)
ROBERT W. SINGER

THIRTY-FIRST DISTRICT
(Part of Hudson)
EDWARD T. O'CONNOR, JR.

THIRTY-SECOND DISTRICT
(Parts of Bergen, Hudson)
NICHOLAS J. SACCO

THIRTY-THIRD DISTRICT
(Part of Hudson)
BERNARD F. KENNY, JR.

THIRTY-FOURTH DISTRICT
(Parts of Essex, Passaic)
NORMAN M. ROBERTSON

THIRTY-FIFTH DISTRICT
(Part of Passaic)
JOHN A. GIRGENTI

THIRTY-SIXTH DISTRICT
(Parts of Bergen, Essex, Passaic)
GARRY J. FURNARI

THIRTY-SEVENTH DISTRICT
(Part of Bergen)
BYRON M. BAER

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
LOUIS F. KOSCO

THIRTY-NINTH DISTRICT
(Part of Bergen)
GERALD CARDINALE

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

MEMBERS OF THE GENERAL ASSEMBLY

FIRST DISTRICT

(Cape May, Parts of
Atlantic, Cumberland)
NICHOLAS ASSELTA
JOHN C. GIBSON

SECOND DISTRICT

(Part of Atlantic)
FRANCIS J. BLEE
KENNETH C. LeFEVRE

THIRD DISTRICT

(Salem, Parts of Cumberland,
Gloucester)
JACK COLLINS
GARY W. STUHLTRAGER

FOURTH DISTRICT

(Parts of Camden, Gloucester)
GEORGE F. GEIST
GERALD J. LUONGO

FIFTH DISTRICT

(Parts of Camden, Gloucester)
NILSA CRUZ-PEREZ
JOSEPH J. ROBERTS, JR.

SIXTH DISTRICT

(Part of Camden)
LOUIS D. GREENWALD
MARY T. PREVITE

SEVENTH DISTRICT

(Parts of Burlington, Camden)
HERBERT C. CONAWAY, JR.
JACK CONNERS^{1,3}
KENNETH W. FAULKNER^{2,4}

EIGHTH DISTRICT

(Parts of Atlantic, Burlington,
Camden)
FRANCIS L. BODINE
LARRY CHATZIDAKIS

NINTH DISTRICT

(Parts of Atlantic, Burlington,
Ocean)
CHRISTOPHER J. CONNORS
JEFFREY W. MORAN

TENTH DISTRICT

(Parts of Monmouth, Ocean)
JAMES W. HOLZAPFEL
DAVID W. WOLFE

ELEVENTH DISTRICT

(Part of Monmouth)
STEVE CORODEMUS
TOM SMITH

TWELFTH DISTRICT

(Part of Monmouth)
MICHAEL J. ARNONE
CLARE M. FARRAGHER

THIRTEENTH DISTRICT

(Parts of Middlesex, Monmouth)
JOSEPH AZZOLINA
SAMUEL D. THOMPSON

FOURTEENTH DISTRICT

(Parts of Mercer, Middlesex)
PAUL KRAMER
BARBARA WRIGHT

FIFTEENTH DISTRICT

(Part of Mercer)
REED GUSCIORA
BONNIE WATSON COLEMAN

SIXTEENTH DISTRICT

(Parts of Morris, Somerset)
CHRISTOPHER "KIP" BATEMAN
PETER J. BIONDI

SEVENTEENTH DISTRICT
(Parts of Middlesex, Somerset,
Union)
JERRY GREEN
ROBERT G. SMITH

EIGHTEENTH DISTRICT
(Part of Middlesex)
PETER J. BARNES, JR.
BARBARA BUONO

NINETEENTH DISTRICT
(Part of Middlesex)
ARLINE M. FRISCIA
JOHN S. WISNIEWSKI

TWENTIETH DISTRICT
(Part of Union)
NEIL M. COHEN
JOSEPH SULIGA

TWENTY-FIRST DISTRICT
(Parts of Essex, Union)
KEVIN J. O'TOOLE
JOEL WEINGARTEN

TWENTY-SECOND DISTRICT
(Parts of Middlesex, Morris,
Somerset, Union)
ALAN M. AUGUSTINE
RICHARD H. BAGGER

TWENTY-THIRD DISTRICT
(Warren, Parts of Hunterdon,
Mercer)
LEONARD LANCE
CONNIE MYERS

TWENTY-FOURTH DISTRICT
(Sussex, Parts of Hunterdon,
Morris)
E. SCOTT GARRETT
GUY R. GREGG

TWENTY-FIFTH DISTRICT
(Part of Morris)
MICHAEL PATRICK CARROLL
RICHARD A. MERKT

TWENTY-SIXTH DISTRICT
(Parts of Essex, Morris, Passaic)
ALEX DeCROCE
CAROL J. MURPHY

TWENTY-SEVENTH DISTRICT
(Part of Essex)
NIA H. GILL
LeROY J. JONES

TWENTY-EIGHTH DISTRICT
(Part of Essex)
WILFREDO CARABALLO
CRAIG A. STANLEY

TWENTY-NINTH DISTRICT
(Parts of Essex, Union)
WILLIAM D. PAYNE
DONALD TUCKER

THIRTIETH DISTRICT
(Parts of Burlington, Monmouth,
Ocean)
MELVIN COTTRELL
JOSEPH R. MALONE, III

THIRTY-FIRST DISTRICT
(Part of Hudson)
JOSEPH CHARLES, JR.
JOSEPH V. DORIA, JR.

THIRTY-SECOND DISTRICT
(Parts of Bergen, Hudson)
ANTHONY IMPREVEDUTO
JOAN M. QUIGLEY

THIRTY-THIRD DISTRICT
(Part of Hudson)
RAUL "RUDY" GARCIA
LOUIS A. ROMANO

THIRTY-FOURTH DISTRICT
(Parts of Essex, Passaic)
MARION CRECCO
GERALD H. ZECKER

THIRTY-FIFTH DISTRICT
(Part of Passaic)
NELIDA "NELLIE" POU
ALFRED E. STEELE

THIRTY-SIXTH DISTRICT
(Parts of Bergen, Essex, Passaic)
PAUL DiGAETANO
JOHN V. KELLY

THIRTY-SEVENTH DISTRICT
(Part of Bergen)
LORETTA WEINBERG
CHARLES "KEN" ZISA

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
ROSE MARIE HECK
GUY F. TALARICO

THIRTY-NINTH DISTRICT
(Part of Bergen)
JOHN E. ROONEY
CHARLOTTE VANDERVALK

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

¹ Removed pursuant to court order
9/2/98.

² Interim selection sworn in 9/17/98.

³ Sworn in 11/23/98 after 11/3/98
election.

⁴ Displaced by Conners' swearing in.

LAWS

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

CHAPTER 1

AN ACT concerning child support reform and revising parts of statutory law.

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

C.2A:17-56.7a Short title.

1. This act shall be known and may be cited as the "New Jersey Child Support Program Improvement Act."

C.2A:17-56.7b Findings, declarations relative to child support reform.

2. The Legislature finds and declares that:

a. Title III of the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, provides New Jersey with the authority and guidance to structure and administer an effective and efficient child support program that is accessible to all the citizens of this State needing its services;

b. Work and the timely payment of child support promote the best interests of all families with children;

c. The expeditious establishment of paternity and child support obligations is integral to the development of a safety net for participants in the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) and their children. With the implementation of the Work First New Jersey program and its time-limited benefits, the establishment of child support orders and the collection of child support are essential to the ability of families to achieve and maintain self-sufficiency;

d. The early establishment of paternity and child support orders creates a basis for individual security and family stability, and fosters an understanding of personal responsibility in children and teenagers;

e. The efficient establishment of paternity and support obligations, and the effective enforcement and collection of child support obligations

pursuant to the provisions of Pub.L.104-193, will maximize the federal funding available to New Jersey for these services; and

f. The provisions of this act incorporate and expand the fundamental concepts of P.L.1981, c.417 (C.2A:17-56.8 et seq.) and comply with the federal initiatives embodied in Pub.L.104-193.

C.2A:17-56.52 Definitions relative to child support reform.

3. As used in P.L.1998, c.1 (C.2A:17-56.7a et al.), P.L.1981, c.417 (C.2A:17-56.8 et al.), P.L.1988, c.111 (C.2A:17-56.23a), sections 13, 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-56.16, 2A:17-56.20 through 2A:17-56.23, and 2A:17-56.25), P.L.1990, c.53 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990, c.92 (C.2A:17-56.9a and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-56.11a), P.L.1995, c.290 (C.2A:17-56.11b), P.L.1995, c.322 (C.2A:17-56.34 et seq.) and P.L.1996, c.7 (C.2A:17-56.41 et seq.):

"Account" means a demand deposit account, checking or negotiable order of withdrawal account, savings account, time deposit account, or money market mutual fund account. "Account" also includes an equity securities account if permitted under federal law.

"Administrative enforcement" means the use of high volume automated data processing to search various State data bases, including, but not limited to, license records, employment service data and State new hire registries, to determine whether information is available in response to a request made by another jurisdiction to enforce a support order.

"Appropriate enforcement methods" means mechanisms such as income withholding, withholding of civil lawsuits, and execution of the assets of the obligor which can result in immediate payment of the child support arrearage when available. In appropriate cases, the license revocation process may be used as an alternative to Rule 5:7-5 of the court rules.

"Arrearage" means the amount of unpaid support as determined by a court order or an administrative order from a state for support of a child or of a child and the custodial parent.

"Child" means a person, whether over or under the age of majority, who is or is alleged to be owed a duty of child support by that person's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

"Child support" means the amount required to be paid under a judgment, decree, or order, whether temporary, final or subject to modification, issued by the Superior Court, Chancery Division, Family Part or a court or administrative agency of competent jurisdiction of another state, for the support and maintenance of a child, or the support and maintenance of a child and the parent with whom the child is living, which provides

monetary support, health care coverage, any arrearage or reimbursement, and which may include other related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

"Child support related warrant" means an outstanding warrant for the arrest of a child support obligor or putative father issued by the court for failure to pay child support as ordered, failure to appear at a hearing to establish paternity or child support, or failure to appear at a hearing to enforce a child support order.

"Commissioner" means the Commissioner of Human Services.

"Court" means the Superior Court, Chancery Division, Family Part.

"Court order" means an order of the court or an order from an administrative or judicial tribunal in another state that is competent to enter or modify orders for paternity or child support.

"Court rules" means the Rules Governing the Courts of the State of New Jersey.

"Credit reporting agency" means a nationally recognized credit reporting agency as approved by the commissioner and defined in the federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any entity which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing reports to third parties and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

"Custodial parent" means the parent or other person who has legal and physical custody of a child for the majority of the time. The custodial parent is responsible for the day-to-day decisions related to the child and for providing the basic needs of the child on a daily basis. The custodial parent is the person to whom child support is payable. In shared parenting situations, the custodial parent is known as the Parent of Primary Residence.

"Default order" means a court order entered due to a party's failure to answer a complaint or motion or to appear at a court proceeding as required, after being properly served with notice.

"Department" means the Department of Human Services.

"Employee" means an individual who is an employee within the meaning of chapter 24 of the Internal Revenue Code of 1986. Employee does not include an employee of a federal or state agency performing intelligence or counter-intelligence functions, if the head of such agency has determined that reporting could endanger the safety of the employee or compromise an ongoing investigation or intelligence mission.

"Employer" has the meaning given the term in section 3401(d) of the Internal Revenue Code of 1986 and includes any governmental entity and labor organization.

"Financial institution" means: a depository institution as defined in 12 U.S.C. s.1813(c); an institution affiliated party as defined in 12 U.S.C. s.1813(u); a federal or State credit union as defined in 12 U.S.C. s.1752, including an institution affiliated party of a credit union as defined in 12 U.S.C. s.1786(r); a benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this State. "Financial institution" also includes an investment and loan corporation if permitted under federal law.

"Health care coverage" means cash medical support, health insurance, dental insurance, eye care, pharmaceutical assistance and other types of medical support which are ordered by the court to maintain the health coverage of a child.

"Income" for the purposes of enforcing a support order, means, but is not limited to, commissions, salaries, earnings, wages, rent monies, unemployment compensation, workers' compensation, any legal or equitable interest or entitlement owed that was acquired by a cause of action, suit, claim or counterclaim, insurance benefits, claims, accounts, assets of estates, inheritances, trusts, federal or State income tax refunds, homestead rebates, State lottery prizes, casino and racetrack winnings, annuities, retirement benefits, veteran's benefits, union benefits, or any other earnings or other periodic entitlements to money from any source and any other property subject to withholding for child support pursuant to State law.

For the purposes of establishing a support order, income is defined pursuant to the child support guidelines in Appendix IX of the court rules.

"Labor organization" means a labor organization as defined in paragraph (5) of section 2 of the federal "National Labor Relations Act" (29 U.S.C. s.152) and includes any entity used by the organization and an employer to carry out the requirements of paragraph (3) of subsection (f) of section 8 of that act (29 U.S.C. s.158(f)(3)) or an agreement between the organization and the employer.

"License" means any license, registration or certificate issued by the State or its agencies or boards that is directly necessary to provide a product or service for compensation, to operate a motor vehicle, or for recreational or sporting purposes.

"Licensing authority" means any department, division, board, agency or other instrumentality of State government that issues a license, registration, certificate or other authorization to provide goods or services for compensation, to operate a motor vehicle, or for recreational or sporting purposes.

"Non-custodial parent" means the parent who does not have physical custody of the child on a day-to-day basis. In shared parenting situations, the non-custodial parent is known as the Parent of Alternate Residence.

"Obligee" means an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered; a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or an individual seeking a judgment determining parentage of the individual's child or providing for the support of a child.

"Obligor" means an individual, or the estate of a decedent, who owes or is alleged to owe a duty of support, who is alleged but has not been adjudicated to be a parent of a child, or who is liable under a support order.

"Payor" means an employer or individual or entity that disburses or is in possession of income or assets payable to an obligor.

"Probation Division" means the Probation Division of the Superior Court, Chancery Division, Family Part.

"RURESA" means the "Revised Uniform Reciprocal Enforcement of Support Act (1968)," adopted in New Jersey as P.L.1981, c.243 (C.2A:4-30.24 et seq.).

"Spousal support" means a legally enforceable obligation assessed against a person for the support of a spouse or former spouse.

"State case registry" means the automated system maintained by the State IV-D agency that contains federally required information on child support cases.

"State IV-D agency" means the Department of Human Services.

"Support guidelines" means the set of presumptive standards for determining the amount of child support as established by the court in Appendix IX of the court rules.

"Support order" means a judgment, decree, or order, whether temporary, final or subject to modification, for the benefit of a child, a spouse or a former spouse, which provides for monetary support, health care coverage, arrearages or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees and other relief.

A support order shall be issued by the court or a court or administrative agency of another state.

"TANF" means the "Temporary Assistance to Needy Families" program established pursuant to Title IV-A of the federal Social Security Act (42 U.S.C. s.601 et seq.). TANF includes the Work First New Jersey program for dependent children and their parents established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

"Title IV-D" means Title IV-D of the federal Social Security Act (42 U.S.C. s.651 et seq.).

"Title IV-D case" means a case under Title IV-A or Title XIX of the federal Social Security Act (42 U.S.C. s.601 et seq.) that involves an assignment of support rights, an appropriate referral under Title IV-E of the federal Social Security Act (42 U.S.C. s.670 et seq.), a non-public assistance case in which an application for Title IV-D services has been filed and a fee paid, as appropriate, with the department, or an interstate case referred to the department by another jurisdiction.

"UIFSA" means the "Uniform Interstate Family Support Act" to be adopted by each state to replace RURESA pursuant to Pub.L.104-193.

C.2A:17-56.53 Actions permitted by department to establish paternity, support orders; imposition of civil penalty.

4. Subject to safeguards on privacy and information security, prescribed pursuant to subsection b. of section 11 of P.L.1998, c.1 (C.2A:17-56.60), and appropriate procedural due process requirements including, as appropriate, notice, the opportunity to contest and notice of the right to appeal to the court, the department is authorized to take the following actions relating to the establishment of paternity or to the establishment, modification or enforcement of support orders, without the necessity of obtaining an order from the court, and to recognize and enforce the authority of state agencies of other states to take the following actions:

a. Require genetic testing for the purpose of paternity establishment;

b. (1) Subpoena any financial or other information needed for the establishment, modification or enforcement of a support order; and

(2) impose a civil penalty for failure to respond to a subpoena which shall not exceed: \$25 per violation, or, if the failure to respond is the result of a conspiracy between the entity and the non-custodial parent not to supply the required information or to supply inaccurate or incomplete information, \$500. Payment of the penalty may not be required, however, if in response to the imposition of the penalty, the person or entity complies immediately with the subpoena. All penalties assessed under this section shall be payable to the State Treasurer and may be recovered in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

c. (1) Request that any entity including for-profit, nonprofit and government employers, respond promptly to a request by the department or any out-of-State IV-D agency for information on the employment, compensation and benefits of any individual employed by the entity as an employee or contractor; and

(2) impose a civil penalty for failure to respond to any request which shall not exceed: \$25 per violation, or, if failure to respond is the result of a conspiracy between the entity and the non-custodial parent not to supply the required information or to supply inaccurate or incomplete information, \$500. Payment of the penalty may not be required, however, if in response to the imposition of the penalty, the person or entity complies immediately with the subpoena. All penalties assessed under this section shall be paid to the State Treasurer and may be recovered in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.;

d. Subject to the nonliability of entities that afford access, to obtain access, including automated access when feasible, to information contained in the following records:

(1) records of other State and local government agencies which include, but are not limited to:

(a) records of the Bureau of Vital Statistics in the Department of Health and Senior Services, and other agencies that collect vital statistics, including marriage, death and birth records;

(b) records of the Division of Taxation in the Department of the Treasury, and local tax and revenue records including address, employer, income and assets;

(c) records concerning real and titled personal property;

(d) records of occupational, professional, recreational and sporting licenses and records concerning the ownership and control of corporations, partnerships and other business entities;

(e) records of the Department of Labor, including wage, unemployment, disability and workers compensation records;

(f) records of agencies administering public assistance programs;

(g) records of the Division of Motor Vehicles in the Department of Transportation, including, but not limited to, motor vehicle and commercial license and registration records; and

(h) records of the Department of Corrections, including records related to State-sentenced inmates and parolees; and

(2) records held by private entities with respect to individuals who owe or are owed support, or against or with respect to whom a support obligation is sought, including information on the assets and liabilities of individuals held by financial institutions and the names and addresses of the individuals and the names and addresses of the employers of the individuals appearing in customer records of public utilities and cable television companies, pursuant to a subpoena authorized under subsection b. of this section;

e. Order income withholding in accordance with the provisions of State and federal law;

f. Direct the obligor or payor to change the payee pursuant to section 7 of P.L.1981, c.417 (C.2A:17-56.13) in cases where support is subject to an assignment or an application for Title IV-D services has been filed;

g. Secure assets to satisfy arrearages by:

(1) intercepting or seizing periodic or lump sum payments from: State or local agencies, including unemployment compensation, workers' compensation or other benefits; judgments, settlements and awards; inheritances; and lotteries;

(2) developing a bank information matching program and attaching and seizing assets of the obligor held in financial institutions located in this State in accordance with the provisions of P.L.1998, c.1 (C.2A:17-56.7a et al.);

(3) attaching public and private retirement funds as permitted under State law; and

(4) imposing a lien and initiating an execution or levy to force the sale of property and distribution of proceeds in accordance with N.J.S.2A:17-1 through N.J.S.2A:17-4, N.J.S.2A:17-57 through N.J.S.2A:17-76 and applicable court rules;

h. Require each party subject to a paternity or child support proceeding to file with the court and the State case registry upon the entry of an order and to update, as appropriate, information on the location and the identity of the party, including, but not limited to: Social Security number, telephone number, driver's license number, residential and mailing addresses, and the name, address, and telephone number of the party's employer; and

i. Unless otherwise ordered by the court in individual cases, increase the amount of monthly support payments to include amounts for arrearages in accordance with schedules approved by the court.

C.2A:17-56.54 Procedural due process requirements for enforcement of support provision.

5. For the purposes of enforcing a support provision in an order or judgment, procedural due process requirements may be deemed to have been met with respect to the party upon delivery of written notice to that party's most recent residential or employer address on file with the department, if there is a sufficient showing that diligent efforts have been made to locate the party by making inquiries that may include, but are not limited to, the United States Postal Service, Division of Motor Vehicles in the Department of Transportation, the Department of Labor, the Division of Taxation in the Department of the Treasury and the Department of Corrections. A certification documenting unsuccessful efforts to locate a party shall be provided to the court before any adverse action is taken based on failure of the party to respond to a notice. For the purposes of establishing or modifying the child support provision of a court order or judgment, service of process shall be consistent with court rules or applicable statutes.

C.2A:17-56.55 Determination of cooperation; notification.

6. In accordance with regulations adopted by the commissioner, the department shall make the determination as to whether an individual who has applied for or is receiving public assistance or assistance under the State Medicaid program pursuant to P.L. 1968, c.413 (C.30:4D-1 et seq.) or the Title IV-E program is cooperating in good faith in establishing the paternity of, or in establishing, modifying or enforcing a support order for any child of the individual by providing the name of the non-custodial parent and such other information as may be required for this purpose. The determination shall be made subject to good cause and other exemptions as specified by the commissioner, by regulation.

The department shall notify the individual and appropriate State or county entities administering TANF and appropriate State or county entities administering the State Medicaid program of each determination, and if noncooperation is determined, the basis therefor.

C.2A:17-56.56 Payment of past-due support for child receiving TANF assistance.

7. In any case in which an obligor owes past-due child support with respect to a child receiving assistance under a State program funded under TANF, the department is authorized to petition the court to issue an order that requires the obligor: to pay the support in accordance with a plan approved by the court; or to participate in work activities as ordered by the court, if the obligor is subject to such a plan and is not incapacitated. A petition for participation in a work activity shall include a request to adjust the amount of the order in accordance with support guidelines and the plan.

C.2A:17-56.57 Information provided by financial institutions on non-custodial parents.

8. a. Each financial institution doing business in the State shall provide information to the department on all non-custodial parents who maintain an account at the financial institution and who owe past due child support that equals or exceeds the amount of support payable for three months and for which no regular payments are being made.

b. In order to provide the information required pursuant to subsection a. of this section, a financial institution shall enter into an agreement and, at its option:

(1) identify non-custodial parents by comparing records maintained by the financial institution with records provided by the department by name, address of record and either Social Security number, tax identification number or other identifying information;

(2) submit to the department a report that includes the name, address of record and either Social Security number, tax identification number or other

identifying information of each individual maintaining an account at the financial institution as shown on its records of that account; or

(3) enter into an agreement with the department to provide the name, address of record and either Social Security number, tax identification number or other identifying information in a form and by a method mutually agreeable to the financial institution and the department.

c. The department shall enter into a cooperative agreement with financial institutions doing business in this State to provide the information required pursuant to subsection a. of this section on a quarterly basis, by electronic or magnetic media, mail, facsimile or any automated data exchange method or other means authorized by the department. The department shall establish, by regulation, and pay a reasonable fee for the data match provided for in this subsection. To the extent consistent with federal law, the department shall reimburse a financial institution for actual costs that are reasonably and efficiently incurred in conducting the data match provided for in this section.

d. In response to a notice of lien or levy, a financial institution shall encumber or surrender, as the case may be, assets held by the financial institution on behalf of any noncustodial parent who is subject to a child support lien pursuant to 42 U.S.C. s.666(a)(4). To the extent consistent with federal law, the encumbrance or surrender shall be subject to any right to any fees and penalties or set-off the financial institution may have against the assets under State law.

The assets shall be held and not distributed to any party until the contest period provided for in subsection f. of this section has expired or while an action on these assets is pending in court.

e. Notwithstanding any other law to the contrary, a financial institution that is directed to levy upon, block, freeze or encumber an account pursuant to the provisions of this section, is entitled to: (1) collect or deduct from the account its reasonable and normally scheduled processing fee for a levy; and (2) collect or deduct its normally scheduled account activity fee to maintain the account for any period the account is blocked, frozen or encumbered. The provisions of this section shall not be construed to preclude a financial institution from exercising its right to charge back or recoup a deposit to an account.

f. Notwithstanding any other provision of federal or State law to the contrary, a financial institution shall not be liable under any federal or State law to any person for any disclosure of information to the department for the purpose of establishing, modifying or enforcing a child support obligation of an individual, or for encumbering, holding, refusing to release to the obligor or surrendering any assets held by the financial institution, in response to a notice of lien or levy issued by the department, or for any other

action taken in good faith to comply with the requirements of this section, regardless of whether the action was authorized or described pursuant to this section. The department shall provide notice of the intent to levy an account and an opportunity to contest the levy within 30 days of the date of the notice, in accordance with regulations adopted by the commissioner. A financial institution shall not be required to give notice to an account holder or customer that the financial institution has provided information or taken any action pursuant to the provisions of this section. The financial institution shall not be liable for failure to provide the notice.

g. In obtaining a financial record of an individual from a financial institution, the department may only disclose the financial information for the purpose of, and to the extent necessary to establish, modify or enforce a child support obligation of the individual.

h. If any officer or employee of the department knowingly, or by reason of negligence, discloses a financial record of an individual in violation of subsection g. of this section, the injured individual may bring a civil action for damages against the officer or employee. Unauthorized release of information shall also be cause for administrative discipline of any employee who engages in an unauthorized release. In the case of willful unauthorized release of information, such action by an employee shall be cause for termination of employment.

i. No liability shall arise under this section with respect to any disclosure which results from a good faith but erroneous interpretation.

j. No financial institution-affiliated party shall be required to provide information required by this section if the financial institution with which the party is affiliated has otherwise provided the required information.

k. The amount subject to levy in a joint account, as defined in section 2 of P.L.1979, c.491 (C.17:16I-2), shall be in accordance with the provisions of section 4 of P.L.1979, c.491 (C.17:16I-4).

C.2A:17-56.58 Establishment, maintenance of State case registry.

9. a. The department shall establish and maintain a State case registry. The department shall regularly monitor cases in the registry with respect to which services are being provided under the State Title IV-D plan. The registry shall include information on:

(1) the amount and frequency of support owed and other amounts due or overdue under the support order, including arrearages, interest or late payment penalties and fees;

(2) any amounts described in paragraph (1) of this subsection that have been collected;

(3) the distribution of collected amounts;

- (4) the date of birth of any child for whom the support order requires support;
 - (5) the amount of any lien imposed;
 - (6) information on administrative actions and administrative and judicial proceedings and court orders relating to paternity and support;
 - (7) information obtained from comparison with federal, State, or local sources of information; and
 - (8) any other relevant information.
- b. Beginning October 1, 1998, the court shall transmit to the State case registry a copy of every judgment or order that includes a provision for child support.

C.2A:17-56.59 Availability of information to federal, state agencies.

10. All federal and state agencies conducting activities pursuant to the requirements of Title IV-D, shall have access directly or through the department to any system used by the Division of Motor Vehicles in the Department of Transportation and law enforcement agencies in the State to locate an individual. The information shall be made available to the department through electronic means when feasible.

C.2A:17-56.60 Access to, use of social security numbers.

11. a. Subject to safeguards on privacy and information security provided for in this section:

(1) The Social Security number of an applicant for any professional or occupational license, recreational or sporting license, driver's license, or marriage license shall be recorded on the application;

(2) The Social Security number shall be placed in the record relating to: a divorce decree; support order in a divorce decree; support order and paternity determination or acknowledgment; and on a death certificate; and

(3) The Social Security number shall be made available to the department through electronic means when feasible.

b. The use or disclosure of information concerning applicants or recipients of support enforcement services is limited to purposes directly connected with:

(1) the administration of the State plan or program approved under part A, B, D, E, or F of Title IV or under Title I, X, XIV, XVI, XIX or XX of the federal Social Security Act (42 U.S.C.s.301 et seq.) or the supplemental security income program established under Title XVI of the federal Social Security Act (42 U.S.C.s.301 et seq.);

(2) any investigations, prosecution or criminal or civil proceeding conducted in connection with the administration of any such plan or program;

(3) the administration of any other federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need; and

(4) reporting to an appropriate agency or official, information on known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or maltreatment of a child who is the subject of a child support enforcement activity under circumstances which indicate that the child's health or welfare is threatened thereby.

The department is prohibited from disclosing to any committee or federal, State or local legislative body any information that identifies by name or address any such applicant or recipient.

C.2A:17-56.61 Reports from employers, labor organizations; noncompliance; penalties.

12. a. All employers and labor organizations doing business in the State shall report to the department, or its designee:

(1) the hiring of, or contracting with, any person who works in this State and to whom the employer anticipates paying earnings; and

(2) the re-hiring or return to work of any employee who is laid off, furloughed, separated, granted a leave without pay, or terminated from employment in this State.

b. An employer shall submit the information required in this subsection within 20 days of the hiring, re-hiring, or return to work of the employee, except that an employer who transmits reports magnetically or electronically shall report every 15 days in accordance with rules adopted by the commissioner. The report shall contain:

(1) the employee's name, address, date of birth and Social Security number; and

(2) the employer's name, address, and federal tax identification number.

c. An employer who fails to report, as required in this section, shall be given a written warning by the department for the first violation and shall be subject to a civil penalty which shall not exceed: \$25 per violation, or, if the failure to report is the result of a conspiracy between the employer and the employee to not supply the required report or to supply a false or incomplete report, \$500.

Payment of the penalty may not be required, however, if in response to the imposition of the penalty, the person or entity complies immediately with the new hire reporting requirements. All penalties assessed under this section shall be payable to the State Treasurer and may be recovered in a summary proceeding pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

d. The information provided pursuant to this section may be shared with any federal or State agency as deemed appropriate by the commissioner.

C.2A:17-56.62 Fraudulent transfers by child support judgment debtors.

13. In any case in which the department knows of a transfer by a child support judgment debtor pursuant to the "Uniform Fraudulent Transfer Act," R.S.25:2-20 et seq., with respect to which a prima facie case is established, the department shall seek to void the transfer or obtain a settlement in the best interest of the child support creditor.

C.2A:17-56.63 Establishment of State disbursement unit.

14. a. The department shall be responsible for the establishment of a State disbursement unit, on or before October 1, 1999, for the collection and disbursement of payments under support orders in all Title IV-D cases, and in all non-Title IV-D cases in which the support order was initially issued in the State on or after January 1, 1994, and in which the income of the non-custodial parent is subject to income withholding.

b. The department shall provide employers with one location to which income withholding shall be sent.

c. The department shall use automated procedures, electronic processes and computer driven technology to the maximum extent feasible, for efficient and economical collection and disbursement of support payments. All payments shall be disbursed in accordance with federal requirements.

d. On or before October 1, 1999, the department shall establish the capability to disburse child support payments by direct deposit, upon request of the payee,

C.2A:17-56.64 Use of administrative enforcement.

15. a. The department shall use administrative enforcement, to the same extent as used for intrastate cases, in response to a request made by another state to enforce a support order, and shall promptly report the results of the enforcement procedure to the requesting state. The department shall respond to a request made by another state to enforce a support order through electronic means, when feasible.

b. The department may, by electronic or other means, transmit to another state a request for assistance in enforcing support orders through administrative enforcement.

c. The requesting state's request shall:

(1) include such information as will enable the state to which the request is transmitted to compare the information about the case to the information in the databases of the state; and

(2) constitute a certification by the requesting state:

(a) of the amount of support under an order that the payment of which is in arrears; and

(b) that the requesting state has complied with all procedural due process requirements applicable to each case.

d. If the department provides assistance to another state pursuant to this section with respect to a case, neither state shall consider the case to be transferred to the caseload of the other state.

e. The department shall maintain records of: the number of requests for assistance received by the State; the number of cases for which the State collected support in response to the request; and the amount of support collected.

C.2A:17-56.65 Transfer of case between local county welfare agency and probation division.

16. The State IV-D agency and the court may transfer a case between local county welfare agency and Probation Division offices, respectively, without the need for additional filing by the petitioner or service of process upon the respondent to retain jurisdiction over the parties. Notice shall be provided to the parties advising of the transfer.

C.2A:17-56.66 Regulations.

17. a. The commissioner, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt regulations to effectuate the purposes of this act and to comply with the requirements of Pub.L.104-193; except that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the provisions of this act, which regulations shall be effective for a period not to exceed six months and may, thereafter, be amended, adopted or readopted by the commissioner in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

b. The Attorney General and the Commissioners of Environmental Protection, Labor, Banking and Insurance, Health and Senior Services, Corrections, Transportation and Community Affairs may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt regulations, as appropriate, to effectuate the purposes of this act and to comply with the requirements of Pub.L.104-193; except that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Attorney General and the respective commissioners may adopt, immediately upon filing with the Office of Administrative Law such regulations as the Attorney General or the respective commissioners deem necessary to implement the provisions of this act, which regulations shall be effective for a period not to exceed six months and may thereafter, be

amended, adopted or readopted by the Attorney General or respective commissioners in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

18. Section 2 of P.L.1981, c.417 (C.2A:17-56.8) is amended to read as follows:

C.2A:17-56.8 Enforcement of child support orders.

2. Every complaint, notice or pleading for the entry or modification of a support order and every court order which includes child support shall include a written notice to the obligor stating that the child support provision of the order shall, and the health care coverage provision may, as appropriate, be enforced by an income withholding upon the current or future income due from the obligor's employer or successor employers and upon the unemployment compensation benefits due the obligor and against debts, income, trust funds, profits or income from any other source due the obligor except as provided in section 3 of P.L.1981, c.417 (C.2A:17-56.9). The written notice shall also state that the driver's license and professional or occupational licenses, or recreational or sporting license in accordance with P.L.1996, c.7 (C.2A:17-56.41 et seq.) held or applied for by the obligor may be denied, suspended or revoked if: the child support arrearage is equal to or exceeds the amount of child support payable for six months; the obligor fails to provide health care coverage for the children as ordered by the court for six months; or the obligor fails to respond to a subpoena relating to a paternity or child support proceeding; or a warrant for the obligor's arrest has been issued by the court due to failure to pay child support as ordered, failure to appear at a hearing to establish paternity or child support, or failure to appear at a hearing to enforce a child support order and said warrant remains outstanding. The written notice shall also state that the amount of a child support order and the provisions for health care coverage may be reviewed and updated when there has been a change in circumstances or in accordance with section 5 of P.L.1990, c.92 (C.2A:17-56.9a).

The court shall ensure that in the case of each obligor against whom a support order is or has been issued or modified, the obligor's income shall be withheld to comply with the order. An amount shall be withheld to pay the support obligation and it shall include an amount to be applied toward liquidation of arrearages reduced to judgments, payments for paternity testing procedures and provisions for health care coverage when applicable. These provisions shall also be applicable to all orders issued on or before the effective date of P.L.1985, c.278 (C.2A:17-56.16 et seq.).

A support provision contained in an order or judgment issued by the court shall be paid by income withholding unless the order or judgment

specifically provides for an alternative payment arrangement to which the parties agree in writing or the obligor or obligee demonstrates and the court finds good cause for establishing an alternative arrangement.

19. Section 3 of P.L.1981, c.417 (C.2A:17-56.9) is amended to read as follows:

C.2A:17-56.9 Income withholding.

3. For support obligations that are payable through the Probation Division, the Probation Division shall mail the notice of immediate withholding to the obligor's payor if the payor is known. If the obligor's source of income is unknown at the time the Probation Division receives the support order, the Probation Division shall mail the notice to the payor within the time frame required pursuant to federal law. If an alternative payment arrangement has been ordered as provided in section 2 of P.L.1981, c.417 (C.2A:17-56.8) or a support order entered prior to October 1, 1996, the income withholding shall be initiated by the Probation Division when the obligor has failed to make the required child support payment and has arrearages accrued equal to the amount of the support payable for 14 days, or without regard to an arrearage or an alternative agreement if the obligee, for good cause, or the obligor requests that withholding be initiated. Subject to the provisions of P.L.1981, c.417 (C.2A:17-56.8 et seq.), an income withholding shall be initiated by the Probation Division and shall take effect without amendment to the support order or further court or quasi-judicial action and without regard to any alternative arrangements entered into by the parties or ordered by the court.

The total amount of income to be withheld shall not exceed the maximum amount permitted under section 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C. s. 1673 (b)). The income withholding shall be carried out in full compliance with all procedural due process requirements. The Administrative Office of the Courts shall establish procedures for promptly terminating the withholding when necessary and for promptly refunding amounts which have been improperly withheld.

The Probation Division shall extend the income withholding system to include withholding from income derived within the State in cases where the applicable support order was issued in another state.

When an income withholding order has been issued in this State, it shall promptly be forwarded to the obligor's principal place of employment pursuant to P.L.1998, c.2 (C.2A:4-30.65 et seq.) or to the appropriate child support agency in the payor's state in the form prescribed by the federal Office of Child Support Enforcement. All procedural due process

requirements of the state Title IV-D agency where the obligor has income shall apply to the income withholding.

20. Section 5 of P.L.1990, c.92 (C. 2A:17-56.9a) is amended to read as follows:

C.2A:17-56.9a Review of child support payments; adjustment or determination; challenge.

5. At least once every three years, unless the State has developed an automated cost-of-living adjustment program for child support payments, the parties subject to a Title IV-D support order shall be provided notice of their right to request a review, which shall be conducted in accordance with the rules promulgated by the State IV-D agency in consultation with the Supreme Court. Such review shall take into account any changes in the financial situation or related circumstances of both parties and whether the order of child support is in full compliance with the child support guidelines.

Upon completing the review and if a change in the amount of child support is recommended, the State IV-D agency or designee shall so notify the obligor and obligee in writing of the child support amount that is recommended. The obligor and obligee shall be afforded not less than 30 days after such notification to file with the State IV-D agency and the court a challenge to such proposed adjustment or determination. If proof exists that the obligor and obligee have been provided with at least 30-days' notice of the proposed adjustment, the court shall adjust the child support amount as proposed by the department if either party does not challenge the recommended award within the prescribed time or fails to show good cause why the adjustment should not occur.

In accordance with section 351 of Pub.L.104-193, a proof or showing of a change in circumstances shall not be required prior to initiation of a review or for the adjustment of an order under the three-year review process; however, a proof or showing of a substantial change in circumstances shall be required prior to the initiation of a review or for the adjustment of an order outside the three-year review process.

21. Section 4 of P.L.1981, c.417 (C.2A:17-56.10) is amended to read as follows:

C.2A:17-56.10 Notice to obligor; contest of withholding.

4. a. If an income withholding initiated by the Probation Division is required pursuant to section 3 of P.L.1981, c.417 (C.2A:17-56.9), the Probation Division shall notify the obligor of the income withholding by regular mail to the obligor's last known address. The notice to the obligor shall be mailed at the same time as the notice to the payor, and shall inform

the obligor that the withholding has commenced in accordance with section 314 of Pub.L.104-193. The notice to the obligor shall also include all of the information regarding the withholding that is included in the notice to the payor. An obligor may contest a withholding only on the basis of mistake of fact. The notice to the obligor shall include but need not be limited to: the amount to be withheld, including an amount to be applied toward liquidation of arrearages; a statement that the withholding applies to current and subsequent sources of income; the methods available for contesting the withholding on the grounds that the withholding is not proper because of mistake of fact; the period within which the Probation Division may be contacted in order to contest the withholding; and the procedures to follow if the obligor desires to contest the withholding on the grounds that the withholding or the amount thereof is improper due to a mistake of fact.

If an obligor contests the proposed withholding, the Probation Division shall schedule a hearing or review within 20 days after receiving notice of contest of the withholding. If it is determined that the withholding is to continue, the Probation Division shall provide notice to the obligor. Notice to the obligor shall include all of the information that is included in the notice to the payor in section 5 of P.L.1981, c.417 (C.2A:17-56.11). The Probation Division shall notify the obligor of the results of the hearing or review within five days of the date of the hearing or review.

b. If the court enters an order modifying alimony, maintenance or child support, the Probation Division shall amend the income withholding amount accordingly. This income withholding shall have priority over any other withholdings and garnishments without regard to the dates that the other income withholdings or garnishments were issued.

c. An income withholding made under P.L.1981, c.417 (C.2A:17-56.8 et seq.) shall continue until terminated by a court.

d. Where there is more than one support order for withholding against a single obligor, the payor shall withhold the payments to fully comply with the court orders on a pro rata basis to the extent that the total amount withheld from the obligor's income does not exceed the limits allowed under section 303(b) of the federal Consumer Credit Protection Act (15 U.S.C. s. 1673(b)). Payors may combine withheld amounts in a single payment for each appropriate probation department requesting withholding and separately identify the portion of the payment which is attributable to each obligor unless submitted pursuant to section 7 of P.L.1981, c.417 (C.2A:17-56.13) or through the use of electronic funds transfer.

22. Section 5 of P.L.1981, c.417 (C.2A:17-56.11) is amended to read as follows:

C.2A:17-56.11 Notice to payor; binding effect.

5. a. An income withholding made under P.L.1981, c.417 (C.2A:17-56.8 et seq.) and provisions for health care coverage shall be binding upon the payor and successor payors immediately after service upon the payor by the Probation Division of a copy of the income withholding and an order for the provision of health care coverage, by regular mail. The payor is to pay the withheld amount to the Probation Division at the same time the obligor is paid. The payor shall implement withholding and the provisions for health care coverage no later than the first pay period that ends immediately after the date the notice was postmarked, except that the payor is not required to alter regular pay cycles to comply with the withholding. For each payment, other than payment received from the unemployment compensation fund, the payor may receive \$1.00, which shall be deducted from the obligor's income in addition to the amount of the support order to compensate the payor for the administrative expense of processing the withholding.

Notice to the payor shall include, but not be limited to, instructions for the provisions for health care coverage, the amount to be withheld from the obligor's income and a statement that the total amount withheld for support and other purposes may not be in excess of the maximum amount permitted under section 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C. s.1673 (b)); that the payor shall send the amount to the Probation Division at the same time the obligor is paid, unless the Probation Division directs that payment be made to another individual or entity; that the payor may deduct and retain a fee of \$1.00 in addition to the amount of the support order except when the payment is received from the unemployment compensation fund; that withholding is binding on the payor until further notice by the Probation Division; that, in accordance with section 6 of P.L.1981, c.417 (C.2A:17-56.12), the payor is subject to a fine and civil damages as determined by the court for discharging an obligor from employment, refusing to employ, or taking disciplinary action against an obligor subject to an income withholding because of the withholding or any obligation which it imposes upon the payor; that the payor is subject to a fine as determined by the court for failure to withhold support from the obligor's income or pay the withheld amount to the Probation Division; that if the payor fails to take appropriate action with regard to the provisions for health care coverage or withhold wages in accordance with the provisions of the notice, the payor is liable for any medical expenses incurred by the children subject to the provisions for health care coverage and any amount up to the accumulated amount the payor should have withheld from the obligor's income; that the withholding shall have priority over any other

legal process under State law against the same income; that the payor may combine withheld amounts from the obligor's income in a single payment to the Probation Division and separately identify the portion of the single payment which is attributable to each obligor unless submitted pursuant to section 7 of P.L.1981, c.417 (C.2A:17-56.13) or through electronic funds transfer; that if there is more than one support order for withholding against a single obligor, the payor shall withhold the payments on a pro rata basis to fully comply with the support orders, to the extent that the total amount withheld does not exceed the limits imposed under section 303 (b) of the federal Consumer Credit Protection Act (15 U.S.C. s.1673 (b)); that the payor shall implement withholding no later than the first pay period that ends immediately after the date the notice was postmarked, except that the payor is not required to alter regular pay cycles to comply with the withholding; and that the payor shall notify the Probation Division promptly upon the termination of the obligor's employment benefits and provide the obligor's last known address and the name and address of the obligor's new payor, if known.

A payor served with an income withholding notice shall be liable to the obligee for failure to deduct the amounts specified. The obligee or the Probation Division may commence a proceeding against the payor for accrued deductions, together with interest and reasonable attorney's fees.

In accordance with section 314 of Pub.L.104-193, a payor who complies with an income withholding notice that is regular on its face shall be immune from civil liability for conduct in compliance with the notice.

b. When a payor receives an income withholding notice issued by another state, the payor shall apply the income withholding law of the state in which the obligor's principal place of employment is located in determining:

- (1) the payor's fee for processing the income withholding;
- (2) the maximum amount permitted to be withheld from the obligor's income;
- (3) the time periods within which the payor must implement the income withholding order and forward the child support payment;
- (4) the priorities for withholding and allocating income withheld for multiple obligees; and
- (5) any withholding terms or conditions not specified in the support order or notice.

23. Section 7 of P.L.1981, c.417 (C.2A:17-56.13) is amended to read as follows:

C.2A:17-56.13 Payments made through probation division.

7. Until such time as a State disbursement unit is established pursuant to section 14 of P.L.1998, c.1 (C.2A:17-56.63), in every award for alimony,

maintenance or child support payments the judgment or order shall provide that payments be made through the Probation Division of the county in which the obligor resides, unless the court, for good cause shown, otherwise orders. Upon entry of the judgment or order, the parties shall provide the court and the Probation Division with their Social Security numbers, residential and mailing addresses, telephone numbers, driver's license numbers, and the name, address and telephone number of their employers. Each judgment or order shall require that the obligor and obligee notify the Probation Division of any change of payor or change of address within 10 days of the change. Failure to provide this information shall be considered a violation of this order.

The order shall also inform the obligor that the address provided to the Probation Division shall be the address of record for subsequent support enforcement actions and that service of legal documents at that address shall be effective for the purpose of meeting due process requirements.

For the purposes of enforcing a support provision, the court may deem procedural due process requirements for notice and service of process to be met with respect to a party thereto upon delivery of written notice to the most recent residential or employer address filed with the Probation Division for that party. If a party fails to respond to a notice and no proof is available that the party received the notice, the Probation Division shall document to the court that it has made a diligent effort to locate the party by making inquiries that may include, but are not limited to: the United States Postal Service, the Division of Motor Vehicles in the Department of Transportation, the Division of Taxation in the Department of the Treasury and the Departments of Labor and Corrections. The Probation Division shall provide an affidavit to the court presenting such documentation of its diligent effort, which certifies its inability to locate the party, before any adverse action is taken based upon the party's failure to respond to the notice. When an obligor changes employment within the State while income withholding is in effect, the Probation Division shall notify the new payor that the withholding is binding on the new payor. When the Probation Division is unable to locate the obligor's current payor in order to effectuate an income withholding under P.L.1981, c.417 (C.2A:17-56.8 et seq.), the Probation Division is authorized to utilize any other procedure authorized by law to obtain this information.

24. Section 18 of P.L.1985, c.278 (C.2A:17-56.21) is amended to read as follows:

C.2A:17-56.21 Information provided to credit reporting agencies.

18. a. The State IV-D agency shall have the authority to make available the name of any delinquent obligor and the amount of overdue support

owed by the obligor to credit reporting agencies, subject to the conditions set forth in this section and privacy safeguards established by the commissioner. This information shall be provided only to an entity that has demonstrated to the satisfaction of the State IV-D agency that the entity is a credit reporting agency.

b. In all Title IV-D cases where the obligor is in arrears, the information shall be made available to credit reporting agencies.

c. The State IV-D agency may establish a fee for all requests which will be uniformly applied in all Title IV-D cases. Any fee charged shall be limited to the actual cost of providing the information.

d. Information with respect to a delinquent obligor shall be reported to credit reporting agencies only after the obligor has been afforded all procedural due process required under State law including notice and a reasonable opportunity to contest the accuracy of the information.

e. The State IV-D agency shall comply with all applicable procedural due process requirements before releasing information and may request information on an obligor from a credit reporting agency only after noticing the obligor of the State IV-D agency's intent to request the information.

25. Section 1 of P.L.1988, c.111 (C.2A:17-56.23a) is amended to read as follows:

C.2A:17-56.23a Enforcement of child support orders as judgments; prospective modification of orders.

1. Any payment or installment of an order for child support, or those portions of an order which are allocated for child support, whether ordered in this State or in another state, shall be fully enforceable and entitled as a judgment to full faith and credit and shall be a judgment by operation of law on and after the date it is due. For obligors who reside or own property in this State, such judgments, once docketed with the Clerk of the Superior Court, shall have the same force and effect, be enforced in the same manner and be subject to the same priorities as a civil money judgment entered by the court. The State shall accord full faith and credit to child support judgments or liens of other states, whether arising by operation of law or having been entered by a court or administrative agency, when a Title IV-D agency, a party, or other entity seeking to enforce such a judgment or lien in this State files a Notice of Interstate Lien, in the form prescribed by the federal Office of Child Support Enforcement, and supporting documents with the Clerk of the Superior Court. An action to domesticate a foreign child support judgment or lien shall be consistent with the "Uniform Enforcement of Foreign Judgments Act," P.L.1997, c.204 (C.2A:49A-25 et seq.). Liens against real and personal property shall be subject to the same

enforcement procedures as other civil money judgments except that no judicial notice or hearing shall be required to enforce the lien. No payment or installment of an order for child support, or those portions of an order which are allocated for child support established prior to or subsequent to the effective date of P.L.1993, c.45 (C.2A:17-56.23a), shall be retroactively modified by the court except with respect to the period during which there is a pending application for modification, but only from the date the notice of motion was mailed either directly or through the appropriate agent. The written notice will state that a change of circumstances has occurred and a motion for modification of the order will be filed within 45 days. In the event a motion is not filed within the 45-day period, modification shall be permitted only from the date the motion is filed with the court.

The non-modification provision of this section is intended to be curative and shall apply to all orders entered before, on and after the effective date of P.L.1993, c.45 (C.2A:17-56.23a).

26. Section 1 of P.L.1995, c.322 (C.2A:17-56.34) is amended to read as follows:

C.2A:17-56.34 Information about putative fathers, child support obligors.

1. The Probation Division, the State IV-D agency and its designees, subject to privacy safeguards, shall be authorized to receive information concerning putative fathers and child support obligors from the following sources through electronic or other appropriate means:

a. To the extent permitted by R.S.54:50-9, records of the Division of Taxation in the Department of the Treasury containing information concerning an obligor's income or assets;

b. Direct, on-line access to the Division of Motor Vehicles' records, including, where possible, interface between automated systems;

c. Any record, paper, document or entity deemed by the Probation Division, the State IV-D agency or its designee to be a potential source of information concerning an obligor's income or assets. In order to obtain information pursuant to this subsection, the Probation Division and the State IV-D agency shall have the authority, as designated by the Commissioner of the Department of Human Services, to compel the production of books, papers, accounts, records and documents by subpoena. The subpoena shall be served by certified and regular mail on the person or entity in possession of the information or record that is sought and such service shall be considered consistent with procedural due process requirements. In all other respects, a subpoena issued under this section shall be subject to the same procedures as a subpoena issued by other agencies of this State. Actions relating to a subpoena issued under this section shall be heard in the court;

- d. State lottery prize payments in excess of \$600 made by the Department of the Treasury;
- e. Record of a judgment or settlement of any civil action where a party is entitled to receive a monetary award made by the court or an inheritance; and
- f. Record of an out-of-court settlement.

27. Section 2 of P.L.1995, c.322 (C.2A:17-56.35) is amended to read as follows:

C.2A:17-56.35 Public utility, cable television companies as source; exemption for long distance carriers.

2. a. If the State IV-D agency and its designees are unable to obtain information pursuant to section 1 of P.L.1995, c.322 (C.2A:17-56.34), then the agency and its designees may seek verifying information from public utility and cable television companies as required by Pub.L.104-193. Such information shall be limited to identifying information necessary to establish the name and address, or residency, if different from the address, of putative fathers and child support obligors.

b. A public utility or cable television company shall not be liable for damages for any civil action which may result from complying with the provisions of P.L.1995, c.322 (C.2A:17-56.34 et seq.).

c. A long distance carrier shall be exempt from the provisions of P.L.1995, c.322 (C.2A:17-56.34 et seq.).

28. Section 3 of P.L.1996, c.7 (C.2A:17-56.41) is amended to read as follows:

C.2A:17-56.41 Consequences of obligor's noncompliance, license suspension, revocation hearing.

3. a. If the child support arrearage equals or exceeds the amount of child support payable for six months or court-ordered health care coverage for the child is not provided for six months, or the obligor fails to respond to a subpoena relating to a paternity or child support action, or a child support-related warrant exists, and the obligor is found to possess a license in the State and all appropriate enforcement methods to collect the child support arrearage have been exhausted, the Probation Division shall send a written notice to the obligor, by certified and regular mail, return receipt requested, at the obligor's last-known address or place of business or employment, advising the obligor that the obligor's license may be revoked or suspended unless, within 30 days of the postmark date of the notice, the obligor pays the full amount of the child support arrearage, or provides proof that health care coverage for the child has been obtained, or responds to a subpoena, or makes a written request for a court hearing to the

Probation Division. The obligor's driver's license shall be suspended by operation of law upon the issuance of a child support-related warrant. If a child support-related warrant for the obligor exists, the professional, occupational, recreational or sporting license revocation or suspension shall be terminated if the obligor pays the full amount of the child support arrearage, provides proof that health care coverage for the child has been obtained as required by the court order, or surrenders to the county sheriff or the Probation Division.

b. If the obligor fails to take one of the actions in subsection a. of this section within 30 days of the postmark date of the notice and there is proof that service on the obligor was effective, the Probation Division shall file a certification with the court setting forth the obligor's non-compliance with the support order and the obligor's failure to respond to the written notice of the potential license suspension or revocation. If, based on the papers filed by the Probation Division, the court is satisfied that service on the obligor was effective as set forth in this section, it shall without need for further due process or hearing, enter a court order suspending or revoking all licenses held by the obligor. Upon the entry of the order, the Probation Division shall forward a copy to the obligor and all appropriate licensing authorities.

For the purposes of this section, the court may deem procedural due process requirements for notice and service of process to be met with respect to a party thereto upon delivery of written notice to the most recent residential or employer address filed with the Probation Division for that party. If a party fails to respond to a notice and no proof is available that the party received the notice, the Probation Division shall document to the court that it has made a diligent effort to locate the party by making inquiries that may include, but are not limited to: the United States Postal Service, the Division of Motor Vehicles in the Department of Transportation, the Division of Taxation in the Department of the Treasury and the Departments of Labor and Corrections. The Probation Division shall provide an affidavit to the court presenting such documentation of its diligent effort, which certifies its inability to locate the party, before any adverse action is taken based upon the party's failure to respond to the notice.

c. If the obligor requests a hearing, the Probation Division shall file a petition for a judicial hearing in accordance with section 5 of P.L. 1996, c. 7 (C.2A:17-56.43). The hearing shall occur within 45 days of the obligor's request. If, at or prior to the hearing, the obligor pays the full amount of the child support arrearage or provides health care coverage as ordered, or responds to the subpoena or surrenders to the county sheriff or the Probation Division, the license revocation process shall be terminated. No license revocation action shall be initiated if the Probation Division has received notice that the obligor has pending a motion to modify the child support

order if that motion was filed prior to the date that the notice of the license suspension or revocation was sent by the Probation Division. The court shall consider the Probation Division's petition to revoke or suspend a license in accordance with section 5 of P.L.1996, c.7 (C.2A:17-56.43).

29. Section 5 of P.L.1996, c.7 (C.2A:17-56.43) is amended to read as follows:

C.2A:17-56.43 Suspension, revocation of license.

5. The court shall suspend or revoke a license if it finds that: a. all appropriate enforcement methods have been exhausted, b. the obligor is the holder of a license, c. the requisite child support arrearage amount exists, health care coverage has not been provided as ordered pursuant to section 3 of P.L.1996, c.7 (C.2A:17-56.41), or there has been no response to a subpoena, d. no motion to modify the child support order, filed prior to the date that the notice of the license suspension or revocation was sent by the Probation Division, is pending before the court, and e. there is no equitable reason, such as involuntary unemployment, disability, or compliance with a court-ordered plan for the periodic payment of the child support arrearage amount, for the obligor's non-compliance with the child support order.

If the court is satisfied that these conditions exist, it shall first consider suspending or revoking a driver's license prior to a professional license. If the obligor fails to appear at the hearing after being properly served with notice, the court shall order the suspension or revocation of all licenses held by the obligor. In the case of a driver's license, if the court finds that the license revocation or suspension will result in a significant hardship to the obligor, to the obligor's legal dependents under 18 years of age living in the obligor's household, to the obligor's employees, or to persons, businesses or entities to whom the obligor provides goods or services, the court may allow the obligor to pay 25% of the past-due child support amount within three working days of the hearing, establish a payment schedule to satisfy the remainder of the arrearages within one year, and require that the obligor comply with any current child support obligation. If the obligor agrees to this arrangement, no suspension or revocation of any licenses shall be ordered. Compliance with the payment agreement shall be monitored by the Probation Division. If the obligor has good cause for not complying with the payment agreement within the time permitted, the obligor shall immediately file a motion with the court and the Probation Division requesting an extension of the payment plan. The court may extend the payment plan if it is satisfied that the obligor has made a good faith effort to comply with the plan and is unable to satisfy the full amount of past-due support within the time permitted due to circumstances beyond the obligor's

control. In no case shall a payment plan extend beyond the date the dependent child reaches the age of 18. If the obligor fails to comply with the court-ordered payment schedule, the court shall, upon receipt of a certification of non-compliance from the obligee or Probation Division, and without further hearing, order the immediate revocation or suspension of all licenses held by the obligor. If required by existing law or regulation, the court shall order that the obligor surrender the license to the issuing authority within 30 days of the date of the order.

30. Section 6 of P.L.1996, c.7 (C.2A:17-56.44) is amended to read as follows:

C.2A:17-56.44 Suspension, revocation procedures.

6. a. The Probation Division shall provide the licensing authority with a copy of the order requiring the suspension or revocation of a license. Upon receipt of an order requiring the suspension or revocation of a license, the licensing authority shall immediately notify the licensee of the effective date of the suspension or revocation, which shall be 20 days after the postmark of the notice, direct the licensee to refrain from engaging in the activity associated with the license, surrender any license as required by law, and inform the licensee that the license shall not be reinstated until the court or Probation Division certifies that the conditions which resulted in the suspension or revocation are satisfied. The Probation Division and the State IV-D agency in association with the affected licensing authorities may develop electronic or magnetic tape data transfers to notify licensing authorities of restrictions, suspensions, revocations and reinstatements. No liability shall be imposed on a licensing authority for suspending or revoking a license if the action is in response to a court order issued in accordance with P.L.1996, c.7(C.2A:17-56.41 et seq.). Licensing authorities shall not have jurisdiction to modify, remand, reverse, vacate or stay a court order to restrict, suspend or revoke a license for non-payment of child support.

b. If a licensee, upon receipt of the notice of suspension or revocation from the licensing authority, disputes that he is an obligor, the licensee shall notify the licensing authority and the Probation Division by registered mail within 20 days of the postmark of the notice and request a hearing. Upon receipt of the licensee's request for a hearing, the Probation Division shall determine if the licensee is an obligor. If the Probation Division determines that the licensee is an obligor, the Probation Division shall file a petition for a judicial hearing on the issue of whether the licensee is an obligor. The hearing shall occur within 30 days. If the Probation Division determines that the licensee is not an obligor, the Probation Division shall so notify the licensee and the licensing authority. The licensing authority shall not

suspend or revoke a person's license, if the licensing authority received proper notice of the licensee's request for a hearing pursuant to this subsection, until the court finds that the licensee is an obligor. The Probation Division shall notify the licensing authority of the court's finding. Upon receipt of the court's finding that the licensee is an obligor, the licensing authority shall immediately suspend or revoke the obligor's license without additional review or hearing.

c. The revocation or suspension of a license ordered by the court in accordance with P.L.1996, c.7(C.2A:17-56.41 et seq.) shall continue until the Probation Division or the obligor files with the licensing authority a certified court order restoring the license.

d. Each licensing authority shall require license applicants to certify on the license application form, under penalty of perjury, that the applicant does not have a child support obligation, the applicant does have such an obligation but the arrearage amount does not equal or exceed the amount of child support payable for six months and any court-ordered health care coverage has been provided for the past six months, the applicant has not failed to respond to a subpoena relating to a paternity or child support proceeding, or the applicant is not the subject of a child-support related warrant. A license shall not be granted to an obligor who applies for a license if there is an arrearage equal to or exceeding the amount of child support payable for six months, the applicant has not provided court-ordered health care coverage during the past six months or the applicant has failed to respond to a subpoena relating to a paternity or child support proceeding or is the subject of a child support-related warrant. The application form shall state that making a false statement may subject the applicant to contempt of court. It shall also state that if the applicant's certification is found to be false, the licensing authority shall take disciplinary action including, but not limited to, immediate revocation or suspension of the license.

e. For all licenses issued or renewed in the State after the effective date of P.L.1996, c.7(C.2A:17-56.41 et seq.), the licensing authority shall record the full name, mailing address, Social Security number and date of birth of the applicant or licensee. All affected licensing authorities shall cooperate and enter into agreements with the Probation Division and the State IV-D agency to exchange information to effectuate the purposes of P.L.1996, c.7(C.2A:17-56.41 et seq.). The Division of Motor Vehicles in the Department of Transportation and other appropriate licensing agencies shall amend their regulations and public notices to permit Social Security numbers collected by those agencies to be used for child support enforcement purposes. License information obtained through data matches with

licensing authorities shall be maintained on the State case registry in the Department of Human Services for future use.

31. Section 11 of P.L.1996, c.7 (C.2A:17-56.49) is amended to read as follows:

C.2A:17-56.49 Applicability of act.

11. The license revocation provisions of P.L.1996, c.7 (C.2A:17-56.41 et seq.) apply to all orders issued before or after the effective date of P.L.1996, c.7 (C.2A:17-56.41 et seq.). All child support arrearage and health care coverage provisions in existence on or before the effective date of P.L.1996, c.7 (C.2A:17-56.41 et seq.) shall be included in determining whether a case is eligible for enforcement in accordance with P.L.1996, c.7 (C.2A:17-56.41 et seq.). P.L.1996, c.7 (C.2A:17-56.41 et seq.) applies to all child support obligations ordered by any state, territory or district of the United States that are being enforced by the Probation Division, that are payable directly to the obligee, or have been registered in this State in accordance with the "Uniform Interstate Family Support Act," P.L.1998, c.2 (C.2A:4-30.65 et seq.).

32. Section 1 of P.L.1991, c.384 (C.5:9-13.1) is amended to read as follows:

C.5:9-13.1 Initiation of data exchange; prohibition on assignments, certain.

1. a. The Director of the Division of the State Lottery in the Department of the Treasury and the Director of the Division of Family Development in the Department of Human Services shall initiate an ongoing data exchange in the Office of Telecommunications and Information Systems in the Department of the Treasury before a payment is made of a State lottery prize in excess of \$600.

b. A delinquent Title IV-D obligor who is an annuity award winner shall be prohibited from assigning the annuity award.

33. Section 2 of P.L.1991, c.384 (C.5:9-13.2) is amended to read as follows:

C.5:9-13.2 Provision of child support arrears and public assistance overpayment lists.

2. The Commissioner of Human Services shall periodically supply the Office of Telecommunications and Information Systems with a list of:

a. those individuals in arrears of a court ordered child support obligation; and

b. those former recipients of Aid to Families with Dependent Children, pursuant to P.L.1959, c.86 (C.44:10-1 et seq.) or Work First New Jersey,

pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), food stamp benefits issued pursuant to Pub.L. 95-113, Title XIII (7 U.S.C. s.2011 et seq.), or low-income home energy assistance benefits issued pursuant to Pub.L. 97-35, Title XXVI (42 U.S.C. s.8621 et seq.) who incurred an overpayment which has not been repaid.

34. Section 4 of P.L.1991, c.384 (C.5:9-13.4) is amended to read as follows:

C.5:9-13.4 Cross check of social security numbers with lottery list.

4. The Office of Telecommunications and Information Systems shall cross check the lottery list with the data supplied by the Commissioner of Human Services for a social security number match. If a match is made, the Office of Telecommunications and Information Systems shall notify the Commissioner of Human Services.

35. Section 5 of P.L.1991, c.384 (C.5:9-13.5) is amended to read as follows:

C.5:9-13.5 Withholding of certain lottery winnings.

5. If a lottery prize claimant is in arrears of a child support order, or is a former recipient of Aid to Families with Dependent Children or Work First New Jersey, food stamp benefits or low-income home energy assistance benefits who has incurred an overpayment which has not been repaid, the Department of Human Services shall promptly notify the Department of the Treasury and the Division of the State Lottery of the claimant's name, address, social security number and amount due on an arrears child support order or the amount due on an overpayment. The Department of the Treasury shall withhold this amount from the pending lottery payment and transmit same to the Department of Human Services or the Probation Division, as the case may be, in accordance with regulations promulgated by the State Treasurer.

36. Section 6 of P.L.1991, c.384 (C.5:9-13.6) is amended to read as follows:

C.5:9-13.6 Lien on lottery proceeds.

6. The county welfare agency which provided the public assistance benefits or the Probation Division, acting as agent for the child support payee, shall have a lien on the proceeds of the State lottery prize in an amount equal to the amount of child support arrearage or the amount of overpayment incurred.

The lien imposed by this act shall be enforceable in the Superior Court.

37. Section 9 of P.L.1991, c.384 (C.5:9-13.9) is amended to read as follows:

C.5:9-13.9 Implementation costs.

9. The costs associated with or necessary for the implementation of P.L.1991, c.384 (C.5:9-13.1 et seq.) shall be borne by the Department of Human Services.

38. Section 4 of P.L.1983, c.17 (C.9:17-41) is amended to read as follows:

C.9:17-41 Establishment of parent-child relationship; termination of natural parental rights; action.

4. The parent and child relationship between a child and:
 - a. The natural mother, may be established by proof of her having given birth to the child, or under P.L.1983, c.17 (C.9:17-38 et seq.);
 - b. The natural father, may be established by proof that his paternity has been adjudicated under prior law; under the laws governing probate; by giving full faith and credit to a determination of paternity made by any other state or jurisdiction, whether established through voluntary acknowledgment or through judicial or administrative processes; by a Certificate of Parentage as provided in section 7 of P.L.1994, c.164 (C.26:8-28.1) that is executed by the father, including an unemancipated minor, prior to or after the birth of a child, and filed with the appropriate State agency; by a default judgment or order of the court; or by an order of the court based on a blood test or genetic test that meets or exceeds the specific threshold probability as set by subsection i. of section 11 of P.L.1983, c.17 (C.9:17-48) creating a rebuttable presumption of paternity.

In accordance with section 331 of Pub.L.104-193, a signed voluntary acknowledgment of paternity shall be considered a legal finding of paternity subject to the right of the signatory to rescind the acknowledgment within 60 days of the date of signing, or by the date of establishment of a support order to which the signatory is a party, whichever is earlier.

The adjudication of paternity shall only be voided upon a finding that there exists clear and convincing evidence of: fraud, duress or a material mistake of fact, with the burden of proof upon the challenger;

- c. An adoptive parent, may be established by proof of adoption;
- d. The natural mother or the natural father, may be terminated by an order of a court of competent jurisdiction in granting a judgment of adoption or as the result of an action to terminate parental rights;
- e. The establishment of the parent and child relationship pursuant to subsections a., b., and c. of this section shall be the basis upon which an

action for child support may be brought by a party and acted upon by the court without further evidentiary proceedings;

f. In any case in which the parties execute a Certificate of Parentage or a rebuttable presumption of paternity is created through genetic testing, the presumption of paternity under section 6 of P.L.1983, c.17 (C.9:17-43) shall not apply;

g. Pursuant to the provisions of section 331 of Pub.L.104-193, the child and other parties in a contested paternity case shall submit to a genetic test upon the request of one of the parties, unless that person has good cause for refusal, if the request is supported by a sworn statement by the requesting party:

(1) alleging paternity and setting forth the facts establishing a reasonable possibility of the requisite sexual contact between the parties; or

(2) denying paternity and setting forth the facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties;

h. In a contested paternity case in which the State IV-D agency requires or the court orders genetic testing, the State IV-D agency shall:

(1) pay the costs of the genetic test and may recoup payment from the alleged father whose paternity is established; and

(2) obtain additional testing if the initial test results are contested, and upon the request and advance payment for the additional test by the contestant.

39. Section 8 of P.L.1983, c.17 (C.9:17-45) is amended to read as follows:

C.9:17-45 Action to determine existence of parent-child relationship.

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

b. No action shall be brought under P.L.1983, c.17 (C.9:17-38 et seq.) more than five years after the child attains the age of majority.

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

d. Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with subsection c. of section 11 of P.L.1983, c.17 (C.9:17-48) between an alleged or presumed father and the mother of the child, shall not bar an action under this section.

e. If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony. The court may consider the issue of medical expenses and may order the alleged father to pay the reasonable expenses of the mother's pregnancy and postpartum disability. Bills for pregnancy, childbirth and genetic testing are admissible as evidence without requiring third party foundation testimony, and shall constitute prima facie evidence of the amounts incurred for such services or for testing on behalf of the child.

f. This section does not extend the time within which a right of inheritance or a right to succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise, or limit any time period for the determination of any claims arising under the laws governing probate, including the construction of wills and trust instruments.

40. Section 11 of P.L.1983, c.17 (C.9:17-48) is amended to read as follows:

C.9:17-48 Consent conference; settlement; contested cases, testing; presumptions.

11. a. As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, a consent conference shall be held by the Superior Court, Chancery Division, Family Part intake service, the Probation Division or the county welfare agency. At the request of either party, the determination of paternity may be referred directly to the court in lieu of the consent process. A court appearance shall be scheduled in the event that a consent agreement cannot be reached.

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

- (1) That the action be dismissed with or without prejudice; or
- (2) That the alleged father voluntarily acknowledge his paternity of the child.

c. If the parties accept a recommendation made in accordance with subsection b. of this section, which has been approved by the court, judgment shall be entered or a Certificate of Parentage shall be executed accordingly.

d. If a party refuses to accept a recommendation made under subsection b. of this section or the consent conference is terminated because it is unlikely that all parties would accept a recommendation pursuant to subsection b. of this section, and blood tests or genetic tests have not been taken, the county welfare agency shall require or the court shall order the child and the parties to submit to blood tests or genetic tests unless a party claims, and the county welfare agency or the court finds, good cause for not ordering the tests. The court may hear and decide motions to challenge a directive issued by the county welfare agency requiring a party to submit to blood or genetic tests. A genetic test shall be ordered upon the request of either party, if the request is supported by a sworn statement by the requesting party which alleges paternity and sets forth the facts establishing a reasonable possibility of the requisite sexual contact between the parties or denies paternity and sets forth the facts establishing a reasonable possibility of the nonexistence of sexual contact between the parties. If a party refuses to acknowledge paternity based upon the blood or genetic test results, the action shall be set for a hearing.

If the results of the blood test or genetic test indicate that the specific threshold probability, as set by subsection i. of this section to establish paternity has been met or exceeded, the results shall be received in evidence as a rebuttable presumption of paternity without requiring any additional foundation testimony or proof of authenticity or accuracy of the paternity testing or results. In actions based on allegations of fraud or inaccurate analysis, the court or the county welfare agency shall require that additional blood or genetic tests be scheduled within 10 days of the request and be performed by qualified experts. Additional blood or genetic tests shall be paid for in advance by the requesting party.

If a party objects to the results of the blood or genetic tests, the party shall make the objection to the appropriate agency, in writing, within 10 days of the consent conference or hearing.

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

f. (Deleted by amendment, P.L.1994, c.164).

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

h. The refusal to submit to a blood test or genetic test required pursuant to subsection d. of this section, or both, shall be admitted into evidence and shall give rise to the presumption that the results of the test would have been unfavorable to the interests of the party who refused to

submit to the test. Refusal to submit to a blood test or genetic test, or both, is also subject to the contempt power of the court.

i. Blood test or genetic test results indicating a 95% or greater probability that the alleged father is the father of the child shall create a presumption of paternity which may be rebutted only by clear and convincing evidence that the results of the test are not reliable in that particular case.

j. If a party refuses to acknowledge paternity or does not appear at a consent conference conducted by the county welfare agency, the county welfare agency shall refer the matter to the court for adjudication. For purposes of establishing paternity, the blood or genetic test results shall be admitted into evidence at the hearing without the need for foundation testimony or other proof of authenticity or accuracy, unless an objection is made.

41. Section 16 of P.L.1983, c.17 (C.9:17-53) is amended to read as follows:

C.9:17-53 Judgment, order of court, certificate of parentage; amendment of birth record; amount of support.

16. a. The judgment or order of the court or a Certificate of Parentage determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

b. If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that an amendment to the original birth record be made under section 22 of P.L.1983, c.17 (C.9:17-59).

c. The judgment or order may contain any other provision directed against the appropriate party to the proceeding concerning the duty of support, the custody and guardianship of the child, parenting time privileges with the child, the furnishing of bond or other security for the payment of the judgment, the repayment of any public assistance grant, or any other matter in the best interests of the child. The judgment or order may direct the father to pay the reasonable expenses of the mother's pregnancy and postpartum disability, including repayment to an agency which provided public assistance funds for those expenses. Bills for pregnancy, childbirth and blood or genetic testing are admissible as evidence without requiring third party foundation testimony, and shall constitute prima facie evidence of the amounts incurred for these services or for testing on behalf of the child.

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

e. In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, the court shall apply the child support guidelines as defined in section 3 of P.L.1998, c.1 (C.2A:17-56.52). In cases in which the court finds that a deviation from these guidelines is appropriate, the court shall consider all relevant facts when determining the amount of support, including the:

- (1) Needs of the child;
- (2) Standard of living and economic circumstances of each parent;
- (3) Income and assets of each parent, including any public assistance grant received by a parent;
- (4) Earning ability of each parent, including educational background, training, employment skills, work experience, custodial responsibility for children and the length of time and cost for each parent to obtain training or experience for appropriate employment;
- (5) Need and capacity of the child for education, including higher education;
- (6) Age and health of the child and each parent;
- (7) Income, assets and earning ability of the child;
- (8) Responsibility of the parents for the support of others; and
- (9) Debts and liabilities of each child and parent.

The factors set forth herein are not intended to be exhaustive. The court may consider such other factors as may be appropriate under the circumstances.

f. Upon a motion by a party, the court shall enter a temporary support order pending a judicial determination of parentage if there is clear and convincing evidence of paternity supported by blood or genetic test results or other evidence.

42. R.S.26:8-28 is amended to read as follows:

Birth certificate required; information furnished.

26:8-28. a. Within five days after each birth, there shall be filed with the local registrar of the district in which the birth occurred a certificate of the birth filled out with durable black or blue ink in a legible manner. The name of the father shall be included on the record of birth of the child of unmarried parents only if the father and mother have signed a voluntary acknowledgment of paternity; or a court or an administrative agency of competent jurisdiction has issued an adjudication of paternity.

Nothing in this section shall preclude the State IV-D agency from obtaining an admission of paternity from the father for submission in a judicial or administrative proceeding, or prohibit the issuance of an order in a judicial or administrative proceeding which bases a legal finding of

paternity on an admission of paternity by the father and any other additional showing required by State law.

b. As part of the birth record, all information required by the State IV-D agency pursuant to section 7 of P.L.1994, c.164 (C.26:8-28.1) shall be recorded on a separate form provided or approved by the State registrar pursuant to subsection c. of R.S.26:8-24, and filed with the State IV-D agency pursuant to R.S.26:8-30 and R.S.26:8-31 for the establishment and enforcement of child support matters in the State. For the purposes of this subsection, "State IV-D agency" means the agency in the Department of Human Services designated to administer the Title IV-D Child Support Program.

c. The State registrar shall require each parent to provide his Social Security number in accordance with procedures established by the State registrar. The Social Security numbers furnished pursuant to this section shall be used exclusively for child support enforcement purposes.

d. The certificate of birth shall include the blood type of the child.

43. Section 7 of P.L.1994, c.164 (C.26:8-28.1) is amended to read as follows:

C.26:8-28.1 Contents of certificate of parentage.

7. A Certificate of Parentage may serve to satisfy the method of collection of Social Security numbers as required pursuant to subsection c. of R.S.26:8-28 and shall serve as the voluntary acknowledgment of paternity by a father. The Certificate of Parentage shall contain, at a minimum, the following information:

- a. a sworn statement by the father that he is the natural father of the child;
- b. the Social Security numbers, except in those cases in which a person is ineligible to apply for one, and addresses of the father and mother;
- c. the signature of the mother and father authenticated by a witness or notary; and
- d. instructions for filing the Certificate of Parentage with the agency designated by the State IV-D agency.

In addition, the State IV-D agency, in cooperation with birthing centers and hospitals providing maternity services and social services or health care providers as designated by the Commissioner of Human Services that may provide voluntary acknowledgment or paternity services, shall provide information orally, or through the use of video or audio equipment, and in writing to the father and mother of the child explaining the implications of signing a Certificate of Parentage, including the parental rights, responsibilities and financial obligations, as well as the availability of paternity establishment services and child support enforcement services.

44. R.S.26:8-30 is amended to read as follows:

Execution, return of certificate of birth; availability of certificate of parentage; challenge to acknowledgment of paternity.

26:8-30. The attending physician, midwife or person acting as the agent of the physician or midwife, who was in attendance upon the birth shall be responsible for the proper execution and return of a certificate of birth, which certificate shall be upon the form provided or approved by the State department, and for making available to the mother and natural father a Certificate of Parentage along with related information as required by the State IV-D agency and pursuant to section 452(a)(F) of the federal Social Security Act (42 U.S.C. s.652(a)(F)). It shall be the responsibility of personnel at the hospital or birthing facility to offer an opportunity to the child's natural father to execute a Certificate of Parentage. Failure of the natural father or mother to execute the Certificate of Parentage and the date of the request shall be noted on the Certificate of Parentage. The Certificate of Parentage shall be filed with the State IV-D agency or its designee. The provision of services related to paternity acknowledgment shall not be required when a legal action is pending in the case, such as adoption, or State law prohibits such intervention.

For the purposes of this section, "State IV-D agency" means the agency in the Department of Human Services designated to administer the Title IV-D Child Support Program.

A signed voluntary acknowledgment of paternity may be challenged in court within 60 days from the date of the signing of the Certificate of Parentage or by the date of the establishment of a support order to which the signatory is a party, whichever date is earlier. The challenge may be made only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and the legal responsibilities of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown. A signed voluntary acknowledgment of paternity shall be considered a legal finding of paternity with the same force and effect as a court order or judgment establishing paternity. No judicial or administrative proceedings are required to ratify an unchallenged acknowledgment of paternity.

45. R.S.37:1-17 is amended to read as follows:

Marriage license; information provided.

37:1-17. On the marriage license shall be the form for the certificate of marriage in quadruplicate, to which the licensing officer shall have set forth particularly therein the name, age, parentage, race, birthplace, residence, Social Security number and condition (whether single, widowed or

divorced) of each of the married persons, and the names and county of birth of their parents. The Social Security number shall be kept confidential and may only be released for child support enforcement purposes, and shall not be considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). The person by whom or the religious society, institution, or organization by or before which, the marriage was solemnized, shall personally or by legally authorized agent subscribe where indicated on the form the date and place of the marriage. Each certificate of marriage shall also contain the signature and residence of at least two witnesses who were present at the marriage ceremony.

46. Section 12 of P.L.1983, c.17 (C.9:17-49) is amended to read as follows:

C.9:17-49 Civil action under act; trial by court.

12. a. An action under this act is a civil action governed by the Rules Governing the Courts of the State of New Jersey.

b. The trial shall be by the court without a jury.

Repealer.

47. The following are repealed:
Section 1 of P.L.1981, c.417 (C.2A:17-56.7);
Sections 1 and 14 of P.L.1985, c.278 (C.2A:17-56.26 and 2A:17-56.17); and
Section 2 of P.L.1996, c.7 (C.2A:17-56.40).

48. This act shall take effect immediately.

Approved March 5, 1998.

CHAPTER 2

AN ACT concerning support proceedings, supplementing Title 2A of the New Jersey Statutes and repealing P.L.1981, c.243 and sections 15 and 16 of P.L.1985, c.278.

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

ARTICLE 1 GENERAL PROVISIONS

C.2A:4-30.65 Definitions relative to child support proceedings.

1. As used in this act:

"Child" means a person, whether over or under the age of majority, who is or is alleged to be owed a duty of support by the person's parent or who is or is alleged to be the beneficiary of a support order directed to the parent.

"Child support order" means a support order for a child, including a child who has attained the age of majority under the law of the issuing state.

"Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse, including an unsatisfied obligation to provide support.

"Home state" means the state in which a child lived with a parent or a person acting as parent for at least six consecutive months immediately preceding the time of filing of a complaint or comparable pleading for support and, if a child is less than six months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the six-month or other period.

"Income" for the purposes of enforcing a support order, means, but is not limited to, commissions, salaries, earnings, wages, rent monies, unemployment compensation, workers' compensation, any legal or equitable interest or entitlement owed that was acquired by a cause of action, suit, claim or counterclaim, insurance benefits, claims, accounts, assets of estates, inheritances, trusts, federal or State income tax refunds, homestead rebates, State lottery prizes, casino and racetrack winnings, annuities, retirement benefits, veteran's benefits, union benefits, or any other earnings or other periodic entitlements to money from any source and any other property subject to withholding for child support pursuant to State law.

For the purposes of establishing a support order, income is defined pursuant to the child support guidelines in Appendix IX of the Rules Governing the Courts of the State of New Jersey.

"Income-withholding order" means an order or other legal process directed to an obligor's employer as defined by the "New Jersey Child Support Improvement Act," P.L.1998, c.1 (C.2A:17-56.7a et al.) to withhold support from the income of the obligor.

"Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this act or a law or procedure substantially similar to this act, or under a law or procedure substantially similar to the "Uniform Reciprocal Enforcement of Support Act," or the "Revised Uniform Reciprocal Enforcement of Support Act."

"Initiating tribunal" means the authorized tribunal in an initiating state.

"Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

"Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

"Law" includes decisional and statutory law, and rules and regulations having the force of law.

"Obligee" means an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered; a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or an individual seeking a judgment determining parentage of the individual's child or providing for the support of a child.

"Obligor" means an individual, or the estate of a decedent who owes or is alleged to owe a duty of support; who is alleged but has not been adjudicated to be a parent of a child; or who is liable under a support order.

"Register" means to record a support order or judgment determining parentage in the registering tribunal.

"Registering tribunal" means a tribunal in which a support order is registered.

"Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this act or a law substantially similar to this act, or under a law or procedure substantially similar to the "Uniform Reciprocal Enforcement of Support Act," or the "Revised Uniform Reciprocal Enforcement of Support Act."

"Responding tribunal" means the authorized tribunal in a responding state.

"Spousal-support order" means a support order for a spouse or former spouse of the obligor.

"State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States. State includes:

- a. an Indian tribe; and
- b. a foreign jurisdiction that has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this act or the procedures under the "Uniform Reciprocal Enforcement of Support Act," or the "Revised Uniform Reciprocal Enforcement of Support Act."

"State IV-D agency" means the Department of Human Services.

"Support enforcement agency" means a public official or agency authorized to seek: enforcement of support orders or laws relating to the duty of support; establishment or modification of child support; determination of parentage; or to locate obligors or their assets. In this State, the Probation Division shall be the support enforcement agency.

"Support order" means a judgment, decree, or order, whether temporary, final, or subject to modification, for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care coverage,

arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

"Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage.

C.2A:4-30.66 Tribunal designated.

2. The Superior Court, Chancery Division, Family Part is the tribunal of this State.

C.2A:4-30.67 Remedies provided deemed cumulative.

3. Remedies provided by this act are cumulative and do not affect the availability of remedies under other law.

ARTICLE 2
JURISDICTION

PART A
EXTENDED PERSONAL JURISDICTION

C.2A:4-30.68 Personal jurisdiction over nonresident individual.

4. In a proceeding to establish, enforce, or modify a support order or to determine parentage, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

- a. the individual is personally served with a summons or notice within this State;
- b. the individual submits to the jurisdiction of this State by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;
- c. the individual resided with the child in this State;
- d. the individual resided in this State and provided prenatal expense or support for the child;
- e. the child resides in this State as a result of the acts or directives of the individual;
- f. the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse; or
- g. there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

C.2A:4-30.69 Applicable laws governing exercise of jurisdiction over nonresident.

5. A tribunal of this State exercising personal jurisdiction over a nonresident under section 4 of this act may apply section 28 of this act to receive evidence from another state, and section 30 of this act to obtain discovery through a tribunal of another state. In all other respects, sections

13 through 53 of this act do not apply and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of law other than those established by this act.

PART B PROCEEDINGS INVOLVING TWO OR MORE STATES

C.2A:4-30.70 Initiating, responding tribunal.

6. Under this act, a tribunal of this State may serve as an initiating tribunal to forward proceedings to another state and as a responding tribunal for proceedings initiated in another state.

C.2A:4-30.71 Establishment of support order, jurisdictional basis.

7. a. A tribunal of this State may exercise jurisdiction to establish a support order if the complaint, petition or comparable pleading is filed after a complaint or comparable pleading is filed in another state only if:

- (1) the complaint, petition or comparable pleading in this State is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;
- (2) the contesting party timely challenges the exercise of jurisdiction in the other state; and
- (3) if relevant, this State is the home state of the child.

b. A tribunal of this State may not exercise jurisdiction to establish a support order if the complaint, petition or comparable pleading is filed before a petition or comparable pleading is filed in another state if:

- (1) the complaint, petition or comparable pleading in the other state is filed before the expiration of the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State;
- (2) the contesting party timely challenges the exercise of jurisdiction in this State; and
- (3) if relevant, the other state is the home state of the child.

C.2A:4-30.72 Continuing exclusive jurisdiction of tribunal; exceptions; modifications.

8. a. A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a child support order:

- (1) as long as this State remains the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or
- (2) until all of the parties who are individuals have filed written consents with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction.

b. A tribunal of this State issuing a child support order consistent with the law of this State may not exercise its continuing jurisdiction to modify

the order if the order has been modified by a tribunal of another state pursuant to this act or a law substantially similar to this act.

c. If a child support order of this State is modified by a tribunal of another state pursuant to this act or a law substantially similar to this act, a tribunal of this State loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this State and may only:

(1) enforce the order that was modified as to amounts accruing before the modification;

(2) enforce nonmodifiable aspects of that order; and

(3) provide other appropriate relief for violations of that order which occurred before the effective date of the modification.

d. A tribunal of this State shall recognize the continuing, exclusive jurisdiction of a tribunal of another state which has issued a child support order pursuant to this act or a law substantially similar to this act.

e. A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

f. A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this State may not modify a spousal support, custody visitation, or non-child support provisions of an order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

C.2A:4-30.73 Powers of initiating, responding tribunals.

9. a. A tribunal of this State shall serve as an initiating tribunal to request a tribunal of another state to enforce or modify a support order issued in that state.

b. A tribunal of this State having continuing, exclusive jurisdiction over a support order may act as a responding tribunal to enforce or modify the order. If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply section 28 of this act to receive evidence from another state and section 30 of this act to obtain discovery through a tribunal of another state.

c. A tribunal of this State which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.

PART C
RECONCILIATION OF MULTIPLE OBLIGATIONS

C.2A:4-30.74 Recognition of orders by tribunals; conditions.

10. a. If a proceeding is brought under this act, and only one tribunal has issued a child support order, the order of that tribunal controls and shall be so recognized.

b. If a proceeding is brought under this act, and two or more child support orders have been issued by tribunals of this State or another state with regard to the same obligor and child, a tribunal of this State shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this act, the order of that tribunal controls and shall be so recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this act, an order issued by a tribunal in the current home state of the child shall be recognized, but if an order has not been issued in the current home state of the child, the order most recently issued controls and shall be recognized.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this act, the tribunal of this State having jurisdiction over the parties, shall issue a child support order which controls and shall be so recognized.

c. If two or more child support obligations have been issued for the same obligor and child and if the obligor or the individual obligee resides in this State, a party may request a tribunal of this State to determine which order controls and shall be recognized under subsection b. of this section. The request shall be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by a determination.

d. The tribunal that issued the controlling order that shall be recognized as controlling under subsection a., b., or c. of this section is the tribunal that has continuing, exclusive jurisdiction.

e. A tribunal of this State which determines by order the identity of the controlling order under paragraph (1) or (2) of subsection b. of this section or which issues a new controlling order under paragraph (3) of subsection b. of this section shall state in that order the basis upon which the tribunal made its determination.

f. Within 30 days after issuance of the order determining the identity of the controlling order, the party obtaining that order shall file a certified copy of it with each tribunal that issued or registered an earlier order of child support. A party who obtains the order and fails to file a certified copy, is subject to appropriate sanctions by a tribunal in which the issue of failure to

file arises, but that failure has no effect on the validity or enforceability of the controlling order.

C.2A:4-30.75 Response to multiple registrations, petitions for enforcement.

11. In responding to multiple registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this State shall enforce those orders in the same manner as if the multiple orders had been issued by a tribunal of this State.

C.2A:4-30.76 Crediting of amounts collected.

12. Amounts collected and credited for a particular period pursuant to a support order issued by a tribunal of another state must be credited against the amounts accruing or accrued for the same period under a support order issued by a tribunal of this State.

**ARTICLE 3
CIVIL PROVISIONS OF GENERAL APPLICATION**

C.2A:4-30.77 Applicability of article; proceedings.

13. a. Except as otherwise provided in this act, this article applies to all proceedings under this act.

b. This act provides for the following proceedings:

(1) establishment of an order for spousal support or child support pursuant to section 32 of this act;

(2) enforcement of a support order and income-withholding order of another state without registration pursuant to sections 33 through 39 of this act;

(3) registration of an order for spousal support or child support of another state for enforcement pursuant to sections 40 through 53 of this act;

(4) modification of an order for child support or spousal support issued by a tribunal of this State pursuant to sections 6 through 9 of this act;

(5) registration of an order for child support of another state for modification pursuant to sections 40 through 53 of this act;

(6) determination of parentage pursuant to section 54 of this act; and

(7) assertion of jurisdiction over nonresidents pursuant to sections 4 and 5 of this act.

c. An individual or a support enforcement agency may commence a proceeding authorized under this act by filing a complaint, petition or comparable pleading in an initiating tribunal for forwarding to a responding tribunal or by filing a complaint, petition or a comparable pleading directly

in a tribunal of another state which has or can obtain personal jurisdiction over the respondent.

C.2A:4-30.78 Maintenance of proceeding for benefit of child of a minor.

14. A minor parent, or a guardian or other legal representative of a minor parent, may maintain a proceeding on behalf of or for the benefit of the minor's child.

C.2A:4-30.79 Duties of responding tribunal of New Jersey.

15. Except as otherwise provided by this act, a responding tribunal of this State:

a. shall apply the procedural and substantive law, including the rules on choice of law, generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and

b. shall determine the duty of support and the amount payable in accordance with the law and support guidelines of this State.

C.2A:4-30.80 Forwarding of documents by initiating tribunal, support enforcement agency to responding state.

16. a. Upon the filing of a complaint, petition or comparable pleading authorized by this act, an initiating tribunal or the support enforcement agency of this State shall forward three copies of the complaint, petition or comparable pleading and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

b. If a responding state has not enacted this act or a law or procedure substantially similar to this act, a tribunal of this State may issue a certificate or other documents and make findings required by the law of the responding state. If the responding state is a foreign jurisdiction, the tribunal may specify the amount of support sought and provide other documents necessary to satisfy the requirements of the responding state.

C.2A:4-30.81 Filing of complaint, petition, comparable pleading; notification to petitioner; powers of tribunal.

17. a. When a responding tribunal of this State receives a complaint, petition or comparable pleading from an initiating tribunal or directly pursuant to subsection c. of section 13 of this act, it shall cause the complaint, petition or comparable pleading to be filed and notify the petitioner where and when it was filed.

b. A responding tribunal of this State, to the extent otherwise authorized by law, may do one or more of the following:

- (1) issue or enforce a support order, modify a child support order, or render a judgment to determine parentage;
- (2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;
- (3) order income withholding;
- (4) determine the amount of any arrearages, and specify a method of payment;
- (5) enforce orders by civil or criminal contempt, or both;
- (6) set aside property for satisfaction of the support order;
- (7) place liens and order execution on the obligor's property;
- (8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;
- (9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and State computer systems for criminal warrants;
- (10) order the obligor to seek appropriate employment by specified methods;
- (11) award reasonable attorney's fees and other fees and costs; and
- (12) grant any other available remedy.

c. A responding tribunal of this State shall include in a support order issued under this act, or in the documents accompanying the order, the calculations on which the support order is based.

d. A responding tribunal of this State may not condition the payment of a support order issued under this act upon compliance by a party with provisions for visitation.

e. If a responding tribunal of this State issues an order under this act, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any, or may deliver a copy to the parties at the conclusion of a proceeding.

C.2A:4-30.82 Forwarding of documents to appropriate tribunal.

18. If a complaint, petition or comparable pleading is received by an inappropriate tribunal of this State, it shall forward the pleading and accompanying documents to an appropriate tribunal in this State or another state and notify the petitioner and the initiating tribunal, if any, where and when the pleading was sent.

C.2A:4-30.83 Services to petitioner provided by support enforcement agency.

19. a. A support enforcement agency of this State, upon request, shall provide services to a petitioner in a proceeding under this act.

b. A support enforcement agency that is providing services to the petitioner, as appropriate, shall:

(1) take all steps necessary to enable an appropriate tribunal in this State or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

c. This act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency.

C.2A:4-30.84 Attorney General may order support enforcement agency to perform duties.

20. If the Attorney General determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the Attorney General may order the agency to perform its duties under this act or may provide those services directly to the individual.

C.2A:4-30.85 Employment of private counsel.

21. An individual may employ private counsel to represent the individual in proceedings authorized by this act. If the tribunal of this State is acting as a responding tribunal and the petitioner or initiating support enforcement agency has not employed private counsel in this State, the State IV-D agency shall provide legal representation in IV-D cases to the petitioner or the initiating support enforcement agency, if any, in all proceedings brought under this act. The State IV-D agency shall not assess fees or other costs on the petitioner or the initiating support enforcement agency, if any, for such representation.

C.2A:4-30.86 AOC designated State information agency; duties.

22. a. The Administrative Office of the Courts is the State information agency under this act.

b. The State information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under this act and any support

enforcement agencies in this State and transmit a copy to the state information agency of every other state;

(2) maintain a register of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the place in this State in which the individual obligee or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this act received from the initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state parent locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses and social security.

C.2A:4-30.87 Verification of complaint, petition, pleadings; contents.

23. a. A petitioner seeking to establish or modify a support order or to determine parentage in a proceeding under this act shall verify the complaint, petition or comparable pleading. Unless otherwise ordered under section 24 of this act, the complaint, petition or comparable pleading or accompanying documents shall provide, so far as known, the name, residential address, and social security numbers of the obligor and the obligee, and the name, sex, residential address, social security number, and date of birth of each child for whom support is sought. The complaint, petition or comparable pleading shall be accompanied by a certified copy of any support order in effect. The complaint, petition or comparable pleading may include any other information that may assist in locating or identifying the respondent.

b. The complaint, petition or comparable pleading shall specify the relief sought. The complaint, petition or comparable pleading and accompanying documents shall conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

C.2A:4-30.88 Disclosure of identifying information, protective order.

24. Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if any existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this act.

C.2A:4-30.89 Assessment of fees, costs.

25. a. The petitioner may not be required to pay a filing fee or other costs.

b. If an obligee prevails, a responding tribunal may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or responding state, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs and expenses.

c. The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under sections 33 through 46 of this act, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

C.2A:4-30.90 Participation by petitioner; immunity, certain.

26. a. Participation by a petitioner in a proceeding before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

b. A petitioner is not amenable to service of civil process while physically present in this State to participate in a proceeding under this act.

c. The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this act committed by a party while present in this State to participate in the proceeding.

C.2A:4-30.91 Nonparentage plea not available, certain.

27. A party whose parentage of a child has been previously determined by or pursuant to law may not plead nonparentage as a defense to a proceeding under this act.

C.2A:4-30.92 Physical presence of petitioner not required; evidentiary matters.

28. a. The physical presence of the petitioner in a responding tribunal of this State is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment determining parentage.

b. A verified complaint, petition or comparable pleading, affidavit, document substantially complying with federally mandated forms, or a document incorporated by reference in any of them, not excluded under the hearsay rule if given in person, is admissible in evidence if given under oath by a party or witness residing in another state.

c. A copy of the record of child support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. This copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

d. Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before the hearing, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

e. Documentary evidence transmitted from another state to a tribunal of this State by telephone, telecopier, or other means that do not provide an original writing may not be excluded from evidence on an objection based on the means of transmission.

f. In a proceeding under this act, a tribunal of this State may permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

g. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

h. A privilege against disclosure of communications between spouses does not apply in a proceeding under this act.

i. The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this act.

C.2A:4-30.93 Communication with out-of-State tribunal.

29. A tribunal of this State may communicate with a tribunal of another state in writing, or by telephone or other means, to obtain information concerning the laws of that state, the legal effects of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state. A tribunal of this State may furnish similar information by similar means to a tribunal of another state.

C.2A:4-30.94 Interstate discovery matters.

30. A tribunal of this State may:

- a. request a tribunal of another state to assist in obtaining discovery; and
- b. upon request, compel a person over whom it has jurisdiction to respond to a discovery order issued by a tribunal of another state.

C.2A:4-30.95 Prompt disbursement of amounts received.

31. A support enforcement agency shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

ARTICLE 4 ESTABLISHMENT OF SUPPORT ORDER

C.2A:4-30.96 Issuance of support order, temporary child support order.

32. a. If a support order entitled to recognition under this act has not been issued, a responding tribunal of this State may issue a support order if:

- (1) the individual seeking the order resides in another state; or
- (2) the support enforcement agency seeking the order is located in another state.

b. The tribunal may issue a temporary child support order if:

- (1) the respondent has signed a verified statement acknowledging parentage;
- (2) the respondent has been determined by or pursuant to law to be the parent; or
- (3) there is other clear and convincing evidence that the respondent is the child's parent.

c. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 17 of this act.

ARTICLE 5 ENFORCEMENT OF ORDER OF ANOTHER STATE WITHOUT REGISTRATION

C.2A:4-30.97 Income-withholding order issued out-of-State sent to payor.

33. An income-withholding order issued in another state may be sent to the person or entity defined as the obligor's payor under P.L.1981, c.417 (C.2A:17-56.7 et al.), P.L.1985, c.278 (C.2A:17-56.16 et seq.) and P.L.1998, c.1 (C.2A:17-56.7a et al.) without first filing a complaint, petition or comparable pleading or registering the order with a tribunal of this State.

C.2A:4-30.98 Income-withholding order received by employer, compliance.

34. a. Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

b. The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.

c. Except as otherwise provided in subsection d. of this section and section 35 of this act, the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order, which specify:

(1) the duration and amount of periodic payments of current child support, stated as a sum certain;

(2) the person or agency designated to receive payments and the address to which the payments are to be forwarded;

(3) health care coverage, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

d. The employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) the employer's fee for processing an income-withholding obligation;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the time periods within which the employer must implement the withholding order and forward the child support payments.

C.2A:4-30.99 Satisfaction of multiple orders of withholding.

35. If an obligor's employer receives multiple orders to withhold support from the earnings of the same obligor, the employer shall be deemed to have satisfied the terms of the multiple orders if the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for multiple child support obligees is complied with.

C.2A:4-30.100 Immunity from civil liability for employer.

36. An employer who complies with an income-withholding order issued in another state in accordance with this article is not subject to civil liability to an individual or agency with regard to the employer's withholding child support from the obligor's income.

C.2A:4-30.101 Noncompliance; penalties.

37. An employer who willfully fails to comply with an income-withholding order issued by another state and received for enforcement is subject to the same penalties that may be imposed for noncompliance with an order issued by a tribunal of this State.

C.2A:4-30.102 Contesting of validity, enforcement of income-withholding order.

38. a. An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State in the same manner as if the order had been issued by a tribunal of this State. Section 44 of this act applies to the contest.

b. The obligor shall give notice of the contest to:

- (1) a support enforcement agency providing services to the obligee;
- (2) each employer that has directly received an income-withholding obligation; and
- (3) the person or agency designated to receive payments in the income-withholding order or, if no person or agency is designated, to the obligee.

C.2A:4-30.103 Order issued out-of-State sent to support enforcement agency.

39. a. A party seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this State.

b. Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this act.

**ARTICLE 6
ENFORCEMENT AND MODIFICATION OF SUPPORT
ORDER AFTER REGISTRATION**

**PART A
REGISTRATION AND ENFORCEMENT OF SUPPORT ORDER**

C.2A:4-30.104 Registration of out-of-State order.

40. A support order or an income-withholding order issued by a tribunal of another state may be registered in this State for enforcement.

C.2A:4-30.105 Procedure for registration.

41. a. A support order or income-withholding order of another state may be registered in this State by sending the following documents and information to the appropriate tribunal in this State:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) two copies, including one certified copy, of all orders to be registered, including any modification of an order;

(3) a sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(a) the obligor's address and social security number;

(b) the name and address of the obligor's employer and any other source of income of the obligor; and

(c) a description and the location of property of the obligor in this State not exempt from execution; and

(5) the name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

b. On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

c. A complaint, petition or comparable pleading seeking a remedy that must be affirmatively sought under other laws of this State may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

C.2A:4-30.106 Filing of order; enforcement.

42. a. A support order or income-withholding order issued in another state is registered when the order is filed in the registering tribunal of this State.

b. A registered order issued in another state is enforceable in the same manner and is subject to the same procedures as an order issued by a tribunal of this State.

c. Except as otherwise provided in this article, a tribunal of this State shall recognize and enforce, but not modify, a registered order if the issuing tribunal had jurisdiction.

C.2A:4-30.107 Law of issuing state governs; longer statute of limitation applies.

43. a. The law of the issuing state governs the nature, extent, amount, and duration of current payments and other obligations of support and the payment of arrearages under the order.

b. In a proceeding for arrearages, the statute of limitation under the laws of this State or of the issuing state, whichever is longer, applies.

PART B CONTEST OF VALIDITY OR ENFORCEMENT

C.2A:4-30.108 Notification of nonregistering party by tribunal.

44. a. When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice shall be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

b. The notice shall inform the nonregistering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State;

(2) that a hearing to contest the validity or enforcement of the registered order shall be requested within 20 days after the date of mailing or personal service of the notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

c. Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the support enforcement agency or the obligor's employer pursuant to the "New Jersey Child Support Program Improvement Act," P.L.1998, c.1 (C.2A:17-56.7a et al.), P.L.1981, c.417 (C.2A:17-56.7 et al.) and P.L.1985, c.278 (C.2A:17-56.16 et seq.).

C.2A:4-30.109 Contesting validity, enforcement of registered order, procedure.

45. a. A nonregistering party seeking to contest the validity or enforcement of a registered order in this State shall request a hearing within 20 days after the date of mailing or personal service of notice of the registration. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 46 of this act.

b. If the nonregistering party fails to contest the validity or enforcement of the registered order in a timely manner, the order is confirmed by operation of law.

c. If a nonregistering party requests a hearing to contest the validity or enforcement of the registered order, the registering tribunal shall schedule

the matter for hearing and give notice to the parties of the date, time and place of the hearing.

C.2A:4-30.110 Grounds for contesting validity, enforcement, vacating registration.

46. a. A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

- (1) the issuing tribunal lacked personal jurisdiction over the contesting party;
- (2) the order was obtained by fraud;
- (3) the order has been vacated, suspended, or modified by a later order;
- (4) the issuing tribunal has stayed the order pending appeal;
- (5) there is a defense under the law of this State to the remedy sought;
- (6) full or partial payment has been made; or
- (7) the statute of limitation under section 43 of this act precludes enforcement of some or all of the arrearages.

b. If a party presents evidence establishing a full or partial defense under subsection a. of this section, a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, or issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this State.

c. If the contesting party does not establish a defense under subsection a. of this section to the validity or enforcement of the order, the registering tribunal shall issue an order confirming the order.

C.2A:4-30.111 Confirmation of registered order precludes further contest.

47. Confirmation of a registered order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.

PART C REGISTRATION AND MODIFICATION OF CHILD SUPPORT ORDER

C.2A:4-30.112 Modification, enforcement of order issued out-of-State.

48. A party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another state shall register that order in this State in the same manner provided in sections 40 through 43 of this act if the order has not been registered. A complaint, petition or comparable pleading for modification may be filed at the same time as a request for registration, or later. The pleading must specify the grounds for modification.

C.2A:4-30.113 Enforcement of order issued out-of-State.

49. A tribunal of this State may enforce a child support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this State, but the registered order may be modified only if the requirements of section 50 of this act have been met.

C.2A:4-30.114 Modification of registered order issued out-of-State.

50. a. After a child support order issued in another state has been registered in this State, the registering tribunal of this State may modify that order only if section 52 of this act does not apply and after notice and hearing it finds that:

- (1) the following requirements are met:
 - (a) the child, the individual obligee, and the obligor do not reside in the issuing state;
 - (b) a petitioner who is a nonresident of this State seeks modification; and
 - (c) the respondent is subject to the personal jurisdiction of the tribunal of this State; or

- (2) the child or a party who is an individual is subject to the personal jurisdiction of the tribunal of this State and all of the individual parties have filed written consents in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing, exclusive jurisdiction over the order. However, if the issuing state is a foreign jurisdiction which has not enacted a law or established procedures essentially similar to the procedures under this act, the consent otherwise required of an individual party residing in this State is not required for the tribunal to assume jurisdiction to modify the child support order.

b. Modification of a registered child support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this State and the order may be enforced and satisfied in the same manner.

c. A tribunal of this State may not modify any aspect of a child support order that may not be modified under the law of the issuing state. If two or more tribunals have issued child support orders for the same obligor and child, the order that controls and shall be recognized under the provisions of section 10 of this act establishes the unmodifiable aspects of the support order.

d. On issuance of an order modifying a child support order issued in another state, a tribunal of this State becomes the tribunal of continuing, exclusive jurisdiction.

C.2A:4-30.115 Modification of order by another state recognized.

51. A tribunal of this State shall recognize a modification of its earlier child support order by a tribunal of another state which assumed jurisdiction

pursuant to this act or law substantially similar to this act and, upon request, except as otherwise provided in this act, shall:

- a. enforce the order that was modified only as to amounts accruing before the modification;
- b. enforce only nonmodifiable aspects of that order;
- c. provide other appropriate relief only for violations of that order which occurred before the effective date of the modification; and
- d. recognize the modifying order of the other state, upon registration, for the purpose of enforcement.

C.2A:4-30.116 Jurisdiction to enforce, modify issuing state's order; law applicable.

52. a. If all of the individual parties reside in this State and the child does not reside in the issuing state, a tribunal of this State has jurisdiction to enforce and to modify the issuing state's child support order in a proceeding to register that order.

b. A tribunal of this State exercising jurisdiction as provided in this section shall apply the provisions of sections 1 through 12 of this act and this section to the enforcement or modification proceeding. Sections 13 through 39 and sections 54 through 56 of this act do not apply and the tribunal shall apply the procedural and substantive law of this State.

C.2A:4-30.117 Issuance, filing of modified child support order.

53. Within 30 days after issuance of a modified child support order, the party obtaining the modification shall file a certified copy of the obligation with the issuing tribunal which had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy, is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. Failure does not affect the validity or enforceability of the modified order of the new tribunal of having continuing, exclusive jurisdiction.

ARTICLE 7 DETERMINATION OF PARENTAGE

C.2A:4-30.118 Proceeding to determine parentage.

54. a. A tribunal of this State may serve as an initiating or responding tribunal in a proceeding brought under this act or a law or procedure substantially similar to this act, or under a law or procedure substantially similar to the "Uniform Reciprocal Enforcement of Support Act," or the "Revised Uniform Reciprocal Enforcement of Support Act" to determine that the petitioner is a parent of a particular child or to determine that a respondent is a parent of that child.

b. In a proceeding to determine parentage, a responding tribunal of this State shall apply the procedural and substantive law of this State, and the rules of this State on choice of law.

ARTICLE 8 INTERSTATE RENDITION

C.2A:4-30.119 "Governor" defined; extradition, conditions.

55. a. For the purposes of this article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this act.

b. The Governor of this State may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or

(2) on the demand by the governor of another state surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

c. A provision for extradition of individuals not inconsistent with this act applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom.

C.2A:4-30.120 Surrender of individual charged to other state; rendition; conditions.

56. a. Before making demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the Governor of this State may require a prosecutor of this State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this act or that the proceeding would be of no avail.

b. If, under this act or a law substantially similar to this act, the "Uniform Reciprocal Enforcement of Support Act," or the "Revised Uniform Reciprocal Enforcement of Support Act," the governor of another state makes a demand that the Governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the Governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the Governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

c. If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the Governor may decline to honor

the demand. If the petitioner prevails and the individual whose rendition is demanded is subject to a support order, the Governor may decline to honor the demand if the individual is complying with the support order.

ARTICLE 9 MISCELLANEOUS PROVISIONS

C.2A:4-30.121 Application, construction of act.

57. 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.2A:4-30.122 Short title.

58. This act may be cited as the "Uniform Interstate Family Support Act."

Repealer.

59. P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) are repealed.

C.2A:4-30.123 Pending actions, rights, duties unaffected by repeal.

60. The repeal of P.L.1981, c.243 (C.2A:4-30.24 et seq.) and sections 15 and 16 of P.L.1985, c.278 (C.2A:17-56.18 and 2A:17-56.19) does not affect pending actions, rights, duties or liabilities based on those repealed laws, nor does it alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under those laws. After the effective date of this act, all laws repealed shall be treated as remaining in full force and effect for the purpose of sustaining any pending actions or rights filed prior to the effective date of this act and the enforcement of any rights, duties, penalties, forfeitures, or liabilities under the repealed laws.

61. This act shall take effect immediately.

Approved March 5, 1998.

CHAPTER 3

AN ACT concerning the exclusion from gross income of gain derived from the sale or exchange of a principal residence, supplementing Title 54A of the New Jersey Statutes and repealing N.J.S.54A:6-9.

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

C.54A:6-9.1 Gains from sale, exchange of principal residence, excludable from gross income; conditions.

1. a. The gain realized from the sale or exchange of property by a taxpayer shall be excludable from the gross income of the taxpayer at the election of the taxpayer, which shall be in conformity with the election of the taxpayer made for federal income tax purposes pursuant to section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.121, if, during the five-year period ending on the date of the sale or exchange, that property has been owned and used by the taxpayer as the taxpayer's principal residence for periods aggregating two years or more.

b. The amount of gain excludable from gross income under subsection a. of this section with respect to any sale or exchange shall not exceed:

(1) \$250,000; or

(2) \$500,000, in the case of a husband and wife filing jointly for the taxable year of the sale or exchange of the property, if:

(i) either spouse meets the ownership requirements of subsection a. with respect to the property;

(ii) both spouses meet use requirements of subsection a. of this section with respect to the property; and

(iii) neither spouse is ineligible for the exclusion provided in subsection a. of this section with respect to the property by reason of the limitations of subsection c. of this section.

c. The exclusion provided in subsection a. shall not apply to any sale or exchange by the taxpayer if, during the two-year period ending on the date of sale or exchange, there was another sale or exchange after May 6, 1997 by the taxpayer to which an election made pursuant to subsection a. applied, except that this limitation shall not prevent a husband and wife filing jointly from each excluding up to \$250,000 of gain from the sale or exchange of each spouse's principal residence provided that each spouse would be allowed to exclude up to \$250,000 of gain if each spouse had filed separately.

d. If a sale or exchange to which this section would apply but for the failure to meet the aggregate two-year period of ownership and use by the taxpayer as the taxpayer's principal residence during the five-year period ending on the date of the sale or exchange, and the sale or exchange is by reason of a change in place of employment, health, or unforeseen circumstances, to the extent provided for a similar exemption for federal income tax purposes pursuant to section 121 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.121, then notwithstanding the amount of excludable gain allowed under subsection b. of this section, the amount of gain excludable from gross income with respect to such sale or exchange shall not exceed the amount which bears the same ratio to the amount which

would be so excluded under this section if such requirements had been met as the shorter of

(1) the aggregate periods, during the five-year period ending on the date of such sale or exchange, the property has been owned and used by the taxpayer as the taxpayer's principal residence, or

(2) the period after the date of the most recent prior sale or exchange by the taxpayer to which subsection a. of this section applied and before the date of such sale or exchange bears to two years.

e. (1) An exclusion allowed pursuant to this section shall be available if a husband and wife file jointly for the taxable year of the sale or exchange and either spouse meets the ownership and use requirements of subsection a. of this section with respect to the property.

(2) For the purposes of this section, in the case of an unmarried individual whose spouse is deceased on the date of sale or exchange of property, the period the unmarried individual owned and used the property shall include the period the deceased spouse owned and used the property before the deceased spouse's death.

(3) For the purposes of this section, in the case of an individual holding property transferred to the individual in a transaction described in subsection (a) of section 1041 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.1041, the period the individual owns the property shall include the period the transferor owned the property. An individual shall be treated as using the property as the individual's principal residence during any period of ownership while the individual's spouse or former spouse is granted use of the property under a divorce or separation instrument as defined in paragraph (2) of subsection (b) of section 71 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.71.

f. The provisions of this section shall apply with respect to qualified tenant-shareholders in cooperatives.

g. The exclusion of gain allowed pursuant to this section shall not apply to so much of the gain from the sale of any property as does not exceed the portion of the depreciation adjustments (as deemed in paragraph (3) of subsection (b) of section 1250 of the federal Internal Revenue Code of 1986) attributable to periods after May 6, 1997, in respect of that property.

h. For the purposes of this section, the destruction, theft, seizure, requisition, or condemnation of property shall be treated as the sale of the property.

i. In the case of a taxpayer who

(1) becomes physically or mentally incapable of self-care, and

(2) owns property and uses that property as the taxpayer's principal residence for periods aggregating at least one year during the five-year period described in subsection a. of this section; that taxpayer shall be treated as using that property as the taxpayer's principal residence during any time during such five-year period in which the taxpayer owns the property and resides in any facility (including a nursing home) licensed by the State or political subdivision to care for an individual in the taxpayer's condition.

j. At the election of the taxpayer, the exclusion provided pursuant to this section shall apply to the sale or exchange of an interest in a principal residence by reason of that interest being a remainder interest in that residence, but this section shall not apply to any other interest in such residence which is sold or exchanged separately. However, this subsection shall not apply to any sale to, or exchange with, any person who bears a relationship to the taxpayer which is described in subsection (b) of section 267 or subsection (b) of section 707 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.267 or 26 U.S.C. s.707.

k. This section shall not apply to any sale or exchange by an individual if the treatment provided by paragraph (1) of subsection (a) of section 877 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.877, applies to that individual for federal income tax purposes.

l. In the case of property the acquisition of which by the taxpayer resulted under N.J.S.54A:6-9 in the exclusion of any part of the gain realized on the sale or exchange of another residence, there shall be included in determining the period for which the taxpayer has owned and used such property as the taxpayer's personal residence, the aggregate periods for which such other residence had been so owned and used.

Repealer.

2. N.J.S.54A:6-9 is repealed.

C.54A:6-9.2 Applicability of federal "Taxpayer Relief Act of 1997."

3. a. Notwithstanding the provisions of any law to the contrary, a taxpayer who elects to apply the provisions of paragraph (2) or (4) of subsection (d) of section 312 of the federal "Taxpayer Relief Act of 1997" (Pub. L.105-34), for federal income tax purposes shall be subject to the same provisions for New Jersey gross income tax purposes.

b. Notwithstanding the provision of any law to the contrary, the exclusion of gain realized from the sale or exchange of property by a taxpayer that has been owned and used by the taxpayer as the taxpayer's principal residence shall be excludable from the gross income of the taxpayer, upon the election of the taxpayer made pursuant to paragraph (3) of subsection (d) of section 312 of the federal "Taxpayer Relief Act of

1997" (Pub. L.105-34), for federal income tax purposes, and shall be determined pursuant to the proration method allowed pursuant to subsection d. of section 1 of P.L.1998, c.3 (C.54A:6-9.1), notwithstanding that the sale or exchange is not by reason of a change in place of employment, health, or unforeseen circumstances, and notwithstanding that the taxpayer does not meet the use and ownership requirement for periods aggregating two years, if the sale or exchange takes place during the two-year period beginning on August 5, 1997 and the taxpayer held the property on August 5, 1997.

4. This act shall take effect immediately and section 1 shall apply to sales and exchanges occurring after May 6, 1997.

Approved March 20, 1998.

CHAPTER 4

AN ACT to include certain provisions in a special charter for the Town of Boonton in the county of Morris and supplementing P.L.1997, c.198.

WHEREAS, The Mayor and the Board of Aldermen in the Town of Boonton, in the county of Morris have petitioned the Legislature for the passage of a special law to supplement P.L.1997, c.198 in order to include recall, referendum and initiative provisions in the special charter, as was approved by the voters and originally proposed by the town, and pursuant to Article IV, Section VII, paragraph 10 of the Constitution of 1947 in accordance with the procedure prescribed by P.L.1948, c.199 (C.1:6-10 et seq.); and

WHEREAS, Notice of intention to apply for the passage of the special law has been duly published and the original of the petition together with a duly certified copy of the ordinance authorizing the filing of the original petition for the special charter has been presented and filed; now, therefore,

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

1. The special charter of the Town of Boonton, as set forth in P.L.1997, c.198, is supplemented with the addition of a new Article III and Article IV as follows:

Article III
Recall

Section III-1. Any elective officer shall be subject to removal from office for cause connected with his office, after he has served at least one year, upon the filing of a recall petition and the affirmative vote of a majority of those voting on the question of removal at any general or special election.

Section III-2. A recall petition shall demand the removal of a designated incumbent, shall be signed by qualified voters equal in number to at least twenty-five percent (25%) of the registered voters of the municipality, and shall be filed with the municipal clerk. It shall set forth a statement of the cause upon which the removal is sought.

Section III-3. The signatures to a recall petition need not all be appended to one paper but each signer shall add to his signature his place of residence giving the street and number or other sufficient designation if there shall be no street and number. One of the signers to each such paper shall take an oath before an officer competent to administer oaths that the statement therein made is true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing the petition the municipal clerk shall complete his examination and ascertain whether or not such petition is signed by the requisite number of qualified voters, and shall attach to the petition his certificate showing the result of his examination. If by that certificate the petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The municipal clerk shall, within five days after such amendment, make a similar examination and determination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing it without prejudice to the filing of a new petition to the same effect.

Section III-4. If the petition shall be sufficient the municipal clerk shall within two days notify the mayor, alderman or aldermen whose recall is sought thereby. If such notice cannot be served personally upon the mayor, alderman or aldermen affected, service may be made by registered mail addressed to the officer's last known address. If within five days after the service of the notice by the municipal clerk the mayor, alderman or aldermen sought to be recalled by such petition do not resign, or having tendered their resignation it shall not have been accepted by the Board of Aldermen, the municipal clerk shall order and fix a date for holding a recall election not less than 60 nor more than 90 days from the filing of the petition. Notice of the filing of the petition and of the date of the election shall be posted for public view in the office of the municipal clerk and the clerk shall also insert the

notice forthwith in a newspaper published in the municipality, or if there be no such newspaper, then in a newspaper having general circulation in the municipality.

Section III-5. The ballots at the recall election shall conform to the requirements respecting the election of municipal officers in the municipality, as provided in this charter or in Title 19 of the Revised Statutes (Elections), whichever shall apply in the municipality in accordance with the provisions of this act, except that the words "recall election" shall appear on the ballot. The recall features of the ballot shall appear at the top thereof and shall be separated from the portion of the ballot for the election of officers by a heavy black line. The proposal for recall shall be placed on the ballot in the following manner:

"Shall.....(here insert name of incumbent) be removed from office by recall?" This matter shall occupy two lines in bold-face type. Immediately below the above wording shall appear the phrase "for recall," and immediately underneath such phrase the words "against recall." Immediately at the left of each of these two phrases shall be printed a square, in which the voter may make a cross (x) or plus (+) or a check (/) mark. Immediately below the foregoing shall appear the following:

"Indicate your vote by placing a cross (x) or plus (+) or check (/) mark in one of the squares above."

Section III-6. If the removal of more than one officer is sought, the same provisions for submitting to the electors the question and direction hereinbefore described shall be repeated in the case of each officer concerned, and their position on the ballot for their recall shall be in the order of the filing of the petition with the municipal clerk.

Section III-7. The same ballot used for submitting the question or questions of recall shall be used for the election of a successor to the incumbent sought to be removed and immediately under the black line following the recall question shall appear the phrase "Nominees for successors of.....(here insert name of incumbent) in the event he is recalled." The names of all persons nominated as successors shall be placed upon the ballot in the same manner provided for other elections of municipal officers in the municipality.

Section III-8. The provisions of this charter or of Title 19 of the Revised Statutes (Elections), whichever shall apply in the municipality in accordance with the provisions of this charter, concerning the nomination of municipal officers, preparation of the ballot, election of municipal officers, counting and canvassing of the results of the election of such officers, shall apply to the election for the recall of officers and the election of their successors. Where the plan of government in effect in the municipality provides for partisan elections, the county committee of each political party shall be

authorized to select a candidate for successor of a recalled incumbent in the same manner as provided by Title 19 of the Revised Statutes for nominations to fill a vacancy after the last day for filing petitions for nominations in the primary elections.

Section III-9. The municipal clerk shall cause to be made due publication of notices of arrangements for holding all recall elections and they shall be conducted as are other elections for municipal officers in the municipality.

Section III-10. a. If a majority of votes in connection with the recall of any officer be in favor of the recall, the term of office of such officer shall terminate, upon the certification of the results of election by the municipal clerk.

b. If the results of such recall election shall, by the certificate of the municipal clerk, be shown to be against the recall of the officer, the officer shall continue in office as if no recall election had been held, and the vote for the election for the successor of the officer taken at the time of such attempted recall shall be void.

Section III-11. If the office of the incumbent shall become vacant either by his resignation or by the results of the recall elections, his successor shall be the nominee receiving the greatest number of votes at the recall election. The person so elected shall serve for the remainder of the unexpired term.

Article IV Initiative and Referendum

Section IV-1. The voters of the municipality may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the Board of Aldermen by a petition signed by a number of the legal voters of the municipality equal in number to at least 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected, subject to the restrictions set forth in section 17-43 of P.L.1950, c.210 (C.40:69A-192).

Section IV-2. The voters shall also have the power of referendum which is the power to approve or reject at the polls any ordinance submitted by the Board of Aldermen to the voters or any ordinance passed by the Board of Aldermen, against which a referendum petition has been filed as herein provided. No ordinance passed by the Board of Aldermen, except when otherwise required by general law, shall take effect before 20 days from the time of its final passage and its approval by the mayor where such approval is required. If within 20 days after such final passage and approval of such ordinance a petition protesting against the passage of such ordinance shall be filed with the municipal clerk and if the petition shall be signed by a number of the legal voters of the municipality equal in number to at least

15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected, the ordinance shall be suspended from taking effect until proceedings are had as herein provided.

The provisions of this section shall not apply to any ordinance which by its terms or by law cannot become effective in the municipality unless submitted to the voters, or which by its terms authorizes a referendum in the municipality concerning the subject matter thereof.

Section IV-3. All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition paper the names and addresses of five voters, designated as the Committee of the Petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

Section IV-4. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the municipal clerk as one instrument. Within 20 days after a petition is filed, the municipal clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the municipal clerk shall certify the result thereof to the Board of Aldermen at its next regular meeting. If the clerk shall certify that the petition is insufficient, then he shall set forth in his certificate the particulars in which it is defective and shall at once notify at least two members of the Committee of the Petitioners of his findings.

Section IV-5. An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been served by the municipal clerk, by filing a supplementary petition upon additional papers signed and filed as provided in the case of an original petition. The municipal clerk shall, within five days after such an amendment is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify

the Committee of the Petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section IV-6. Upon the filing of a referendum petition with the municipal clerk, the ordinance shall be suspended until ten days following a finding by the municipal clerk that the petition is insufficient or, if an amended petition be filed, until five days thereafter; or, if the petition or amended petition be found to be sufficient, until it be withdrawn by the Committee of the Petitioners or until repeal of the ordinance by vote of the Board of Aldermen or approval or disapproval of the ordinance by the voters.

Section IV-7. Upon a finding by the municipal clerk that any petition or amended petition filed with him in accordance with this charter is sufficient, the clerk shall submit the same to the Board of Aldermen without delay. An initiative ordinance so submitted shall be deemed to have had first reading and provision shall be made for a public hearing.

Section IV-8. If within 20 days of the submission of a certified petition by the municipal clerk the Board of Aldermen shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by a referendum petition, the municipal clerk shall submit the ordinance to the voters unless within ten days after final adverse action by the Board of Aldermen or after the expiration of the time allowed for such action, as the case may be, a paper signed by at least four of the five members of the Committee of the Petitioners shall be filed with the municipal clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect.

Section IV-9. Any ordinance to be voted on by the voters in accordance with section IV-2 or section IV-8 of this article shall be submitted at the next general election occurring not less than 40 days after the final date for withdrawal of the petition as provided for in section IV-8 of this article, provided that if no such election is to be held within 90 days, the Board of Aldermen shall provide for a special election to be held not less than 40 nor more than 60 days from the final date for withdrawal of the petition as provided for in section IV-8 of this article.

In case of an initiated petition signed by not less than 10% nor more than 15% of the legal voters, the ordinance shall be submitted at the general election occurring not less than 40 days after the final date for withdrawal of the petition as provided for in section IV-8 of this article. In any instance where a referendum election is to be held as a result of an ordinance of the Board of Aldermen which by its terms or by law cannot become effective in the municipality unless submitted to the voters, or which by its terms authorizes a referendum in the municipality concerning the subject matter thereof, the time for submission of the question to the voters shall be

calculated for the purposes of this section and section IV-10 from the date of final passage and approval of the ordinance.

Section IV-10. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one special election in any period of six months for such purpose.

During that six-month period, any ordinance which would otherwise be submitted to the voters at a special election if one were not already scheduled, shall be submitted at the scheduled special election if at least 30 days shall remain prior thereto from the final date of withdrawal of the petition; otherwise, the ordinance shall be submitted at the next general election.

Section IV-11. Whenever an ordinance is to be submitted to the voters of the municipality at any election in accordance with this article, the municipal clerk shall cause the ordinance to be published in at least two of the newspapers published or circulated in the municipality. The publication shall be not more than 20 nor less than five days before the submission of the ordinance or proposition to be voted on.

Section IV-12. The ballots to be used at such election shall be in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (x) or plus (+) or check (✓) mark in the square at the left of the word Yes, and if opposed thereto mark a cross (x) or plus (+) or check (✓) mark in the square to the left of the word No.

	Yes	"Shall the ordinance (indicate whether submitted by the Board of Aldermen or by initiative or referendum petition) providing for (here state the nature of proposed ordinance or proposition) be adopted?"
	No	

Section IV-13. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the municipality and be published as in the case of other ordinances. No such ordinance shall be amended or repealed within three years immediately following the date of its adoption by the voters, except by a vote of the people. The Board of Aldermen may, within three years immediately following the date of adoption of the ordinance, submit a proposition for the repeal or amendment of that ordinance to the voters at any succeeding general election. If the proposition submitted shall receive a majority of the votes cast at the election, the ordinance shall be repealed or amended accordingly. If the provisions of two or more measures approved or adopted at the same

election conflict, then the measure receiving the greatest affirmative vote shall control.

2. This act shall take effect immediately but shall only become operative upon the adoption of an ordinance by the Mayor and Board of Aldermen of the Town of Boonton for the purpose of adopting P.L.1997, c.198.

Approved March 30, 1998.

CHAPTER 5

AN ACT concerning the sale of certain products by retail sellers, supplementing P.L.1960, c.39 (C.56:8-1 et seq.), and repealing P.L.1997, c.295.

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

C.56:8-2.27 Sale of baby food, non-prescription drugs, cosmetics, certain; unlawful.

1. It shall be an unlawful practice for any person to sell or offer to sell to the public:

a. any non-prescription drug, infant formula or baby food, which is subject to expiration dating requirements issued by the federal Food and Drug Administration, if the date of expiration has passed; and

b. any infant formula or baby food which is subject to expiration dating requirements issued by the federal Food and Drug Administration, any non-prescription drug, or any cosmetic as defined in subsection h. of R.S.24:1-1, unless that person presents, within five days of the request, a written record of the purchase of that product, which record or invoice shall specifically identify the product being sold by the product name, quantity purchased, that quantity being denoted by item, box, crate, pallet or otherwise, and date of purchase and shall contain the complete name or business name, address and phone number of the person from whom that product was purchased. The provisions of this subsection shall not apply to a transaction involving less than \$50 of product between persons selling that product in the same general market area on the same day.

Repealer.

2. Section 1 of P.L.1997, c.295 (C.56:8-2.24) is repealed.

3. This act shall take effect on the 90th day following enactment, except that section 2 shall take effect immediately.

Approved April 3, 1998.

CHAPTER 6

AN ACT concerning farmland preservation and soil and water conservation, approving certain farmland preservation projects in southern New Jersey as eligible for funding from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, and making various appropriations therefor.

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

1. There is appropriated from the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, to the State Agriculture Development Committee the sum of \$20,000,000 for the purpose of: (1) 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, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1998, c.7, and section 1 of P.L.1998, c.8; and (2) providing for up to 100% of the cost of acquisition of development easements under such emergency conditions as the State Agriculture Development Committee determines, for projects approved as eligible for such funding pursuant to section 2 of this act, section 1 of P.L.1998, c.7, and section 1 of P.L.1998, c.8.

2. The following projects are eligible for funding with the monies appropriated pursuant to section 1 of this act:

Project (Farm)	County	Municipality	Acres (+/-)	Amount of Grant Not to Exceed
Burlington/Schoen	Burlington	Florence	77	\$300,000
Burlington/Goodenough	Burlington	Mansfield	206	600,000
Burlington/Greene	Burlington	North Hanover	87	275,000
Burlington/Hopkins	Burlington	North Hanover	79	250,000
Burlington/Equine	Burlington	Springfield	266	800,000

Burlington/Tallman	Burlington	Springfield	322	875,000
Cape May/Kane	Cape May	Middle	252	150,000
Cape May/Raker	Cape May	Middle	96	50,000
Cape May/ Schlender	Cape May	Middle	18	50,000
Manetas	Cumberland	Fairfield	163	175,000
Myers	Cumberland	Upper Deerfield	269	575,000
Kerns	Gloucester	Elk	46	125,000
Licciardello	Gloucester	South Harrison	55	150,000
Kandle	Gloucester	Washington	47	475,000
English	Salem	Alloway	315	475,000
Salem/Coleman	Salem	Alloway/Upper	106	200,000
		Pittsgrove		
Robinson	Salem	Mannington	139	200,000
DuBois	Salem	Pilesgrove/	279	400,000
		Oldmans		
Coles, E. & E.	Salem	Upper	299	500,000
		Pittsgrove		
Myers	Salem	Upper	188	325,000
		Pittsgrove		
Salem/Bishop	Salem	Upper	260	325,000
		Pittsgrove		
Salem/Coles, W. & B.	Salem	Upper	118	200,000
		Pittsgrove		

3. There is appropriated from the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, to the State Agriculture Development Committee the sum of \$750,000 for the purpose of providing grants to landowners for up to 50% of the cost of soil and water conservation projects approved as eligible for such funding.

4. There is appropriated from the "1992 Farmland Preservation Fund," established pursuant to section 24 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, to the State Agriculture Development Committee the sum of \$1,000,000 for the purpose of providing for costs, as defined in section 3 of P.L.1992, c.88, incurred in implementing the provisions of the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.).

5. There is appropriated from the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, to the State Agriculture Development Committee the sum of \$750,000 for the purpose of providing for costs, as defined in section 3 of P.L.1995, c.204, incurred in implementing the provisions of the "Agriculture Retention and Development Act," P.L.1983, c.32 (C.4:1C-11 et seq.).

6. The proceeds from the resale of farmland purchased in fee simple with funds appropriated pursuant to P.L.1995, c.62, P.L.1997, c.178, and this act shall be deposited in the "1992 Farmland Preservation Fund," established pursuant to section 24 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, or the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, respectively.

7. There is appropriated from the "1992 Farmland Preservation Fund," established pursuant to section 24 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, and the "1995 Farmland Preservation Fund," established pursuant to section 25 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, to the State Agriculture Development Committee such sums which are or may become available due to proceeds from the resale of farmland purchased in fee simple title, for the purpose of providing for the cost of acquisition of farmland in fee simple title.

8. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1992, c.88, P.L.1995, c.204, or this act, as appropriate.

9. This act shall take effect immediately.

Approved April 21, 1998.

CHAPTER 7

AN ACT approving certain farmland preservation projects in central New Jersey as eligible for funding from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204.

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

1. The following projects are eligible for funding with monies made available from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, and appropriated to the

State Agriculture Development Committee pursuant to section 1 of P.L.1998, c.6:

Project (Farm)	County	Municipality	Acres (+/-)	Amount of Grant Not to Exceed
Baldachino	Mercer	East Windsor	95	\$525,000
Runge/P.Williams/ Runge Estate	Mercer	Hamilton	120	500,000
Samu	Mercer	Hamilton	95	425,000
Skeba, S.& J.	Mercer	Hamilton	93	450,000
Mercer/Thompson	Mercer	Lawrence	66	525,000
D'Amico	Mercer	Washington	87	350,000
Warcholak Estate	Mercer	Washington	31	150,000
Stults	Middlesex	Cranbury	65	225,000
Skeba, S.	Middlesex	Monroe	151	675,000
Dittmar Trust	Monmouth	Colts Neck	194	2,050,000
Thompson	Monmouth	Colts Neck	65	850,000
Blasig, Jr.	Monmouth	Millstone	2	10,000
Mazzucco	Monmouth	Millstone	54	250,000
Dey	Monmouth	Upper Freehold	131	600,000
Freiberger	Monmouth	Upper Freehold	116	700,000
Lamb	Monmouth	Upper Freehold	74	350,000
Emley	Ocean	Plumsted	72	200,000
Vodak	Ocean	Plumsted	10	25,000

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1995, c.204.

3. This act shall take effect immediately.

Approved April 21, 1998.

CHAPTER 8

AN ACT approving certain farmland preservation projects in northern New Jersey as eligible for funding from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204.

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

1. The following projects are eligible for funding with monies made available from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, and appropriated to the

State Agriculture Development Committee pursuant to section 1 of P.L.1998, c.6:

Project (Farm)	County	Municipality	Acres (+/-)	Amount of Grant Not to Exceed
Asbury Farms	Hunterdon	Bethlehem	86	\$250,000
Beatty	Hunterdon	Bethlehem	157	400,000
Huff	Hunterdon	Bethlehem	119	350,000
Knigge	Hunterdon	Bethlehem	152	375,000
Readington/ C.& C.Schaefer	Hunterdon	Readington	94	500,000
Readington/ C.& W. Schaefer	Hunterdon	Readington	130	650,000
Farrand	Morris	Washington	58	350,000
Quinlan	Morris	Washington	45	75,000
Conard	Somerset	Hillsborough	138	1,400,000
Somerset/Kanach	Somerset	Hillsborough	114	675,000
Struble	Sussex	Lafayette/ Hardyston	105	175,000
Martin/Mullhaupt	Sussex	Vernon	66	125,000
Hamming	Sussex	Wantage	252	300,000
Joseph	Sussex	Wantage	248	400,000
Moore	Warren	Frelinghuysen	76	175,000
Sisters of St. Dominic	Warren	Frelinghuysen	140	300,000
Joswik	Warren	Knowlton	171	375,000

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1995, c.204.

3. This act shall take effect immediately.

Approved April 21, 1998.

CHAPTER 9

AN ACT designating the schooner A.J. Meerwald as the New Jersey State Tall Ship and making an appropriation.

WHEREAS, The A.J. Meerwald is a Delaware Bay Oyster Schooner, built to meet the needs of New Jersey's oyster fishing industry which, at the time, was the backbone of the region's economy and culture; and

WHEREAS, Constructed in 1928 in Dorchester, New Jersey, the A.J. Meerwald was one of hundreds of schooners built along South Jersey's Delaware bayshore representing a nationally significant vessel type designed and built only in New Jersey; and

WHEREAS, The Delaware Bay Schooner Project was founded in 1988 to conserve and enrich the history, culture and environment of the Delaware Estuary and the coastal waters of New Jersey; and
WHEREAS, The A.J. Meerwald was donated to the Delaware Bay Schooner Project in 1989 and was painstakingly restored by dedicated New Jerseyans; and
WHEREAS, The Delaware Bay Schooner Project uses the ship as a sailing classroom to promote ecological and historical awareness of the Delaware Bay and the waters of New Jersey; and
WHEREAS, In 1995, the A.J. Meerwald was added to the National Register of Historic Places; and
WHEREAS, New Jersey is a maritime state with a rich heritage and vast natural legacy worthy of celebration, recognition and stewardship; and
WHEREAS, The A.J. Meerwald is an ideal symbol of New Jersey's great heritage and an effective classroom for teaching the youth of New Jersey; now, therefore,

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

C.52:9A-8 A.J. Meerwald designated New Jersey State Tall Ship.

1. The schooner A.J. Meerwald is designated as the New Jersey State Tall Ship.

2. There is appropriated \$95,000 from the General Fund to the Delaware Bay Schooner Project for the maintenance and operation of the A.J. Meerwald.

3. This act shall take effect immediately.

Approved April 21, 1998.

CHAPTER 10

AN ACT concerning carnival amusement ride safety and amending and supplementing P.L.1975, c.105.

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

1. Section 3 of P.L.1975, c.105 (C.5:3-33) is amended to read as follows:

C.5:3-33 Advisory Board on Carnival-Amusement Ride Safety.

3. a. There is hereby established within the Department of Labor an Advisory Board on Carnival-Amusement Ride Safety to consist of 10 members, of whom one shall be a representative of the carnival-amusement ride manufacturers, one shall be a representative of the carnival-amusement owners, one shall be an owner or operator of a registered fair, one shall be an owner or operator of an amusement park or enterprise, one shall be a representative of the insurance underwriters, one shall be a licensed professional engineer, three shall be public members, and one shall be a representative of the Department of Labor who shall be appointed by the commissioner. The nine citizen members shall be appointed by the Governor, with the advice and consent of the Senate. The Governor shall designate the chairman and vice-chairman of the advisory board.

b. Of the eight members first to be appointed by the Governor, three shall be appointed for terms of two years, three for terms of three years, and three for terms of four years. All appointments thereafter shall be made for terms of four years. All members so appointed shall serve until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed members of the board, by expiration of term or otherwise, shall be filled in the same manner as the original appointment for the unexpired term and the appointee shall serve until a successor is appointed and shall qualify.

2. Section 6 of P.L.1975, c.105 (C.5:3-36) is amended to read as follows:

C.5:3-36 Rules, regulations.

6. The Department of Labor, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt and promulgate rules and regulations for the safe installation, repair, maintenance, use, operation and inspection of all carnival-amusement rides as the department may find necessary for the protection of the general public, including regulations concerning written warnings and directions regarding the use of carnival-amusement rides.

3. Section 11 of P.L.1975, c.105 (C.5:3-41) is amended to read as follows:

C.5:3-41 Annual issuance of permit; inspection.

11. No carnival-amusement ride may be operated without a permit issued by the department. Before commencing operations and in each

calendar year thereafter, an owner shall apply for a permit to the department on a form furnished by the department and containing such information as the department may require. All carnival-amusement rides shall be inspected before they are originally put into operation for the public's use and thereafter at least once every year, unless authorized to operate on a temporary permit. Annual permits shall be issued for a period commencing January 1 and expiring the following December 31, unless suspended or revoked in accordance with section 7 of P.L.1998, c.10 (C.5:3-41.1). Carnival-amusement rides shall be inspected by the owner, in accordance with standards promulgated by the department, each time they are disassembled and reassembled.

4. Section 24 of P.L.1975, c.105 (C.5:3-54) is amended to read as follows:

C.5:3-54 Noncompliance; fine.

24. Any person who interferes in any manner with the implementation of or otherwise fails to comply with the provisions of this act, shall be liable to a fine of not more than \$5,000 per day for each violation to be adjudged, collected and enforced, in suit filed by the department, pursuant to the provisions of "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

C.5:3-36.1 Compliance by riders required; violators deemed disorderly persons.

5. Each individual who rides a carnival-amusement ride shall comply with written warnings and directions posted by the operator of the carnival-amusement ride pursuant to section 6 of this amendatory and supplementary act and refrain from behaving in a reckless manner which may cause or contribute to the injury of the individual or others. An individual who violates the provisions of this section shall be guilty of a disorderly persons offense.

C.5:336.2 Posting of warning notices: contents.

6. Each person who operates a carnival-amusement ride shall post a written notice which complies with the provisions of this section. The notice shall be posted in a conspicuous public place on or near the ride in a manner consistent with standards set by the Department of Labor and shall include:

a. The prominently displayed statement: "State law requires that each rider must obey all written warnings and directions regarding this ride and refrain from behaving in a reckless manner which may cause or contribute to injury of the rider or others. Failure to comply is a violation of law and subject to a penalty under the New Jersey Code of Criminal Justice."; and

b. All applicable written warnings and directions regarding the use of the ride which are consistent with regulations adopted by the department based upon standards of nationally recognized technical or scientific authorities that research the proper use of the ride and the potential injuries in connection with improper use of the ride.

C.5:3-41.1 Suspension, revocation of permit.

7. The department shall have the power to suspend or revoke an owner's permit for any good cause under the meaning and purpose of P.L.1975, c.105 (C.5:3-31 et seq.).

8. This act shall take effect immediately.

Approved April 29, 1998.

CHAPTER 11

AN ACT concerning workers' compensation coverage provided through the New Jersey Horse Racing Injury Compensation Board and amending P.L.1995, c.329.

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

1. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to read as follows:

C.34:15-131 Definitions regarding the New Jersey Horse Racing Injury Compensation Board.

3. As used in this act:

"Board" means the New Jersey Horse Racing Injury Compensation Board established by section 4 of this act.

"Commission" means the New Jersey Racing Commission established pursuant to section 1 of P.L.1940, c.17 (C.5:5-22).

"Horse racing industry employee" means a jockey, jockey apprentice, exercise rider, driver, driver-trainer, assistant trainer, stable employee, or any other person licensed by the commission, who is an employee of an owner or a trainer and engaged in performing services for an owner or a trainer in connection with the exercising or racing of a horse in New Jersey. In addition, a trainer who otherwise would be considered an employee of the owner pursuant to R.S.34:15-1 et seq. is a horse racing industry employee for the purposes of this act.

2. Section 6 of P.L.1995, c.329 (C.34:15-134) is amended to read as follows:

C.34:15-134 Insurance coverage; assessments.

6. a. The board shall secure workers' compensation insurance coverage for horse racing industry employees.

b. The board shall assess and collect sufficient funds to pay the costs of the insurance or self insurance coverage required by this act and by the workers' compensation laws of this State and to pay any additional costs necessary to carry out its other duties. The board shall ascertain the total funding necessary, establish the sums that are to be paid and establish by regulation the method of assessing and collecting these moneys. Owners and trainers shall be assessed separately for the cost of insurance or self insurance attributable to the respective horse racing industry employees of owners and trainers. Assessments to pay the cost of insurance or self insurance attributable to horse racing industry employees employed by owners may include, but shall not be limited to, deductions from that portion of gross overnight purses paid to owners, so long as such deductions do not exceed 3% of the owners' portion of such purses, and additional assessments may be collected from horse owners as needed. Assessments to pay the cost of insurance or self insurance attributable to horse racing industry employees employed by trainers may include, but shall not be limited to, deductions from that portion of gross overnight purses paid to trainers, so long as such deductions do not exceed 3% of the trainers' portion of such purses, and additional assessments may be collected from trainers as needed. Track owners shall not be assessed for such costs.

c. Assessments for workers' compensation insurance coverage pursuant to this act shall be calculated and allocated separately for the thoroughbred and standardbred industries, based on their respective loss experience, and any assessments pursuant to subsection b. of this section shall be allocated accordingly. No public funds, other than the moneys collected pursuant to subsection b. of this section, shall be used for the purpose of self insurance or for paying the costs of workers' compensation insurance or workers' compensation benefits pursuant to this act.

3. Section 7 of P.L.1995, c.329 (C.34:15-135) is amended to read as follows:

C.34:15-135 Employee, employer relationship under the act.

7. a. For the purposes of this act and R.S.34:15-36, a horse racing industry employee shall be deemed to be in the employment of the New Jersey Horse Racing Injury Compensation Board and in the employment of all owners or of all trainers, as appropriate, who are licensed or required to

be licensed by the commission at the time of any occurrence for which workers' compensation benefits are payable pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not solely in the employment of a particular owner or of a particular trainer. A horse racing industry employee shall not be deemed to be in the employment of the New Jersey Horse Racing Injury Compensation Board for any other purpose.

b. For the purposes of this act and R.S.34:15-36, the New Jersey Horse Racing Injury Compensation Board and all owners or all trainers, as appropriate, who are licensed or required to be licensed by the commission shall be deemed the employer of a horse racing industry employee at the time of any event for which workers' compensation benefits are payable pursuant to R.S.34:15-1 et seq. as supplemented by this act. The New Jersey Racing Injury Compensation Board shall not be deemed the employer of a horse racing industry employee for any other purpose.

c. With respect to horse racing industry employees, the requirements of R.S.34:15-1 et seq. regarding the provision of workers' compensation insurance by employers are satisfied in full by compliance with the requirements imposed upon owners and upon trainers by this act and any rules or regulations promulgated hereunder. If the responsible owner or trainer fails to comply with the requirements of this act or any rules or regulations promulgated hereunder and if the board is still required to pay the award on behalf of that owner or trainer who has been found to have violated this act or any rule or regulation promulgated hereunder, then the board shall be entitled to collect from that owner or trainer any assessment which was not paid but which should have been paid by that owner or trainer as provided by this act.

d. The provisions of this act shall not apply to employees of an owner or a trainer who are not horse racing industry employees. To the extent that a horse racing industry employee is also covered by duplicate coverage procured pursuant to another policy of workers' compensation insurance, the coverage procured by the board pursuant to this act shall be considered primary.

4. This act shall take effect immediately.

Approved May 1, 1998.

CHAPTER 12

AN ACT concerning services provided to nonpublic school students and amending P.L.1977, c.192 and P.L.1977, c.193.

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

1. Section 5 of P.L.1977, c.192 (C.18A:46A-5) is amended to read as follows:

C.18A:46A-5 Provision of auxiliary services.

5. Auxiliary services shall be provided only upon the consent of the parent or guardian and shall be provided in a location determined by the local board of education.

2. Section 7 of P.L.1977, c.193 (C.18A:46-19.5) is amended to read as follows:

C.18A:46-19.5 Services to students in nonpublic schools.

7. Services for children enrolled in nonpublic schools shall be provided only upon the consent of the parent or guardian and shall be provided in a location determined by the local board pursuant to rules and regulations of the State board.

3. This act shall take effect immediately.

Approved May 1, 1998.

CHAPTER 13

AN ACT concerning the State Transfer of Development Rights Bank and amending P.L.1993, c.339.

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

1. Section 8 of P.L.1993, c.339 is amended to read as follows:

8. a. There is appropriated to the State Transfer of Development Rights Bank from the "1989 Development Potential Transfer Bank Fund" established pursuant to section 23 of P.L.1989, c.183, the sum of \$20,000,000 for deposit into the State TDR Bank, which shall be expended in accordance with the provisions of this act.

b. Of the moneys appropriated pursuant to subsection a. of this section, not more than \$400,000 may be expended in total for administrative costs, staff assistance or professional services by December 27, 2001, and not more than \$400,000 may be expended for the purposes of subsection m. of section 4 of this act.

2. This act shall take effect immediately.

Approved May 1, 1998.

CHAPTER 14

AN ACT concerning money transmitters, supplementing Title 17 of the Revised Statutes and repealing chapter 15 of Title 17 of the Revised Statutes and P.L.1964, c.273.

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

C.17:15C-1 Short title.

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

C.17:15C-2 Definitions relative to money transmitters.

2. As used in this act:

"Applicant" means a person filing an application for a license under this act.

"Authorized delegate" means an entity authorized by the licensee pursuant to the provisions of section 17 of this act to sell or issue payment instruments or engage in the business of transmitting money on behalf of a licensee.

"Commissioner" means the Commissioner of Banking and Insurance.

"Control" means ownership of, or the power to vote, 25 percent or more of the outstanding voting securities of a licensee or controlling person. For purposes of determining the percentage of a licensee controlled by any person, there shall be aggregated with the person's interest the interest of any other person controlled by that person or by any spouse, parent, or child of that person.

"Controlling person" means any person in control of a licensee.

"Department" means the Department of Banking and Insurance.

"Executive officer" means the licensee's president, chairman of the executive committee, senior officer responsible for the licensee's business in this State, chief financial officer and any other person who performs similar functions.

"Foreign money transmitter" means a person who engages, in this State, only in the business of the receipt of money for transmission or transmitting money to locations outside of the United States by any and all

means, including but not limited to payment instrument, wire, facsimile, electronic transfer, or otherwise for a fee, commission or other benefit.

"Key shareholder" means any person, or group of persons acting in concert, who is the owner of 25 percent or more of any voting class of an applicant's stock.

"Licensee" means a person licensed under this act.

"Location" means a place of business at which activities regulated by this act occur.

"Material litigation" means any litigation that, according to generally accepted accounting principles, is deemed significant to any applicant's or licensee's financial health and would be required to be referenced in that entity's annual audited financial statements, report to shareholders or similar documents.

"Money" means a medium of exchange authorized or adopted by the United States or a foreign government as a part of its currency and that is customarily used and accepted as a medium of exchange in the country of issuance.

"Money transmitter" means a person who engages in this State in the business of:

(1) the sale or issuance of payment instruments for a fee, commission or other benefit;

(2) the receipt of money for transmission or transmitting money within the United States or to locations abroad by any and all means, including but not limited to payment instrument, wire, facsimile, electronic transfer, or otherwise for a fee, commission or other benefit; or

(3) the receipt of money for obligors for the purpose of paying obligors' bills, invoices or accounts for a fee, commission or other benefit paid by the obligor.

"Outstanding payment instrument" means any payment instrument issued by the licensee which has been sold in the United States directly by the licensee or any payment instrument issued by the licensee which has been sold by an authorized delegate of the licensee in the United States, which has been reported to the licensee as having been sold, and which has not yet been paid by or for the licensee.

"Payment instrument" means any check, draft, money order, travelers check or other instrument or written order for the transmission or payment of money, sold or issued to one or more persons, whether or not the instrument is negotiable. The term "payment instrument" does not include any credit card voucher, any letter of credit or any instrument which is redeemable by the issuer in goods or services.

"Permissible investments" means:

(1) cash;

(2) certificates of deposit or other debt obligations of a bank, savings bank, savings and loan association, or credit union, either domestic or foreign;

(3) bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as bankers' acceptances, which are eligible for purchase by member banks of the Federal Reserve System;

(4) any investment which is rated in one of the three highest rating categories by a nationally recognized statistical rating organization;

(5) investment securities that are obligations of the United States, its agencies or instrumentalities, or obligations that are guaranteed fully as to principal and interest by the United States, or any obligations of any state, municipality or any political subdivision thereof which is rated in one of the three highest rating categories by a nationally recognized statistical rating organization;

(6) shares in a money market mutual fund, interest-bearing bills, notes or bonds, debentures or stock traded on any national securities exchange or on a national over-the-counter market, or mutual funds primarily composed of those securities or a fund composed of one or more permissible investments as set forth in this section;

(7) demand borrowing agreements made to a corporation or a subsidiary of a corporation whose capital stock is listed on a national exchange;

(8) receivables which are due to a licensee from its authorized delegates pursuant to a contract described in section 17 of this act, which are not past due or doubtful of collection; or

(9) any other investments or security device which the commissioner may authorize by rule.

C.17:15C-3 Inapplicability of act; exemptions.

3. a. This act shall not apply to:

(1) The United States or any department, agency, or instrumentality thereof;

(2) The United States Postal Service;

(3) The State or any political subdivision thereof;

(4) Banks, bank holding companies, credit unions, building and loan associations, savings and loan associations, savings banks or mutual banks organized under the laws of any state or the United States, provided that they do not issue or sell payment instruments through authorized delegates who are not banks, bank holding companies, credit unions, building and loan associations, savings and loan associations, savings banks or mutual banks;

(5) The provision of electronic transfer of government benefits for any federal, state or county agency as defined in Regulation E, 12 C.F.R. s.205.1 et seq., by a contractor for and on behalf of the United States or any

department, agency or instrumentality thereof, or any state or political subdivision thereof; and

(6) A person licensed to conduct business as a debt adjuster pursuant to P.L.1979, c.16 (C.17:16G-1 et seq.), when acting within the scope of activities regulated by that license.

b. Authorized delegates of a licensee, acting within the scope of authority conferred by a written contract as described in section 17 of this act shall not be required to obtain a license pursuant to this act.

C.17:15C-4 License required.

4. a. No person, other than a person exempt from the provisions of this act pursuant to section 3, shall engage in the business of money transmission without a license as provided in this act.

b. A licensee may conduct its business in this State at one or more locations, directly or indirectly owned, or through one or more authorized delegates, or both, pursuant to the single license granted to the licensee under this act.

C.17:15C-5 Net worth requirements for licensees.

5. a. (1) Except as provided pursuant to paragraph (2) of this subsection a., for a person licensed to engage in business in this State only as a foreign money transmitter, each licensee shall at all times have a net worth of not less than \$100,000, calculated in accordance with generally accepted accounting principles. Licensees engaging in money transmission at more than one location or through authorized delegates shall have an additional net worth of \$25,000 per location or agent located in this State, as applicable, up to a maximum net worth amount of \$1,000,000.

(2) Each person licensed to engage in business in this State only as a foreign money transmitter shall at all times have a net worth of not less than \$50,000, calculated in accordance with generally accepted accounting principles. Licensees engaging in foreign money transmission at more than one location or through authorized delegates shall have an additional net worth of \$10,000 per location or agent located in this State, as applicable, up to a maximum net worth amount of \$400,000.

(3) A person licensed to engage in the business of a foreign money transmitter pursuant to R.S.17:15-1 et seq. on the day prior to the effective date of this act, whose license is continued pursuant to subsection b. of section 27 of this act, shall fully comply with the net worth requirements of paragraph (2) of this subsection a. as follows:

(a) by the first business day following 90 days after the effective date of this act, have a net worth of \$5,000;

(b) by July 1, 1999, have a net worth of \$5,000 plus 25% of the additional net worth amount required pursuant to paragraph (2) of this subsection a.;

(c) by July 1, 2000, have a net worth of \$5,000 plus 50% of the additional net worth amount required pursuant to paragraph (2) of this subsection a.; and

(d) by July 1, 2001, have a net worth in full compliance with the amount required pursuant to paragraph (2) of this subsection a.

b. Every corporate applicant, at the time of filing an application and at all times after a license is issued, shall be in good standing in the state of its incorporation. All non-corporate applicants shall, at the time of the filing of an application and at all times after a license is issued, be registered or qualified to do business in this State.

C.17:15C-6 Possession of security device, permissible investments.

6. a. Each licensee shall at all times possess a surety bond, irrevocable letter of credit or such other similar security device acceptable to the commissioner in the amount required pursuant to section 8 of this act.

b. Each licensee shall at all times possess permissible investments having an aggregate market value, calculated in accordance with generally accepted accounting principles, of not less than the aggregate face amount of all outstanding payment instruments issued or sold by the licensee in the United States. This requirement may be waived by the commissioner if the dollar volume of a licensee's outstanding payment instruments does not exceed the bond or other security devices posted by the licensee pursuant to section 8 of this act.

c. In the event of bankruptcy of the licensee, permissible investments, even if commingled with other assets of the licensee, shall be deemed to be held in trust for the benefit of the purchasers and holders of the licensee's outstanding payment instruments by operation of law.

C.17:15C-7 Application for license; requirements.

7. Each application for a license shall be made in writing, under oath, and in a form prescribed by the commissioner. Each application shall contain:

a. For all applicants:

(1) The exact name of the applicant, the applicant's principal address, any fictitious or trade name used by the applicant in the conduct of its business and the location of the applicant's business records;

(2) The history, if any, of the applicant's material litigation and criminal convictions for the five-year period prior to the date of the application;

(3) A description of the activities conducted by the applicant and a history of operations;

(4) A description of the business activities in which the applicant seeks to be engaged in the State;

(5) A list identifying the applicant's proposed authorized delegates in the State, if any, at the time of the filing of the license application;

(6) A sample authorized delegate contract, if applicable;

(7) A sample form of payment instrument, if applicable;

(8) Each location at which the applicant and its authorized delegates, if any, propose to conduct the licensed activities in the State;

(9) The name and address of each clearing bank on which the applicant's payment instruments will be drawn or through which those payment instruments will be payable;

(10) A list identifying each country to which an applicant proposes to transmit money or from which an applicant proposes to receive money transmissions;

(11) Federal tax identification number; and

(12) Non-refundable application fee as prescribed by regulation by the commissioner in an amount not to exceed \$1,000.

b. If the applicant is a corporation, the applicant shall also provide:

(1) The date of the applicant's incorporation and state of incorporation;

(2) A certificate of good standing from the state in which the applicant was incorporated;

(3) A description of the corporate structure of the applicant, including the identity of any parent or subsidiary of the applicant, and the disclosure of whether any parent or subsidiary is publicly traded on any stock exchange;

(4) The name, business and residence address, social security number, date of birth and employment history for the past five years of each of the applicant's executive officers and of each officer or manager who will be in charge of the applicant's activities to be licensed under this act;

(5) The name, business and residence address, social security number, date of birth and employment history for the period five years prior to the date of the application of each key shareholder of the applicant;

(6) The history, if any, of material litigation and criminal convictions for the five-year period prior to the date of the application of every executive officer or key shareholder of the applicant;

(7) A copy of the applicant's most recent audited financial statements (including balance sheet, statement of income or loss, statement of changes in shareholder equity and statement of changes in financial position) prepared by a certified public accountant or public accountant in good standing and, if available, the applicant's audited financial statements for the immediately preceding three-year period. However, if the applicant is a wholly owned subsidiary of another corporation, the applicant may submit

either the parent corporation's consolidated audited financial statements for the current year and for the immediately preceding three-year period or the parent corporation's Form 10-K reports filed with the Securities and Exchange Commission for the prior three years in lieu of the applicant's financial statements. If the applicant is a wholly owned subsidiary of a corporation having its principal place of business outside the United States, similar documentation filed with the parent corporation's non-United States regulator may be submitted to satisfy this provision;

(8) Copies of all filings, if any, made by the applicant with the Securities and Exchange Commission, or with a similar regulator in a country other than the United States, within the year preceding the date of filing of the application; and

(9) Except in the case of a publicly traded corporation, its subsidiaries and affiliates, or a bank, bank holding company, subsidiaries and affiliates thereof, fingerprints of each of the applicant's executive officers and of each officer or manager who will be in charge of the applicant's activities to be licensed hereunder.

c. If the applicant is not a corporation, the applicant shall also provide:

(1) The name, business and residence address, personal financial statement and employment history for the past five years, social security number, date of birth, and fingerprints of each principal of the applicant and the name, business and residence address, employment history for the past five years, social security number, date of birth, and fingerprints of any other persons who will be in charge of the applicant's activities to be licensed under this act;

(2) The place and date of the applicant's registration or qualification to do business in this State;

(3) The history, if any, of material litigation and criminal convictions for the five-year period prior to the date of the application for each individual having any ownership interest in the applicant and each individual who exercises supervisory responsibility with respect to the applicant's activities;

(4) Copies of the applicant's audited financial statements (including balance sheet, statement of income or loss, and statement of changes in financial position) prepared by a certified public accountant or public accountant in good standing for the current year and, if available, for the immediately preceding two-year period; and

(5) Alien registration information, if applicable.

d. Such other information as the commissioner may require by regulation.

C.17:15C-8 Accompaniment of application with security device; amounts required; conditions.

8. a. (1) Except as provided pursuant to paragraph (2) of this subsection a., each application shall be accompanied by a surety bond, irrevocable letter of credit or such other similar security device (hereinafter "security device") acceptable to the commissioner in an amount prescribed by the commissioner by regulation of not less than \$100,000 and not more than \$1,000,000. The security device shall be in a form satisfactory to the commissioner and shall run to the State for the benefit of any person injured by a wrongful act, default, fraud or misrepresentation of the licensee, including its directors, officers, authorized delegates and employees, to secure the faithful performance of the obligations of the licensee with respect to the receipt, handling, transmission, and payment of money in connection with the sale and issuance of payment instruments, transmission of money, or both. In the case of a bond, the bond shall be obtained from a surety company authorized to do business in this State and the aggregate liability of the surety in no event shall exceed the principal sum of the bond.

(2) Each application to engage only in the business of a foreign money transmitter shall be accompanied by a surety bond, irrevocable letter of credit or such other similar security device (hereinafter "security device") acceptable to the commissioner in an amount which is based on the annual volume of business in this State as reported in the most recent annual report filed pursuant to section 12 of this act as set forth in the following schedule:

Annual Volume of Business	Security Device Amount
Up to and including \$500,000	\$25,000.
Over \$500,000 and up to and including \$1,000,000	\$30,000.
Over \$1,000,000 and up to and including \$2,000,000	\$35,000.
Over \$2,000,000 and up to and including \$3,000,000	\$40,000.
Over \$3,000,000 and up to and including \$4,000,000	\$45,000.
Over \$4,000,000 and up to and including \$5,000,000	\$50,000.
Over \$5,000,000 and up to and including \$6,000,000	\$55,000.
Over \$6,000,000 and up to and including \$7,000,000	\$60,000.
Over \$7,000,000 and up to and including \$8,000,000	\$65,000.
Over \$8,000,000 and up to and including \$9,000,000	\$70,000.
Over \$9,000,000 and up to and including \$10,000,000	\$75,000.
Over \$10,000,000 and up to and including \$11,000,000	\$80,000.
Over \$11,000,000 and up to and including \$12,000,000	\$80,000.
Over \$12,000,000 and up to and including \$13,000,000	\$90,000.
Over \$13,000,000 and up to and including \$14,000,000	\$95,000.
Over \$14,000,000 and up to and including \$15,000,000	\$100,000.

The security device amount required on an annual volume of business in excess of \$15 million shall be \$100,000 plus an additional amount set by the commissioner by regulation not to exceed \$900,000. The security device shall be in a form satisfactory to the commissioner and shall run to the State for the benefit of any person injured by a wrongful act, default, fraud or misrepresentation of the licensee, including its directors, officers, authorized delegates and employees, to secure the faithful performance of the obligations of the licensee with respect to the receipt, handling, transmission, and payment of money in connection with the sale and issuance of payment instruments, transmission of money, or both. In the case of a bond, the bond shall be obtained from a surety company authorized to do business in this State and the aggregate liability of the surety in no event shall exceed the principal sum of the bond.

(3) Persons licensed pursuant to R.S.17:15-1 et seq. on the day prior to the effective date of this act whose license is continued pursuant to subsection b. of section 27 of this act shall fully comply with the requirements of paragraph (2) of this subsection a. as follows:

(a) by the first business day following 90 days after the effective date of this act, have a security device acceptable to the commissioner of \$25,000;

(b) by July 1, 1999, have a security device acceptable to the commissioner in the amount that is required pursuant to subparagraph (a) of this paragraph (3), plus 25% of the additional amount required pursuant to paragraph (2) of this subsection a., if any;

(c) by July 1, 2000, have a security device acceptable to the commissioner in the amount that is required pursuant to subparagraph (a) of this paragraph (3), plus 50% of the additional amount required pursuant to paragraph (2) of this subsection a., if any; and

(d) by July 1, 2001, have a security device acceptable to the commissioner that is in full compliance with the amount required under this act.

b. In lieu of the security device or of any portion of the principal thereof, as required by this section, the licensee may deposit with the commissioner, or with banks in this State that the licensee designates and the commissioner approves, cash, interest-bearing stocks and bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States, or of this State, or of a political subdivision or instrumentality of this State, or guaranteed by this State which is rated in one of the three highest categories by a nationally recognized statistical rating organization, to an aggregate amount, based upon principal amount or market value, whichever is lower, of not less than the amount of the security device or portion thereof. The securities, cash,

or both, shall be deposited as aforesaid and held to secure the same obligations as the security device, but the depositor shall be entitled to receive all interest and dividends thereon, shall have the right, with the approval of the commissioner, to substitute other securities for those deposited, and shall be required to do so on written order of the commissioner for good cause shown.

c. The security device shall remain in effect until cancellation, which may occur only after thirty days' written notice to the commissioner. Cancellation shall not affect any liability incurred or accrued during that period.

d. The security device shall remain in place for no longer than five years after the licensee ceases money transmission operations in the State. However, notwithstanding this provision, the commissioner may permit the security device to be reduced or eliminated prior to that time to the extent that the amount of the licensee's payment instruments outstanding in this State are reduced. The commissioner may also permit a licensee to substitute a letter of credit or other form of security device acceptable to the commissioner for the security device in place at the time the licensee ceases money transmission operations in the State by surrender, revocation or expiration of its license.

C.17:15C-9 Investigation of applicants for licensing, renewal; fees.

9. a. Upon the filing of a complete application, in the case of an initial application, or the filing of a complete biennial renewal application, the commissioner shall investigate the financial condition and responsibility, financial and business experience, character and general fitness of the applicant for an initial license or a renewal license. The commissioner may conduct an on-site investigation of the applicant for an initial license, the reasonable cost of which shall be borne by the applicant. If the commissioner finds that the applicant's business will be conducted honestly, fairly and in a manner commanding the confidence and trust of the community and that the applicant has fulfilled the requirements imposed by this act and has paid the required license fee, the commissioner shall issue a license to the applicant authorizing the applicant to engage in the licensed activities in this State. If these requirements have not been met, the commissioner shall deny the application in writing, setting forth the reasons for the denial.

b. The commissioner shall approve or deny every application for an initial license within 120 days from the date that the applicant has satisfied all requirements for licensure.

c. The license fee for each two-year period, or any part thereof, shall be in an amount prescribed by the commissioner by rule or regulation, not to exceed \$4,000. The two-year license period shall be set by the commis-

sioner by rule or regulation. A license shall run from the date of issuance to the end of the biennial period. If the initial license is issued in the second year of the biennial licensing period, the license fee shall be in an amount not to exceed \$2,000.

d. Each license issued pursuant to this act shall expire at the end of the biennial licensing period. Licenses shall not be transferable or assignable.

e. The licensee shall submit a biennial fee to register locations in the State. The fee shall be established by the commissioner by regulation in an amount which is not less than \$25 per location in the State but which shall not to exceed a maximum amount of \$5,000 for all locations.

f. Within 45 days after the end of each calendar quarter, each licensee shall file with the commissioner in writing a list of all locations within the State that have been added or terminated by the licensee, if any. The list shall include the name and business address of each location.

g. If the licensed name or licensed business address is changed, the licensee shall notify the commissioner in writing of the change within 10 days.

C.17:15C-10 Keeping of records required.

10. a. Each licensee, shall make, keep and preserve the following books, accounts and other records for a period of three years:

- (1) a record of each payment instrument sold;
- (2) a general ledger containing all assets, liabilities, capital, income and expense accounts (which general ledger shall be posted at least monthly);
- (3) settlement sheets received from authorized delegates;
- (4) bank statements and bank reconciliation records;
- (5) records of outstanding payment instruments;
- (6) records of each payment instrument paid within the three-year period;
- (7) a list of names and addresses of all of the licensee's authorized delegates;
- (8) a list of all countries to which money is transmitted or from which money is received for transmission;
- (9) a list of the names and addresses of all clearing banks through which the licensee's money transmission business is conducted; and
- (10) such other books and records as the commissioner may require by regulation.

b. Maintenance of the documents required by this section in a photographic, electronic or other similar form shall constitute compliance with this section.

c. Each licensee shall maintain the records it is required to maintain pursuant to 31 C.F.R. s.103.11 et seq.

d. The records of the licensee regarding business regulated under this act shall be maintained at its principal place of business or, with notice to the commissioner, at another location designated by the licensee. If the records are maintained outside this State, the commissioner may require that the licensee reimburse the department for the travel costs incurred in the examination or investigation of those records or may require that the licensee make those records available to the commissioner at the commissioner's office not more than seven business days after demand. The commissioner may further require that those records be accompanied by an individual who will be available to answer questions regarding those records and the business regulated under this act. The commissioner may require the appearance of a specific individual, or request that the licensee designate an individual with knowledge of the records and the business.

C.17:15C-11 Investigation, examination of licensee.

11. a. The commissioner may investigate and examine any licensee or other person the commissioner deems necessary to determine compliance with this act and the orders, rules and regulations issued hereunder. For these purposes, the commissioner may examine the books, accounts, records, and other documents or matters of any licensee or other person. The commissioner shall have the power to compel by subpoena the production of all relevant books, records and other documents and materials relative to an examination or investigation. The cost of the investigations and examinations shall be borne by the licensee.

b. Examinations and investigations conducted under the provisions of this section shall be confidential except as required in the administration, enforcement and prosecution of violations under this act, or pursuant to a court order made upon notice to the commissioner and after affording the commissioner an opportunity to advise the court of reasons for excluding that evidence. The court shall order the issuance of a subpoena for the production or admission into evidence of any report or portion thereof, only if it is satisfied that: (1) it is material and relevant to the issues in the proceedings; and (2) the ends of justice and public advantage will be served thereby. If any person refuses to obey a subpoena, or to give testimony or produce evidence as required thereby, the commissioner may apply ex parte to any court having jurisdiction over that person for an order compelling the appearance of the witness before the commissioner to give testimony or to produce evidence as required thereby, or both. The commissioner, in lieu of an on-site examination, may establish by regulation other reports which will be deemed acceptable and which will be considered for all purposes an official report of the commissioner.

c. The commissioner may request additional financial data from a licensee or conduct an on-site examination or investigation of any authorized delegate or location of a licensee within this State without prior notice to the authorized delegate or licensee if the commissioner has a reasonable basis to believe that the licensee or authorized delegate is not in compliance with this act. Whenever the commissioner examines or investigates an authorized delegate's operations, the authorized delegate shall pay the costs of that examination or investigation, but the licensee shall remain liable for ensuring that the payment is made. Whenever the commissioner examines or investigates a licensee's location within the State, the licensee shall pay all reasonably incurred costs of that examination.

C.17:15C-12 Annual reports; fees.

12. a. Each licensee shall file with the commissioner on or before April 1 of each year an annual report containing the information required by the commissioner by regulation, along with a fee in an amount set by the commissioner by regulation not to exceed \$200.

b. The commissioner may require reports of any licensee or authorized delegate, under penalty of perjury or otherwise, concerning the licensee's or authorized delegate's business conducted pursuant to the license issued under this act, as the commissioner requires for the enforcement of this act.

c. A licensee who fails to file any report required by this section on or before the day designated for making the report, or fails to include any prescribed matter in the report, shall pay a penalty of \$100 for each day that the report is delayed or incomplete, unless the commissioner, for good cause shown, reduces the amount to be paid, or unless the time to file the report is extended in writing by the commissioner. The penalty may be recovered in a summary proceeding under "the penalty enforcement law," N.J.S.2A:58-1 et seq.

d. The licensee shall include in its annual report:

(1) (a) except as provided pursuant to subparagraph (b) of this paragraph (1), for a person licensed to engage only in the business of a foreign money transmitter, a copy of its most recent audited consolidated annual financial statement, including balance sheet, statement of income or loss, statement of changes in shareholder's equity and statement of changes in financial position, or, in the case of a licensee that is a wholly owned subsidiary of another corporation, the consolidated audited annual financial statement of the parent corporation may be filed in lieu of the licensee's audited annual financial statement;

(b) for a person licensed to engage only in the business of a foreign money transmitter, a copy of its most recent compiled annual financial statement, including balance sheet, statement of income or loss, statement

of changes in shareholder's equity and statement of changes in financial position, except that the commissioner may, for good cause, request a foreign money transmitter to submit an audited financial statement;

(2) for the most recent quarter for which data is available prior to the date of the filing of the annual report, but in no event more than 120 days prior to the annual report filing date, the licensee shall provide the number of payment instruments sold by the licensee in the State, the dollar amount of those instruments and the dollar amount of those instruments currently outstanding;

(3) any material changes to any of the information submitted by the licensee on its original application which have not previously been reported to the commissioner on any other report required to be filed under this act;

(4) a list of the licensee's permissible investments;

(5) a list of the locations within this State at which business regulated by this act is being conducted by either the licensee or its authorized delegate; and

(6) such other information as the commissioner may require by regulation.

C.17:15C-13 Written report required upon occurrence of certain events.

13. Within 15 days of the occurrence of any one of the events listed below, a licensee shall file a written report with the commissioner describing the event and its expected impact on the licensee's activities in the State:

a. The filing for bankruptcy or reorganization by the licensee;

b. The institution of revocation or suspension proceedings against the licensee by any state or governmental authority with regard to the licensees' money transmission activities;

c. Any indictment of the licensee or any of its key officers or directors related to money transmission activities and specified as a crime by P.L.1994, c.121 (C.2C:21-23 et seq.);

d. Any conviction of the licensee or any of its key officers or directors related to money transmission activities and specified as a crime by P.L.1994, c.121 (C.2C:21-23 et seq.).

C.17:15C-14 Approval for acquisition of control of licensee; application, fee.

14. a. A person shall not directly or indirectly acquire control of a licensee without the prior written approval of the commissioner. The application for change of control shall be in writing in a form prescribed by the commissioner and shall be accompanied by the information, data and records the commissioner requires by regulation. The application shall be accompanied by a fee in an amount not to exceed \$500 set by the commissioner by regulation.

b. The commissioner shall deny the application to acquire control of a licensee if the commissioner finds that the acquisition of control is contrary to law or that disapproval is reasonably necessary to protect the interest of the public. In making that determination, the commissioner shall consider the following:

(1) Whether the financial condition of the person that seeks to control the licensee might jeopardize the financial condition of the licensee or the interests of the public in the conduct of the business regulated under this act; and

(2) Whether the competence, experience, and integrity of the person who seeks to control the licensee, or the officers, directors and controlling persons of the person who seeks to control the licensee, indicate that it would not be in the interests of the public to permit that person to control the licensee.

c. Nothing in this section shall prohibit a person from negotiating or entering into agreements subject to the condition that the acquisition of control will not be effective until approved by the commissioner.

d. This section shall not apply to any of the following persons or transactions:

(1) A registered dealer who acts as an underwriter or member of a selling group in a public offering of the voting securities of a licensee or controlling person of a licensee;

(2) A person who acts as proxy for the sole purpose of voting at a designated meeting of the security holders of a licensee or controlling person of a licensee;

(3) A person who acquires control of a licensee or controlling person as a personal representative, custodian, guardian, conservator, trustee or other officer appointed by a court of competent jurisdiction or by operation of law;

(4) Purchases of a controlling amount of shares on a national stock exchange of a publicly held licensee, until the licensee has actual notice of that purchase and, within five days, notifies the commissioner; and

(5) Any other person or transaction that the commissioner by rule or order exempts in the public interest.

e. Before filing an application for approval to acquire control, a person may request in writing a determination from the commissioner as to whether that person will be deemed in control, upon consummation of a proposed transaction. If the commissioner determines in response to that request that the person will not be in control within the meaning of this act, the commissioner shall notify the person that the proposed transaction is not subject to the requirements of this section.

C.17:15C-15 Confidentiality of information, reports.

15. a. Notwithstanding any other provision of law, all information or reports obtained by the department from an applicant, licensee or authorized delegate, whether obtained through reports, applications, examinations, audits, investigations, or otherwise, including, but not limited to: (1) all information contained in or related to examination, investigation, operating, or condition reports prepared by, on behalf of, or for the use of the department; or (2) financial statements, balance sheets, or authorized delegate information, are confidential and may not be disclosed or distributed outside the department by the commissioner or any officer or employee of the department. The commissioner, however, may provide for the release of information to representatives of state or federal agencies and foreign countries having regulatory or supervisory authority over the activities of the licensee or similar licensees if those representatives, upon request of the commissioner, disclose similar information respecting those licensees under their regulation or supervision, or to those representatives who state in writing under oath that they shall maintain the confidentiality of that information.

b. The commissioner may:

(1) Disclose the fact of filing of applications with the department pursuant to this act, give notice of a hearing, if any, regarding those applications, and announce his action thereon;

(2) Disclose final decisions in connection with proceedings for the suspension or revocation of licenses issued pursuant to this act;

(3) Prepare and circulate reports reflecting the assets and liabilities of money transmitters in general, including other information considered pertinent to the purpose of each report for general statistical information; and

(4) Prepare and circulate reports as provided by law.

c. Every official report of the department is prima facie evidence of the facts therein stated in any action or proceeding wherein the commissioner is a party.

d. Nothing in this section shall be construed to prevent the disclosure of information that is admissible in evidence in any civil or criminal proceeding brought by or at the request of the commissioner or this State to enforce or prosecute violations of this act or the rules, regulations or orders issued or promulgated pursuant to this act.

C.17:15C-16 Suspension, revocation of license.

16. After notice and hearing pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the commissioner may suspend or revoke a licensee's license if the commissioner finds that:

a. The licensee has made a material misstatement or suppressed or withheld information on the application for a license or any document required to be filed with the commissioner;

b. Any fact or condition exists that, if it had existed at the time when the licensee applied for its license, would have been grounds for denying the application;

c. The licensee's net worth has become inadequate and the licensee, after 10 days' written notice from the commissioner, fails to take the steps the commissioner deems necessary to remedy the deficiency;

d. The licensee knowingly violates any material provision of this act or any rule or order validly promulgated by the commissioner under authority of this act;

e. The licensee is conducting its business in an unsafe or unsound manner;

f. The licensee is insolvent; for the purposes of this section, a licensee shall be insolvent if: (1) the aggregate of its property at a fair valuation, exclusive of any property which it may have conveyed, transferred, concealed, removed or permitted to be concealed or removed, with intent to defraud, hinder or delay its creditors, is not sufficient in amount to pay its debts; or (2) the licensee is unable, by its available assets or the honest use of credit, to pay its debts as they become due;

g. The licensee has suspended payment of its obligations, has made an assignment for the benefit of its creditors, or has admitted in writing its inability to pay its debts as they become due;

h. The licensee has applied for an adjudication of bankruptcy, reorganization, arrangement, or other relief under any bankruptcy;

i. The licensee refuses to permit the commissioner to make any examination or investigation authorized by this act;

j. The licensee willfully fails to make any report required by this act;

k. The licensee has willfully violated any provision of 31 C.F.R. s.103.11 et seq.; or

l. The licensee has willfully violated any provision of P.L.1994, c.121 (C.2C:21-23 et seq.).

C.17:15C-17 Authorization of delegates.

17. Licensees desiring to conduct licensed activities through authorized delegates shall authorize each delegate to operate pursuant to an express written contract, which shall provide that the licensee appoints the person as its delegate with authority to engage in the activities of a money transmitter on behalf of the licensee.

C.17:15C-18 Regulations pertinent to delegates.

18. a. An authorized delegate shall not make any fraudulent or false statement or misrepresentation to a licensee or to the commissioner.

b. All money transmission or sale or issuance of payment instrument activities conducted by authorized delegates shall be strictly in accordance with the licensee's written procedures to the authorized delegate.

c. An authorized delegate shall remit all money owing to the licensee in accordance with the terms of the contract between the licensee and the authorized delegate. The failure of an authorized delegate to remit all money owing to a licensee within the time presented shall result in liability of the authorized delegate to the licensee for three times the licensee's actual damages. The commissioner shall have the discretion to set, by regulation, the maximum remittance time.

d. An authorized delegate is deemed to consent to the commissioner's inspection, with or without prior notice to the licensee or authorized delegate, of the books and records of the authorized delegate of the licensee whenever the commissioner has a reasonable basis to believe that the licensee or authorized delegate is not in compliance with this act.

e. An authorized delegate is under a duty to act only as authorized under the contract with the licensee and an authorized delegate who exceeds its authority is subject to cancellation of its contract and further disciplinary action by the commissioner.

f. All funds (less fees) received by an authorized delegate of a licensee from the sale or delivery of a payment instrument issued by a licensee or received by an authorized delegate for transmission shall, from the time the funds are received by an authorized delegate until that time when the funds or an equivalent amount are remitted by the authorized delegate to the licensee, constitute trust funds owned by and belonging to the licensee. If an authorized delegate commingles any trust funds with any other funds or property owned or controlled by the authorized delegate, all commingled proceeds and other property shall be impressed with a trust in favor of the licensee in the amount equal to the amount of the proceeds due the licensee.

g. An authorized delegate shall report to the licensee the theft or loss of payment instruments within 24 hours from the time it knew or should have known of that theft or loss.

h. Authorized delegates shall comply with the provisions of 31 C.F.R. s.103.11 et seq. and P.L.1994, c.121 (C.2C:21-23 et seq.).

i. Authorized delegates shall conduct all business governed by this act in the name of the licensee.

C.17:15C-19 Violations by delegates; issuance of order suspending, barring; application for modification, rescission.

19. a. If, after notice and a hearing, the commissioner finds that any authorized delegate of a licensee or any director, officer, employee, or controlling person of that authorized delegate:

(1) has violated any provision of this act or of any rule or regulation or order issued under this act;

(2) has engaged or participated in any unsafe or unsound act with respect to the business of selling or issuing payment instruments of the licensee or the business of money transmission; or

(3) has made or caused to be made in any application or report filed with the commissioner or in any proceeding before the commissioner, any statement which was at the time and in the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein, the commissioner may issue an order, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) suspending or barring the authorized delegate from continuing to be or becoming an authorized delegate of any licensee during the period for which the order is in effect. Upon issuance of an order, the licensee shall terminate its relationship with the authorized delegate according to the terms of the order.

b. (1) Any authorized delegate to whom an order is issued under this section may apply to the commissioner to modify or rescind the order. The commissioner shall not grant the application unless the commissioner finds that it is in the public interest to do so and that it is reasonable to believe that the person will, if and when the person is permitted to resume being an authorized delegate of a licensee, comply with all applicable provisions of this act and of any regulation and order issued under this act.

(2) The right of any authorized delegate to whom an order is issued under this section to petition for judicial review of that order shall not be affected by the failure of that person to apply to the commissioner to modify or rescind the order.

C.17:15C-20 Limitation of licensee's responsibility.

20. A licensee's responsibility to any person for a money transmission conducted on that person's behalf by the licensee or the licensee's authorized delegate shall be limited to the amount of money transmitted or the face amount of the payment instrument purchased and any fee, commission or other benefit paid to the licensee or the licensee's authorized delegate for that service.

C.17:15C-21 Applicability of APA.

21. The provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) shall apply to any hearing afforded pursuant to this act.

C.17:15C-22 Violations, penalties.

22. a. If, after notice and hearing, the commissioner finds that a person has violated any provision of this act or a rule adopted under this act, the commissioner may order the person to pay the commissioner a civil penalty in an amount specified by the commissioner, not to exceed \$5,000 for each violation. Each violation shall constitute a separate offense and the penalty under this section shall be in addition to a suspension or revocation of a license. No such proceeding shall be initiated and no penalty shall be assessed pursuant to this section until after that person has been notified in writing of the nature of the violation and has been afforded a reasonable period of time, as set forth in the notice, to correct the violation and has failed to do so. The provisions of "the penalty enforcement law," N.J.S.2A:58-1 et seq., shall apply.

b. The commissioner, in the exercise of the commissioner's reasonable judgment, is authorized to compromise, settle, and collect civil penalties with any person for violations of any provision of this act, or of any rule, regulation or order issued or promulgated pursuant to this act.

C.17:15C-23 Powers of commissioner.

23. a. If it appears to the commissioner that any person has committed or is about to commit a violation of any provision of this act or of any rule or order of the commissioner, the commissioner may apply to the Superior Court for an order enjoining that person from violating or continuing to violate this act or any rule, regulation or order of the commissioner and for injunctive or other relief as the nature of the case may require.

b. The commissioner may enter into consent orders at any time with any person to resolve any matter arising under this act. A consent order shall be signed by the person to whom it is issued or a duly authorized representative, and shall indicate agreement to the terms contained therein. A consent order need not constitute an admission by any person that any provision of this act, or any rule, regulation or order promulgated or issued thereunder has been violated, nor need it constitute a finding by the commissioner that the person has violated any provision of this act or any rule, regulation or order promulgated or issued thereunder.

c. Notwithstanding the issuance of a consent order, the commissioner may seek civil or criminal penalties or compromise civil penalties concern

ing matters encompassed by the consent order, unless the consent order by its terms expressly precludes the commissioner from so doing.

d. The commissioner is authorized to exchange fingerprint data with and receive criminal history information from the Federal Bureau of Investigation and the New Jersey Division of State Police or any other appropriate agency for use in performing background checks. The commissioner is authorized to conduct additional background checks the commissioner deems appropriate.

C.17:15C-24 Violations designated fourth, third degree crimes.

24. a. Any person who knowingly and willfully violates any provision of this act for which a penalty is not specifically provided is guilty of a crime of the fourth degree.

b. Any person who knowingly and willfully makes a material, false statement in any document filed or required to be filed under this act with the intent to deceive the recipient of the document is guilty of a crime of the third degree.

c. Any person who knowingly and willfully engages in the business of money transmission without a license as provided herein shall be guilty of a crime of the third degree.

d. Any person who purposely or knowingly refuses to permit any lawful investigation by the commissioner or the Attorney General shall be guilty of a crime of the third degree.

C.17:15C-25 Regulations.

25. The commissioner shall 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.

C.17:15C-26 Presumptions regarding licensees, delegates; service of process.

26. a. Any licensee, authorized delegate or other person who engages in business activities that are regulated under this act, with or without filing an application, is deemed to have done both of the following:

(1) Consented to the jurisdiction of the courts of this State for all actions arising under this act; and

(2) Appointed the commissioner as his lawful agent for the purpose of accepting service of process in any action, suit or proceeding that may arise under this act.

b. Within three business days after service of process upon the commissioner, the commissioner shall transmit by certified mail copies of all lawful process accepted by the commissioner as an agent to that person at its last known address. Service of process shall be considered complete

three business days after the commissioner deposits copies of the documents in the United States mail.

C.17:15C-27 Application required for those currently doing business; status of current licensees.

27. a. Every person engaged in activities within this State encompassed by this act on the effective date of this act, except those persons already licensed under chapter 15 of Title 17 of the Revised Statutes or P.L.1964, c.273 (C.17:15B-1 et seq.), shall file an application in accordance with the provisions of this act by the first business day following 90 days after the effective date of this act.

b. A person holding a license in good standing under chapter 15 of Title 17 of the Revised Statutes shall continue as a licensee under this act until the first business day following 90 days after the effective date of this act. If the licensee intends to continue to engage only in the business of a foreign money transmitter regulated by this act, the licensee shall, by the first business day following 90 days after the effective date of this act, submit to the commissioner a written statement certified to be true under penalty of law that the licensee is in full compliance with the provisions of this act; this statement shall include the information required by sections 5, 6 and 8 of this act. Upon submission of the aforementioned statement under oath, a licensee's current license shall continue in accordance with the provisions of this act.

c. A person holding a license in good standing under chapter 15 of Title 17 of the Revised Statutes or P.L.1964, c.273 (C.17:15B-1 et seq.), or both, who wishes to continue as a licensee under this act, shall, by the first business day following 90 days after the effective date of this act, submit to the commissioner a written statement certified to be true under penalty of law that the licensee is in full compliance with the provisions of this act; this statement shall include the information required by sections 5, 6 and 8 of this act. Upon submission of the aforementioned statement under oath, a licensee's current license shall continue in accordance with the provisions of this act.

Repealer.

28. The following are repealed:
R.S.17:15-1 through R.S.17:15-10 and
P.L.1964, c.273 (C.17:15B-1 et seq.).

29. Section 25 of this act shall take effect immediately and the remainder of this act shall take effect on the first business day following 90 days after enactment.

Approved May 1, 1998.

CHAPTER 15

AN ACT concerning property tax rebates to tenants and amending P.L.1976, c.63.

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

1. Section 2 of P.L.1976, c.63 (C.54:4-6.3) is amended to read as follows:

C.54:4-6.3 Definitions relative to tenants' property tax rebates.

2. As used in this act unless the context clearly indicates a different meaning:

a. "Qualified real rental property" means any building or structure or complex of buildings or structures in which four or more housing units are rented or leased or offered for rental or lease for residential purposes except:

(1) hotels, motels or other guesthouses serving transient or seasonal guests;

(2) buildings or structures which are subject to an abatement agreement under which reduced or no property taxes are paid on the improvements pursuant to statute, notwithstanding that payments in lieu of taxes are paid in accordance with the agreement;

(3) buildings or structures located in municipalities in which a rent control ordinance which does not provide for an automatic increase in the amount of rent permitted to be charged by a property owner upon an increase in the amount of property tax levied upon the property is in effect for the base year and the current year;

(4) dwelling units in a residential cooperative or mutual housing corporation;

(5) dwelling units in a condominium, other than those dwelling units which are occupied by qualified tenants under the "Tenant Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.);

(6) dwelling units in a continuing care retirement community; or

(7) dwelling units within residential health care facilities; assisted living residences; facilities with a Class C license pursuant to P.L.1979, c.496 (C.55:13B-1 et al.), the "Rooming and Boarding House Act of 1979" or similar facilities for which occupancy is predicated upon the receipt of medical, nursing or personal care services for the residents and the cost thereof is included in the rent.

Owner occupation of a building shall not be a factor in whether a building is qualified real rental property under P.L.1976, c.63 (C.54:4-6.2 et seq.).

b. "Property tax reduction" means the difference between the amount of property tax paid or payable on any qualified real rental property in the base year, and the amount of property taxes paid or payable in the current year if less than the amount of property taxes paid or payable in the base year.

c. "Base year" means calendar year 1998.

If any of the following events occur, "base year" shall then mean:

(1) any calendar year after 1998 in which property taxes levied for qualified real rental property exceed the property taxes levied for 1998 for that property;

(2) the first calendar year after 1998 during which qualified real rental property is first offered for rent or lease;

(3) the first full calendar year after 1998 in which qualified real rental property is no longer subject to a tax exemption or tax abatement program;

(4) a calendar year subsequent to 1998 for which the property tax calculation reflects an assessment reduction from the prior base year assessment; or

(5) a calendar year subsequent to 1998 in which the property taxes paid in the base year and the property taxes paid in the current year do not reflect consistent budgetary and tax item components because sewer, solid waste or similar services provided through a taxing entity budget and reflected in the tax rate are changed to a separately billed user fee.

d. "Assessment reduction" means a decrease in the amount of assessed value of qualified real rental property resulting from an agreement entered into with a municipal taxing authority, an abatement, exemption, change in assessment imposed administratively by a municipal tax assessor or county board of taxation, or a judgment entered by a county board of taxation, the tax court, or by a court of competent jurisdiction.

2. Section 4 of P.L.1976, c.63 (C.54:4-6.5) is amended to read as follows:

C.54:4-6.5 Computation of amount of property tax reduction.

4. a. At the time when municipal property tax bills are prepared pursuant to R.S.54:4-64 the municipal tax collector shall compute the amount of property tax reduction for the year for each property owner of qualified real rental property and shall provide a notice to inform the property owner receiving a property tax reduction of the amount thereof and of the owner's obligations under P.L.1976, c.63 (C.54:4-6.2 et seq.).

b. In computing the property tax reduction, if the current year property tax calculation reflects an assessment reduction from a base year assessment, other than as provided in subsection c. of this section, no property tax reduction has occurred and no rebate shall be due or payable for that property for the current tax year.

c. In the event a municipal-wide revaluation or reassessment is implemented in the current tax year, the property tax reduction shall be the difference between the amount of property tax paid or payable in the current tax year and the amount of property tax paid in the base year. The year in which a municipal-wide revaluation or reassessment is implemented shall become the base year in any subsequent tax year.

d. The tax collector shall compute the property tax reduction in accordance with any tax appeal judgments entered or tax appeal stipulations filed with a county tax board or court of competent jurisdiction as of the date of his calculation. If the tax collector receives notice of the entry of a tax appeal judgment or the filing of a stipulation with a county tax board or court of competent jurisdiction after the initial property tax reduction notice has been mailed to the property owner, he shall, within 30 working days, recalculate the property tax reduction accordingly and provide a revised notice of tax reduction to the property owner. For the purposes of this subsection, "receives notice" shall mean the tax collector has been notified by the owner of real property or the owner's agent, or otherwise made aware of the judgment or stipulation. A copy of the notice or any revised notice shall be provided to the rent leveling board, or similar agency charged with regulating rents or, where no such board exists, retained by the tax collector.

3. Section 5 of P.L.1976, c.63 (C.54:4-6.6) is amended to read as follows:

C.54:4-6.6 Computation of property tax rebate.

5. The property tax rebate for each tenant shall be computed by the property owner by subtracting from the total property tax reduction as calculated pursuant to section 4 of P.L.1976, c.63 (C.54:4-6.5) an amount equal to the proportion that nonresidential rents and the rental value of the owner's or the owner's employee's personal occupancy bears to total rental value, and then by dividing the remaining property tax reduction among all residential tenants in proportion to the rent each is required to pay.

4. Section 6 of P.L.1976, c.63 (C.54:4-6.7) is amended to read as follows:

C.54:4-6.7 Payment of property tax rebate, credit.

6. The property tax rebate or credit for each dwelling unit shall be paid to the tenant who was in residence of such unit during the calendar year. The rebate shall be paid monthly, except that the first rebate payment shall be cumulative to the month following receipt of the notice of property tax reduction pursuant to section 4 of P.L.1976, c.63 (C.54:4-6.5), and the last shall be made by December 31; provided however, that if a notice is received after November 1 of the tax year, the first rebate payment need not be cumulative and the rebate may be payable in monthly installments to the next following June 30. Such property tax reduction shall, at the option of the owner, either be credited as a rent reduction or paid directly to the tenant.

The amount of each monthly property tax rebate or credit shall be equal to one-twelfth of the annual amount of the rebate or credit; provided, however, that the amount of the rebate or credit due the tenant at the time the rent is paid shall be rounded off such that any amount less than \$0.50 shall be reduced to the next lower dollar and any amount \$0.50 or higher shall be increased to the next higher dollar. Rebates shall be paid to a tenant only for the number of months during the calendar year the tenant has been in residence. A landlord shall use his or her best efforts to obtain the forwarding address of a tenant who is entitled to a rebate and who has moved from the rental premises.

An owner shall adjust the payment or crediting of a rebate immediately upon the receipt of and in accordance with a revised notice of property tax reduction pursuant to section 4 of P.L.1976, c.63 (C.54:4-6.5); provided, however, that no amount of rebate previously paid or credited may be recovered by the owner.

In the case of a lease terminated pursuant to P.L.1971, c.318 (C.46:8-9.1), any property tax rebate or credit due and owing prior to that termination of the lease shall be paid to the executor or administrator of the estate of the tenant or the surviving spouse of the tenant terminating the lease.

5. Section 9 of P.L.1976, c.63 (C.54:4-6.10) is amended to read as follows:

C.54:4-6.10 Regulations.

9. The Director of the Division of Local Government Services shall by regulation prescribe the procedures for computing property tax reductions and rebates, and the necessary forms to be used for the notices required by this act and any additional information the director deems advisable to be provided in such notices, and such other rules or regulations as the director

deems necessary or advisable for the efficient administration and implementation of the purposes and provisions of this act.

6. Section 11 of P.L.1976, c.63 (C.54:4-6.12) is amended to read as follows:

C.54:4-6.12 Failure to provide rebate, notice, certification, information required, penalty; enforcement; jurisdiction.

11. Any landlord who fails to provide property tax rebates to tenants in accordance with the provisions of this act, or who knowingly and willfully fails to provide or post any notice, certification, information or statement required by this act shall be liable for a penalty of not more than \$100.00 for each offense. Such penalty shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.). The Superior Court and the municipal court of the municipality in which the qualified real rental property is located shall have jurisdiction over such proceedings. Process shall be in the nature of a summons or warrant, and shall be issued upon the complaint of the local enforcement agency or any tenant of the qualified real rental property. Any money received as a result of such proceedings shall be paid over to the governing body of the municipality in which the qualified real rental property is located.

7. This act shall take effect on June 1, 1999.

Approved May 4, 1998.

CHAPTER 16

AN ACT concerning setting the United States flag and the State flag at half-staff and supplementing chapter 3 of Title 52 of the Revised Statutes.

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

C.52:3-12 State House flags flown at half-staff; death in line of duty for police, firemen, paramedics, EMTs.

1. a. The Governor, upon timely notification and verification of the death of a federal, State or local law enforcement officer or firefighter who either works in New Jersey or is a citizen of New Jersey and who died in the line of duty, shall direct that the flag of the United States and the State flag be flown at half-staff for one week at the State House. The flags shall be

flown upon an existing flagstaff or flagstaffs or, at the option of the Governor, a flagstaff or flagstaffs erected at an appropriate site, after consultation with organizations representing law enforcement officers and firefighters on the location and design of the flagstaff or flagstaffs.

The flags flown in honor of the deceased law enforcement officer or firefighter shall be presented to the family of that officer or firefighter.

b. The Governor, upon timely notification and verification of the death of a member of a duly incorporated first aid and emergency or volunteer ambulance or rescue squad or association rendering services in a county or municipality of this State or a duly certified mobile intensive care paramedic or emergency medical technician who either works in New Jersey or is a citizen of New Jersey and who died in the line of duty while rendering first aid, ambulance, rescue or emergency medical service, shall direct that the flag of the United States and the State flag be flown at half-staff for one week at the State House. The flags shall be flown upon an existing flagstaff or flagstaffs or, at the option of the Governor, a flagstaff or flagstaffs erected at an appropriate site, after consultation with organizations representing first aid, ambulance, rescue or emergency medical service providers on the location and design of the flagstaff or flagstaffs.

The flags flown in honor of the deceased member, paramedic or technician shall be presented to the family of that member, paramedic or technician.

2. This act shall take effect immediately.

Approved May 5, 1998.

CHAPTER 17

AN ACT concerning inmates' access to certain information, amending P.L.1992, c.209 and N.J.S.2C:33-4 and supplementing P.L.1963, c.73 and Title 30 of the Revised Statutes.

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

C.47:1A-2.2 Access to certain information by inmates, parolees; restricted.

1. a. Notwithstanding the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.) or the provisions of any other law to the contrary, where it shall appear that a person who is serving a term of imprisonment or is on parole or probation as the result of a conviction of any indictable offense under the

laws of this State, any other state or the United States is seeking public records containing personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information, the right of examination herein provided for shall be denied.

b. Public records containing personal identifying information which is protected under the provisions of this section may be released to an inmate or his representative only if the information is necessary to assist in the inmate's own defense. A determination that the information is necessary to assist in the inmate's defense shall be made by the court upon motion by the inmate or his representative.

C.30:4-140.1 Attempt by inmate to obtain certain information; forfeiture of good time.

2. Notwithstanding the provisions of section 7 of P.L.1979, c.441 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any other law to the contrary, accumulated time credits or remissions, including commutation time for good behavior, progressive time credits or credits for diligent application to work and other institutional assignments shall be subject to forfeiture as a penalty for misconduct if an inmate unlawfully obtains or seeks to obtain personal identifying information of the inmate's victim or the victim's family in violation of section 1 of P.L.1998, c.17 (C.47:1A-2.2).

3. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to read as follows:

C.2C:12-10 Definitions; stalking designated a crime.

1. a. As used in this act:

(1) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying verbal or written threats or threats implied by conduct or a combination thereof directed at or toward a person.

(2) "Repeatedly" means on two or more occasions.

(3) "Immediate family" means a spouse, parent, child, sibling or any other person who regularly resides in the household or who within the prior six months regularly resided in the household.

b. A person is guilty of stalking, a crime of the fourth degree, if he:

(1) Purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to himself or a member of his immediate family or to fear the death of himself or a member of his immediate family; and

(2) Knowingly, recklessly or negligently places the specific person in reasonable fear of bodily injury to himself or a member of his immediate

family or in reasonable fear of the death of himself or a member of his immediate family.

c. A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior.

d. A person who commits a second or subsequent offense of stalking against the same victim is guilty of a crime of the third degree.

e. A person is guilty of a crime of the third degree if he commits the crime of stalking while serving a term of imprisonment or while on parole or probation as the result of a conviction for any indictable offense under the laws of this State, any other state or the United States.

f. This act shall not apply to conduct which occurs during organized group picketing.

4. N.J.S.2C:33-4 is amended to read as follows:

Harassment.

2C:33-4. Harassment.

Except as provided in subsections d. and e., a person commits a petty disorderly persons offense if, with purpose to harass another, he:

a. Makes, or causes to be made, a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm;

b. Subjects another to striking, kicking, shoving, or other offensive touching, or threatens to do so; or

c. Engages in any other course of alarming conduct or of repeatedly committed acts with purpose to alarm or seriously annoy such other person.

A communication under subsection a. may be deemed to have been made either at the place where it originated or at the place where it was received.

d. A person commits a crime of the fourth degree if in committing an offense under this section, he acted with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation or ethnicity.

e. A person commits a crime of the fourth degree if, in committing an offense under this section, he was serving a term of imprisonment or was on parole or probation as the result of a conviction of any indictable offense under the laws of this State, any other state or the United States.

5. This act shall take effect immediately.

Approved May 6, 1998.

CHAPTER 18

AN ACT concerning insurance information practices and supplementing P.L.1985, c.179 (C.17:23A-1 et seq.).

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

C.17:23A-13.1 Notification of test results by insurer to applicants; "reportable communicable disease" defined.

1. An insurer who requires an applicant for insurance to submit to medical testing as a condition of issuing, extending or renewing the insurance shall obtain the applicant's written consent for the test. If in the course of the testing the insurer determines that the applicant has a reportable communicable disease, the insurer shall promptly notify the applicant of the determination and recommend that the applicant contact a physician or other medical professional regarding the significance of the test result. The insurer shall also promptly provide the Department of Health and Senior Services and a physician or other medical professional designated by the applicant with a copy of the results of the test. The provisions of this act shall not be construed to require a physician or other medical professional who receives a copy of the test result to initiate contact with the applicant regarding the test result.

The insurer shall provide the notification required pursuant to this section regardless of whether the existence of the disease will result in an adverse underwriting decision for the applicant.

For the purposes of this act, "reportable communicable disease" means those diseases required to be reported to the Department of Health and Senior Services pursuant to N.J.A.C.8:57-1.3 through 8:57-1.6 and N.J.A.C.8:57-2.2 and 8:57-2.3.

C.17:23A-13.2 Regulations.

2. The Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services, shall adopt regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) which establish procedures that insurers shall use to notify applicants of test results pursuant to this act.

3. This act shall take effect immediately.

Approved May 7, 1998.

CHAPTER 19

AN ACT establishing regional diagnostic and treatment centers for child abuse and neglect and making an appropriation.

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

C.9:6-8.99 Regional diagnostic and treatment centers for child abuse and neglect established.

1. The Commissioner of Human Services shall establish four regional diagnostic and treatment centers for child abuse and neglect affiliated with medical teaching institutions in the State that meet the standards adopted by the commissioner, in consultation with the New Jersey Task Force on Child Abuse and Neglect. The regional centers shall be located in the northern, north central, south central and southern regions of the State. Each center shall have experience in addressing the medical and mental health diagnostic and treatment needs of abused and neglected children in the region in which it is located.

C.9:6-8.100 Function of center, staffing.

2. Each center shall demonstrate a multidisciplinary approach to identifying and responding to child abuse and neglect. The center staff shall include, at a minimum, a pediatrician, a consulting psychiatrist, a psychologist and a social worker who are trained to evaluate and treat children who have been abused or neglected and their families. Each center shall establish a liaison with the district office of the Division of Youth and Family Services in the Department of Human Services and the prosecutor's office from the county in which the child who is undergoing evaluation and treatment resides. At least one member of the staff shall also have an appropriate professional credential or significant training and experience in the identification and treatment of substance abuse.

Each center shall develop an intake, referral and case tracking process which assists the division and prosecutor's office in assuring that child victims receive appropriate and timely diagnostic and treatment services.

C.9:6-8.101 Purpose of center.

3. The regional centers shall: evaluate and treat child abuse and neglect; be resources for the region and develop additional resources within the region; provide training and consultative services; and be available for emergency phone consultation 24 hours a day. The centers shall also be a source for research and training for additional medical and mental health personnel dedicated to the identification and treatment of child abuse and neglect.

The regional center may charge a sliding scale fee for services provided under this act.

C.9:6-8.102 Services provided by staff of center.

4. Services provided by the center's staff shall include, but not be limited to:

- a. Providing psychological and medical evaluation and treatment of the child, counseling for family members and substance abuse assessment and mental health and substance abuse counseling for the parents or guardians of the child;
- b. Providing referral for appropriate social services and medical care;
- c. Providing testimony regarding alleged child abuse or neglect at judicial proceedings;
- d. Providing treatment recommendations for the child and mental health and substance abuse treatment recommendations for his family, and providing mental health and substance abuse treatment recommendations for persons convicted of child abuse or neglect;
- e. Receiving referrals from the Division of Youth and Family Services and the county prosecutor's office and assisting them in any investigation of child abuse or neglect;
- f. Providing educational material and seminars on child abuse and neglect and the services the center provides to children, parents, teachers, law enforcement officials, the judiciary, attorneys and other citizens.

C.9:6-8.103 Safety of child undergoing treatment assured.

5. The regional center shall ensure the safety of a child undergoing treatment while the child is at the regional center to the extent permitted by law. The appropriate law enforcement officials and protective services providers shall continue to ensure the safety of the child to the extent permitted by law.

C.9:6-8.104 Establishment, maintenance of county-based multidisciplinary teams.

6. Regional centers shall act as a resource in the establishment and maintenance of county-based multidisciplinary teams which work in conjunction with the county prosecutor and the Division of Youth and Family Services in the investigation of child abuse and neglect in the county in which the child who is undergoing evaluation and treatment resides. The Commissioner of Human Services, in consultation with the New Jersey Task Force on Child Abuse and Neglect, shall establish standards for a county team. The county team shall consist of representatives of the following disciplines: law enforcement; child protective services; mental health; substance abuse identification and treatment; and medicine, all of whom have been trained to recognize child abuse and neglect. The county

team shall provide: facilitation of the investigation, management and disposition of cases of criminal child abuse and neglect; referral services to the regional diagnostic center; appropriate referrals to medical and social service agencies; information regarding the identification and treatment of child abuse and neglect; and appropriate follow-up care for abused children and their families.

C.9:6-8.105 Diagnostic and Treatment Advisory Council; members; annual report.

7. There is established a 15-member Diagnostic and Treatment Advisory Council to oversee the programs of the regional centers, help facilitate communications among the centers, county teams, law enforcement officials and the Division of Youth and Family Services, develop standards of care for the treatment of child abuse, and help coordinate any research it deems appropriate. The council shall consist of: the Commissioners of the Departments of Human Services, Health and Senior Services and Education, and the Attorney General, or their designees; the Director of the Division of Youth and Family Services; the directors of the four regional centers; a physician; a social worker; a psychologist; a certified alcohol and drug abuse counselor or other professional appropriately credentialed to identify and treat substance abuse; an advocate for abused and neglected children; and a person who has utilized the services of a center. The Governor shall appoint the six public members of the council, who shall serve as members for three years.

The advisory council shall report annually to the Governor and the Legislature regarding the effectiveness of the regional centers and shall make recommendations for improvements or changes.

C.9:6-8.106 Rules, regulations.

8. 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.) necessary to effectuate the provisions of this act.

9. There is appropriated \$1.5 million from the General Fund to the Department of Human Services to carry out the purposes of this act.

10. This act shall take effect immediately.

Approved May 8, 1998.

CHAPTER 20

An Act concerning adoption and amending P.L.1983, c.17 and R.S.26:8-30, and amending and supplementing P.L.1977, c.367.

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

1. Section 9 of P.L.1977, c. 367 (C.9:3-45) is amended to read as follows:

C.9:3-45 Notice of complaint to parents.

9. a. In an adoption proceeding pursuant to P.L.1977, c.367 (C.9:3-37 et seq.), notice of the complaint may not be waived and a notice of hearing shall be served in accordance with the Rules of Court on each parent of the child to be adopted. The notice shall inform each parent of the purpose of the action and of the parent's right to file written objections to the adoption within 20 days after notice is given in the case of a resident and 35 days in the case of a nonresident. For purposes of this section, "parent" means (1) the husband of the mother of a child born or conceived during the marriage or (2) a putative or alleged biological mother or father of a child.

b. Notice pursuant to subsection a. of this section shall not be served on a parent:

(1) Who has executed a valid surrender to an approved agency pursuant to section 5 of P.L.1977, c.367 (C.9:3-41) or P.L.1955, c.232 (C.9:2-13 et seq.);

(2) Whose parental rights have been terminated in a separate judicial proceeding by court order;

(3) Who has, prior to the placement of the child for adoption, received notice of the intention to place the child, which notice shall inform the parent of the purpose of the placement, that failure to respond to the notice will prevent the person receiving the notice from objecting to any future adoption of the child, and that the parent has a right to file with the surrogate in the county in which venue is anticipated to lie, the address of which surrogate shall be included in the notice, written objections to the proposed placement within 20 days after notice is given, in the case of a resident, and 35 days in the case of a nonresident; and who has either failed to file written objections or denied paternity or maternity of the child. Failure to respond to this notice and object to the placement of the child for adoption shall constitute a waiver of all notice of any subsequent proceedings with regard to the child including proceedings for adoption or termination of parental rights;

(4) Who has given the child for adoption to the adopting parent, and the Superior Court, Chancery Division, Family Part, after a hearing at which the surrendering parent was heard as to the voluntariness of the surrender, has determined that the surrender was voluntary and proper;

(5) Whose child has been made available for adoption in a foreign state or country if the United States Immigration and Naturalization Service has determined that the child has been approved for adoptive placement. The finding of the United States Immigration and Naturalization Service shall be presumed valid and no notice shall be served ; or

(6) Who is presumed to be the biological father of the child who is the subject of the adoption proceeding pursuant to paragraph (2) of subsection a. of section 6 of P.L.1983, c.17 (C.9:17-43) but who, within 120 days of the birth of the child or prior to the date of the preliminary hearing, whichever occurs first, has not acknowledged paternity by amending the original birth certificate record filed with the local registrar's office in the municipality of birth of the child who is the subject of the adoption proceeding in accordance with birth record amendment procedures, or has not filed an action for paternity in court.

c. If personal service of the notice cannot be effected because the whereabouts of a birth parent of the child to be adopted are unknown, the court shall determine that an adequate effort has been made to serve notice upon the parent if the plaintiff immediately prior to or during the placement and not more than nine months prior to the filing of a complaint has:

(1) Sent the notice by regular mail and by certified mail return receipt requested, to the parent's last known address;

(2) Made a discreet inquiry as to the whereabouts of the missing parent among any known relations, 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, county welfare agency, the municipal police department, the Division of State Police, the county probation office, the Department of Corrections, and any social service and law enforcement agencies known to have had contact with the party, or the equivalents in other states, territories or countries. Failure to receive a response to the inquiries within 45 days shall be a negative response.

d. In any case where, within 120 days of the birth of the child or prior to the date of the preliminary hearing, whichever occurs first, the identity of a birth parent cannot be determined or where 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.

e. In conducting the hearing required by paragraph (4) of subsection b. of this section, the court shall determine that the surrender is voluntary and that the birth parent knows (1) that the hearing is to surrender birth rights; (2) that the hearing is to permanently end the relationship and all

contact between parent and child; (3) that such action is a relinquishment and termination of parental rights and consent on the part of the birth parent to the adoption; and (4) that no further notice of the adoption proceedings shall be provided to the birth parent if the surrender is accepted by the court.

2. Section 10 of P.L.1977, c.367 (C.9:3-46) is amended to read as follows:

C.9:3-46 Objection to adoption.

10. a. A person who is entitled to notice pursuant to section 9 of P.L.1977, c.367 (C.9:3-45) shall have the right to object to the adoption of his child within 20 days after the filing of the complaint for adoption for a State resident and 35 days after the filing in the case of a nonresident. Failure to object within that time period constitutes a waiver of the right to object.

In a contest between a person who is entitled to notice pursuant to section 9 of P.L.1977, c.367 (C.9:3-45) objecting to the adoption and the prospective adoptive parent, the standard shall be the best interest of the child. The best interest of a child requires that a parent affirmatively assume the duties encompassed by the role of being a parent. In determining whether a parent has affirmatively assumed the duties of a parent, the court shall consider, but is not limited to consideration of, the fulfillment of financial obligations for the birth and care of the child, demonstration of continued interest in the child, demonstration of a genuine effort to maintain communication with the child, and demonstration of the establishment and maintenance of a place of importance in the child's life.

A judgment of adoption shall be entered over an objection of a person who is entitled to notice pursuant to section 9 of P.L.1977, c.367 (C.9:3-45) communicated to the court by personal appearance or by letter if the court finds, during the six-month period prior to the placement of the child for adoption or within 120 days after the birth of a child or prior to the date of the preliminary hearing, whichever occurs first, in the case of a child placed for adoption as a newborn infant:

(1) that the parent has substantially failed to perform the regular and expected parental functions of care and support of the child, although able to do so, or

(2) that the parent is unable to perform the regular and expected parental functions of care and support of the child and that the parent's inability to perform those functions is unlikely to change in the immediate future.

The regular and expected functions of care and support of a child shall include the following:

(a) the maintenance of a relationship with the child such that the child perceives the person as his parent;

(b) communicating with the child or person having legal custody of the child and parenting time rights, or unless prevented from so doing by the custodial parent or other custodian of the child or a social service agency over the birth parent's objection; or

(c) providing financial support for the child unless prevented from doing so by the custodial parent or other custodian of the child or a social service agency.

A parent shall be presumed to have failed to perform the regular and expected parental functions of care and support of the child if the court finds that the situation set forth in paragraph (1) or (2) has occurred during the six-month period prior to the placement of the child for adoption, or within 120 days after the birth of a child or prior to the date of the preliminary hearing, whichever occurs first, in the case of a child placed for adoption as a newborn infant.

In the case where the objecting parent is incarcerated during the six-month period prior to placement of the child for adoption, relevant factors to be considered in determining whether that incarcerated parent has failed to perform the regular and expected parental functions or is unable to perform the regular and expected parental functions pursuant to this subsection, shall include the extent of the relationship which existed between the parent and child prior to incarceration, including financial support; the efforts made to continue a relationship during the incarceration; the ability to communicate and visit with the child during incarceration; and the effect of the communication and visitation on the child's development in terms of providing nurturing and emotional support.

b. The guardian of a child to be adopted who has not executed a surrender pursuant to section 5 of P.L.1977, c.367 (C.9:3-41) and any other person who has provided primary care and supervision in his home for the child for a period of six months or one half of the life of the child, whichever is less, in the two years prior to the complaint shall be given notice of the action and in accordance with the Rules of Court shall have standing to object to the adoption, which objection shall be given due consideration by the court in determining whether the best interests of the child would be promoted by the adoption.

3. Section 12 of P.L.1977, c.367 (C.9:3-48) is amended to read as follows:

C.9:3-48 Action on complaint for adoption of child not received from approved agency.

12. a. When the child to be adopted has not been received from an approved agency, the prospective parent shall file with the court a complaint for adoption. Upon receipt of the complaint, the court shall by its order:

(1) Declare the child to be a ward of the court and declare that the plaintiff shall have custody of the child subject to further order of the court;

(2) Appoint an approved agency to make an investigation and submit a written report to the court which shall include:

(a) the facts and circumstances surrounding the surrender of custody by the child's parents and the placement of the child in the home of the plaintiff, including the identity of any intermediary who participated in the placement of the child;

(b) an evaluation of the child and of the plaintiff and the spouse of the plaintiff if not the child's parent and any other person residing in the prospective home; and

(c) any fees, expenses or costs paid by or on behalf of the adopting parent in connection with the adoption.

The agency conducting the investigation shall, if it is able to, contact the birth parent and confirm that counseling, if required by section 18 of P.L.1993, c.345 (C.9:3-39.1), has either been provided or waived by the birth parent. If not previously provided, the agency shall advise the parent of the availability of such counseling through the agency and shall provide such counseling if requested by the birth parent or if the birth parent resides out of State or out of the country, such counseling should be made available by or through an agency approved to provide such counseling in the birth parent's state or country of domicile. The agency shall further confirm that the birth parent has been advised that the decision of the birth parent not to place the child for adoption or the return of the child to the birth parent can not be conditioned upon the repayment of expenses by the birth parent to the adoptive parent.

All expenses and fees for the investigation and any counseling provided shall be the responsibility of the plaintiff;

(3) Direct the plaintiff to cooperate with the approved agency making the investigation and report; and

(4) Fix a day for a preliminary hearing not less than two or more than three months from the date of the filing of the complaint; except that the hearing may be accelerated upon the application of the approved agency and upon notice to the plaintiff if the agency determines that removal of the child from the plaintiff's home is required, in which case the court shall appoint a guardian ad litem to represent the child at all future proceedings regarding the adoption.

Whenever the plaintiff is a stepparent of the child, the court, in its discretion, may dispense with the agency investigation and report and take direct evidence at the preliminary hearing of the facts and circumstances surrounding the filing of the complaint for adoption.

Whenever a plaintiff is a brother, sister, grandparent, aunt, uncle, or birth father of the child, the order may limit the investigation to an inquiry concerning the status of the parents of the child and an evaluation of the plaintiff. At least 10 days prior to the day fixed for the preliminary hearing the approved agency shall file its report with the court and serve a copy on the plaintiff.

b. The preliminary hearing shall be in camera and shall have for its purpose the determination of the circumstances under which the child was relinquished by his parents and received into the home of the plaintiff, the status of the parental rights of the parents, the fitness of the child for adoption and the fitness of the plaintiff to adopt the child and to provide a suitable home. If the report of the approved agency pursuant to subsection a. of this section contains material findings or recommendations adverse to the plaintiff, the presence of a representative of the approved agency who has personal knowledge of the investigation shall be required at the preliminary hearing. If in the course of the preliminary hearing the court determines that there is lack of jurisdiction, lack of qualification on the part of the plaintiff or that the best interests of the child would not be promoted by the adoption, the court shall deny the adoption and make such further order concerning the custody and guardianship of the child as may be deemed proper in the circumstances.

c. If upon completion of the preliminary hearing the court finds that:

(1) The parents of the child do not have rights as to custody of the child by reason of their rights previously having been terminated by court order; or, the parents' objection has been contravened pursuant to subsection a. of section 10 of P.L.1977, c.367 (C.9:3-46);

(2) The guardian, if any, should have no further control or authority over the child;

(3) The child is fit for adoption; and

(4) The plaintiff is fit to adopt the child, the court shall: (a) issue an order stating its findings, declaring that no parent or guardian of the child has a right to custody or guardianship of the child; (b) terminate the parental rights of that person, which order shall be a final order; (c) fix a date for final hearing not less than six nor more than nine months from the date of the preliminary hearing; and (d) appoint an approved agency to supervise and evaluate the continuing placement in accordance with subsection d. of this section. If the plaintiff is a brother, sister, grandparent, aunt, uncle, birth father, stepparent or foster parent of the child, or if the child has been in the

home of the plaintiff for at least two years immediately preceding the commencement of the adoption action, and if the court is satisfied that the best interests of the child would be promoted by the adoption, the court may dispense with this evaluation and final hearing and enter a judgment of adoption immediately upon completion of the preliminary hearing.

d. The approved agency appointed pursuant to subsection c. of this section shall from time to time visit the home of the plaintiff and make such further inquiry as may be necessary to observe and evaluate the care being received by the child and the adjustment of the child and the plaintiff as members of a family. At least 15 days prior to the final hearing the approved agency shall file with the court a written report of its findings, including a recommendation concerning the adoption, and shall mail a copy of the report to the plaintiff.

If at any time following the preliminary hearing the approved agency concludes that the best interests of the child would not be promoted by the adoption, the court shall appoint a guardian ad litem for the child and after a hearing held upon the application of the approved agency and upon notice to the plaintiff, may modify or revoke any order entered in the action and make such further order concerning the custody and guardianship of the child as may be deemed proper in the circumstances.

e. At the final hearing the court shall proceed in camera; except that if the approved agency in its report pursuant to subsection d. of this section has recommended that the adoption be granted, the final hearing may be dispensed with and, if the court is satisfied that the best interests of the child would be promoted by the adoption, a judgment of adoption may be entered immediately.

The appearance of the approved agency at the final hearing shall not be required unless its recommendations are adverse to the plaintiff or unless ordered by the court. If its appearance is required, the approved agency shall be entitled to present testimony and to cross-examine witnesses and shall be subject to cross-examination with respect to its report and recommendations in the matter.

f. If, based upon the report and the evidence presented, the court is satisfied that the best interests of the child would be promoted by the adoption, the court shall enter a judgment of adoption. If, based upon the evidence, the court is not satisfied that the best interests of the child would be promoted by the adoption, the court shall deny the adoption and make such further order concerning the custody and guardianship of the child as may be deemed proper in the circumstances.

4. Section 6 of P.L.1983, c.17 (C.9:17-43) is amended to read as follows:

C.9:17-43 Presumptions.

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

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

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

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

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

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

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

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

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

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

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

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

(6) He acknowledges his paternity of the child in a writing filed with the local registrar of vital statistics, which shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the local registrar. If another man is presumed under this section to be the child's father, acknowledgment may be effected only with the written consent of the presumed father. Each attempted acknowledgment, whether or not effective, shall be kept on file by the local registrar of vital statistics and shall entitle the person who filed it to notice of all proceedings concerning parentage and adoption of the child, as provided in section 10 of P.L.1983, c.17 (C.9:17-47) and pursuant to section 9 of P.L.1977, c.367 (C.9:3-45).

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

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

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

e. There is a rebuttable presumption that a man has knowledge of his paternity and the birth of a child if he had sexual intercourse with the biological mother within 300 days of the child's birth. This presumption may be rebutted only by clear and convincing evidence in an appropriate action based on fraud, duress, or misrepresentation by the biological mother concerning the paternity or birth of the child. This claim of fraud, duress, or misrepresentation must be asserted prior to the finalization of the adoption.

5. R.S.26:8-30 is amended to read as follows:

Execution, return of certificate of birth; availability of certificate of parentage; challenge to acknowledgment of paternity.

26:8-30. The attending physician, midwife or person acting as the agent of the physician or midwife, who was in attendance upon the birth shall be responsible for the proper execution and return of a certificate of birth, which certificate shall be upon the form provided or approved by the State department, and for making available to the mother and biological father a Certificate of Parentage along with related information as required by the State IV-D agency and pursuant to section 452(a)(F) of the federal Social Security Act (42 U.S.C.s.652(a)(F)). It shall be the responsibility of personnel at the hospital or birthing facility to offer an opportunity to the child's biological father to execute a Certificate of Parentage. Failure of the biological father or mother to execute the Certificate of Parentage and the date of the request shall be noted on the Certificate of Parentage. The Certificate of Parentage shall be filed with the State IV-D agency or its

designee. Establishment and enforcement of child support matters shall not be permitted when a legal action is pending in the case, such as adoption, or State law prohibits such intervention.

For the purposes of this section, "State IV-D agency" means the agency in the Department of Human Services designated to administer the Title IV-D Child Support Program.

A signed voluntary acknowledgment of paternity may be challenged in court within 60 days from the date of the signing of the Certificate of Parentage or by the date of the establishment of a support order to which the signatory is a party, whichever date is earlier. The challenge may be made only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and the legal responsibilities of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown. A signed voluntary acknowledgment of paternity shall be considered a legal finding of paternity with the same force and effect as a court order or judgment establishing paternity. No judicial or administrative proceedings are required to ratify an unchallenged acknowledgment of paternity.

C.9:3-45.1 Rules, regulations.

6. The Department of Human Services, in consultation with the Department of Health and Senior Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and regulations to implement the provisions of this act and to publicize throughout the State the necessity for a father, within 120 days of the birth of a child or prior to the date of the preliminary hearing, whichever occurs first, to acknowledge paternity by amending the original birth certificate record with the local registrar's office in the municipality of birth of the child who is the subject of the adoption or by filing a paternity action in court in order to be entitled to notice of an adoption pursuant to section 9 of P.L.1977, c.367 (C.9:3-45).

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

Approved May 14, 1998.

CHAPTER 21

AN ACT concerning automobile insurance and revising parts of the statutory law.

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

C.39:6A-1.1 Short title; findings, declarations.

1. a. This act shall be known and may be cited as the "Automobile Insurance Cost Reduction Act."

b. The Legislature finds and declares:

WHEREAS, While New Jersey's automobile insurance no-fault law, enacted twenty-six years ago, has provided valuable benefits in the form of medical benefits and wage replacement benefits, without regard to fault, to New Jersey residents who have been injured in an automobile accident; and

WHEREAS, Medical benefits paid by no-fault policies over those years amount to billions of dollars, which would otherwise have been paid by health insurance, thus raising the cost of health insurance for everyone; and

WHEREAS, While medical benefits under no-fault insurance were unlimited under the law enacted in 1972, the rapidly escalating cost of those benefits made it necessary for the Legislature to reduce those benefits to a limit of \$250,000 in 1990; and

WHEREAS, Since the enactment of the verbal threshold in 1988, the substantial increase in the cost of medical expense benefits indicates that the benefits are being overutilized for the purpose of gaining standing to sue for pain and suffering, thus undermining the limitations imposed by the threshold and necessitating the imposition of further controls on the use of those benefits, including the establishment of a basis for determining whether treatments or diagnostic tests are medically necessary; and

WHEREAS, The present arbitration system has not sufficiently addressed the Legislature's goal of eliminating payment for treatments and diagnostic tests which are not medically necessary, leading to the belief that a revised dispute resolution mechanism needs to be established which will accomplish this goal; and

WHEREAS, The principle underlying the philosophical basis of the no-fault system is that of a trade-off of one benefit for another; in this case, providing medical benefits in return for a limitation on the right to sue for non-serious injuries; and

WHEREAS, While the Legislature believes that it is good public policy to provide medical benefits on a first party basis, without regard to fault, to persons injured in automobile accidents, it recognizes that in order to keep premium costs down, the cost of the benefit must be offset by a reduction in the cost of other coverages, most notably

a restriction on the right of persons who have non-permanent or non-serious injuries to sue for pain and suffering; and

WHEREAS, The high cost of automobile insurance in New Jersey has presented a significant problem for many-lower income residents of the state, many of whom have been forced to drop or lapse their coverage in violation of the State's mandatory motor vehicle insurance laws, making it necessary to provide a lower-cost option to protect people by providing coverage to pay their medical expenses if they are injured; and

WHEREAS, To meet these goals, this legislation provides for the creation of two insurance coverage options, a basic policy and a standard policy, provides for cost containment of medical expense benefits through a revised dispute resolution proceeding, provides for a revised lawsuit threshold for suits for pain and suffering which will eliminate suits for injuries which are not serious or permanent, including those for soft tissue injuries, would more precisely define the benefits available under the medical expense benefits coverage, and establishes standard treatment and diagnostic procedures against which the medical necessity of treatments reimbursable under medical expense benefits coverage would be judged; and

WHEREAS, It is generally recognized that fraud, whether in the form of inappropriate medical treatments, inflated claims, staged accidents, falsification of records, or in any other form, has increased premiums, and must be uncovered and vigorously prosecuted, and while the pursuit of those who defraud the automobile insurance system has heretofore been addressed by the State through various agencies, it has been without sufficient coordination to aggressively combat fraud, leading to the conclusion that greater consolidation of agencies which were created to combat fraud is necessary to accomplish this purpose; and

WHEREAS, With these many objectives, the Legislature nevertheless recognizes that to provide a healthy and competitive automobile insurance market, insurers are entitled to earn an adequate rate of return through the ratemaking process, which shall reflect the impact of the cost-saving provisions of this act and other recent legislative insurance reforms; and

WHEREAS, The Legislature has thus addressed these and other issues in this comprehensive legislation designed to preserve the no-fault system, while at the same time reducing unnecessary costs which drive premiums higher.

2. Section 2 of P.L.1972, c.70 (C.39:6A-2) is amended to read as follows:

C.39:6A-2 Definitions.

2. As used in this act:

a. "Automobile" means a private passenger automobile of a private passenger or station wagon type that is owned or hired and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; and a motor vehicle with a pickup body, a delivery sedan, a van, or a panel truck or a camper type vehicle used for recreational purposes owned by an individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the insured other than farming or ranching. An automobile owned by a farm family copartnership or corporation, which is principally garaged on a farm or ranch and otherwise meets the definitions contained in this section, shall be considered a private passenger automobile owned by two or more relatives resident in the same household.

b. "Essential services" means those services performed not for income which are ordinarily performed by an individual for the care and maintenance of such individual's family or family household.

c. "Income" means salary, wages, tips, commissions, fees and other earnings derived from work or employment.

d. "Income producer" means a person who, at the time of the accident causing personal injury or death, was in an occupational status, earning or producing income.

e. "Medical expenses" means reasonable and necessary expenses for treatment or services as provided by the policy, including medical, surgical, rehabilitative and diagnostic services and hospital expenses, provided by a health care provider licensed or certified by the State or by another state or nation, and reasonable and necessary expenses for ambulance services or other transportation, medication and other services as may be provided for, and subject to such limitations as provided for, in the policy, as approved by the commissioner. "Medical expenses" shall also include any nonmedical remedial treatment rendered in accordance with a recognized religious method of healing.

f. "Hospital expenses" means the cost of treatment and services, as provided in the policy approved by the commissioner, by a licensed and accredited acute care facility which engages primarily in providing diagnosis, treatment and care of sick and injured persons on an inpatient or outpatient basis; the cost of covered treatment and services provided by an extended care facility which provides room and board and skilled nursing care 24 hours a day and which is recognized by the administrators of the

federal Medicare program as an extended care facility; and the cost of covered services at an ambulatory surgical facility supervised by a physician licensed in this State or in another jurisdiction and recognized by the Commissioner of Health and Senior Services, or any other facility licensed, certified or recognized by the Commissioner of Health and Senior Services or the Commissioner of Human Services or a nationally recognized system such as the Commission on Accreditation of Rehabilitation Facilities, or by another jurisdiction in which it is located.

g. "Named insured" means the person or persons identified as the insured in the policy and, if an individual, his or her spouse, if the spouse is named as a resident of the same household, except that if the spouse ceases to be a resident of the household of the named insured, coverage shall be extended to the spouse for the full term of any policy period in effect at the time of the cessation of residency.

h. "Pedestrian" means any person who is not occupying, entering into, or alighting from a vehicle propelled by other than muscular power and designed primarily for use on highways, rails and tracks.

i. "Noneconomic loss" means pain, suffering and inconvenience.

j. "Motor vehicle" means a motor vehicle as defined in R.S. 39:1-1, exclusive of an automobile as defined in subsection a. of this section.

k. "Economic loss" means uncompensated loss of income or property, or other uncompensated expenses, including, but not limited to, medical expenses.

l. "Health care provider" or "provider" means those persons licensed or certified to perform health care treatment or services compensable as medical expenses and shall include, but not be limited to, (1) a hospital or health care facility which is maintained by a state or any of its political subdivisions, (2) a hospital or health care facility licensed by the Department of Health and Senior Services, (3) other hospitals or health care facilities designated by the Department of Health and Senior Services to provide health care services, or other facilities, including facilities for radiology and diagnostic testing, freestanding emergency clinics or offices, and private treatment centers, (4) a nonprofit voluntary visiting nurse organization providing health care services other than in a hospital, (5) hospitals or other health care facilities or treatment centers located in other states or nations, (6) physicians licensed to practice medicine and surgery, (7) licensed chiropractors, (8) licensed dentists, (9) licensed optometrists, (10) licensed pharmacists, (11) licensed chiroprodists, (12) registered bio-analytical laboratories, (13) licensed psychologists, (14) licensed physical therapists, (16) certified nurse-midwives, (17) certified nurse-practitioners/clinical nurse-specialists, (18) licensed health maintenance organizations, (19) licensed orthotists and prosthetists, (20) licensed professional nurses, and

(21) providers of other health care services or supplies, including durable medical goods.

m. "Medically necessary" means that the treatment is consistent with the symptoms or diagnosis, and treatment of the injury (1) is not primarily for the convenience of the injured person or provider, (2) is the most appropriate standard or level of service which is in accordance with standards of good practice and standard professional treatment protocols, as such protocols may be recognized or designated by the Commissioner of Banking and Insurance, in consultation with the Commissioner of Health and Senior Services or with a professional licensing or certifying board in the Division of Consumer Affairs in the Department of Law and Public Safety, or by a nationally recognized professional organization, and (3) does not involve unnecessary diagnostic testing.

n. "Standard automobile insurance policy" means an automobile insurance policy with at least the coverage required pursuant to sections 3 and 4 of P.L.1972, c.70 (C.39:6A-3 and 39:6A-4).

o. "Basic automobile insurance policy" means an automobile insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1).

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

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

3. Compulsory automobile insurance coverage; limits. Except as provided by section 4 of P.L.1998, c.21 (C.39:6A-3.1), every owner or registered owner of an automobile registered or principally garaged in this State shall maintain automobile liability insurance coverage, under provisions approved by the Commissioner of Banking and Insurance, insuring against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of an automobile wherein such coverage shall be at least in:

- a. an amount or limit of \$15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident; and
- b. an amount or limit, subject to such limit for any one person so injured or killed, of \$30,000.00, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident; and
- c. an amount or limit of \$5,000.00, exclusive of interest and costs, for damage to property in any one accident.

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

section 26 of P.L.1988, c.119 (C.17:29C-7.1) or with the consent of the Commissioner of Banking and Insurance.

C.39:6A-3.1 Election of basic automobile insurance policy; coverage provided.

4. As an alternative to the mandatory coverages provided in sections 3 and 4 of P.L.1972, c.70 (C.39:6A-3 and 39:6A-4), any owner or registered owner of an automobile registered or principally garaged in this State may elect a basic automobile insurance policy providing the following coverage:

a. Personal injury protection coverage, for the payment of benefits without regard to negligence, liability or fault of any kind, to the named insured and members of his family residing in his household, who sustained bodily injury as a result of an accident while occupying, entering into, alighting from or using an automobile, or as a pedestrian, caused by an automobile or by an object propelled by or from an automobile, to other persons sustaining bodily injury while occupying, entering into, alighting from or using the automobile of the named insured, with the permission of the named insured, and to pedestrians sustaining bodily injury caused by the named insured's automobile or struck by an object propelled by or from such automobile. "Personal injury protection coverage" issued pursuant to this section means and includes payment of medical expense benefits, as provided in the policy and approved by the commissioner, for the reasonable and necessary treatment of bodily injury in an amount not to exceed \$15,000 per person per accident; except that, medical expense benefits shall be paid in an amount not to exceed \$250,000 for all medically necessary treatment of permanent or significant brain injury, spinal cord injury or disfigurement or for medically necessary treatment of other permanent or significant injuries rendered at a trauma center or acute care hospital immediately following the accident and until the patient is stable, no longer requires critical care and can be safely discharged or transferred to another facility in the judgment of the attending physician. In the event benefits paid by an insurer pursuant to this subsection are in excess of \$75,000 on account of personal injury to any one person in any one accident, such excess shall be paid by the insurer in consultation with the Unsatisfied Claim and Judgment Fund Board and shall be reimbursable to the insurer from the Unsatisfied Claim and Judgment Fund pursuant to section 2 of P.L.1977, c.310 (C.39:6-73.1). Benefits provided under basic coverage shall be in accordance with a benefit plan provided in the policy and approved by the commissioner. The policy form, which shall be subject to the approval of the commissioner, shall set forth the benefits provided under the policy, including eligible medical treatments, diagnostic tests and services as well as such other benefits as the policy may provide. The commissioner shall set forth by regulation a statement of the basic benefits which shall be

included in the policy. Medical treatments, diagnostic tests, and services provided by the policy shall be rendered in accordance with commonly accepted protocols and professional standards and practices which are commonly accepted as being beneficial for the treatment of the covered injury. Protocols and professional standards and practices which are deemed to be commonly accepted pursuant to this section shall be those recognized by national standard setting organizations, national or state professional organizations of the same discipline as the treating provider, or those designated or approved by the commissioner in consultation with the professional licensing boards in the Division of Consumer Affairs in the Department of Law and Public Safety. The commissioner, in consultation with the Commissioner of the Department of Health and Senior Services and the applicable licensing boards, may reject the use of protocols, standards and practices or lists of diagnostic tests set by any organization deemed not to have standing or general recognition by the provider community or the applicable licensing boards. Protocols shall be deemed to establish guidelines as to standard appropriate treatment and diagnostic tests for injuries sustained in automobile accidents, but the establishment of standard treatment protocols or protocols for the administration of diagnostic tests shall not be interpreted in such a manner as to preclude variance from the standard when warranted by reason of medical necessity. The policy form may provide for the precertification of certain procedures, treatments, diagnostic tests, or other services or for the purchase of durable medical goods, as approved by the commissioner, provided that the requirement for precertification shall not be unreasonable, and no precertification requirement shall apply within ten days of the insured event. The policy may provide that certain benefits provided by the policy which are in excess of the basic benefits required by the commissioner to be included in the policy may be subject to reasonable copayments in addition to the copayments provided for herein, provided that the copayments shall not be unreasonable and shall be established in such a manner as not to serve to encourage underutilization of benefits subject to the copayments, nor encourage overutilization of benefits. The policy form shall clearly set forth any limitations on benefits or exclusions, which may include, but need not be limited to, benefits which are otherwise compensable under workers' compensation, or benefits for treatments deemed to be experimental or investigational, or benefits deducted pursuant to section 6 of P.L. 1972, c.70 (C.39:6A-6). The commissioner may enlist the services of a benefit consultant in establishing the basic benefits level provided in this subsection, which shall be set forth by regulation no later than 120 days following the enactment date of this amendatory and supplementary act. The

commissioner shall not advertise for the consultant as provided in sections 3 and 4 of P.L.1954, c.48 (C.52:34-8 and 52:34-9).

Medical expense benefits payable under this subsection shall not be assignable, except to a provider of service benefits, in accordance with policy terms approved by the commissioner, nor shall they be subject to levy, execution, attachment or other process for satisfaction of debts. Medical expense benefits payable in accordance with this subsection may be subject to a deductible and copayments as provided for in the policy, if any. No insurer or provider providing service benefits to an insured shall have a right of subrogation for the amount of benefits paid pursuant to any deductible or copayment under this section.

b. Liability insurance coverage insuring against loss resulting from liability imposed by law for property damage sustained by any person arising out of the ownership, maintenance, operation or use of an automobile in an amount or limit of \$5,000, exclusive of interest and costs, for damage to property in any one accident.

c. In addition to the aforesaid coverages required to be provided in a basic automobile insurance policy, optional liability insurance coverage insuring against loss resulting from liability imposed by law for bodily injury or death in an amount or limit of \$10,000, exclusive of interests and costs, on account of injury to, or death of, one or more persons in any one accident.

If a named insured has elected the basic automobile insurance policy option and an immediate family member or members or relatives resident in his household have one or more policies with the coverages provided for in sections 3 and 4 of P.L.1972, c.70 (C.39:6A-3 and 39:6A-4), the provisions of section 12 of P.L.1983, c.362 (C.39:6A-4.2) shall apply.

Every named insured and any other person to whom the basic automobile insurance policy, with or without the optional \$10,000 liability coverage insuring against loss resulting from liability imposed by law for bodily injury or death provided for in subsection c. of this section, applies shall be subject to the tort option provided in subsection a. of section 8 of P.L.1972, c.70 (C.39:6A-8).

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

C.39:6A-3.2 Issuance, renewal of automobile insurance policies; required coverage; exception for basic policy.

5. a. All automobile insurance policies issued or renewed on or after the effective date of P.L.1998, c.21 (C.39:6A-1.1 et al.) shall be issued or renewed including at least the coverages required pursuant to sections 3 and

4 of P.L.1972, c.70 (C.39:6A-3 and 39:6A-4), unless the named insured elects a basic automobile insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1). Election of a basic automobile insurance policy shall be in writing and signed by the named insured on the coverage selection form required by section 17 of P.L.1983, c.362 (C.39:6A-23). The coverage election form shall contain a statement, clearly readable and in 12-point bold type, in a form approved by the commissioner, that election of a basic automobile insurance policy will result in less coverage than the \$250,000 medical expense benefits coverage mandated prior to the effective date of this act. Furthermore, the coverage election form shall contain a statement, clearly readable and in 12-point bold type, in a form approved by the commissioner, that election of a basic automobile insurance policy without the optional \$10,000 liability coverage provided for in section 4 of P.L.1998, c.21 (C.39:6A-3.1) may subject the named insured to a claim or judgment for noneconomic loss which is not covered by the basic automobile insurance policy, and which may place his assets at risk, and in the event the named insured is sued, the insurer shall not provide legal counsel.

b. The insurance coverages provided for in section 4 of P.L.1998, c.21 (C.39:6A-3.1) shall be offered by every insurer which writes insurance coverages pursuant to sections 3 and 4 of P.L.1972, c.70 (C.39:6A-3 and 39:6A-4) for a period of five years after the effective date of P.L.1998, c.21 (C.39:6A-1.1 et al.). The commissioner shall require every company writing such insurance coverage to report to him annually during that five-year period as to the number of policies written pursuant to this subsection in the previous year, the number of policies with the coverage offered pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) which have been converted to policies with the coverage offered pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1) and any other information the commissioner may require such as, but not limited to, the age of the policyholders and the territories in which the policyholders reside. The commissioner shall then report to the Governor and the Legislature regarding the acceptance of the basic automobile insurance policy by the automobile insurance consumers of this State annually for the first four years the basic policy is sold. On or before January 1, 2003, the commissioner shall make a final, cumulative report which shall include recommendations as to the continuation of the basic policy to the Governor and the Legislature.

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

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

4. Personal injury protection coverage, regardless of fault.

Except as provided by section 4 of P.L. 1998, c.21 (C.39:6A-3.1), every standard automobile liability insurance policy issued or renewed on or after the effective date of P.L. 1998, c.21 (C.39:6A-1.1 et al.) shall contain personal injury protection benefits for the payment of benefits without regard to negligence, liability or fault of any kind, to the named insured and members of his family residing in his household who sustain bodily injury as a result of an accident while occupying, entering into, alighting from or using an automobile, or as a pedestrian, caused by an automobile or by an object propelled by or from an automobile, to other persons sustaining bodily injury while occupying, entering into, alighting from or using the automobile of the named insured, with permission of the named insured, and to pedestrians sustaining bodily injury caused by the named insured's automobile or struck by an automobile or struck by an object propelled by or from that automobile.

"Personal injury protection coverage" means and includes:

a. Payment of medical expense benefits in accordance with a benefit plan provided in the policy and approved by the commissioner, for reasonable, necessary, and appropriate treatment and provision of services to persons sustaining bodily injury, in an amount not to exceed \$250,000 per person per accident. In the event benefits paid by an insurer pursuant to this subsection are in excess of \$75,000 on account of bodily injury to any one person in any one accident, that excess shall be paid by the insurer in consultation with the Unsatisfied Claim and Judgment Fund Board and shall be reimbursable to the insurer from the Unsatisfied Claim and Judgment Fund pursuant to section 2 of P.L. 1977, c.310 (C.39:6-73.1). The policy form, which shall be subject to the approval of the commissioner, shall set forth the benefits provided under the policy, including eligible medical treatments, diagnostic tests and services as well as such other benefits as the policy may provide. The commissioner shall set forth by regulation a statement of the basic benefits which shall be included in the policy. Medical treatments, diagnostic tests, and services provided by the policy shall be rendered in accordance with commonly accepted protocols and professional standards and practices which are commonly accepted as being beneficial for the treatment of the covered injury. Protocols and professional standards and practices and lists of valid diagnostic tests which are deemed to be commonly accepted pursuant to this section shall be those recognized by national standard setting organizations, national or state professional organizations of the same discipline as the treating provider, or those designated or approved by the commissioner in consultation with the professional licensing boards in the Division of Consumer Affairs in the Department of Law and Public Safety. The commissioner, in consultation with the Commissioner of the Department of Health and Senior Services

and the applicable licensing boards, may reject the use of protocols, standards and practices or lists of diagnostic tests set by any organization deemed not to have standing or general recognition by the provider community or the applicable licensing boards. Protocols shall be deemed to establish guidelines as to standard appropriate treatment and diagnostic tests for injuries sustained in automobile accidents, but the establishment of standard treatment protocols or protocols for the administration of diagnostic tests shall not be interpreted in such a manner as to preclude variance from the standard when warranted by reason of medical necessity. The policy form may provide for the precertification of certain procedures, treatments, diagnostic tests, or other services or for the purchase of durable medical goods, as approved by the commissioner, provided that the requirement for precertification shall not be unreasonable, and no precertification requirement shall apply within ten days of the insured event. The policy may provide that certain benefits provided by the policy which are in excess of the basic benefits required by the commissioner to be included in the policy may be subject to reasonable copayments in addition to the copayments provided for pursuant to subsection e. of this section, provided that the copayments shall not be unreasonable and shall be established in such a manner as not to serve to encourage underutilization of benefits subject to the copayments, nor encourage overutilization of benefits. The policy form shall clearly set forth any limitations on benefits or exclusions, which may include, but need not be limited to, benefits which are otherwise compensable under workers' compensation, or benefits for treatments deemed to be experimental or investigational, or benefits deducted pursuant to section 6 of P.L.1972, c.70 (C.39:6A-6). The commissioner may enlist the services of a benefit consultant in establishing the basic benefits level provided in this subsection, which shall be set forth by regulation no later than 120 days following the enactment date of P.L.1998, c.21 (C.39:6A-1.1 et al.). The commissioner shall not advertise for bids for the consultant as provided in sections 3 and 4 of P.L.1954, c.48 (C.52:34-8 and 52:34-9).

b. Income continuation benefits. The payment of the loss of income of an income producer as a result of bodily injury disability, subject to a maximum weekly payment of \$100. Such sum shall be payable during the life of the injured person and shall be subject to an amount or limit of \$5,200, on account of injury to any one person in any one accident, except that in no case shall income continuation benefits exceed the net income normally earned during the period in which the benefits are payable.

c. Essential services benefits. Payment of essential services benefits to an injured person shall be made in reimbursement of necessary and reasonable expenses incurred for such substitute essential services ordinarily

performed by the injured person for himself, his family and members of the family residing in the household, subject to an amount or limit of \$12 per day. Such benefits shall be payable during the life of the injured person and shall be subject to an amount or limit of \$4,380, on account of injury to any one person in any one accident.

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

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

e. Funeral expenses benefits. All reasonable funeral, burial and cremation expenses, subject to a maximum benefit of \$1,000, on account of the death of any one person in any one accident shall be payable to the decedent's estate.

Benefits payable under this section shall:

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

(2) Not be assignable, except to a provider of service benefits under this section in accordance with policy terms approved by the commissioner, nor subject to levy, execution, attachment or other process for satisfaction of debts.

Medical expense benefit payments shall be subject to a deductible and any copayment which may be established as provided in the policy. Upon the request of the commissioner or any party to a claim for benefits or payment for services rendered, a provider shall present adequate proof that any deductible or copayment related to that claim has not been waived or discharged by the provider.

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

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

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

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

a. Medical expense benefit deductibles in amounts of \$500.00, \$1,000.00, \$2,000.00 and \$2,500.00 for any one accident;

b. The option to exclude all benefits offered under subsections b., c., d., and e. of section 4;

c. (Deleted by amendment, P.L.1988, c.119.)

d. For policies issued or renewed on or after January 1, 1991, the option that other health insurance coverage or benefits of the insured, including health care services provided by a health maintenance organization and any coverage or benefits provided under any federal or State program, are the primary coverage in regard to medical expense benefits pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4). If health insurance coverage or benefits are primary, an automobile insurer providing medical expense benefits under personal injury protection coverage shall be liable for reasonable medical expenses not covered by the health insurance coverage or benefits up to the limit of the medical expense benefit coverage. The principles of coordination of benefits shall apply to personal injury protection medical expense benefits coverage pursuant to this subsection;

e. Medical expense benefits in amounts of \$150,000, \$75,000, \$50,000 or \$15,000 per person per accident; except that, medical expense benefits shall be paid in an amount not to exceed \$250,000 for all medically necessary treatment of permanent or significant brain injury, spinal cord injury or disfigurement or for medically necessary treatment of other permanent or significant injuries rendered at a trauma center or acute care hospital immediately following the accident and until the patient is stable, no longer requires critical care and can be safely discharged or transferred to another facility in the judgment of the attending physician. The coverage election form shall contain a statement, clearly readable and in 12-point bold type, in a form approved by the commissioner, that election of any of the aforesaid medical expense benefits options results in less coverage than the \$250,000 medical expense benefits coverage mandated prior to the effective date of this act.

If none of the aforesaid medical expenses benefits options is affirmatively chosen in writing, the policy shall provide \$250,000 medical expense benefits coverage;

f. The insurer shall provide an appropriate reduction from the territorial base rate for personal injury protection coverage for those electing any of the options in subsections a., d. and e. of this section.

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

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

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

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

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

8. Section 14 of P.L.1985, c.520 (C.39:6A-4.5) is amended to read as follows:

C.39:6A-4.5 Loss of right to sue for failure to insure, for DWI, for intentional acts.

14. a. Any person who, at the time of an automobile accident resulting in injuries to that person, is required but fails to maintain medical expense benefits coverage mandated by section 4 of P.L.1972, c.70 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1) shall have no cause of action for recovery of economic or noneconomic loss sustained as a result of an accident while operating an uninsured automobile.

b. Any person who is convicted of, or pleads guilty to, operating a motor vehicle in violation of R.S.39:4-50, section 2 of P.L.1981, c.512 (C.39:4-50.4a), or a similar statute from any other jurisdiction, in connection with an accident, shall have no cause of action for recovery of economic or noneconomic loss sustained as a result of the accident.

c. Any person acting with specific intent of causing injury to himself or others in the operation or use of an automobile shall have no cause of action for recovery of economic or noneconomic loss sustained as a result of an accident arising from such conduct.

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

C.39:6A-6 Collateral source.

6. Collateral Source. The benefits provided in sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) and the medical expense benefits provided in section 4 of P.L.1998, c.21 (C.39:6A-3.1) shall be payable as loss accrues, upon written notice of such loss and without regard to collateral sources, except that benefits, collectible under workers' compensation insurance, employees' temporary disability benefit statutes, medicare provided under federal law, and benefits, in fact collected, that are provided under federal law to active and retired military personnel shall be deducted from the benefits collectible under sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) and the medical expense benefits provided in section 4 of P.L.1998, c.21 (C.39:6A-3.1).

If an insurer has paid those benefits and the insured is entitled to, but has failed to apply for, workers' compensation benefits or employees' temporary disability benefits, the insurer may immediately apply to the provider of workers' compensation benefits or of employees' temporary disability benefits for a reimbursement of any benefits pursuant to sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) or medical expense benefits pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1) it has paid.

10. Section 7 of P.L.1972, c.70 (C.39:6A-7) is amended to read as follows:

C.39:6A-7 Exclusion from certain insurance benefits.

7. Exclusions. a. Insurers may exclude a person from benefits under sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) and medical expense benefits provided in section 4 of P.L.1998, c.21 (C.39:6A-3.1) if that person's conduct contributed to his personal injuries or death occurred in any of the following ways:

(1) while committing a high misdemeanor or felony or seeking to avoid lawful apprehension or arrest by a police officer; or

(2) while acting with specific intent of causing injury or damage to himself or others.

b. An insurer may also exclude from the benefits provided in sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) and the medical expense benefits provided in section 4 of P.L.1998, c.21 (C.39:6A-3.1) any person having incurred injuries or death, who, at the time of the accident:

(1) was the owner or registrant of an automobile registered or principally garaged in this State that was being operated without personal injury protection coverage;

(2) was occupying or operating an automobile without the permission of the owner or other named insured;

(3) was a person other than the named insured or a member of the named insured's family residing in his household, if that person is entitled to coverage under section 4 or section 10 of P.L.1972, c.70 (C.39:6A-4 or 39:6A-10), or both, or section 4 of P.L.1998, c.21 (C.39:6A-3.1), as a named insured or member of the named insured's family residing in his household under the terms of another policy; or

(4) was a member of the named insured's family residing in the named insured's household, if that person is entitled to coverage under section 4 or section 10 of P.L.1972, c.70 (C.39:6A-4 or 39:6A-10), or both, or section 4 of P.L.1998, c.21 (C.39:6A-3.1) as a named insured under the terms of another policy.

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

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

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

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

a. Limitation on lawsuit option. Every owner, registrant, operator or occupant of an automobile to which section 4 of P.L.1972, c.70 (C.39:6A-4), personal injury protection coverage, or section 4 of P.L.1998, c.21 (C.39:6A-3.1), medical expense benefits coverage, regardless of fault, applies, and every person or organization legally responsible for his acts or omissions, is hereby exempted from tort liability for noneconomic loss to a person who is subject to this subsection and who is either a person who is required to maintain personal injury protection coverage pursuant to section

4 of P.L.1972, c.70 (C.39:6A-4) or medical expense benefits pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1), or is a person who has a right to receive benefits under section 4 of P.L.1972, c.70 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1), as a result of bodily injury, arising out of the ownership, operation, maintenance or use of such automobile in this State, unless that person has sustained a bodily injury which results in death; dismemberment; significant disfigurement or significant scarring; displaced fractures; loss of a fetus; or a permanent injury within a reasonable degree of medical probability, other than scarring or disfigurement. An injury shall be considered permanent when the body part or organ, or both, has not healed to function normally and will not heal to function normally with further medical treatment. For the purposes of this subsection, "physician" means a physician as defined in section 5 of P.L.1939, c.115 (C.45:9-5.1).

In order to satisfy the tort option provisions of this subsection, the plaintiff shall, within 60 days following the date of the answer to the complaint by the defendant, provide the defendant with a certification from the licensed treating physician or a board-certified licensed physician to whom the plaintiff was referred by the treating physician. The certification shall state, under penalty of perjury, that the plaintiff has sustained an injury described above. The certification shall be based on and refer to objective clinical evidence, which may include medical testing, except that any such testing shall be performed in accordance with medical protocols pursuant to subsection a. of section 4 of P.L.1972, c.70 (C.39:6A-4) and the use of valid diagnostic tests administered in accordance with section 12 of P.L.1998, c.21 (C.39:6A-4.7). Such testing may not be experimental in nature or dependent entirely upon subjective patient response. The court may grant no more than one additional period not to exceed 60 days to file the certification pursuant to this subsection upon a finding of good cause.

A person is guilty of a crime of the fourth degree if that person purposefully or knowingly makes, or causes to be made, a false, fictitious, fraudulent, or misleading statement of material fact in, or omits a material fact from, or causes a material fact to be omitted from, any certification filed pursuant to this subsection. Notwithstanding the provisions of subsection e. of N.J.S. 2C:44-1, the court shall deal with a person who has been convicted of a violation of this subsection by imposing a sentence of imprisonment unless, having regard to the character and condition of the person, the court is of the opinion that imprisonment would be a serious injustice which overrides the need to deter such conduct by others. If the court imposes a noncustodial or probationary sentence, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution. Nothing in this subsection a. shall preclude an indictment and conviction for any other offense defined by the laws of this

State. In addition, any professional license held by the person shall be forfeited according to the procedures established by section 4 of P.L.1997, c.353 (C.2C:51-5); or

b. No limitation on lawsuit option. As an alternative to the basic tort option specified in subsection a. of this section, every owner, registrant, operator, or occupant of an automobile to which section 4 of P.L.1972, c.70 (C.39:6A-4), personal injury protection coverage, or section 4 of P.L.1998, c.21 (C.39:6A-3.1), medical expense benefits coverage, regardless of fault, applies, and every person or organization legally responsible for his acts or omissions, shall be liable for noneconomic loss to a person who is subject to this subsection and who is either a person who is required to maintain the coverage mandated by P.L.1972, c.70 (C.39:6A-1 et seq.) or is a person who has a right to receive benefits under section 4 of that act (C.39:6A-4), as a result of bodily injury, arising out of the ownership, operation, maintenance or use of such automobile in this State.

The tort option provisions of subsection b. of this section shall also apply to the right to recover for noneconomic loss of any person eligible for benefits pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1) but who is not required to maintain personal injury protection coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or medical expense benefits coverage pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1) and is not an immediate family member, as defined in section 14.1 of P.L.1983, c.362 (C.39:6A-8.1), under a standard automobile insurance policy or basic automobile insurance policy.

The tort option provisions of subsection a. of this section shall also apply to any person subject to section 14 of P.L.1985, c.520 (C.39:6A-4.5) and to every named insured and any other person to whom the medical expense benefits of the basic automobile insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1) apply whether or not the person has elected the optional \$10,000 liability coverage insuring against loss resulting from liability imposed by law for bodily injury or death provided for in subsection c. of section 4 of P.L.1998, c.21 (C.39:6A-3.1).

The tort option provisions of subsections a. and b. of this section as provided in this 1998 amendatory and supplementary act shall apply to automobile insurance policies issued or renewed on or after the effective date of P.L.1998, c.21 (C.39:6A-1.1 et al.) and as otherwise provided by law.

C.39:6A-4.7 Compilation of list of valid diagnostic tests used in treatment of persons sustaining bodily injury.

12. The professional licensing boards governing health care providers in the Division of Consumer Affairs shall promulgate, pursuant to the

"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a list of valid diagnostic tests to be used in conjunction with the appropriate health care protocols in the treatment of persons sustaining bodily injury and subject to subsection a. of section 8 of P.L.1972, c.70 (C.39:6A-8). Inclusion of a test on the list of valid diagnostic tests shall be based on demonstrated medical value, and a level of general acceptance by the relevant provider community and shall not be dependent for results entirely upon subjective patient response. The initial lists shall be promulgated within 180 days of the effective date of this section and shall be revised from time to time as determined by the respective boards to reflect new testing procedures and emerging technologies enjoying a level of general acceptance within the appropriate provider community. In updating its list, a board may take action at a regularly scheduled meeting, notwithstanding the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, after notice as provided herein. The professional boards, individually or collectively, may enlist the services of a consulting firm to assist in compiling and updating the list. The Commissioner of Banking and Insurance may reimburse the boards for the cost of the services of the consultant. The list of valid diagnostic tests, once approved by the commissioner shall apply only to benefits under section 4 of P.L.1972, c.70 (C.39:6A-4) and section 4 of P.L.1998, c.21 (C.39:6A-3.1). The board or boards hiring a consultant shall not advertise for bids, as provided in sections 3 and 4 of P.L.1954, c.48 (C.52:34-8 and 52:34-9). Notwithstanding any of the provisions of this section to the contrary, a diagnostic test performed in an acute care facility, or extended care facility recognized by Medicare, shall not be excluded from a list of valid diagnostic tests promulgated pursuant to this section.

a. For the purposes of this section, "action" includes, but is not limited to:

- (1) the addition or deletion of a test to the list; or
- (2) procedures and standards for the performance of a test.

"Action" shall not include the hearing and resolution of contested cases, licensing matters, personnel matters or any other duties of a professional licensing board.

b. Prior to the adoption of an action by the board, the board shall forward the notice of intended action and a detailed description of the intended action to the Office of Administrative Law for publication in the New Jersey Register.

A copy of the text of the intended action shall be available in the Division of Consumer Affairs in accordance with the provisions of P.L.1963, c.73 (C.47:1A-1 et seq.).

c. The board may hold a public hearing on any intended action.

d. Whether or not a public hearing is held, the board shall afford all interested persons an opportunity to comment in writing on the intended action. Written comments shall be submitted to the board within the time established by the board in the notice of intended action, which time shall not be less than 10 calendar days from the date of notice. The board shall give due consideration to all comments received. A copy of the submissions shall be filed with the Office of Administrative Law for publication in the New Jersey Register.

e. The board may adopt the intended action immediately following the expiration of the public comment period provided in subsection d. of this section, or the hearing provided for in subsection c. of this section, whichever date is later. The final action adopted by the board shall be submitted for publication in the New Jersey Register to the Office of Administrative Law, and shall be effective on the date of the submission or such later date as the board may establish.

f. Actions filed with the Office of Administrative Law pursuant to this section shall be filed subject to the provisions of subsections (a), (c), (d) and (e) of section 5 of P.L.1968, c.410 (C.52:14B-5).

g. Nothing in this section shall be construed to prohibit the board from adopting any action pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

h. Nothing in this section shall be construed to prohibit the Director of the Division of Consumer Affairs from adopting any rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

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

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

20. An insurer, health maintenance organization or governmental agency paying benefits pursuant to subsection a., b. or d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3) or personal injury protection benefits in accordance with section 4 or section 10 of P.L.1972, c.70 (C.39:6A-4 or 39:6A-10) or medical expense benefits pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1), as a result of an accident occurring within this State, shall, within two years of the filing of the claim, have the right to recover the amount of payments from any tortfeasor who was not, at the time of the accident, required to maintain personal injury protection or medical expense benefits coverage, other than for pedestrians, under the laws of this State, including personal injury protection coverage required to be provided in accordance with section 18 of P.L.1985, c.520 (C.17:28-1.4), or although

required did not maintain personal injury protection or medical expense benefits coverage at the time of the accident. In the case of an accident occurring in this State involving an insured tortfeasor, the determination as to whether an insurer, health maintenance organization or governmental agency is legally entitled to recover the amount of payments and the amount of recovery, including the costs of processing benefit claims and enforcing rights granted under this section, shall be made against the insurer of the tortfeasor, and shall be by agreement of the involved parties or, upon failing to agree, by arbitration.

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

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

10. Additional personal injury protection coverage. Insurers shall make available to the named insured electing the standard automobile insurance policy and covered under section 4 of P.L.1972, c.70 (C.39:6A-4), and, at his option, to resident relatives in the household of the named insured, suitable additional first party coverage for income continuation benefits, essential services benefits, death benefits and funeral expense benefits, but the income continuation and essential services benefits shall cease upon the death of the claimant, and shall not operate to increase the amount of any death benefits payable under section 4 of P.L.1972, c.70 (C.39:6A-4) and such additional first party coverage shall be payable only to the extent that the claimant establishes that the amount of loss sustained exceeds the coverage specified in section 4 of P.L.1972, c.70 (C.39:6A-4). Insurers may also make available to named insureds electing a standard automobile insurance policy and covered under section 4 of P.L.1972, c.70 (C.39:6A-4), and, at their option, to resident relatives in the household of the named insured or to other persons provided medical expense benefits coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4), or both, additional first party medical expense benefits coverage. The additional coverage shall be offered by the insurer at least annually as part of the coverage selection form applicable to the standard automobile insurance policy and required by section 17 of P.L.1983, c.362 (C.39:6A-23). Income continuation in excess of that provided for in section 4 of P.L.1972, c.70 (C.39:6A-4) shall be provided as an option by insurers for disabilities, as long as the disability persists, up to an income level of \$35,000.00 per year, provided that a. the excess between \$5,200.00 and the amount of coverage contracted for shall be written on the basis of 75% of said difference, and b. regardless of the duration of the disability, the benefits payable shall not exceed the total maximum amount of income continuation benefits contracted for. Death

benefits provided pursuant to this section shall be payable without regard to the period of time elapsing between the date of the accident and the date of death, if death occurs within two years of the accident and results from bodily injury from that accident to which coverage under this section applies. The Commissioner of Banking and Insurance is hereby authorized and empowered to establish, by rule or regulation, the amounts and terms of income continuation insurance to be provided pursuant to this section.

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

C.39:6A-11 Contribution among insurers.

11. Contribution among insurers. If two or more insurers are liable to pay benefits under sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) under a standard automobile insurance policy for the same bodily injury, or death, of any one person, the maximum amount payable shall be as specified in those sections 4 and 10 of P.L.1972, C.70 (C.39:6A-4 and 39:6A-10) and section 4 of P.L.1998, c.21 (C.39:6A-3.1), respectively, if additional first party coverage applies and any insurer paying the benefits shall be entitled to recover from each of the other insurers, only by inter-company arbitration or inter-company agreement, an equitable pro-rata share of the benefits paid.

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

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

12. Inadmissibility of evidence of losses collectible under personal injury protection coverage. Except as may be required in an action brought pursuant to section 20 of P.L.1983, c.362 (C.39:6A-9.1), evidence of the amounts collectible or paid under a standard automobile insurance policy pursuant to sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) and amounts collectible or paid for medical expense benefits under a basic automobile insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1), to an injured person, including the amounts of any deductibles, copayments or exclusions, including exclusions pursuant to subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3), otherwise compensated is inadmissible in a civil action for recovery of damages for bodily injury by such injured person.

The court shall instruct the jury that, in arriving at a verdict as to the amount of the damages for noneconomic loss to be recovered by the injured person, the jury shall not speculate as to the amount of the medical expense

benefits paid or payable by an automobile insurer under personal injury protection coverage payable under a standard automobile insurance policy pursuant to sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) or medical expense benefits under a basic automobile insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1) to the injured person, nor shall they speculate as to the amount of benefits paid or payable by a health insurer, health maintenance organization or governmental agency under subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3).

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

17. Section 13 of P.L.1972, c.70 (C.39:6A-13) is amended to read as follows:

C.39:6A-13 Discovery of facts as to personal injury protection coverage.

13. Discovery of facts as to personal injury protection coverage. The following apply to personal injury protection coverage benefits payable under a standard automobile insurance policy pursuant to sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) and medical expense benefits payable under a basic automobile insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1):

a. Every employer shall, if a request is made by an insurer or the Unsatisfied Claim and Judgment Fund providing personal injury protection benefits under a standard automobile insurance policy or medical expense benefits payable under a basic automobile insurance policy against whom a claim has been made, furnish forthwith, in a form approved by the Commissioner of Banking and Insurance, a signed statement of the lost earnings since the date of the bodily injury and for a reasonable period before the injury, of the person upon whose injury the claim is based.

b. Every physician, hospital, or other health care provider providing, before and after the bodily injury upon which a claim for personal injury protection benefits or medical expense benefits is based, any products, services or accommodations in relation to such bodily injury or any other injury, or in relation to a condition claimed to be connected with such bodily injury or any other injury, shall, if requested to do so by the insurer or the Unsatisfied Claim and Judgment Fund against whom the claim has been made, furnish forthwith a written report of the history, condition, treatment, dates and costs of such treatment of the injured person, and produce forthwith and permit the inspection and copying of his or its records regarding such history, condition, treatment dates and costs of treatment.

The person requesting such records shall pay all reasonable costs connected therewith.

c. The injured person shall be furnished upon demand a copy of all information obtained by the insurer or the Unsatisfied Claim and Judgment Fund under the provisions of this section, and shall pay a reasonable charge, if required by the insurer and the Unsatisfied Claim and Judgment Fund.

d. Whenever the mental or physical condition of an injured person covered by personal injury protection under a standard automobile insurance policy or medical expense benefits under a basic automobile insurance policy is material to any claim that has been or may be made for such past or future personal injury protection benefits or medical expense benefits, such person shall, upon request of an insurer or the Unsatisfied Claim and Judgment Fund submit to mental or physical examination conducted by a health care provider licensed in this State in the same profession or specialty as the health care provider whose services are subject to review under this section and who is located within a reasonable proximity to the injured person's residence. The injured person shall provide or make available to the provider any pertinent medical records or medical history that the provider deems necessary to the examination. The costs of any examinations requested by an insurer or the Unsatisfied Claim and Judgment Fund shall be borne entirely by whomever makes such request. Such examination shall be conducted within the municipality of residence of the injured person. If there is no qualified health care provider to conduct the examination within the municipality of residence of the injured person, then such examination shall be conducted in an area of the closest proximity to the injured person's residence. Insurers providing personal injury protection coverage under a standard automobile insurance policy or medical expense benefits under a basic automobile insurance policy are authorized to include reasonable provisions requiring those claiming personal injury protection coverage benefits or medical expense benefits to submit to mental or physical examination as requested by an insurer or the Unsatisfied Claim and Judgment Fund pursuant to the provisions of this section. Failure to submit to a mental or physical examination requested by an insurer or the Unsatisfied Claim and Judgment Fund pursuant to the provisions of this section shall subject the injured person to certain limitations in coverage as specified in regulations promulgated by the commissioner.

e. If requested by the person examined, a party causing an examination to be made, shall deliver to him a copy of every written report concerning the examination rendered by an examining health care provider, at least one of which reports must set out his findings and conclusions in detail. After such request and delivery, the party causing the examination to be made is entitled upon request to receive from the person examined every written

report available to him, or his representative, concerning any examination, previously or thereafter made of the same mental or physical condition.

f. The injured person, upon reasonable request by the insurer or the Unsatisfied Claim and Judgment Fund, shall sign all forms, authorizations or releases for information, approved by the Commissioner of Banking and Insurance, which may be necessary to the discovery of the above facts, in order to reasonably prove the injured person's losses.

g. In the event of any dispute regarding an insurer's or the Unsatisfied Claim and Judgment Fund's or an injured person's right as to the discovery of facts about the injured person's earnings or about his history, condition, treatment, dates and costs of such treatment, or the submission of such injured person to a mental or physical examination subject to the provisions of this section, the insurer, Unsatisfied Claim and Judgment Fund or the injured person may petition a court of competent jurisdiction for an order resolving the dispute and protecting the rights of all parties. The order may be entered on motion for good cause shown giving notice to all persons having an interest therein. Such court may protect against annoyance, embarrassment or oppression and may as justice requires, enter an order compelling or refusing discovery, or specifying conditions of such discovery; the court may further order the payment of costs and expenses of the proceeding, as justice requires.

18. Section 11 of P.L.1972, c.203 (C.39:6A-13.1) is amended to read as follows:

C.39:6A-13.1 Two-year limitation on action for payment of benefits.

11. a. Every action for the payment of benefits payable under a standard automobile insurance policy pursuant to sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) or medical expense benefits payable under a basic automobile insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1), except an action by a decedent's estate, shall be commenced not later than two years after the injured person or survivor suffers a loss or incurs an expense and either knows or in the exercise of reasonable diligence should know that the loss or expense was caused by the accident, or not later than four years after the accident whichever is earlier, provided, however, that if benefits have been paid before then an action for further benefits may be commenced not later than two years after the last payment of benefits.

b. Every action by a decedent's estate for the payment of benefits provided under a standard automobile insurance policy pursuant to sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10) or medical expense benefits provided under a basic automobile insurance policy pursuant to

section 4 of P.L.1998, c.21 (C.39:6A-3.1) shall be commenced not later than two years after death or four years after the accident from which death results, whichever is earlier, provided, however, that if benefits had been paid to the decedent prior to his death then an action may be commenced not later than two years after his death or four years after the last payment of benefits, whichever is earlier, provided, further, that if the decedent's estate has received benefits before then an action for further benefits shall be commenced not later than two years from the last payment of benefits.

19. Section 15 of P.L.1972, c.70 (C.39:6A-15) is amended to read as follows:

C.39:6A-15 Penalties for false and fraudulent representation.

15. In any claim or action arising for benefits payable under a standard automobile insurance policy under section 4 of P.L.1972, c.70 (C.39:6A-4) or any claim or action arising for medical expense benefits payable under a basic automobile insurance policy under section 4 of P.L.1998, c.21 (C.39:6A-3.1) wherein any person obtains or attempts to obtain from any other person, insurance company or Unsatisfied Claim and Judgment Fund any money or other thing of value by (1) falsely or fraudulently representing that such person is entitled to such benefits; (2) falsely and fraudulently making statements or presenting documentation in order to obtain or attempt to obtain such benefits; or (3) cooperates, conspires or otherwise acts in concert with any person seeking to falsely or fraudulently obtain, or attempt to obtain, such benefits may upon conviction be fined not more than \$5,000.00, or imprisoned for not more than three years or both, or in the event the sum so obtained or attempted to be obtained is not more than \$500.00, may upon conviction, be fined not more than \$500.00, or imprisoned for not more than six months or both, as a disorderly person.

In addition to any penalties imposed by law, any person who is either found by a court of competent jurisdiction to have violated any provision of P.L.1983 c.320 (C.17:33A-1 et seq.) pertaining to automobile insurance or been convicted of any violation of Title 2C of the New Jersey Statutes arising out of automobile insurance fraud shall not operate a motor vehicle over the highways of this State for a period of one year from the date of judgment or conviction.

20. Section 1 of P.L.1972, c.197 (C.39:6B-1) is amended to read as follows:

C.39:6B-1 Maintenance of motor vehicle liability insurance coverage.

1. a. Every owner or registered owner of a motor vehicle registered or principally garaged in this State shall maintain motor vehicle liability

insurance coverage, under provisions approved by the Commissioner of Banking and Insurance, insuring against loss resulting from liability imposed by law for bodily injury, death and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a motor vehicle wherein such coverage shall be at least in: (1) an amount or limit of \$15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident; and (2) an amount or limit, subject to such limit for any one person so injured or killed, of \$30,000.00, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident; and (3) an amount or limit of \$5,000.00, exclusive of interest and costs, for damage to property in any one accident.

b. Notwithstanding the provisions of subsection a. of this section, an owner or registered owner of an automobile, as defined in section 2 of P.L.1972, c.70 (C.39:6A-2), registered or primarily garaged in the State may satisfy the requirements of subsection a. of this section by maintaining a basic automobile insurance policy containing coverages provided pursuant to subsections a. and b. of section 4 of P.L.1998, c.21 (C.39:6A-3.1).

21. Section 2 of P.L.1952, c.174 (C.39:6-62) is amended to read as follows:

C.39:6-62 Definitions relative to the Unsatisfied Claim and Judgment Fund.

2. Definitions. As used in this act:

"Executive director" means the official designated by and serving at the pleasure of the commissioner to administer to and be in charge of the Unsatisfied Claim and Judgment Fund and who shall be responsible to the Unsatisfied Claim and Judgment Fund Board.

"Treasurer" means the State Treasurer of New Jersey acting as the custodian of the Unsatisfied Claim and Judgment Fund.

"Commissioner" means the Commissioner of Banking and Insurance.

"Unsatisfied Claim and Judgment Fund" or "Fund" means the fund derived from the sources specified in this act.

"Unsatisfied Claim and Judgment Fund Board" or "Board" means the board created in section 4 of this act.

"Qualified person" means a resident of this State or the owner of a motor vehicle registered in this State or a resident of another state, territory, or federal district of the United States or province of Canada or of a foreign country, in which recourse is afforded, to residents of this State, of substantially similar character to that provided for by this act; provided, however, that no person shall be a qualified person where such person is an insured under a policy provision providing coverage for damages sustained by the insured as a result of the operation of an uninsured motor vehicle in

a form authorized to be included in automobile liability policies of insurance delivered or issued for delivery in this State, pursuant to the provisions of, or any supplement to, chapter 28 of Title 17 of the Revised Statutes or in a form substantially similar thereto.

"Uninsured motor vehicle" means a motor vehicle as to which there is not in force a liability policy meeting the requirements of section 3 or 26 of the "Motor Vehicle Security-Responsibility Law," P.L.1952, c.173 (C.39:6-25 or C.39:6-48), and which is not owned by a holder of a certificate of self-insurance under said law, but shall not include a motor vehicle with a policy in force which is insured pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1).

"Person" includes natural persons, firms, copartnerships, associations and corporations.

"Insurer" means any insurer authorized in this State to write the kinds of insurance specified in paragraphs d. and e. of R.S.17:17-1.

"Net direct written premiums" means direct gross premiums written on policies, insuring against legal liability for bodily injury or death and for damage to property arising out of the ownership, operation or maintenance of motor vehicles, which are principally garaged in this State, less return premiums thereon and dividends paid to policyholders on such direct business.

"Registration license year" means the period beginning June 1, 1956, and ending May 31, 1957, and each subsequent 12-month period, beginning June 1 and ending the following May 31.

22. Section 14 of P.L.1988, c.156 (C.17:29A-15.2) is amended to read as follows:

C.17:29A-15.2 Commission of producer unaffected by tort option.

14. Notwithstanding any other provision of law to the contrary, the dollar amount of the commission paid to a producer for residual bodily injury coverage provided pursuant to section 8 of P.L.1972, c.70 (C.39:6A-8) shall be the same whether the named insured elects the tort option provided for in subsection a. of that section or the tort option provided for in subsection b. of that section. This section shall not apply to commissions on a basic automobile insurance policy issued pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1).

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

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

5. Payment of personal injury protection coverage benefits.

a. An insurer may require written notice to be given as soon as practicable after an accident involving an automobile with respect to which the policy affords personal injury protection coverage benefits payable under a standard automobile insurance policy pursuant to section 4 of P.L.1972, c.70 (C.34:6A-4) or medical expense benefits payable under a basic automobile insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1). In the case of claims for medical expense benefits under either policy, written notice shall be provided to the insurer by the treating health care provider no later than 21 days following the commencement of treatment. Notification required under this section shall be made in accordance with regulations adopted by the Commissioner of Banking and Insurance and on a form prescribed by the Commissioner of Banking and Insurance. Within a reasonable time after receiving notification required pursuant to this act, the insurer shall confirm to the treating health care provider that its policy affords the claimant personal injury protection coverage benefits as required by section 4 of P.L.1972, c.70 (C.39:6A-4) or medical expense benefits pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1).

b. For the purposes of this section, notification shall be deemed to be met if a treating health care provider submits a bill or invoice to the insurer for reimbursement of services within 21 days of the commencement of treatment.

c. In the event that notification is not made by the treating health care provider within 21 days following the commencement of treatment, the insurer shall reserve the right to deny, in accordance with regulations established by the Commissioner of Banking and Insurance, payment of the claim and the treating health care provider shall be prohibited from seeking any payment directly from the insured. In establishing the standards for denial of payment, the Commissioner of Banking and Insurance shall consider the length of delay in notification, the severity of the treating health care provider's failure to comply with the notification provisions of this act based upon the potential adverse impact to the public and whether or not the provider has engaged in a pattern of noncompliance with the notification provisions of this act. In establishing the regulations necessary to effectuate the purposes of this subsection, the Commissioner of Banking and Insurance shall define specific instances where the sanctions permitted pursuant to this subsection shall not apply. Such instances may include, but not be limited to, a treating medical provider's failure to provide notification to the insurer as required by this act due to the insured's medical condition during the time period within which notification is required.

d. A health care provider who fails to notify the insurer within 21 days and whose claim for payment has been denied by the insurer pursuant to the

standards established by the Commissioner of Banking and Insurance may, in the discretion of a judge of the Superior Court, be permitted to refile such claim provided that the insurer has not been substantially prejudiced thereby. Application to the court for permission to refile a claim shall be made within 14 days of notification of denial of payment and shall be made upon motion based upon affidavits showing sufficient reasons for the failure to notify the insurer within the period of time prescribed by this act.

e. (Deleted by amendment, P.L.1998, c.21.)

f. In instances when multiple treating health care providers render services in connection with emergency care, the Commissioner of Banking and Insurance shall designate, through regulation, a process whereby notification by one treating health care provider to the insurer shall be deemed to meet the notification requirements of all the treating health care providers who render services in connection with emergency care.

g. Personal injury protection coverage benefits pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) and medical expense benefits pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1) shall be overdue if not paid within 60 days after the insurer is furnished written notice of the fact of a covered loss and of the amount of same. If such written notice is not furnished to the insurer as to the entire claim, any partial amount supported by written notice is overdue if not paid within 60 days after such written notice is furnished to the insurer. Any part or all of the remainder of the claim that is subsequently supported by written notice is overdue if not paid within 60 days after such written notice is furnished to the insurer; provided, however, that any payment shall not be deemed overdue where, within 60 days of receipt of notice of the claim, the insurer notifies the claimant or his representative in writing of the denial of the claim or the need for additional time, not to exceed 45 days, to investigate the claim, and states the reasons therefor. The written notice stating the need for additional time to investigate the claim shall set forth the number of the insurance policy against which the claim is made, the claim number, the address of the office handling the claim and a telephone number, which is toll free or can be called collect, or is within the claimant's area code. Written notice to the organization administering dispute resolution pursuant to sections 24 and 25 of P.L.1998, c.21 (C.39:6A-5.1 and C.39:6A-5.2) shall satisfy the notice request for additional time to investigate a claim pursuant to this subsection. For the purpose of determining interest charges in the event the injured party prevails in a subsequent proceeding where an insurer has elected a 45-day extension pursuant to this subsection, payment shall be considered overdue at the expiration of the 45-day period or, if the injured person was required to provide additional information to the insurer, within 10 business days

following receipt by the insurer of all the information requested by it, whichever is later.

For the purpose of calculating the extent to which any benefits are overdue, payment shall be treated as being made on the date a draft or other valid instrument which is equivalent to payment was placed in the United States mail in a properly addressed, postpaid envelope, or, if not so posted, on the date of delivery.

h. All overdue payments shall bear interest at the percentage of interest prescribed in the Rules Governing the Courts of the State of New Jersey for judgments, awards and orders for the payment of money.

i. All automobile insurers and the Unsatisfied Claim and Judgment Fund shall provide any claimant with the option of submitting a dispute under this section to dispute resolution pursuant to sections 24 and 25 of P.L.1998, c.21 (C.39:6A-5.1 and C.39:6A-5.2).

C.39:6A-5.1 Dispute resolution provided regarding recovery of personal injury protection benefits.

24. a. Any dispute regarding the recovery of medical expense benefits or other benefits provided under personal injury protection coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4), or section 4 of P.L.1998, c.21 (C.39:6A-3.1) arising out of the operation, ownership, maintenance or use of an automobile may be submitted to dispute resolution on the initiative of any party to the dispute, as hereinafter provided.

b. The Commissioner of Banking and Insurance shall designate an organization, and for that purpose may, at his discretion, advertise for proposals, for the purpose of administering dispute resolution proceedings regarding medical expense benefits and other benefits provided under personal injury protection pursuant to section 4 of P.L. 1972, c.70 (C.39:6A-4) or medical expense benefits coverage pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1). The commissioner shall promulgate rules and regulations with respect to the conduct of the dispute resolution proceedings. The organization administering dispute resolution shall utilize qualified professionals who serve on a full-time basis and who meet standards of competency established by the commissioner. The commissioner shall establish standards of performance for the organization to ensure the independence and fairness of the review process, including, but not limited to, standards relative to the professional qualifications of the professionals presiding over the dispute resolution process, and standards to ensure that no conflict of interest exists which would prevent the professional from performing his duties in an impartial manner. The standards of performance shall include a requirement that the organization establish an advisory council composed of parties who are users of the

dispute resolution mechanism established herein. The commissioner may contract with a consulting firm for the formulation of the standards of performance of the organization and establishment of qualifications for the persons who are to conduct the dispute resolution proceedings. The commissioner shall not advertise for bids for the consulting firm, as provided in sections 3 and 4 of P.L.1954, c.48 (C.52:34-8 and 52:34-9). Compensation to the dispute resolution professionals shall be established by the commissioner and adjusted from time to time as appropriate, with the approval of the commissioner. In no case shall compensation be paid on a contingency basis. The organization shall establish a dispute resolution plan, which shall include procedures and rules governing the dispute resolution process and provisions for monitoring the dispute resolution process to ensure adherence to the standards of performance established by the commissioner. The plan, and any amendments thereto, shall be subject to the approval of the commissioner.

c. Dispute resolution proceedings under this section 24 and section 25 of this amendatory and supplementary act shall include disputes arising regarding medical expense benefits provided under subsection a. of section 4 of P.L.1972, c.70 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1), benefits provided pursuant to subsection b., c., d. or e. of section 4 of P.L.1972, c.70 (C.39:6A-4), subsection b., c., d. or e. of section 7 of P.L.1972, c.198 (C.39:6-86.1), and disputes as to additional first party coverage benefits required to be offered pursuant to section 10 of P.L.1972, c.70 (C.39:6A-10). Disputes involving medical expense benefits may include, but not necessarily be limited to, matters concerning: (1) interpretation of the insurance contract; (2) whether the treatment or health care service which is the subject of the dispute resolution proceeding is in accordance with the provisions of section 4 of P.L.1972, c.70 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1) or the terms of the policy; (3) the eligibility of the treatment or service for compensation; (4) the eligibility of the provider performing the treatment or service to be compensated under the terms of the policy or under regulations promulgated by the commissioner, including whether the person is licensed or certified to perform such treatment; (5) whether the disputed medical treatment was actually performed; (6) whether diagnostic tests performed in connection with the treatment are those recognized by the commissioner; (7) the necessity or appropriateness of consultations by other health care providers; (8) disputes involving application of and adherence to fee schedules promulgated by the commissioner; and (9) whether the treatment performed is reasonable, necessary, and compatible with the protocols provided for pursuant to P.L.1998, c.21 (C.39:6A-1.1 et al.). The dispute resolution professionals may review the entire claims file of the insurer, subject to any confidential-

ity requirement established pursuant to State or federal law. All decisions of the dispute resolution professional shall be in writing, in a form prescribed by the commissioner, shall state the issues in dispute, the findings and conclusions on which the decision is based, and shall be signed by the dispute resolution professional. All decisions of a dispute resolution professional shall be binding. The dispute resolution organization shall provide for the retention of all documents used in dispute resolution proceedings under this section and section 25 of this amendatory and supplementary act, including the written decision, for a period of at least five years, in a form approved by the commissioner, or for such additional time as may be established by the commissioner. The written decisions of the dispute resolution professional shall be forwarded to the commissioner, who shall establish a record of the proceedings conducted under the dispute resolution procedure, which shall be accessible to the public and may be used as guidance in subsequent dispute resolution proceedings.

d. With respect to disputes as to the diagnosis, the medical necessity of the treatment or diagnostic test administered to the injured person, whether the injury is causally related to the insured event or is the product of a preexisting condition, or disputes as to the appropriateness of the protocols utilized by the provider, the dispute resolution professional shall, either at his option or at the request of any party to the dispute, refer the matter to a medical review organization for a determination. The determination of the medical review organization on the dispute referred shall be binding upon the dispute resolution professional.

e. Any person submitting a matter to the dispute resolution process established herein may submit for review all or a portion of a disputed treatment or treatments or a dispute regarding a diagnostic test or tests or a dispute regarding the providing of services or durable medical goods. Any portion of a treatment or diagnostic test or service which is not under review shall be reimbursed in accordance with the provisions of section 5 of P.L.1972, c.70 (C.39:6A-5). If the dispute resolution proceeding results in a determination that all or part of a treatment or treatments, diagnostic test or tests or service performed, or durable medical goods provided are medically necessary and appropriate, reimbursement shall be made with interest payable in accordance with the provisions of section 5 of P.L.1972, c.70 (C.39:6A-5).

C.39:6A-5.2 Establishment of standards for certification of medical review organizations.

25. a. The commissioner shall establish standards for the certification of medical review organizations, which shall include standards of performance formulated by the commissioner in consultation with the Commissioner of Health and Senior Services. The standards of performance shall set

forth procedures to ensure a timely and impartial review of the medical records of the injured person by a medical review organization, including, but not limited to, a review of the necessity or appropriateness of treatments for injuries, including diagnostic tests, sustained in an automobile accident. The commissioner shall establish standards for persons conducting the medical review, including standards with respect to credentials, experience, licensure, fees, and confidentiality. The standards shall include a requirement that all persons performing reviews are New Jersey licensed or certified health care providers, and a requirement that any medical review panel contain a health care provider licensed or certified in the same profession as the treating health care provider and that it contain a sufficient representation of reviewers to judge the appropriateness of treatment or treatments in dispute, including, but not limited to, the medical necessity of such treatments, appropriateness of the protocols used by the treating provider, issues regarding causality and preexisting conditions, the appropriateness and efficacy of diagnostic tests performed in connection with the diagnosis, and whether the diagnostic tests meet the requirements established by the commissioner. The commissioner may contract with a consultant for the formulation of the standards governing the certification of the persons conducting the medical reviews. The commissioner shall not advertise for bids for the consultant, as provided in sections 3 and 4 of P.L.1954, c.48 (C.52:34-8 and 52:34-9).

b. Before certifying a medical review organization to receive referrals from dispute resolution proceedings, the commissioner shall determine that the organization has a sufficient number of qualified health care providers, by specialty, to perform the reviews, has a satisfactory procedure for maintaining the confidentiality of medical records, is not owned or controlled by an insurer, and has met any other requirements established by the commissioner.

c. The medical review organization shall establish and utilize written review procedures, which shall be filed with the commissioner. Every determination made by a medical review organization shall be in writing and shall be retained by the organization for a period of no less than five years.

d. The medical review organization may review the medical treatment or treatments in dispute to determine whether: (1) the treatment or diagnostic test being given for the injury or the services provided in connection with the injury is medically necessary; (2) the treatment is in accordance with or compatible with medically recognized standard protocols, professional standards, and commonly accepted medical practice in the same health care discipline as the treating provider; (3) the treatment is consistent with the symptoms or diagnosis of the injury; (4) the treatment

or health care service is related to the injury sustained in the insured event, or is required for the diagnosis, evaluation or confirmation of the injury; (5) the treatment is of a palliative, rather than restorative, nature; and (6) medical procedures, treatment, or testing which have been repeated are medically necessary and consistent with standard practice.

e. Cases referred by a dispute resolution professional for medical review shall be referred to appropriate certified medical reviewers affiliated with the certified medical review organization by a dispute resolution organization. The dispute resolution organization shall forward the referrals to certified medical reviewers on a random basis, so that there is a relatively equal apportionment among all medical reviewers. Referrals shall be made in such a manner so as not to disclose to the medical reviewers the identity of the insurer, nor shall the identity of the reviewer be disclosed to the insurer.

f. When appropriate in the context of its review of services or treatments under dispute, a medical reviewer may request and shall receive a written report or copy of the provider's records regarding the case history, treatment dates, or the dates diagnostic tests or other services were performed, and the provider's projected treatment plan. The injured person or provider, as applicable, shall provide or make available to the medical reviewer any pertinent medical records or medical history which the medical reviewer may request. The medical reviewer shall complete its review and make a determination within 20 business days of receipt of all of the requested information from the dispute resolution professional or provider, as the case may be. The medical reviewer shall submit its determination in writing to the referring dispute resolution organization, which shall forward it to the dispute resolution professional.

g. The cost of the proceedings shall be apportioned by the dispute resolution professional. Fees shall be determined to be reasonable if they are consonant with the amount of the award, in accordance with a schedule established by the New Jersey Supreme Court. If the treatment, diagnostic test, or service performed is not determined to be medically necessary or appropriate, the injured person shall not be liable to pay the provider the disputed amount.

C.17:29A-48 Establishment of new territorial rating plans.

26. Every insurer writing private passenger automobile insurance in this State and every rating organization establishing territorial rating plans on behalf of its member companies shall establish new territorial rating plans in place of the insurer or filer's territorial rating plan in effect on June 1, 1998, which shall include territorial definitions, territorial relativity factors and territorial base rates, and which are in accordance with the provisions

of sections 26 through 29 of this amendatory and supplementary act. The Commissioner of Banking and Insurance shall promulgate regulations establishing standards governing the establishment of new rating territories, which standards shall include, but not be limited to:

a. Territories shall be defined in such a manner as to recognize throughout the territorial rating plan both qualitative similarities and qualitative differences in driving environments or mix of driving environments, which may include, but not be limited to, traffic density, population density, comparative severity of loss, and the degree of homogeneity within a territory in terms of driving environments, population, and driver classification, and the territory shall be comprised of towns or cities which are contiguous;

b. Territories shall contain a sufficient number of exposures to result in statistically credible experience, in accordance with regulations established by the commissioner, and shall be defined in a manner which minimizes the effect of variability of loss in a territory on a year-to-year basis;

c. Territory definitions shall take into account the impact of the overlapping of traffic patterns on exposure to loss, including the relative number of intraterritory trips and inter-territory trips applicable to each proposed territory, for which the commissioner shall make available to the insurer, filer, or the commission established pursuant to section 28 of this amendatory and supplementary act, appropriate information collected pursuant to the provisions of section 1 of P.L.1987, c.450 (C.43:21-14a) by the Department of Labor;

d. Territories shall be created in a manner which results in an equable distribution of exposures among territories throughout the State and no territorial rating plan shall result in territories which are arbitrary, unfairly discriminatory, significantly disproportionate in terms of the number of exposures per territory, or created in a manner which is primarily for marketing purposes rather than measuring relativity of exposure to probable loss, or created in a manner which can be used to avoid the insurer or filer's obligations under section 27 of P.L.1990, c.8 (C.17:33B-15);

e. Territories shall be created in a manner which does not result in disproportionate differences in territorial relativity factors or territorial base rates between contiguous territories with similar driving environments or similar mix of driving environments;

f. Factors to be considered in establishing territorial rate relativities shall include taking into account similarities or differences in driving environments or mix of driving environments, including traffic density, population density, mix of driver classifications within a territory, including classifications capped pursuant to the provisions of section 7 of P.L.1983,

c.65 (C.17:29A-36), comparative degree of severity of loss, and the relative number of intraterritory and inter-territory trips;

g. Territories shall be defined in a manner which does not result in unfair inter-territorial subsidization among territories with significant differences in driving environments or mix of driving environments, population density, traffic density, mix of driver classifications, including classifications capped pursuant to the provisions of section 7 of P.L.1983, c.65 (C.17:29A-36) and comparative degree of severity of loss;

h. For the purpose of defining territories and establishing territorial relativity factors, loss experience allocated to any territory by an insurer or filer (1) shall take into account any recovery applicable to exposures in the territory which are attributable to subrogation or any other kind of recovery by the insurer reporting the losses and (2) shall not include any loss attributable to capping of driver classifications pursuant to section 7 of P.L.1983, c.65 (C.17:29A-36).

The commissioner shall establish by regulation the minimum number of exposures which shall be deemed to meet the standard of being statistically credible for the purpose of defining territories.

C.17:29A-49 Filing of territorial rating plan.

27. a. An insurer or rate filer shall file its territorial rating plan with the commissioner for the commissioner's approval. The commissioner shall approve the plan if he finds that the plan complies with the provisions of section 26 of this amendatory and supplementary act and the regulations promulgated thereto. If the commissioner does not believe that the territorial rating plan meets the standards established by this act or by regulation, or that the territorial rating plan would serve to work against competition among insurers in this State, he shall order that the plan be modified.

b. A filer may file for its use:

(1) an individual territorial rating plan which it has developed; or

(2) the common territorial rating plan established and approved pursuant to section 28 of this act.

c. Approved individual territorial rating plans shall be on file with the commissioner and available for review by filers subject to this section.

d. Every filer shall periodically review, at least once in every five-year period, the continued validity of the territorial rating plan which it is using and shall report its findings to the commissioner, along with such data as the commissioner deems necessary. If the commissioner finds that it is not in accordance with the standards established pursuant to section 26 of this act, he may order that the filer amend its plan or, if the filer fails to do so, require

the filer to adopt the common territorial rating plan established pursuant to section 28 of this act.

e. Any filer or filers may object to the territorial rating plan used by another filer on the grounds that it (1) is anticompetitive; (2) does not meet the standards established by the commissioner pursuant to section 26 of this act; or (3) results in the insurer or filer not meeting its obligations pursuant to the provisions of section 27 of P.L.1990, c.8 (C.17:33B-15).

f. No territorial rating plan of any insurer or any rating organization filed with and approved by the commissioner pursuant to section 27 of this act shall be implemented by any insurer until the 180th day following the approval of the common territorial rating plan established by the commission created pursuant to section 28 of this act, but in no event no later than January 1, 2000.

C.17:29A-50 Automobile Insurance Territorial Rating Plan Advisory Commission.

28. a. There is established the Automobile Insurance Territorial Rating Plan Advisory Commission to review insurer data and establish a common territorial rating plan for use by insurers not filing a territorial rating plan pursuant to section 27 of this amendatory and supplementary act. The territorial rating plan established by the commission shall be established according to the criteria and standards provided in section 26 of this amendatory and supplementary act and in accordance with regulations established by the commissioner. The common territorial rating plan shall be subject to the prior approval of the Commissioner of Banking and Insurance, and shall be reviewed by the commissioner from time to time but not less than once every five years.

b. The commission shall consist of fifteen members: nine representatives of insurers writing private passenger automobile insurance in this State and one representative of a rating bureau filing rates on behalf of its members in this State, who shall be appointed by the Governor with the advice and consent of the Senate; four public members, of whom one shall be appointed by the President of the Senate, one by the Speaker of the General Assembly, one by the Minority Leader of the Senate and one by the Minority Leader of the General Assembly; and the Commissioner of Banking and Insurance, who shall serve ex-officio. Of the insurer members appointed by the Governor, at least two members shall be selected from member companies of the Alliance of American Insurers, and two members selected from member companies of the National Association of Independent Insurers or their successor organizations. The remaining insurer members shall be selected from insurers writing automobile insurance in this State, but no insurer or group of insurers under common control shall have more than one representative appointed to serve on the commission.

c. The members of the commission shall serve for two-year terms and until their successors are appointed and qualified.

d. The commission shall elect a chairman and a vice chairman from among the insurer members.

e. After its initial territorial rating plan has been approved, the commissioner may convene the commission at any time to review the plan and to gather data from insurers. The commissioner may, if he finds that the common territorial rating plan does not meet the standards established pursuant to section 26 of this act, order that the plan be revised.

29. Section 7 of P.L.1983, c.65 (C.17:29A-36) is amended to read as follows:

C.17:29A-36 Contents of filing for automobile insurance rate making.

7. a. Any filing made for the purpose of automobile insurance rate making shall indicate the actual rate needs of the filer; provided, however, that (a) each filer's rate classification definitions, as used by that filer, shall be uniform Statewide; and (b) the automobile insurance rate charged an insured shall not exceed two and one-half times the filer's territorial base rate for each coverage, exclusive of driving record surcharges and discounts; and (c) the automobile insurance rate of the base class in any territory for any filer shall not exceed 1.35 times the filer's Statewide average base rate for each coverage, exclusive of driving record surcharges and discounts for any standard policy issued or renewed before January 1, 2000 or the 180th day following approval of the common territorial rating plan pursuant to section 28 of P.L.1998, c.21 (C.17:29A-50), whichever first occurs.

b. No rating plan or rate filing applicable to any policy issued or renewed on or after January 1, 2000 or the 180th day following the approval of the common rating territory provided for in sections 27 and 28 of P.L.1998, c.21 (C.17:29A-49 and C.17:29A-50), whichever first occurs, shall be approved by the commissioner which creates territorial relativities which are significantly disproportionate to those in effect as of the effective date of P.L.1998, c.21 (C.39:6A-1.1 et al.).

c. The automobile insurance rate of an automobile whose principal operator is 65 years of age or older shall not exceed one and one-quarter times the Statewide average rate for principal operators 65 years of age or older for each coverage, exclusive of driving record surcharges and discounts; provided, however, that no filer shall increase rates for principal operators 65 years of age or older as a result of the implementation of this section unless more than 50% of its insureds are principal operators 65 years of age or older.

d. As a result of the filings made pursuant to sections 26 and 27 of P.L.1998, c.21 (C.17:29A-48 and C.17:29A-49) and subsections b. and c. of this section, the filer's aggregate premium for all territories shall not exceed the filer's aggregate premium in effect prior to the date established in subsection b. of this section.

As used in this section, base rate means the automobile insurance rate charged for an automobile that is not used in business and not used in going to and from work, except for the going to and from work distance included in the pleasure use classification of the filer, and where there is no youthful operator, as defined in the filer's classification system. The base rate class shall not include automobiles to which discounts apply under the filer's classification system, including, but not limited to, farmers' and senior citizens' automobiles or any discount from a standard rate provided for in the filer's tier rating system.

The provisions of this section shall be implemented after the implementation of the provisions of subsection a. of section 8 of this act.

30. Section 50 of P.L.1990, c.8 (C.17:33B-41) is amended to read as follows:

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

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

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

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

(1) Suspension shall not be made under this subsection upon the basis of a cancellation of motor vehicle liability insurance if the registration certificate and registration plates of the motor vehicle are surrendered prior to the time at which the cancellation of insurance becomes effective. Such surrender shall be made to such officers of the division as the director shall direct. For the purposes of this paragraph, the expiration of a registration

without renewal of that registration shall be deemed to be a surrender of registration as of the date of expiration;

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

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

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

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

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

g. If a registrant has not surrendered his certificate of registration and registration plates or obtained motor vehicle liability insurance within 90 days from the date of cancellation of motor vehicle liability insurance, the

director shall suspend the driver's license of any such registrant. The suspension shall take effect on the date specified in the order and shall remain in effect until termination of the suspension of the registrant's registration.

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

i. Within 180 days of the effective date of this act the Division of Motor Vehicles shall develop a format for electronic reporting by insurers writing private passenger automobile insurance to the division, on a real-time basis, information regarding the cancellation of policies of motor vehicle insurance, the issuance of new policies of motor vehicle insurance, and changes of vehicle on policies of motor vehicle insurance in force in order to verify compliance with the motor vehicle liability insurance requirements of section 1 of P.L.1972, c.197 (C.39:6B-1), and the mandatory automobile insurance requirements of section 4 of P.L.1998, c.21 (C.39:6A-3.1). Information shall be maintained by driver's license number of the named insured. Other information to be provided by insurers shall be established by the director by regulation.

j. The director shall establish an electronic data base containing the information provided for in subsection i. of this section, which shall be made available to all law enforcement officers for the purpose of enforcing the mandatory motor vehicle insurance requirements of section 1 of P.L.1972, c.197 (C.39:6B-1). The data base shall not be made available until every insurer writing private passenger insurance has complied with regulations of the director and information required by subsection i. of this section is reported on a real-time basis. The Division of Motor Vehicles shall establish security procedures to protect the confidentiality of the information on the data base, which shall preclude access to the information to any person not otherwise entitled to it under this or any other law.

k. The data base shall be funded from the Uninsured Motorist Prevention Fund established pursuant to section 2 of P.L.1983, c.141 (C.39:6B-3).

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

C.17:29D-1 Rules, regulations for insurance plans; administration; requirements for automobile plan.

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

The governing board of any plan established pursuant to the commissioner's rules and regulations shall continue to exercise such administrative authority, subject to the commissioner's oversight and as provided in any rules and regulations promulgated pursuant to this section, as is necessary to ensure the plan's efficient operation, including, but not limited to, the authority to investigate complaints and hear appeals from applicants, insureds, producers, servicing carriers or participants about any matter pertaining to the plan's proper administration, as well as the authority to appoint subcommittees to hear such appeals. Any determination of an appeal by a plan's governing board shall be subject to review by the commissioner on the record below, and shall not be considered a contested case under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The commissioner's determination shall be a final order and shall be subject to review by the Superior Court.

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

a. For a rating system which shall produce rates for each coverage which are adequate for the safeness and soundness of the plan, and are not excessive nor unfairly discriminatory with regard to risks in the plan involving essentially the same hazards and expense elements, which rates may be changed from time to time by a filing with the commissioner in a manner and form approved by the commissioner;

b. For rates charged to plan insureds which shall be sufficient to meet the plan's expenses and the plan's losses on an incurred basis, including the establishment and maintenance of actuarially sound loss reserves to cover all future costs associated with the exposure;

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

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

e. Except for risks written in automobile insurance urban enterprise zones pursuant to subsection i. of this section, that it shall not provide coverage to an eligible person as defined pursuant to section 25 of P.L.1990, c.8 (C.17:33B-13);

f. (Deleted by amendment, P.L.1997, c.151.)

g. That the plan shall not be subsidized by any source external to the plan;

h. That a qualified insurer who writes automobile insurance risks in those automobile insurance urban enterprise zones designated by the commissioner pursuant to section 20 of P.L.1997, c.151 (C.17:33C-2) shall receive assigned risk credits for voluntary risks written in those designated automobile insurance urban enterprise zones as a direct writer or through a UEZ agent or agents or through any agent with whom the insurer has an in-force contract as of the effective date of P.L.1997, c.151 (C.17:33B-64 et al.). The commissioner shall establish by regulation the manner in which any qualified automobile insurer may utilize the provisions of this subsection. In no event shall that credit apply to reduce an insurer's obligations under subsection i. of this section; and

i. (1) For a voluntary rating tier to accommodate eligible persons, as defined in section 25 of P.L.1990, c.8 (C.17:33B-13), residing in automobile insurance urban enterprise zones, designated by the commissioner pursuant to section 20 of P.L.1997, c.151 (C.17:33C-2), to provide increased availability and encourage the voluntary writing of eligible persons residing in those zones;

(2) The rates utilized in this voluntary rating tier shall be the voluntary market rates in use by the insurer to whom the risk is assigned in that territory;

(3) The voluntary rating tier shall not provide insurance coverage for more than five percent of the aggregate number of private passenger automobile non-fleet exposures being written in the total private passenger automobile insurance market in this State, and the number of exposures

written in the voluntary rating tier shall be included for computing the maximum number of exposures permitted to be written in the plan;

(4) The plan shall distribute risks submitted by qualified producers to insurers authorized to write automobile insurance in this State pursuant to a fair and nondiscriminatory formula established by the commissioner. The formula shall provide that insurers which have, and maintain, an aggregate voluntary automobile insurance marketshare in automobile insurance urban enterprise zones, which is reasonably equal to the insurer's voluntary Statewide marketshare excluding risks written in automobile insurance urban enterprise zones, shall be exempt from these distributions;

(5) Qualified producers may submit eligible person risks from automobile insurance urban enterprise zones to the plan for coverage in the voluntary rating tier. As used in this subsection i.: a "qualified producer" means a UEZ agent, as defined in section 19 of P.L.1997, c.151 (C.17:33C-1), who has met any limit on exposures that may be written in accordance with the UEZ agent's agreement with the appointing insurer pursuant to section 22 of P.L.1997, c.151 (C.17:33C-4); and a producer who: is duly licensed with property/casualty authority for the three years immediately preceding the effective date of P.L.1997, c.151 (C.17:33B-64 et al.); has no affiliation with a voluntary market insurer for the placement of automobile insurance; had an affiliation with a voluntary market insurer for the placement of automobile insurance that was terminated by the insurer in the last three years; demonstrates to the plan his competency, efficiency and effectiveness in the solicitation, negotiation and effectuation of automobile insurance as evidenced by any history of disciplinary actions or complaints against the producer, and other relevant factors; and conducts his business in an office in an automobile insurance urban enterprise zone. For purposes of this subsection i., "insurer" means an insurer or group of affiliated insurers admitted or authorized to transact the business of automobile insurance in this State;

(6) This subsection shall expire on the first day of the 61st month after the first policy using the voluntary rating tier required by this subsection was issued to a risk, as certified by the commissioner.

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

The governing body administering the plan shall report annually to the Legislature and the Governor on the activities of the plan. The report shall contain an actuarial analysis regarding the adequacy of the rates for each coverage for the safeness and soundness of the plan.

C.17:33A-16 Office of the Insurance Fraud Prosecutor.

32. There is established in the Division of Criminal Justice in the Department of Law and Public Safety the Office of the Insurance Fraud Prosecutor. The Insurance Fraud Prosecutor shall be appointed by, and serve at the pleasure of, the Governor with the advice and consent of the Senate and be under the direction and supervision of the Attorney General. Any person appointed as Insurance Fraud Prosecutor shall have had prosecutorial experience, including experience in the litigation of civil and criminal cases. The Attorney General shall establish standards of performance for the Office of Insurance Fraud Prosecutor, which shall include standards of accountability.

C.17:33A-17 Appointment; transfer of personnel.

33. The Attorney General may appoint such personnel, including attorneys and clerical personnel, as necessary to carry out the duties of the office. The personnel charged with investigatory work in the Division of Insurance Fraud Prevention in the Department of Banking and Insurance shall be transferred to the Office of the Insurance Fraud Prosecutor as determined by the Commissioner of Banking and Insurance and the Attorney General, in accordance with a plan of reorganization, and shall become the Fraud Investigatory Section of the Office of the Insurance Fraud Prosecutor. Personnel transferred from the Division of Insurance Fraud Prevention in the Department of Banking and Insurance to the Office of the Insurance Fraud Prosecutor pursuant to this section and any such reorganization plan shall be transferred with all tenure rights and any rights or protections provided by Title 11A of the New Jersey Statutes or other applicable statutes, as provided in section 8 of P.L.1983, c.320 (C.17:33A-8), and any pension law or retirement system.

C.17:33A-18 Establishment of liaison between office, other departments; responsibilities.

34. a. A section of the Office of Insurance Fraud Prosecutor shall be designated to be responsible for establishing a liaison and continuing communication between the office and the Department of Health and Senior Services, the Department of Human Services, any professional board in the Division of Consumer Affairs in the Department of Law and Public Safety, the Department of Banking and Insurance, the Division of State Police, every county prosecutor's office, such local government units as may be necessary or practicable and insurers.

b. The section of the office responsible for such liaison shall establish procedures: (1) for receiving notice from all entities enumerated in subsection a. of this section of any case in which fraud is suspected or has been substantiated; (2) for receiving referrals for the investigation of alleged

fraud; (3) for receiving referrals for the prosecution of fraud by the office; (4) for receiving and referring information regarding cases, administrative or otherwise, under investigation by any department or other entity to the appropriate authority; and (5) for providing information to and coordinating information among any referring entities on pending cases of insurance fraud which are under investigation or being litigated or prosecuted. The liaison section of the office shall maintain a record of every referral or investigation.

C.17:33A-19 Duties of Insurance Fraud Prosecutor.

35. The Insurance Fraud Prosecutor shall investigate and, if warranted, prosecute, cases referred to it by insurers, State agencies, or county and municipal governments. The Insurance Fraud Prosecutor may assist county prosecutors in the investigation and prosecution of fraud, and shall give county prosecutors access to the data base maintained pursuant to section 38 of this amendatory and supplementary act.

C.17:33A-20 Establishment of Statewide fraud enforcement policy.

36. The Attorney General shall, in consultation with county prosecutors, establish a Statewide fraud enforcement policy for all State and local agencies, including guidelines for the investigation and prosecution of fraud, which shall include standards for detecting fraud, for the investigation of alleged fraud and standards for the submission of cases for prosecution. Priorities shall be established among the cases referred to the office for prosecution or other litigation and the office shall assist referring entities in establishing priorities among investigations or cases to be disposed of by the entities themselves. The Insurance Fraud Prosecutor shall prosecute criminal cases, litigate civil cases as appropriate, or assist county prosecutors in prosecuting criminal cases in accordance with the guidelines and priorities so established.

C.37:33A-21 Standards of performance for Fraud Investigatory Section.

37. Standards of performance shall be established for the Fraud Investigatory Section, which shall include, but not be limited to, recording the cases referred by insurers, local government agencies and others which are assigned to the Fraud Investigatory Section, investigating cases of alleged fraud in accordance with the priorities established by the Insurance Fraud Prosecutor, recording the disposition of the cases referred to the section, and making recommendations to the Insurance Fraud Prosecutor as to any procedural, regulatory, or statutory changes which may be necessary to carry out the provisions of this amendatory and supplementary act.

C.17:33A-22 Maintenance of data base; reporting of claims information.

38. a. The Insurance Fraud Prosecutor shall maintain a data base which includes referrals, reports of fraud investigations, prosecution, or litigation, and the results of such proceedings, which shall include: (1) identification of the referring entity; (2) type of fraud; (3) disposition of case; and (4) such other data as may be necessary to the work of the office and the referring entities.

b. The Insurance Fraud Prosecutor shall provide for the reporting of claims information by insurers writing at least \$2,000,000 in direct insurance premiums in any calendar year, in a standard reporting form, which shall include, but shall not be limited to, information on stolen vehicles, including the owners of such vehicles, information on automobile accidents, including date and location of accidents, persons involved in accidents, the kinds of injuries sustained in accidents and treating health care providers, for the purpose of identifying patterns of possible fraudulent activity, which information shall be shared with county prosecutors, local law enforcement officials, and the New Jersey State Police. Every insurer shall submit the data required by the Insurance Fraud Prosecutor for all claims closing with payment during a period established by the Insurance Fraud Prosecutor.

C.17:33A-23 Access to information provided to Insurance Fraud Prosecutor.

39. The Insurance Fraud Prosecutor shall have access to all necessary information in the possession of the State or local public entities, including agency inspection reports, motor vehicle records and license information, individual case files, and intelligence information compiled and maintained by the Division of State Police in the Department of Law and Public Safety. Upon the request of the Insurance Fraud Prosecutor, any insurer which has referred a case to the Insurance Fraud Prosecutor or to any county or local government agency shall make available to the Office of the Insurance Fraud Prosecutor all information on the case in the insurer's possession.

C.17:33A-24 Additional duties of office; annual report.

40. The Attorney General shall direct the Office of the Insurance Fraud Prosecutor to:

a. Confer from time to time with departments or other units of State government which have units which investigate fraud, in order to coordinate activities, share information, and provide any assistance necessary to any State agency in overseeing administrative enforcement activities;

b. Formulate and evaluate proposals for legislative, administrative and judicial initiatives to strengthen insurance fraud enforcement;

c. In connection with insurance fraud enforcement activities, act as the liaison for the Executive Branch of government with agencies involved in

insurance fraud enforcement outside the Executive Branch, including federal agencies and the Judiciary;

d. Provide an annual report to the Governor and the Legislature, no later than March 1 of each year, as to the activities of the Insurance Fraud Prosecutor for the preceding twelve months, including, but not limited to, the number of cases referred, the number of cases investigated, the number of cases in which professional licenses were suspended or revoked, by type of license, the number of cases prosecuted, the number of convictions procured, and the aggregate amount of money collected in fines and returned in restitution to insurers or others.

C.17:33A-25 Recommendation for suspension, revocation of professional license.

41. In the case of a professional licensed or certified by a professional licensing board in the Division of Consumer Affairs in the Department of Law and Public Safety who is guilty of fraud, the Insurance Fraud Prosecutor may recommend to the appropriate board a suspension or revocation of the professional license.

C.17:33A-26 Restitution; seizure of assets.

42. The Insurance Fraud Prosecutor shall consider the restitution of moneys to insurers and others who are defrauded as a major priority, in order that policyholders may benefit from the prosecution of those persons guilty of insurance fraud, and to that end, any assets of any person guilty of fraud shall be subject to seizure.

C.17:33A-27 Specific goals, strategies.

43. The Insurance Fraud Prosecutor shall have access to all information concerning insurance fraud enforcement activities in the possession of all State departments and agencies. The office shall meet on a regular basis with representatives of State departments and agencies and county prosecutors to set specific goals and strategies for the most effective resolution of insurance fraud cases, whether by criminal, civil, or administrative enforcement action, or a combination thereof.

C.17:33A-28 Application for reimbursement.

44. Any county prosecutor may apply to the Office of the Insurance Fraud Prosecutor for reimbursement for activities undertaken in connection with investigating and prosecuting insurance fraud. The Attorney General shall allocate such funds as he deems necessary from such moneys as may be appropriated for the operation of the Office of the Insurance Fraud Prosecutor to a fund dedicated for the purpose of reimbursing county prosecutors or sharing in fines levied by the Attorney General, which reimbursement or sharing may be made by the Attorney General at his discretion.

C.17:33A-29 Provision of information from accident report.

45. Every state and local law enforcement agency, including the New Jersey State Police, shall make available to investigators employed by insurers, upon presentation of appropriate identification, information from any accident report, as set forth in this section, no later than 24 hours following the time of occurrence. The information may include, but need not be limited to, the names and addresses of the owners of the vehicles, insurance information recorded on the accident report, and the names and addresses of passengers in the vehicles at the time of the occurrence and, if applicable, the name of any pedestrian injured in an accident. Every accident report form shall contain the names and addresses of any person occupying a vehicle involved in an accident, and any pedestrian injured in an accident.

C.17:33A-30 Certification of amount allocable to office expenses.

46. The Attorney General shall annually, on or before October 1, certify to the State Treasurer an amount allocable to the expenses of the Office of the Insurance Fraud Prosecutor for the preceding fiscal year, which amount shall be transferred to the Department of Law and Public Safety by the State Treasurer from the amounts assessed and collected for the operation of the Division of Insurance Fraud Prevention in the Department of Banking and Insurance pursuant to section 8 of P.L.1983, c.320 (C.17:33A-8).

C.17:29E-1 Definitions relative to the Insurance Claims Ombudsman.

47. For the purposes of sections 48 through 61 of this amendatory and supplementary act:

"Commissioner" means the Commissioner of Banking and Insurance;

"Claim" means any claim filed under a policy of insurance issued pursuant to R.S.17:17-1, P.L.1972, c.70 (C.39:6A-1 et seq.) or any policy of life or health insurance issued pursuant to Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes;

"Insurance" means any contract of direct insurance written pursuant to R.S.17:17-1, P.L.1972, c.70 (C.39:6A-1 et seq.) or any policy of life or health insurance issued pursuant to Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes;

"Ombudsman" means the Insurance Claims Ombudsman appointed pursuant to section 48 of this amendatory and supplementary act.

C.17:29E-2 Office of the Insurance Claims Ombudsman.

48. There is created within the Department of Banking and Insurance the Office of the Insurance Claims Ombudsman. The ombudsman shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor during the Governor's term of

office. The ombudsman shall devote his entire time to the duties of his office. Any vacancy occurring in the position of ombudsman shall be filled in the same manner as the original appointment. If the ombudsman shall be unable for any reason to serve his full term of office, the Governor may designate an acting ombudsman until a successor is appointed and qualified. The ombudsman shall have at least a baccalaureate degree and at least seven years' experience in property and casualty or life and health insurance, which may include experience as a broker or an agent.

C.17:29E-3 Duties of ombudsman.

49. The ombudsman shall:

- a. Administer and organize the work of the office and hire such persons as shall be deemed necessary to effectuate his duties, subject to Title 11A (Civil Service) of the New Jersey Statutes, and within the limits of funds made available by the Department of Banking and Insurance;
- b. Appoint and employ attorneys, in accordance with any applicable law, regulation or executive order, and any consultants, independent adjusters, claims specialists or others for the purpose of providing professional advice as the ombudsman may from time to time require, within the limits of the funds provided therefor;
- c. Investigate consumer complaints regarding policies of insurance, including the payment of claims on policies of insurance;
- d. Establish procedures to monitor the implementation of P.L.1985, c.179 (C.17:23A-1 et seq.), P.L.1947, c.379 (C.17:29B-1 et seq.), P.L.1982, c.95 (C.17:35C-1 et seq.) and chapter 30 of Title 17B of the New Jersey Statutes and investigate violations of section 8 of P.L.1992, c.144 (C.17:35C-11).
- e. Respond to inquiries from consumers, including, but not limited to, those regarding policy provisions and the availability of coverage;
- f. Publish and disseminate buyers' guides and, where provided by law, comparative rates; provided, however, that this shall not apply to any policy of health insurance issued pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.) or P.L.1992, c.162 (C.17B:27A-17 et seq.);
- g. Review conduct of arbitrators appointed under the terms of the policy to arbitrate disputes, except policies issued pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.);
- h. Promulgate such rules and regulations as shall be necessary to effectuate the purposes of sections 48 through 61 of this amendatory and supplementary act; and
- i. Perform such other functions as may be prescribed by this or by any other law or regulation.

C.17:29E-4 Application for review of claims settlement; exemptions.

50. Any person who: a. has reasonable cause to believe that an insurer has failed or refuses to settle a claim in accordance with the provisions of the insurance contract or engaged in any practice in violation of the provisions of P.L.1985, c.179 (C.17:23A-1 et seq.), P.L.1947, c.379 (C.17:29B-1 et seq.), P.L.1982, c.95 (C.17:35C-1 et seq.), chapter 30 of Title 17B of the New Jersey Statutes or section 8 of P.L.1992, c.144 (C.17:35C-11); and, in the case of disputed claims, b. has previously filed an appeal with the insurer's internal appeals procedure established pursuant to section 55 of this amendatory and supplementary act, which has been adjudicated, or other dispute resolution procedure established pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.), P.L.1997, c.192 (C.26:2S-1 et seq.), or sections 1 through 12 of P.L.1983, c.358 (C.39:6A-24 through 39:6A-35, inclusive) may file an application with the ombudsman for a review of the claims settlement. Any disputes which may be or have been filed or adjudicated pursuant to sections 24 and 25 of P.L.1998, c.21 (C.39:6A-5.1 and C.39:6A-5.2) shall not be subject to the ombudsman's review.

C.17:29E-5 Powers of ombudsman involving disputed claim.

51. In any investigation involving a disputed claim, the ombudsman may:

- a. Investigate whether the claims settlement was appropriate and in accordance with the contract;
- b. Make the necessary inquiries and obtain such information as he deems necessary;
- c. Hold a hearing on the disputed claim;
- d. Inspect any books or records which are relevant to the claim;
- e. Compel any person to produce at a specific time and place, by subpoena, any documents, books, records, papers, objects or other evidence which he believes may relate to a claim under investigation.

C.17:29E-6 Refusal of ombudsman to investigate complaint; grounds.

52. The ombudsman need not investigate any complaint if he determines that:

- a. The complaint is trivial, frivolous, vexatious or not made in good faith;
- b. The complaint has been too long delayed to justify present investigation;
- c. The resources available, considering the established priorities, are insufficient for an adequate investigation; or
- d. The matter complained of is not within the investigatory authority of the office.

C.17:29E-7 Maintenance of central registry of claims investigations; reports.

53. The ombudsman shall maintain a central registry of all claims investigations which have been disposed of and closed, the nature of the investigation, findings, and recommended actions. No information so compiled shall be construed to be a public record. In addition, the ombudsman shall:

a. Report to the commissioner any evidence that an insurer has established a pattern of settlement practices which would constitute an unfair claims settlement practice within the meaning of P.L.1947, c.379 (C.17:29B-1 et seq.) or any violations of P.L.1985, c.179 (C.17:23A-1 et seq.), P.L.1947, c.379 (C.17:29B-1 et seq.), P.L.1982, c.95 (C.17:35C-1 et seq.) chapter 30 of Title 17B of the New Jersey Statutes or section 8 of P.L.1992, c.144 (C.17:35C-11);

b. Report to the commissioner any contract provision, including any endorsements, which are unfairly discriminatory, confusing, misleading or contrary to public policy, along with a recommendation as to whether the policy form should be modified or withdrawn.

C.17:29E-8 Powers relative to trade, marketing practices.

54. With respect to trade or marketing practices, the ombudsman may:

a. Conduct an investigation regarding an insurer's trade practices, including claims settlement practices and marketing practices;

b. Make the necessary inquiries and obtain such information as he deems necessary;

c. Hold a hearing;

d. Inspect any books or records which may be necessary for the investigation;

e. Compel any person to produce at a specific time and place, by subpoena, any documents, books, records, papers, objects or other evidence which he believes may relate to the investigation.

The ombudsman shall report his findings to the commissioner with respect to the trade practices or marketing practices under investigation.

C.17:29E-9 Insurer to establish internal appeals procedure.

55. Every insurer writing property and casualty insurance or life insurance in this State shall establish an internal appeals procedure for the review of disputed claims, in accordance with terms set forth by the commissioner by rule and regulation or as otherwise provided by law or regulation. The review shall be conducted by a panel of the insurer's employees, who shall be personnel other than those responsible for claims payment on a day-to-day basis and shall be conducted within 10 business days of the receipt of the complaint.

C.17:29E-10 Form for filing complaints; recommendation of ombudsman.

56. Complaints shall be filed on a form set forth by the ombudsman. The office of the ombudsman shall acknowledge the receipt of complaints, and advise the applicants of any action taken or opinions and recommendations which may have been made by it to the insurer. The ombudsman shall make recommendations to the commissioner as he deems necessary, including, but not limited to:

- a. A recommendation that a policy form or endorsement thereon which he finds unfairly discriminatory, misleading or contrary to public policy be modified;
- b. A recommendation that specific rules and regulations promulgated by the commissioner, including rules concerning trade practices and claims settlement practices, be modified or repealed;
- c. A recommendation that the claims settlement practices of a specific insurer or insurers be further investigated by the commissioner;
- d. A recommendation that the commissioner impose penalties or other sanctions against an insurer or insurers as a result of the insurer's claims settlement practices.

C.17:29E-11 Publicizing of information pertaining to ombudsman.

57. Every buyer's guide which is required to be provided to insureds for any line of insurance shall contain a notice describing the functions of the ombudsman, the mailing address of the ombudsman, and a toll-free information telephone number. The ombudsman may publicize his existence, function and activities to the public at large.

C.17:29E-12 Confidentiality of information; privilege.

58. a. Any correspondence or written communication from any complainant and any written material submitted by an insurer shall remain confidential and shall not be part of any public record, unless the parties authorize, in writing, the release of the information, or except for such disclosures as may be necessary to enable the ombudsman to perform his duties and to support any opinions or recommendations or as may be necessary to enable the commissioner to perform any function authorized by law.

b. Any person conducting or participating in any investigation of a complaint who discloses to any person, other than the office of the ombudsman or the Department of Banking and Insurance, or those authorized by the ombudsman or the commissioner to receive it, any information collected during the investigation, is guilty of a disorderly person's offense.

c. Any statement or communication made by the office of the ombudsman relevant to a complaint received by the ombudsman, to proceedings conducted either by the ombudsman or by or on behalf of the commissioner, or relating to an investigation conducted by the ombudsman, which is provided to the office in good faith, shall be absolutely privileged.

d. The ombudsman shall not be required to testify in court with respect to matters held to be confidential except as the court may deem necessary to enforce the provisions of sections 48 through 61 of this amendatory and supplementary act or as the commissioner may deem necessary in conjunction with the execution of any power of the commissioner authorized by law.

e. Nothing in this section shall be deemed to limit the disclosure of information to law enforcement and regulatory agencies.

C.17:29E-13 Notification of disposition of claim; admissibility.

59. Upon making his determination as to the appropriate disposition of a claim, the ombudsman shall notify the insurer and the claimant of his decision. The decision shall be admissible in any court action or any other proceeding which is instituted to determine final disposition of the claim. The ombudsman may file a brief with the court in connection with an action relating to the disposition of a claim.

C.17:29E-14 Violations, penalties.

60. Any person who willfully hinders the lawful actions of the ombudsman or willfully refuses to comply with his lawful demands, including the demand for the inspection of records, shall be subject to a penalty of not more than \$5,000. The penalty shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq. Each violation of sections 48 through 61 of this amendatory and supplementary act shall constitute a separate offense. Notwithstanding any other provision of law to the contrary, no investigation or determination made by the ombudsman shall be dispositive of a violation of P.L.1960, c.39 (C.56:8-1 et seq.) but may be considered relevant in determining whether a violation of such act has occurred.

C.17:29E-15 Annual report to Governor, Legislature.

61. The ombudsman shall report to the Governor and the Legislature on or before September 30 of each year, summarizing his activities for the preceding year, documenting any significant insurance industry problems with regard to claims settlement practices in any line of insurance, and setting forth any recommendations for statutory or regulatory change which will further the State's capacity to resolve claims disputes.

62. Section 4 of P.L.1968, c.158 (C.17:29C-9) is amended to read as follows:

C.17:29C-9 Intention not to renew, notice required.

4. No insurer shall fail to renew a policy unless it shall mail or deliver to the named insured, at the address shown in the policy, at least 60 days' advance notice of its intention not to renew. This section shall not apply:

- (a) If the insurer has manifested its willingness to renew; nor
- (b) In case of nonpayment of premium;

provided that, notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other insurance policy with respect to any automobile designated in both policies.

Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

C.17:28-8 Filing of endorsement to automobile liability insurance policy; "named excluded driver"; rules, regulations.

63. a. An insurer authorized to transact or transacting automobile insurance business in this State shall file with the commissioner, for the commissioner's approval, an endorsement to its automobile liability insurance policy which contains a "named excluded driver" provision that would exclude physical damage coverage on an automobile covered by an automobile liability insurance policy if it is operated by the "named excluded driver." For purposes of this section, "named excluded driver" means a driver in the household of the named insured who is specifically identified in the endorsement as a person whose operation of an automobile covered under the automobile liability insurance policy at the time of an accident would result in the denial of a physical damage claim for that automobile.

b. The premium charged for the physical damage coverage on a policy containing a "named excluded driver" endorsement shall not reflect the claim experience or driving record of the "named excluded driver" or drivers.

c. Election of a "named excluded driver" endorsement shall be in writing and signed by the named insured on a form prescribed by the commissioner. The "named excluded driver" endorsement shall continue in force as to subsequent renewal or replacement policies until the insurer or its authorized representative receives a properly executed form electing to discontinue the endorsement.

d. Notwithstanding any other provision of the law to the contrary, no person, including, but not limited to, an insurer or an insurance producer,

shall be liable in an action for damages on account of the election of a "named excluded driver" endorsement.

e. The commissioner may promulgate rules and regulations necessary to implement the provisions of this section.

C.17:33B-36.1 Selection of auto body repair shop; notification form.

64. If an insurer has a financial arrangement with one or more auto body repair shops or other repair facilities or a network of facilities for the purpose of repairing vehicles covered under physical damage, collision, or comprehensive coverages, the insurer shall not deny a person the right to select an auto body repair shop or other repair facility of his choice for repair of a covered vehicle, provided that such auto body repair shop or other repair facility elected by the person accepts the same terms and conditions from the insurer, including, but not limited to, price, as the shop, facility, or network with which the insurer has the most generous arrangement. Prior to undertaking any repair, the auto body repair shop or other repair facility of the insured's choice shall provide the insured with written notification, in a form to be established by the Commissioner of the Department of Banking and Insurance by regulation, that, by agreeing to have the auto body shop or other repair facility of the insured's choice accept the same terms and conditions from the insurer as the shop, facility or network with which the insurer has the most generous arrangement, the insured may jeopardize any manufacturer or dealer warranty or lease agreement. Such notification form shall be signed by the insured prior to the undertaking of any repair.

C.17:29A-5.17 Review of filing; "qualified independent actuary" defined.

65. a. The Commissioner of Banking and Insurance may, in connection with any profits report made under P.L.1988, c.118 (C.17:29A-5.6 et seq.), require a review of all or part of the filing by a qualified independent actuary, including, but not limited to, the filer's assumptions with respect to the development of losses or loss adjustment expenses developed to an ultimate basis, allowance for profit and contingencies and anticipated investment income.

b. For the purposes of this section, "qualified independent actuary" means a person or firm with annual billings of at least \$5,000,000, who has not worked for the insurer or filer whose filing is under review during the previous three-year period.

C.17:29A-46.8 Definitions; standards for interventions in rate filings; offenses.

66. a. For the purposes of this section:

"Qualified person" means a person qualified by the Commissioner of Banking and Insurance to intervene in public hearings pursuant to this

section, who shall be deemed a "public servant" within the meaning of N.J.S.2C:30-2;

"Rate filing" means a filing for a rate increase by an automobile insurer writing private passenger automobile insurance in this State, other than an expedited prior approval rate filing made pursuant to section 34 of P.L.1997, c.151 (C.17:29A-46.6) and other than a rate filing made pursuant to any statutory change in coverage provided under a policy of private passenger automobile insurance.

b. The Commissioner of Banking and Insurance shall establish standards for qualifying persons to intervene in rate filings pursuant to this section. The standards shall include, but shall not necessarily be limited to, requiring that any person intervening in a rate filing demonstrate: (1) expertise in the insurance laws of this State; (2) an understanding of the actuarial principles employed in establishing rates and rating systems; (3) sufficient access to a qualified actuary and sufficient expertise to conduct a technical examination of a rate filing; (4) sufficient resources to intervene in the rate filing process as provided herein; and (5) that the person represents the interest of consumers and accepts a duty of fidelity to do so.

c. The commissioner shall require such documentation as he determines is necessary to qualify a person to intervene in a rate filing, and may charge a fee for registration with the department as an intervenor, which fee shall be payable annually.

d. The commissioner may remove the registration of an intervenor if he determines that (1) the intervenor no longer meets the qualifications, or (2) if the intervenor is convicted of a crime or loses a professional license for misconduct.

e. If an insurer or rating organization files for a rate increase for private passenger automobile insurance, the commissioner shall notify the public of the proposed rate change in a newspaper or newspapers of general circulation throughout the State. A qualified person may request, and shall receive, a copy of the rate filing and any amendments and supplements thereto and shall pay the expenses in connection therewith. The qualified person may request that the commissioner certify the rate filing for a hearing pursuant to section 14 of P.L.1944, c.27 (C.17:29A-14).

f. The commissioner shall establish by regulation the terms and conditions under which the proceedings under this section shall be conducted, including, but not limited to the supporting material which shall accompany the intervention.

g. Upon determining that the intervenor has demonstrated that the qualified person has made a substantial contribution to the adoption of any order or decision by the commissioner or a court in connection with a rate

filing made pursuant to this section, the commissioner shall award reasonable advocacy and witness fees and expenses.

h. A person commits a crime of the third degree if he solicits, accepts or agrees to accept any benefits as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he is subject pursuant to this section. In addition to any disposition authorized by law, the Commissioner of Banking and Insurance shall forever bar from registration as an intervenor any person convicted under this subsection.

i. A person commits a crime of the third degree if he confers, or offers or agrees to confer, any benefit the acceptance of which would be criminal under this section. In addition to any disposition authorized by law, the Commissioner of Banking and Insurance shall deny the rate filing of any person convicted under this subsection and the person shall be barred from filing for any rate increase for a period of one year.

j. Nothing herein shall be construed to preclude a prosecution or conviction for a violation of any other law.

C.17:29A-51 Filing of rates by insurer writing private passenger automobile insurance; rate reductions.

67. a. Except for the plan established pursuant to section 1 of P.L.1970, c.215 (C.17:29D-1), every insurer writing private passenger automobile insurance in this State pursuant to P.L.1972, c.70 (C.39:6A-1 et seq.) shall file rates with the Commissioner of Banking and Insurance which result in:

(1) a reduction of at least 25% from the personal injury protection territorial base rate applicable to medical expense benefits, at least 10% of which shall reflect a reduction in the actuarial value of the medical expense benefits provided pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4), within the policy limits provided for in that section;

(2) a reduction of at least 22% in the territorial base rate for bodily injury liability coverage applicable to named insureds to whom the Limitation on Lawsuit Option provided for in subsection a. of section 8 of P.L.1972, c.70 (C.39:6A-8) applies;

(3) a reduction of at least 6% in the territorial base rate for collision coverage which shall reflect the provisions of section 64 of this amendatory and supplementary act; and

(4) after the reductions required pursuant to paragraphs (1), (2) and (3) of this subsection have been applied, an additional aggregate reduction of at least 3% in the territorial base rates for personal injury protection, bodily injury, property damage, comprehensive and collision coverages, as apportioned by the insurer and approved by the commissioner, which reduction is attributable to the effect of the enhanced insurance fraud provisions of this amendatory and supplementary act and of other such laws

including, but not limited to P.L.1997, c.353 (C.2C:21-4.2 et seq.) and P.L.1997, c.151 (C.17:33B-64 et al.).

b. The rate filings reflecting these reductions shall apply to policies issued or renewed on or after 90 days following:

(1) the establishment by the commissioner of basic benefits required to be provided pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4); or

(2) the adoption by rule of the professional boards of the designation of valid diagnostic tests pursuant to the provisions of section 12 of P.L.1998, c.21 (C.39:6A-4.7);

whichever is later.

68. Section 3 of P.L.1991, c.154 (C.17:28-1.7) is amended to read as follows:

C.17:28-1.7 Exemption from tort liability for owner, registrant, operator of motor bus.

3. Every owner, registrant or operator of a motor bus registered or principally garaged in this State and every person or organization legally responsible for his acts or omissions, is hereby exempted from tort liability for noneconomic loss to a passenger who has a right to receive benefits under section 2 of this act as a result of bodily injury arising out of the ownership, operation, maintenance or use of a motor bus in this State, unless that person has sustained a personal injury which results in death; dismemberment; significant disfigurement or significant scarring; displaced fractures; loss of a fetus; or a permanent injury within a reasonable degree of medical probability, other than scarring or disfigurement. An injury shall be considered permanent when the body part or organ, or both, has not healed to function normally and will not heal to function normally with further medical treatment. For the purposes of this subsection, "physician" means a physician as defined in section 5 of P.L.1939, c.115 (C.45:9-5.1).

In order to satisfy the provisions of this section, the plaintiff shall, within 60 days following the date of the answer to the complaint by the defendant, provide the defendant with a certification from the licensed treating physician or a board-certified licensed physician to whom the plaintiff was referred by the treating physician. The certification shall state, under penalty of perjury, that the plaintiff has sustained an injury described above. The certification shall be based on and refer to objective clinical evidence, which may include medical testing, except that any such testing shall be performed in accordance with medical protocols pursuant to subsection a. of section 4 of P.L.1972, c.70 (C.39:6A-4) and the use of valid diagnostic tests administered in accordance with section 12 of P.L.1998, c.21 (C.39:6A-4.7). Such testing may not be experimental in nature or dependent entirely upon subjective patient response. The court may grant no more than one

additional period not to exceed 60 days to file the certification pursuant to this section upon a finding of good cause.

A person is guilty of a crime of the fourth degree if that person purposefully or knowingly makes, or causes to be made, a false, fictitious, fraudulent, or misleading statement of material fact in, or omits a material fact from, or causes a material fact to be omitted from, any certification filed pursuant to this section. Notwithstanding the provisions of subsection e. of N.J.S. 2C:44-1, the court shall deal with a person who has been convicted of a violation of this section by imposing a sentence of imprisonment unless, having regard to the character and condition of the person, the court is of the opinion that imprisonment would be a serious injustice which overrides the need to deter such conduct by others. If the court imposes a noncustodial or probationary sentence, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution. Nothing in this section shall preclude an indictment and conviction for any other offense defined by the laws of this State. In addition, any professional license held by the person shall be forfeited according to the procedures established by section 4 of P.L.1997, c.353 (C.2C:51-5).

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

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

2. In the event medical expense benefits paid by an insurer, in accordance with subsection a. of section 4 of P.L.1972, c.70 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1), are in excess of \$75,000.00 on account of personal injury to any one person in any one accident, the Unsatisfied Claim and Judgment Fund shall assume such excess up to \$250,000 and reimburse the insurer therefor in accordance with rules and regulations promulgated by the commissioner; provided, however, that this provision is not intended to broaden the coverage available to accidents involving uninsured or hit-and-run automobiles, to provide extraterritorial coverage, or to pay excess medical expenses.

70. Section 13 of P.L.1995, c.156 (C.17:1C-31) is amended to read as follows:

C.17:1C-31 Permitted increase in amount assessable.

13. The total amount assessable to companies in any fiscal year for all special purpose assessments made pursuant to applicable law as of the effective date of this act, including the special purpose apportionment established by this act, shall not increase, as a percentage, more than the percentage increase in the combined net written premiums received, as

defined in subsection b. of section 2 of this act, by all companies for the previous year, except that, with respect to fiscal year 1998 and each fiscal year thereafter, the total amount of all direct and indirect expenditures incurred by the Division of Insurance Fraud Prevention, the Office of the Insurance Fraud Prosecutor and the Office of the Insurance Claims Ombudsman shall be included in the special purpose apportionment, notwithstanding any limitation on the total amount assessable to companies under this section. With respect to each fiscal year after 1999, the total amount assessable to companies in any fiscal year for all special purpose assessments individually allocable to the direct and indirect expenditures incurred by the Division of Insurance Fraud Prevention, the Office of the Insurance Fraud Prosecutor and the Office of the Insurance Claims Ombudsman, respectively, shall not increase, as a percentage, more than the percentage increase in the combined net written premiums received, as defined in subsection b. of section 2 of this act, by all companies for the previous year.

71. Section 2 of P.L.1968, c.385 (C.17:28-1.1) is amended to read as follows:

C.17:28-1.1 Required coverage; exceptions.

2. a. Except for a basic automobile insurance policy, no motor vehicle liability policy or renewal of such policy of insurance, including a standard liability policy for an automobile as defined in section 2 of P.L.1972, c.70 (C.39:6A-2), insuring against loss resulting from liability imposed by law for bodily injury or death, sustained by any person arising out of the ownership, maintenance or use of a motor vehicle, shall be issued in this State with respect to any motor vehicle registered or principally garaged in this State unless it includes coverage in limits for bodily injury or death as follows:

- (1) an amount or limit of \$15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident, and
- (2) an amount or limit, subject to such limit for any one person so injured or killed, of \$30,000.00, exclusive of interest and costs, on account of injury to or death of more than one person, in any one accident, under provisions approved by the Commissioner of Banking and Insurance, for payment of all or part of the sums which the insured or his legal representative shall be legally entitled to recover as damages from the operator or owner of an uninsured motor vehicle, or hit and run motor vehicle, as defined in section 18 of P.L.1952, c.174 (C.39:6-78), because of bodily injury, sickness or disease, including death resulting therefrom, sustained by the insured, caused by accident and arising out of the ownership, mainte-

nance, operation or use of such uninsured or hit and run motor vehicle anywhere within the United States or Canada; except that uninsured motorist coverage shall provide that in order to recover for non-economic loss, as defined in section 2 of P.L. 1972, c. 70 (C.39:6A-2), for accidents to which the benefits of section 4 (C.39:6A-4) of that act apply, the tort option elected pursuant to section 8 (C.39:6A-8) of that act shall apply to that injured person.

All motor vehicle liability policies, except basic automobile insurance policies, shall also include coverage for the payment of all or part of the sums which persons insured thereunder shall be legally entitled to recover as damages from owners or operators of uninsured motor vehicles, other than hit and run motor vehicles, because of injury to or destruction to the personal property of such insured, with a limit in the aggregate for all insureds involved in any one accident of \$5,000.00, and subject, for each insured, to an exclusion of the first \$500.00 of such damages.

b. Uninsured and underinsured motorist coverage shall be provided as an option by an insurer to the named insured electing a standard automobile insurance policy up to at least the following limits: \$250,000.00 each person and \$500,000.00 each accident for bodily injury; \$100,000.00 each accident for property damage or \$500,000.00 single limit, subject to an exclusion of the first \$500.00 of such damage to property for each accident, except that the limits for uninsured and underinsured motorist coverage shall not exceed the insured's motor vehicle liability policy limits for bodily injury and property damage, respectively.

Rates for uninsured and underinsured motorist coverage for the same limits shall, for each filer, be uniform on a Statewide basis without regard to classification or territory.

c. Uninsured and underinsured motorist coverage provided for in this section shall not be increased by stacking the limits of coverage of multiple motor vehicles covered under the same policy of insurance nor shall these coverages be increased by stacking the limits of coverage of multiple policies available to the insured. If the insured had uninsured motorist coverage available under more than one policy, any recovery shall not exceed the higher of the applicable limits of the respective coverages and the recovery shall be prorated between the applicable coverages as the limits of each coverage bear to the total of the limits.

d. Uninsured and underinsured motorist coverage shall be subject to the policy terms, conditions and exclusions approved by the Commissioner of Banking and Insurance, including, but not limited to, unauthorized settlements, nonduplication of coverage, subrogation and arbitration.

e. For the purpose of this section, (1) "underinsured motorist coverage" means insurance for damages because of bodily injury and

property damage resulting from an accident arising out of the ownership, maintenance, operation or use of an underinsured motor vehicle. Underinsured motorist coverage shall not apply to an uninsured motor vehicle. A motor vehicle is underinsured when the sum of the limits of liability under all bodily injury and property damage liability bonds and insurance policies available to a person against whom recovery is sought for bodily injury or property damage is, at the time of the accident, less than the applicable limits for underinsured motorist coverage afforded under the motor vehicle insurance policy held by the person seeking that recovery. A motor vehicle shall not be considered an underinsured motor vehicle under this section unless the limits of all bodily injury liability insurance or bonds applicable at the time of the accident have been exhausted by payment of settlements or judgments. The limits of underinsured motorist coverage available to an injured person shall be reduced by the amount he has recovered under all bodily injury liability insurance or bonds;

(2) "uninsured motor vehicle" means:

(a) a motor vehicle with respect to the ownership, operation, maintenance, or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident;

(b) a motor vehicle with respect to the ownership, operation, maintenance, or use of which there is bodily injury liability insurance in existence but the liability insurer denies coverage or is unable to make payment with respect to the legal liability of its insured because the insurer has become insolvent or bankrupt, or the Commissioner of Banking and Insurance has undertaken control of the insurer for the purpose of liquidation; or

(c) a hit and run motor vehicle as described in section 18 of P.L.1952, c.174 (C.39:6-78).

"Uninsured motor vehicle" shall not include an automobile covered by a basic automobile insurance policy; an underinsured motor vehicle; a motor vehicle owned by or furnished for the regular use of the named insured or any resident of the same household; a self-insurer within the meaning of any financial responsibility or similar law of the state in which the motor vehicle is registered or principally garaged; a motor vehicle which is owned by the United States or Canada, or a state, political subdivision or agency of those governments or any of the foregoing; a land motor vehicle or trailer operated on rails or crawler treads; a motor vehicle used as a residence or stationary structure and not as a vehicle; or equipment or vehicles designed for use principally off public roads, except while actually upon public roads.

72. Section 18 of P.L.1985, c.520 (C.17:28-1.4) is amended to read as follows:

C.17:28-1.4 Mandatory coverage.

18. Any insurer authorized to transact or transacting automobile or motor vehicle insurance business in this State, or controlling or controlled by, or under common control by, or with, an insurer authorized to transact or transacting insurance business in this State, which sells a policy providing automobile or motor vehicle liability insurance coverage, or any similar coverage, in any other state or in any province of Canada, shall include in each policy coverage to satisfy at least the personal injury protection benefits coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or section 19 of P.L.1983, c.362 (C.17:28-1.3) for any New Jersey resident who is not required to maintain personal injury protection coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1) and who is not otherwise eligible for such benefits, whenever the automobile or motor vehicle insured under the policy is used or operated in this State. In addition, any insurer authorized to transact or transacting automobile or motor vehicle insurance business in this State, or controlling or controlled by, or under common control by, or with, an insurer authorized to transact or transacting automobile or motor vehicle insurance business in this State, which sells a policy providing automobile or motor vehicle liability insurance coverage, or any similar coverage, in any other state or in any province of Canada, shall include in each policy coverage to satisfy at least the liability insurance requirements of subsection a. of section 1 of P.L.1972, c.197 (C.39:6B-1) or section 3 of P.L.1972, c.70 (C.39:6A-3), the uninsured motorist insurance requirements of subsection a. of section 2 of P.L.1968, c.385 (C.17:28-1.1), and personal injury protection benefits coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or of section 19 of P.L.1983, c.362 (C.17:28-1.3), whenever the automobile or motor vehicle insured under the policy is used or operated in this State.

Any liability insurance policy subject to this section shall be construed as providing the coverage required herein, and any named insured, and any immediate family member as defined in section 14.1 of P.L.1983, c.362 (C.39:6A-8.1), under that policy, shall be subject to the tort option specified in subsection a. of section 8 of P.L.1972, c.70 (C.39:6A-8).

Each insurer authorized to transact or transacting automobile or motor vehicle insurance business in this State and subject to the provisions of this section shall file and maintain with the Department of Banking and Insurance written certification of compliance with the provisions of this section.

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

C.39:6A-1.2 Rules, regulations.

73. The commissioner may promulgate any rules and regulations pursuant to P.L.1968, c.410 (C.52:14B-1 et seq.) deemed necessary in order to effectuate the provisions of this amendatory and supplementary act.

74. a. This act shall take effect 90 days following the establishment by the Commissioner of Banking and Insurance of basic benefits required to be provided pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or the adoption by rule of the professional boards of the designation of valid diagnostic tests pursuant to the provisions of section 12 of this act, whichever is later, except that: (1) sections 47 through 61 shall take effect on the 90th day after the date of enactment; (2) sections 1, 12, 26 through 46, 62 through 65 and 67 shall take effect immediately.

b. Prior to the effective date of any section of this act, the Commissioner of Banking and Insurance may take those actions and promulgate those regulations necessary to implement the provisions of this act.

Approved May 19, 1998.

CHAPTER 22

AN ACT concerning automobile insurance and amending various parts of the statutory law.

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

1. Section 4 of P.L.1998, c.21 (C.39:6A-3.1) is amended to read as follows:

C.39:6A-3.1 Election of basic automobile insurance policy; coverage provided.

4. As an alternative to the mandatory coverages provided in sections 3 and 4 of P.L.1972, c.70 (C.39:6A-3 and 39:6A-4), any owner or registered owner of an automobile registered or principally garaged in this State may elect a basic automobile insurance policy providing the following coverage:

a. Personal injury protection coverage, for the payment of benefits without regard to negligence, liability or fault of any kind, to the named insured and members of his family residing in his household, who sustained bodily injury as a result of an accident while occupying, entering into, alighting from or using an automobile, or as a pedestrian, caused by an automobile or by an object propelled by or from an automobile, to other

persons sustaining bodily injury while occupying, entering into, alighting from or using the automobile of the named insured, with the permission of the named insured, and to pedestrians sustaining bodily injury caused by the named insured's automobile or struck by an object propelled by or from such automobile. "Personal injury protection coverage" issued pursuant to this section means and includes payment of medical expense benefits, as provided in the policy and approved by the commissioner, for the reasonable and necessary treatment of bodily injury in an amount not to exceed \$15,000 per person per accident; except that, medical expense benefits shall be paid in an amount not to exceed \$250,000 for all medically necessary treatment of permanent or significant brain injury, spinal cord injury or disfigurement or for medically necessary treatment of other permanent or significant injuries rendered at a trauma center or acute care hospital immediately following the accident and until the patient is stable, no longer requires critical care and can be safely discharged or transferred to another facility in the judgment of the attending physician. In the event benefits paid by an insurer pursuant to this subsection are in excess of \$75,000 on account of personal injury to any one person in any one accident, such excess shall be paid by the insurer in consultation with the Unsatisfied Claim and Judgment Fund Board and shall be reimbursable to the insurer from the Unsatisfied Claim and Judgment Fund pursuant to section 2 of P.L.1977, c.310 (C.39:6-73.1). Benefits provided under basic coverage shall be in accordance with a benefit plan provided in the policy and approved by the commissioner. The policy form, which shall be subject to the approval of the commissioner, shall set forth the benefits provided under the policy, including eligible medical treatments, diagnostic tests and services as well as such other benefits as the policy may provide. The commissioner shall set forth by regulation a statement of the basic benefits which shall be included in the policy. Medical treatments, diagnostic tests, and services provided by the policy shall be rendered in accordance with commonly accepted protocols and professional standards and practices which are commonly accepted as being beneficial for the treatment of the covered injury. Protocols and professional standards and practices which are deemed to be commonly accepted pursuant to this section shall be those recognized by national standard setting organizations, national or state professional organizations of the same discipline as the treating provider, or those designated or approved by the commissioner in consultation with the professional licensing boards in the Division of Consumer Affairs in the Department of Law and Public Safety. The commissioner, in consultation with the Commissioner of the Department of Health and Senior Services and the applicable licensing boards, may reject the use of protocols, standards and practices or lists of diagnostic tests set by any organization

deemed not to have standing or general recognition by the provider community or the applicable licensing boards. Protocols shall be deemed to establish guidelines as to standard appropriate treatment and diagnostic tests for injuries sustained in automobile accidents, but the establishment of standard treatment protocols or protocols for the administration of diagnostic tests shall not be interpreted in such a manner as to preclude variance from the standard when warranted by reason of medical necessity. The policy form may provide for the precertification of certain procedures, treatments, diagnostic tests, or other services or for the purchase of durable medical goods, as approved by the commissioner, provided that the requirement for precertification shall not be unreasonable, and no precertification requirement shall apply within ten days of the insured event. The policy may provide that certain benefits provided by the policy which are in excess of the basic benefits required by the commissioner to be included in the policy may be subject to reasonable copayments in addition to the copayments provided for herein, provided that the copayments shall not be unreasonable and shall be established in such a manner as not to serve to encourage underutilization of benefits subject to the copayments, nor encourage overutilization of benefits. The policy form shall clearly set forth any limitations on benefits or exclusions, which may include, but need not be limited to, benefits which are otherwise compensable under workers' compensation, or benefits for treatments deemed to be experimental or investigational, or benefits deducted pursuant to section 6 of P.L. 1972, c.70 (C.39:6A-6). The commissioner may enlist the services of a benefit consultant in establishing the basic benefits level provided in this subsection, which shall be set forth by regulation no later than 120 days following the enactment date of this amendatory and supplementary act. The commissioner shall not advertise for the consultant as provided in sections 3 and 4 of P.L. 1954, c.48 (C.52:34-8 and 52:34-9).

Medical expense benefits payable under this subsection shall not be assignable, except to a provider of service benefits, in accordance with policy terms approved by the commissioner, nor shall they be subject to levy, execution, attachment or other process for satisfaction of debts. Medical expense benefits payable in accordance with this subsection may be subject to a deductible and copayments as provided for in the policy, if any. No insurer or provider providing service benefits to an insured shall have a right of subrogation for the amount of benefits paid pursuant to any deductible or copayment under this section.

b. Liability insurance coverage insuring against loss resulting from liability imposed by law for property damage sustained by any person arising out of the ownership, maintenance, operation or use of an automo-

bile in an amount or limit of \$5,000, exclusive of interest and costs, for damage to property in any one accident.

c. In addition to the aforesaid coverages required to be provided in a basic automobile insurance policy, optional liability insurance coverage insuring against loss resulting from liability imposed by law for bodily injury or death in an amount or limit of \$10,000, exclusive of interests and costs, on account of injury to, or death of, one or more persons in any one accident.

If a named insured has elected the basic automobile insurance policy option and an immediate family member or members or relatives resident in his household have one or more policies with the coverages provided for in sections 3 and 4 of P.L.1972, c.70 (C.39:6A-3 and 39:6A-4), the provisions of section 12 of P.L.1983, c.362 (C.39:6A-4.2) shall apply.

Every named insured and any other person to whom the basic automobile insurance policy, with or without the optional \$10,000 liability coverage insuring against loss resulting from liability imposed by law for bodily injury or death provided for in subsection c. of this section, applies shall be subject to the tort option provided in subsection a. of section 8 of P.L.1972, c.70 (C.39:6A-8).

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

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

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

4. Personal injury protection coverage, regardless of fault.

Except as provided by section 4 of P.L.1998, c.21 (C.39:6A-3.1), every standard automobile liability insurance policy issued or renewed on or after the effective date of P.L.1998, c.21 (C.39:6A-1.1 et al.) shall contain personal injury protection benefits for the payment of benefits without regard to negligence, liability or fault of any kind, to the named insured and members of his family residing in his household who sustain bodily injury as a result of an accident while occupying, entering into, alighting from or using an automobile, or as a pedestrian, caused by an automobile or by an object propelled by or from an automobile, to other persons sustaining bodily injury while occupying, entering into, alighting from or using the automobile of the named insured, with permission of the named insured, and to pedestrians sustaining bodily injury caused by the named insured's

automobile or struck by an automobile or struck by an object propelled by or from that automobile.

"Personal injury protection coverage" means and includes:

a. Payment of medical expense benefits in accordance with a benefit plan provided in the policy and approved by the commissioner, for reasonable, necessary, and appropriate treatment and provision of services to persons sustaining bodily injury, in an amount not to exceed \$250,000 per person per accident. In the event benefits paid by an insurer pursuant to this subsection are in excess of \$75,000 on account of bodily injury to any one person in any one accident, that excess shall be paid by the insurer in consultation with the Unsatisfied Claim and Judgment Fund Board and shall be reimbursable to the insurer from the Unsatisfied Claim and Judgment Fund pursuant to section 2 of P.L.1977, c.310 (C.39:6-73.1). The policy form, which shall be subject to the approval of the commissioner, shall set forth the benefits provided under the policy, including eligible medical treatments, diagnostic tests and services as well as such other benefits as the policy may provide. The commissioner shall set forth by regulation a statement of the basic benefits which shall be included in the policy. Medical treatments, diagnostic tests, and services provided by the policy shall be rendered in accordance with commonly accepted protocols and professional standards and practices which are commonly accepted as being beneficial for the treatment of the covered injury. Protocols and professional standards and practices and lists of valid diagnostic tests which are deemed to be commonly accepted pursuant to this section shall be those recognized by national standard setting organizations, national or state professional organizations of the same discipline as the treating provider, or those designated or approved by the commissioner in consultation with the professional licensing boards in the Division of Consumer Affairs in the Department of Law and Public Safety. The commissioner, in consultation with the Commissioner of the Department of Health and Senior Services and the applicable licensing boards, may reject the use of protocols, standards and practices or lists of diagnostic tests set by any organization deemed not to have standing or general recognition by the provider community or the applicable licensing boards. Protocols shall be deemed to establish guidelines as to standard appropriate treatment and diagnostic tests for injuries sustained in automobile accidents, but the establishment of standard treatment protocols or protocols for the administration of diagnostic tests shall not be interpreted in such a manner as to preclude variance from the standard when warranted by reason of medical necessity. The policy form may provide for the precertification of certain procedures, treatments, diagnostic tests, or other services or for the purchase of durable medical goods, as approved by the commissioner, provided that the

requirement for precertification shall not be unreasonable, and no precertification requirement shall apply within ten days of the insured event. The policy may provide that certain benefits provided by the policy which are in excess of the basic benefits required by the commissioner to be included in the policy may be subject to reasonable copayments in addition to the copayments provided for pursuant to subsection e. of this section, provided that the copayments shall not be unreasonable and shall be established in such a manner as not to serve to encourage underutilization of benefits subject to the copayments, nor encourage overutilization of benefits. The policy form shall clearly set forth any limitations on benefits or exclusions, which may include, but need not be limited to, benefits which are otherwise compensable under workers' compensation, or benefits for treatments deemed to be experimental or investigational, or benefits deducted pursuant to section 6 of P.L.1972, c.70 (C.39:6A-6). The commissioner may enlist the services of a benefit consultant in establishing the basic benefits level provided in this subsection, which shall be set forth by regulation no later than 120 days following the enactment date of P.L.1998, c.21 (C.39:6A-1.1 et al.). The commissioner shall not advertise for bids for the consultant as provided in sections 3 and 4 of P.L.1954, c.48 (C.52:34-8 and 52:34-9).

b. Income continuation benefits. The payment of the loss of income of an income producer as a result of bodily injury disability, subject to a maximum weekly payment of \$100. Such sum shall be payable during the life of the injured person and shall be subject to an amount or limit of \$5,200, on account of injury to any one person in any one accident, except that in no case shall income continuation benefits exceed the net income normally earned during the period in which the benefits are payable.

c. Essential services benefits. Payment of essential services benefits to an injured person shall be made in reimbursement of necessary and reasonable expenses incurred for such substitute essential services ordinarily performed by the injured person for himself, his family and members of the family residing in the household, subject to an amount or limit of \$12 per day. Such benefits shall be payable during the life of the injured person and shall be subject to an amount or limit of \$4,380, on account of injury to any one person in any one accident.

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

no surviving spouse or surviving children, then to the estate of the income producer.

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

e. Funeral expenses benefits. All reasonable funeral, burial and cremation expenses, subject to a maximum benefit of \$1,000, on account of the death of any one person in any one accident shall be payable to the decedent's estate.

Benefits payable under this section shall:

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

(2) Not be assignable, except to a provider of service benefits under this section in accordance with policy terms approved by the commissioner, nor subject to levy, execution, attachment or other process for satisfaction of debts.

Medical expense benefit payments shall be subject to any deductible and any copayment which may be established as provided in the policy. Upon the request of the commissioner or any party to a claim for benefits or payment for services rendered, a provider shall present adequate proof that any deductible or copayment related to that claim has not been waived or discharged by the provider.

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

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

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

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

a. Medical expense benefit deductibles in amounts of \$500.00, \$1,000.00, \$2,000.00 and \$2,500.00 for any one accident;

b. The option to exclude all benefits offered under subsections b., c., d., and e. of section 4;

c. (Deleted by amendment, P.L.1988, c.119.)

d. For policies issued or renewed on or after January 1, 1991, the option that other health insurance coverage or benefits of the insured, including health care services provided by a health maintenance organization and any coverage or benefits provided under any federal or State program, are the primary coverage in regard to medical expense benefits pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4). If health insurance coverage or benefits are primary, an automobile insurer providing medical expense benefits under personal injury protection coverage shall be liable for reasonable medical expenses not covered by the health insurance coverage or benefits up to the limit of the medical expense benefits coverage. The principles of coordination of benefits shall apply to personal injury protection medical expense benefits coverage pursuant to this subsection;

e. Medical expense benefits in amounts of \$150,000, \$75,000, \$50,000 or \$15,000 per person per accident; except that, medical expense benefits shall be paid in an amount not to exceed \$250,000 for all medically necessary treatment of permanent or significant brain injury, spinal cord injury or disfigurement or for medically necessary treatment of other permanent or significant injuries rendered at a trauma center or acute care hospital immediately following the accident and until the patient is stable, no longer requires critical care and can be safely discharged or transferred to another facility in the judgment of the attending physician. The coverage election form shall contain a statement, clearly readable and in 12-point bold type, in a form approved by the commissioner, that election of any of the aforesaid medical expense benefits options results in less coverage than the \$250,000 medical expense benefits coverage mandated prior to the effective date of P.L.1998, c.21.

If none of the aforesaid medical expense benefits options is affirmatively chosen in writing, the policy shall provide \$250,000 medical expense benefits coverage;

f. The insurer shall provide an appropriate reduction from the territorial base rate for personal injury protection coverage for those electing any of the options in subsections a., b., d. and e. of this section.

Any named insured who chooses the option provided by subsection d. of this section shall provide proof that he and members of his family residing in his household are covered by health insurance coverage or benefits in a manner and to an extent approved by the commissioner. Nothing in this section shall be construed to require a health insurer, health maintenance organization or governmental agency to cover individuals or treatment which is not normally covered under the applicable benefit contract or plan. If it is determined that an insured who selected or is otherwise covered by the option provided in subsection d. of this section did

not have such health coverage in effect at the time of an accident, medical expense benefits shall be payable by the person's automobile insurer and shall be subject to any deductible required by law or otherwise selected as an option pursuant to subsection a. of this section, any copayment required by law and an additional deductible in the amount of \$750.

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

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

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

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

4. Section 24 of P.L.1998, c.21 (C.39:6A-5.1) is amended to read as follows:

C.39:6A-5.1 Dispute resolution provided regarding recovery of personal injury protection benefits.

24. a. Any dispute regarding the recovery of medical expense benefits or other benefits provided under personal injury protection coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4), or section 4 of P.L.1998, c.21 (C.39:6A-3.1) arising out of the operation, ownership, maintenance or use of an automobile may be submitted to dispute resolution on the initiative of any party to the dispute, as hereinafter provided.

b. The Commissioner of Banking and Insurance shall designate an organization, and for that purpose may, at his discretion, advertise for proposals, for the purpose of administering dispute resolution proceedings regarding medical expense benefits and other benefits provided under personal injury protection pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or medical expense benefits coverage pursuant to section 4 of P.L.1998, c.21 (C.39:6A-3.1). The commissioner shall promulgate rules and regulations with respect to the conduct of the dispute resolution proceed-

ings. The organization administering dispute resolution shall utilize qualified professionals who serve on a full-time basis and who meet standards of competency established by the commissioner. The commissioner shall establish standards of performance for the organization to ensure the independence and fairness of the review process, including, but not limited to, standards relative to the professional qualifications of the professionals presiding over the dispute resolution process, and standards to ensure that no conflict of interest exists which would prevent the professional from performing his duties in an impartial manner. The standards of performance shall include a requirement that the organization establish an advisory council composed of parties who are users of the dispute resolution mechanism established herein. The commissioner may contract with a consulting firm for the formulation of the standards of performance of the organization and establishment of qualifications for the persons who are to conduct the dispute resolution proceedings. The commissioner shall not advertise for bids for the consulting firm, as provided in sections 3 and 4 of P.L.1954, c.48 (C.52:34-8 and 52:34-9). Compensation to the dispute resolution professionals shall be established by the commissioner and adjusted from time to time as appropriate, with the approval of the commissioner. In no case shall compensation be paid on a contingency basis. The organization shall establish a dispute resolution plan, which shall include procedures and rules governing the dispute resolution process and provisions for monitoring the dispute resolution process to ensure adherence to the standards of performance established by the commissioner. The plan, and any amendments thereto, shall be subject to the approval of the commissioner.

c. Dispute resolution proceedings under this section 24 and section 25 of this amendatory and supplementary act shall include disputes arising regarding medical expense benefits provided under subsection a. of section 4 of P.L.1972, c.70 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1), benefits provided pursuant to subsection b., c., d. or e. of section 4 of P.L.1972, c.70 (C.39:6A-4), subsection b., c., d. or e. of section 7 of P.L.1972, c.198 (C.39:6-86.1), and disputes as to additional first party coverage benefits required to be offered pursuant to section 10 of P.L.1972, c.70 (C.39:6A-10). Disputes involving medical expense benefits may include, but not necessarily be limited to, matters concerning: (1) interpretation of the insurance contract; (2) whether the treatment or health care service which is the subject of the dispute resolution proceeding is in accordance with the provisions of section 4 of P.L.1972, c.70 (C.39:6A-4) or section 4 of P.L.1998, c.21 (C.39:6A-3.1) or the terms of the policy; (3) the eligibility of the treatment or service for compensation; (4) the eligibility of the provider performing the treatment or service to be compensated under

the terms of the policy or under regulations promulgated by the commissioner, including whether the person is licensed or certified to perform such treatment; (5) whether the disputed medical treatment was actually performed; (6) whether diagnostic tests performed in connection with the treatment are those recognized by the commissioner; (7) the necessity or appropriateness of consultations by other health care providers; (8) disputes involving application of and adherence to fee schedules promulgated by the commissioner; and (9) whether the treatment performed is reasonable, necessary, and compatible with the protocols provided for pursuant to P.L.1998, c.21 (C.39:6A-1.1 et al.). The dispute resolution professionals may review the entire claims file of the insurer, subject to any confidentiality requirement established pursuant to State or federal law. All decisions of the dispute resolution professional shall be in writing, in a form prescribed by the commissioner, shall state the issues in dispute, the findings and conclusions on which the decision is based, and shall be signed by the dispute resolution professional. All decisions of a dispute resolution professional shall be binding. The dispute resolution organization shall provide for the retention of all documents used in dispute resolution proceedings under this section and section 25 of this amendatory and supplementary act, including the written decision, for a period of at least five years, in a form approved by the commissioner, or for such additional time as may be established by the commissioner. The written decisions of the dispute resolution professional shall be forwarded to the commissioner, who shall establish a record of the proceedings conducted under the dispute resolution procedure, which shall be accessible to the public and may be used as guidance in subsequent dispute resolution proceedings.

d. With respect to disputes as to the diagnosis, the medical necessity of the treatment or diagnostic test administered to the injured person, whether the injury is causally related to the insured event or is the product of a preexisting condition, or disputes as to the appropriateness of the protocols utilized by the provider, the dispute resolution professional shall, either at his option or at the request of any party to the dispute, refer the matter to a medical review organization for a determination. The determination of the medical review organization on the dispute referred shall be presumed to be correct by the dispute resolution professional, which presumption may be rebutted by a preponderance of the evidence. Should the dispute resolution professional find that the decision of the medical review organization is not correct, the reasons supporting that finding shall be set forth in the dispute resolution professional's written decision.

e. Any person submitting a matter to the dispute resolution process established herein may submit for review all or a portion of a disputed treatment or treatments or a dispute regarding a diagnostic test or tests or a

dispute regarding the providing of services or durable medical goods. Any portion of a treatment or diagnostic test or service which is not under review shall be reimbursed in accordance with the provisions of section 5 of P.L.1972, c.70 (C.39:6A-5). If the dispute resolution proceeding results in a determination that all or part of a treatment or treatments, diagnostic test or tests or service performed, or durable medical goods provided are medically necessary and appropriate, reimbursement shall be made with interest payable in accordance with the provisions of section 5 of P.L.1972, c.70 (C.39:6A-5).

5. Section 26 of P.L.1998, c.21 (C.17:29A-48) is amended to read as follows:

C.17:29A-48 Establishment of new territorial rating plans.

26. Every insurer writing private passenger automobile insurance in this State and every rating organization establishing territorial rating plans on behalf of its member companies shall establish new territorial rating plans in place of the insurer's or filer's territorial rating plan in effect on June 1, 1998, which shall include territorial definitions, territorial relativity factors and territorial base rates, and which are in accordance with the provisions of sections 26 through 29 of this amendatory and supplementary act. The Commissioner of Banking and Insurance shall promulgate regulations establishing standards governing the establishment of new rating territories, which standards shall include, but not be limited to:

a. Territories shall be defined in such a manner as to recognize throughout the territorial rating plan both qualitative similarities and qualitative differences in driving environments or mix of driving environments, which may include, but not be limited to, traffic density, population density, comparative severity of loss, and the degree of homogeneity within a territory in terms of driving environments, population, and driver classification, and the territory shall be comprised of towns or cities which are contiguous;

b. Territories shall contain a sufficient number of exposures to result in statistically credible experience, in accordance with regulations established by the commissioner, and shall be defined in a manner which minimizes the effect of variability of loss in a territory on a year-to-year basis;

c. Territory definitions shall take into account the impact of the overlapping of traffic patterns on exposure to loss, including the relative number of intraterritory trips and inter-territory trips applicable to each proposed territory, for which the commissioner shall make available to the insurer, filer, or the commission established pursuant to section 28 of this

amendatory and supplementary act, appropriate information collected pursuant to the provisions of section 1 of P.L.1987, c.450 (C.43:21-14a) by the Department of Labor;

d. Territories shall be created in a manner which results in an equitable distribution of exposures among territories throughout the State and no territorial rating plan shall result in territories which are arbitrary, unfairly discriminatory, significantly disproportionate in terms of the number of exposures per territory, or created in a manner which is primarily for marketing purposes rather than measuring relativity of exposure to probable loss, or created in a manner which can be used to avoid the insurer's or filer's obligations under section 27 of P.L.1990, c.8 (C.17:33B-15);

e. Territories shall be created in a manner which does not result in disproportionate differences in territorial relativity factors or territorial base rates between contiguous territories with similar driving environments or similar mix of driving environments;

f. Factors to be considered in establishing territorial rate relativities shall include taking into account similarities or differences in driving environments or mix of driving environments, including traffic density, population density, mix of driver classifications within a territory, including classifications capped pursuant to the provisions of section 7 of P.L.1983, c.65 (C.17:29A-36), comparative degree of severity of loss, and the relative number of intraterritory and inter-territory trips;

g. Territories shall be defined in a manner which does not result in unfair inter-territorial subsidization among territories with significant differences in driving environments or mix of driving environments, population density, traffic density, mix of driver classifications, including classifications capped pursuant to the provisions of section 7 of P.L.1983, c.65 (C.17:29A-36) and comparative degree of severity of loss;

h. For the purpose of defining territories and establishing territorial relativity factors, loss experience allocated to any territory by an insurer or filer (1) shall take into account any recovery applicable to exposures in the territory which are attributable to subrogation or any other kind of recovery by the insurer reporting the losses and (2) shall not include any loss attributable to capping of driver classifications pursuant to section 7 of P.L.1983, c.65 (C.17:29A-36).

The commissioner shall establish by regulation the minimum number of exposures which shall be deemed to meet the standard of being statistically credible for the purpose of defining territories.

6. Section 7 of P.L.1983, c.65 (C.17:29A-36) is amended to read as follows:

C.17:29A-36 Contents of filing for automotive insurance rate making.

7. a. Any filing made for the purpose of automobile insurance rate making shall indicate the actual rate needs of the filer; provided, however, that (a) each filer's rate classification definitions, as used by that filer, shall be uniform Statewide; (b) the automobile insurance rate charged an insured shall not exceed two and one-half times the filer's territorial base rate for each coverage, exclusive of driving record surcharges and discounts; and (c) the automobile insurance rate of the base class in any territory for any filer shall not exceed 1.35 times the filer's Statewide average base rate for each coverage, exclusive of driving record surcharges and discounts for any basic policy issued or renewed at any time and for any standard policy issued or renewed before January 1, 2000 or the 180th day following approval of the common territorial rating plan pursuant to section 28 of P.L.1998, c.21 (C.17:29A-50), whichever first occurs.

b. No rating plan or rate filing applicable to any policy issued or renewed on or after January 1, 2000 or the 180th day following the approval of the common territorial rating plan provided for in sections 27 and 28 of P.L.1998, c.21 (C.17:29A-49 and C.17:29A-50), whichever first occurs, shall be approved by the commissioner which creates territorial relativities which are significantly disproportionate to those in effect as of the effective date of P.L.1998, c.21 (C.39:6A-1.1 et al.).

c. The automobile insurance rate of an automobile whose principal operator is 65 years of age or older shall not exceed one and one-quarter times the Statewide average rate for principal operators 65 years of age or older for each coverage, exclusive of driving record surcharges and discounts; provided, however, that no filer shall increase rates for principal operators 65 years of age or older as a result of the implementation of this section unless more than 50% of its insureds are principal operators 65 years of age or older.

d. As a result of the filings made pursuant to sections 26 and 27 of P.L.1998, c.21 (C.17:29A-48 and C.17:29A-49) and subsections a., b. and c. of this section, the filer's aggregate premium for all territories shall not exceed the filer's aggregate premium in effect prior to the date established in subsection b. of this section.

As used in this section, base rate means the automobile insurance rate charged for an automobile that is not used in business and not used in going to and from work, except for the going to and from work distance included in the pleasure use classification of the filer, and where there is no youthful operator, as defined in the filer's classification system. The base rate class shall not include automobiles to which discounts apply under the filer's classification system, including, but not limited to, farmers' and senior

citizens' automobiles or any discount from a standard rate provided for in the filer's tier rating system.

The provisions of this section shall be implemented after the implementation of the provisions of subsection a. of section 8 of P.L.1983, c.65 (C.17:29A-37).

7. Section 50 of P.L.1990, c.8 (C.17:33B-41) is amended to read as follows:

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

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

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

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

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

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

registration to such international traffic until new proof that motor vehicle liability insurance has been secured for the vehicle;

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

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

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

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

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

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

i. Within 180 days of the effective date of this act the Division of Motor Vehicles shall develop a format for electronic reporting by insurers writing private passenger automobile insurance, to the division, on a real-time basis, information regarding the cancellation of policies of motor vehicle insurance, the issuance of new policies of motor vehicle insurance, and changes of vehicle on policies of motor vehicle insurance in force in order to verify compliance with the motor vehicle liability insurance requirements of section 1 of P.L.1972, c.197 (C.39:6B-1), and the mandatory automobile insurance requirements of section 4 of P.L.1998, c.21 (C.39:6A-3.1). Information shall be maintained by driver's license number of the named insured. Other information to be provided by insurers shall be established by the director by regulation.

j. The director shall establish an electronic data base containing the information provided for in subsection i. of this section, which shall be made available to all law enforcement officers for the purpose of enforcing the mandatory motor vehicle insurance requirements of section 1 of P.L.1972, c.197 (C.39:6B-1). The data base shall not be made available until every insurer writing private passenger insurance has complied with regulations of the director and the information required by subsection i. of this section is reported on a real-time basis. The Division of Motor Vehicles shall establish security procedures to protect the confidentiality of the information on the data base, which shall preclude access to the information to any person not otherwise entitled to it under this or any other law.

k. The data base shall be funded from the Uninsured Motorist Prevention Fund established pursuant to section 2 of P.L.1983, c.141 (C.39:6B-3).

8. Section 66 of P.L.1998, c.21 (C.17:29A-46.8) is amended to read as follows:

C.17:29A-46.8 Definitions; standards for interventions in rate filings; offenses.

66. a. For the purposes of this section:

"Qualified person" means a person qualified by the Commissioner of Banking and Insurance to intervene in public hearings pursuant to this section, who shall be deemed a "public servant" within the meaning of N.J.S.2C:30-2;

"Rate filing" means a filing for a rate increase by an automobile insurer writing private passenger automobile insurance in this State, other than an expedited prior approval rate filing made pursuant to section 34 of P.L.1997, c.151 (C.17:29A-46.6) and other than a rate filing made pursuant to any statutory change in coverage provided under a policy of private passenger automobile insurance.

b. The Commissioner of Banking and Insurance shall establish standards for qualifying persons to intervene in rate filings pursuant to this section. The standards shall include, but shall not necessarily be limited to, requiring that any person intervening in a rate filing demonstrate: (1) expertise in the insurance laws of this State; (2) an understanding of the actuarial principles employed in establishing rates and rating systems; (3) sufficient access to a qualified actuary and sufficient expertise to conduct a technical examination of a rate filing; (4) sufficient resources to intervene in the rate filing process as provided herein; and (5) that the person represents the interest of consumers and accepts a duty of fidelity to do so.

c. The commissioner shall require such documentation as he determines is necessary to qualify a person to intervene in a rate filing, and may charge a fee for registration with the department as an intervenor, which fee shall be payable annually.

d. The commissioner may remove the registration of an intervenor if he determines that (1) the intervenor no longer meets the qualifications, or (2) if the intervenor is convicted of a crime or loses a professional license for misconduct.

e. If an insurer or rating organization files for a rate increase for private passenger automobile insurance, the commissioner shall notify the public of the proposed rate change in a newspaper or newspapers of general circulation throughout the State. A qualified person may request, and shall receive, a copy of the rate filing and any amendments and supplements thereto and shall pay the expenses in connection therewith. The qualified person may request that the commissioner certify the rate filing for a hearing pursuant to section 14 of P.L.1944, c.27 (C.17:29A-14).

f. The commissioner shall establish by regulation the terms and conditions under which the proceedings under this section shall be conducted, including, but not limited to the supporting material which shall accompany the intervention.

g. Upon determining that the intervenor has demonstrated that the qualified person has made a substantial contribution to the adoption of any order or decision by the commissioner or a court in connection with a rate filing made pursuant to this section, the commissioner shall award reasonable advocacy and witness fees and expenses.

h. A person commits a crime of the third degree if he solicits, accepts or agrees to accept any benefits as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he is subject pursuant to this section. In addition to any disposition authorized by law, the Commissioner of Banking and Insurance shall forever bar from registration as an intervenor any person convicted under this subsection.

i. A person commits a crime of the third degree if he confers, or offers or agrees to confer, any benefit the acceptance of which would be criminal under this section. In addition to any disposition authorized by law, the Commissioner of Banking and Insurance shall deny the rate filing of any person convicted under this subsection and the person shall be barred from filing for any rate increase for a period of one year.

j. Nothing herein shall be construed to preclude a prosecution or conviction for a violation of any other law.

9. This act shall take effect immediately upon the enactment of P.L.1998, c.21, except that sections 1 through 4 and section 8 of this act shall remain inoperative until the 90th day following the establishment by the Commissioner of Banking and Insurance of basic benefits required to be provided pursuant to section 4 of P.L. 1972, c. 70 (C. 39:6-4) or the adoption by rule of the professional boards of the designation of valid diagnostic tests pursuant to the provisions of section 12 of P.L.1998, c.21 (C.39:6A-4.7), whichever is later.

Approved May 19, 1998.

CHAPTER 23

AN ACT concerning the filing of certain maps, amending and supplementing P.L.1960, c.141 and supplementing P.L.1990, c.78 (C.58:10-23.11d1 et at.).

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

C.46:23-9.17 Nonapplicability of P.L. 1997, c.211 to certain maps relating to construction bids advertised prior to July 1, 2001.

1. a. The provisions of P.L.1997, c.211 shall not apply to the filing of any right of way parcel map in connection with projects for which construction bids are advertised on or prior to July 1, 2001. For the purposes of this section, the advertising of construction bids shall mean the first publication for the solicitation of bids for work and material for a highway, road or street project. The provisions of P.L.1997, c.211 shall apply to the filing of right of way parcel maps after July 1, 2001.

b. All right of way parcel maps, and amendments thereto, of the State, or any county or municipality showing acquisitions and associated easements for projects for which construction bids are advertised on or prior

to July 1, 2001 may be filed with the county recording officer at any time without meeting the requirements of P.L.1997, c.211, so long as certification as to the date of the advertisement notice is produced when requested by the county recording officer.

c. The plot plan which is required to be included as part of a declaration of taking under paragraph (c) of section 17 of P.L.1971, c.361 (C. 20:3-17) need only meet the accuracy standards of a right of way parcel map.

d. The scale of the maps and the dimensions depicted upon right of way parcel maps may be in metric or English at the discretion of the preparer.

e. In addition to sizes set forth in P.L.1997, c.211, a map size of 22 inches by 36 inches shall be acceptable for right of way parcel maps.

2. Section 2 of P.L.1960, c.141 (C.46:23-9.10) is amended to read as follows:

46:23-9.10 Definitions.

2. Definitions. As used in this act:

a. "Map" means a map, plat, condominium plan, right of way parcel maps of the State, county or municipality, chart, or survey of lands presented for approval to the proper authority as hereinafter defined or presented for filing in accordance with the provisions of this act, but does not mean a map, plat or sketch required to be filed or recorded under the provisions of P.L.1957, c.130 (C.48:3-17.2).

b. "Municipal Engineer" means the official licensed professional engineer appointed by the proper authority of the municipality wherein the territory shown on a map is situate.

c. The term "Professional Engineer" means a person who is legally authorized to practice professional engineering in this State in accordance with the provisions of P.L.1938, c.342 (C.45:8-27 et seq.).

d. The term "Land Surveyor" means a person who is legally authorized to practice land surveying in this State in accordance with the provisions of P.L.1938, c.342 (C.45:8-27 et seq.).

e. "Proper authority" means the chief legislative body of a municipality or any other agencies to whom the authority for the approval of maps may be duly designated by ordinance.

f. "Right of way parcel map" means any general property parcel map of the State, county or municipality which shows highways, roads or street acquisitions and any associated easements for highway, road or street rights of way.

g. "Entire tract" means all of the property that is being subdivided including lands remaining after subdivision.

h. "Condominium plan" means a survey of the condominium property in sufficient detail to show and identify common elements, each unit and their respective locations and appropriate dimensions, which shall be filed in accordance with the requirements of section 3 of P.L.1960, c.141 (C.46:23-9.11). A condominium plan shall bear a certification by a land surveyor, professional engineer or architect authorized and qualified to practice in this State setting forth that the plan constitutes a correct representation of the improvements described.

i. "General property parcel map" means any right of way parcel map showing a grouping of parcel and easement acquisitions for part of a section of a highway, road or street project.

C.46:23-9.18 Applicability of laws relative to filing of subdivision plat.

3. The provisions of P.L.1997, c.211 shall not apply to the filing of any subdivision plat that was granted final approval by a municipal approving authority pursuant to the "Municipal Land Use Law," P.L.1975, c.291 (C.40: 55D-1 et seq.) on or prior to July 1, 1999.

C.58:10-23.11d17 Maps filed with DEP before June 5, 1998 under P.L. 1990, c.78.

4. Notwithstanding the provisions of section 6 of P.L.1990, c.78 (C.58:10-23.11d6) or any other law, rule or regulation to the contrary, the Department of Environmental Protection shall not require a map required to be filed pursuant to P.L.1990, c.78 (C.58:10-23.11d1 et al.) and filed with the department on or before the effective date of this section to be resubmitted in digital form prior to January 1, 2000.

5. This act shall take effect immediately and sections 1, 2 and 3 shall be retroactive to August 18, 1997.

Approved June 4, 1998.

CHAPTER 24

AN ACT concerning the solemnization of marriages and amending R.S.37:1-13.

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

1. R.S.37:1-13 is amended to read as follows:

Authorization to solemnize marriages.

37:1-13. Each judge of the United States Court of Appeals for the Third Circuit, each judge of a federal district court, United States magistrate, judge of a municipal court, judge of the Superior Court, judge of a tax court, retired judge of the Superior Court or Tax Court, or judge of the Superior Court or Tax Court who has resigned in good standing, surrogate of any county, county clerk and any mayor or the deputy mayor when authorized by the mayor, or chairman of any township committee or village president of this State, and every minister of every religion, are hereby authorized to solemnize marriage between such persons as may lawfully enter into the matrimonial relation; and every religious society, institution or organization in this State may join together in marriage such persons according to the rules and customs of the society, institution or organization.

2. This act shall take effect immediately.

Approved June 4, 1998.

CHAPTER 25

AN ACT concerning carjacking and amending N.J.S.2C:11-3.

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

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

Murder.

2C:11-3. Murder.

a. Except as provided in N.J.S.2C:11-4 criminal homicide constitutes murder when:

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

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

(3) It is committed when the actor, acting either alone or with one or more other persons, is engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit robbery, sexual assault, arson, burglary, kidnapping, carjacking or criminal escape, and in the course of such crime or of immediate flight therefrom, any person causes the death of a person other than one of the participants; except that

in any prosecution under this subsection, in which the defendant was not the only participant in the underlying crime, it is an affirmative defense that the defendant:

- (a) Did not commit the homicidal act or in any way solicit, request, command, importune, cause or aid the commission thereof; and
- (b) Was not armed with a deadly weapon, or any instrument, article or substance readily capable of causing death or serious physical injury and of a sort not ordinarily carried in public places by law-abiding persons; and
- (c) Had no reasonable ground to believe that any other participant was armed with such a weapon, instrument, article or substance; and
- (d) Had no reasonable ground to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

b. (1) Murder is a crime of the first degree but a person convicted of murder shall be sentenced, except as provided in subsection c. of this section, by the court to a term of 30 years, during which the person shall not be eligible for parole, or be sentenced to a specific term of years which shall be between 30 years and life imprisonment of which the person shall serve 30 years before being eligible for parole.

(2) If the victim was a law enforcement officer and was murdered while performing his official duties or was murdered because of his status as a law enforcement officer, the person convicted of that murder shall be sentenced, except as otherwise provided in subsection c. of this section, by the court to a term of life imprisonment, during which the person shall not be eligible for parole.

(3) A person convicted of murder and who is not sentenced to death under this section shall be sentenced to a term of life imprisonment without eligibility for parole if the murder was committed under all of the following circumstances:

- (a) The victim is less than 14 years old; and
- (b) The act is committed in the course of the commission, whether alone or with one or more persons, of a violation of N.J.S.2C:14-2 or N.J.S.2C:14-3.

The defendant shall not be entitled to a deduction of commutation and work credits from that sentence.

c. Any person convicted under subsection a.(1) or (2) who committed the homicidal act by his own conduct; or who as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value; or who, as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, commanded or by threat or promise solicited the commission of the offense, shall be sentenced as provided hereinafter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The defendant: (i) as a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 and in furtherance of a conspiracy enumerated in N.J.S.2C:35-3, committed, commanded or by threat or promise solicited the commission of the offense or (ii) committed the offense at the direction of a leader of a narcotics trafficking network as defined in N.J.S.2C:35-3 in furtherance of a conspiracy enumerated in N.J.S.2C:35-3;

(j) The homicidal act that the defendant committed or procured was in violation of paragraph (1) of subsection a. of N.J.S.2C:17-2; or

(k) The victim was less than 14 years old.

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

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

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

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

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

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

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

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

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

(6) When a defendant at a sentencing proceeding presents evidence of the defendant's character or record pursuant to subparagraph (h) of paragraph (5) of this subsection, the State may present evidence of the murder victim's character and background and of the impact of the murder on the victim's survivors. If the jury finds that the State has proven at least one aggravating factor beyond a reasonable doubt and the jury finds the existence of a mitigating factor pursuant to subparagraph (h) of paragraph (5) of this subsection, the jury may consider the victim and survivor

evidence presented by the State pursuant to this paragraph in determining the appropriate weight to give mitigating evidence presented pursuant to subparagraph (h) of paragraph (5) of this subsection.

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

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

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

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

h. In a sentencing proceeding conducted pursuant to this section, no evidence shall be admissible concerning the method or manner of execution which would be imposed on a defendant sentenced to death.

i. For purposes of this section the term "homicidal act" shall mean conduct that causes death or serious bodily injury resulting in death.

2. This act shall take effect immediately .

Approved June 12, 1998.

CHAPTER 26

AN ACT concerning controlled dangerous substances offenses and certain weapons and supplementing chapter 39 of Title 2C of the New Jersey Statutes.

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

C.2C:39-4.1 Weapons, controlled dangerous substances, offenses, penalties.

1. a. Any person who has in his possession any firearm while in the course of committing, attempting to commit, or conspiring to commit a violation of N.J.S.2C:35-3, N.J.S. 2C:35-4, N.J.S.2C:35-5, section 3 or section 5 of P.L.1997, c.194 (C.2C:35-5.2 or 2C:35-5.3), N.J.S.2C:35-6, section 1 of P.L.1987, c.101 (C.2C:35-7), section 1 of P.L.1997, c.327 (C.2C:35-7.1) or N.J.S.2C:35-11 is guilty of a crime of the second degree.

b. Any person who has in his possession any weapon, except a firearm, with a purpose to use such weapon unlawfully against the person or property of another, while in the course of committing, attempting to commit, or conspiring to commit a violation of N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, section 3 or 5 of P.L.1997, c.194 (C.2C:35-5.2 or 2C:35-5.3), N.J.S.2C:35-6, section 1 of P.L.1987, c.101 (C.2C:35-7), section 1 of P.L.1997,c.327 (C.2C:35-7.1) or N.J.S.2C:35-11 is guilty of a crime of the second degree.

c. Any person who has in his possession any weapon, except a firearm, under circumstances not manifestly appropriate for such lawful uses as the weapon may have, while in the course of committing, attempting to commit, or conspiring to commit a violation of N.J.S.2C:35-3, N.J.S.2C:35-4, N.J.S.2C:35-5, section 3 or section 5 of P.L. 1997, c.194 (C.2C:35-5.2 or 2C:35-5.3), N.J.S.2C:35-6, section 1 of P.L.1987, c.101 (C.2C:35-7), section 1 of P.L.1997, c.327 (C.2C:35-7.1) or N.J.S.2C:35-11 is guilty of a crime of the second degree.

d. Notwithstanding the provisions of N.J.S.2C:1-8 or any other provision of law, a conviction arising under this section shall not merge with a conviction for a violation of any of the sections of chapter 35 referred to in this section nor shall any conviction under those sections merge with a conviction under this section. Notwithstanding the provisions of N.J.S.2C:44-5 or any other provision of law, the sentence imposed upon a violation of this section shall be ordered to be served consecutively to that imposed for any conviction for a violation of any of the sections of chapter 35 referred to in this section or a conviction for conspiracy or attempt to violate any of those sections.

e. Nothing herein shall be deemed to preclude, if the evidence so warrants, an indictment and conviction for a violation of N.J.S.2C:39-4 or N.J.S.2C:39-5 or any other provision of law.

f. Nothing herein shall prevent the court from also imposing enhanced punishments, pursuant to N.J.S.2C:35-8, section 2 of P.L.1997, c.117 (C.2C:43-7.2), or any other provision of law, or an extended term.

2. This act shall take effect immediately.

Approved June 24, 1998.

CHAPTER 27

AN ACT revising the time frame of certain professional requirements for municipal clerks and amending P.L.1985, c.174 and P.L.1997, c.279.

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

1. Section 2 of P.L.1985, c.174 (C.40A:9-133.2) is amended to read as follows:

C.40A:9-133.2 Application for examination; qualifications.

2. Commencing on the effective date of P.L.1985, c.174, the Director of the Division of Local Government Services in the Department of Community Affairs shall hold examinations semiannually, and at such other times as he may deem appropriate, for certification as municipal clerk. An applicant for examination shall furnish proof to the director, not less than 30 days before an examination, 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 at an approved secondary school or has received an academic education considered and accepted by the Commissioner of Education as fully equivalent, and has completed at least two years of education at a college of recognized standing. For purposes of this section, 30 college credits will be considered equivalent to one year of college. An applicant who does not meet the two-year college requirement may substitute on a year for year basis full-time experience or the equivalent part-time experience in a position as deputy municipal clerk, assistant municipal clerk or other position of county or municipal government which performs duties relative to those performed by a municipal clerk as described in subsection e. of N.J.S.40A:9-133. An applicant shall also present proof of completion of the following courses offered through Rutgers, The State University or similar courses offered at a college or university approved by the Division of Local Government Services in the Department of Community Affairs:

Introduction of the Duties of the Municipal Clerk;
Advanced Duties of the Municipal Clerk;
Local Election Administration;

Information and Records Management; and
Municipal Finance Administration for Municipal Clerks.

Every applicant submitting an application prior to December 31, 2000 may present proof of satisfactory completion of a course in Municipal Finance Administration, in lieu of the course in Municipal Finance Administration for Municipal Clerks.

The proofs required pursuant to this section shall be provided on the application forms and in the manner as shall be prescribed by the director. Each completed application shall be accompanied by a fee in the amount of \$50 payable to the order of the State Treasurer. Examinations shall be written, or both written and oral, and shall be of such character as fairly to test and determine the qualifications, fitness and ability of the person tested to actually perform the duties of municipal clerk.

2. Section 8 of P.L.1997, c.279 (C.40A:9-133.10) is amended to read as follows:

C.40A:9-133.10 Renewal of certificates; conditions; fee.

8. a. Commencing October 1, 1998 all registered municipal clerk certificates issued pursuant to section 3 or section 4 of P.L.1985, c.174 (C.40A:9-133.3 or C.40A:9-133.4), or section 7 of P.L.1997, c.279 (C.40A:9-133.9) shall be renewed upon application, payment of the required fee, and verification that the applicant has met the requirements as set forth in this section. Each renewal shall be for a period of two years. The renewal date shall be 30 days prior to the expiration date.

b. All registered municipal clerk certificates subject to renewal pursuant to this section issued prior to October 1, 1998 shall have an expiration date of September 30, 2000. All registered municipal clerk certificates issued on or after October 1, 1998 shall expire two years from the date on which the certificate was originally issued.

c. Each applicant for renewal of a registered municipal clerk certificate shall, on a form prescribed by the director, furnish proof of having earned at least 2.0 continuing education units in subject areas related to the statutory duties of the municipal clerk and minimum contact hours as prescribed by the director. For the purposes of this section, 1.0 continuing education unit equals 10 contact hours. Upon verification of this requirement, and upon payment of a fee of \$50 to the order of the Treasurer of the State of New Jersey, the director shall renew the registered municipal clerk certificate.

d. Where the holder of a registered municipal clerk certificate has allowed the certificate to lapse by failing to renew the certificate, a new application and certificate shall be required. If application is made within

six months of the expiration of the certificate, then application may be made in the same manner as renewal but the application shall be accompanied by the fee for a new application.

3. This act shall take effect immediately.

Approved June 29, 1998.

CHAPTER 28

AN ACT concerning traffic regulation, 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.39:4-8.2 Definitions relative to traffic regulation.

1. As used in this act:

"Public highways" means public highways as defined in section 3 of P.L.1984, c.73 (C.27:1B-3).

"Transportation system" means transportation system as defined in section 3 of P.L.1984, c.73 (C.27:1B-3).

"Under the jurisdiction of the commissioner" means that which has been taken over, or is owned, controlled, or maintained by the Department of Transportation.

C.39:4-8.3 Regulation of traffic, parking on public highways, transportation systems.

2. a. Notwithstanding the provisions of any other law to the contrary, the Commissioner of Transportation, in accordance with the provisions of this act, may by written order provide for the regulation of traffic and parking on public highways or transportation systems under the jurisdiction of the commissioner and for the establishment, operation, control and maintenance of official traffic control devices thereon where the provisions of chapter 4 of this Title authorize the commissioner to regulate such traffic and parking by rule or regulation. An order issued pursuant to this act shall conform to the same requirements of this Title concerning examination, investigation or study as apply in the case of the rule or regulation in place of which the order is being issued.

b. An order issued pursuant to subsection a. of this section shall be binding and enforceable in accordance with the provisions of this act and any official traffic control device established thereby shall conform to the "Manual on Uniform Traffic Control Devices."

c. The provisions of this act shall not apply to public highways or transportation systems under the jurisdiction of a county or municipality.

C.39:4-8.4 Issuance of order.

3. a. An order to be issued pursuant to this act shall cite the public highway or transportation system under the jurisdiction of the commissioner to which it is to be applicable; provide an explanation in plain language as to why the order is needed at the location in question; provide a description in plain language of what the order requires; identify the individual or public body who or which requested the order or initiated a request leading to the order; name the date on which the order became final and the effective date of the order; and contain any other information the commissioner deems necessary.

b. A copy of a proposed order shall be mailed to the governing body and chief uniformed law enforcement official of each county and municipality in which that portion of the public highway or transportation system under the jurisdiction of the commissioner affected by the order is located. On or after the date of mailing, the commissioner shall cause an informational notice of the proposed order, including therein a summary of the provisions of the proposed order, to be published in a newspaper or newspapers having general circulation in the municipality or municipalities affected by the order. The notice shall provide for a telephone number or address which a member of the public may use to receive a copy of the complete text of the proposed order and shall provide for a 30-day period from the date of publication for public comment. The order shall be final on the 31st day after publication of the informational notice or on a later date if the commissioner so determines, except that if comments are received during the 30-day period the order shall be final after the commissioner reviews and responds in writing to the comments received but in no event shall the order be final earlier than the 31st day after publication. Nothing in this section shall be construed as prohibiting the commissioner from extending the comment period or from modifying or withdrawing the proposed order as a result of the review of public comment.

c. Notwithstanding the provisions of subsection b. of this section to the contrary, an order may be made final immediately or at a later date and without the requirement of mailing or publication by the commissioner if it is issued in response to a resolution from the governing body of a municipality and if the order pertains exclusively to a public highway or transportation system located within the boundaries of that municipality. Such a resolution shall be adopted by the governing body and shall memorialize the commissioner to issue an order regulating traffic or parking on a public highway or transportation system located within the boundaries of the

municipality. The governing body shall cause an informational notice of the proposed resolution to be published in the official newspaper if there be one or, if that is not the case, in a newspaper of general circulation in the municipality in question, in advance of a meeting at which the resolution is to be considered. A copy of the final order shall be mailed to the governing body and the chief uniformed law enforcement official of the county and municipality in which that portion of the public highway or transportation system under the jurisdiction of the commissioner affected by the order is located.

d. Notwithstanding the provisions of this section to the contrary, upon a finding by the commissioner that an emergent condition exists with respect to a public highway or transportation system under the jurisdiction of the commissioner, an order may be made final immediately. In such an event, a copy of the final order issued pursuant to this subsection shall be provided within 24 hours of issuance to the governing body and the chief uniformed law enforcement official of the county and municipality in which that portion of the public highway or transportation system under the jurisdiction of the commissioner affected by the order is located. Nothing in this section shall be construed to supersede, limit or alter the authority and powers of the Attorney General pursuant to P.L.1950, c.70 (C.39:4-213 et seq.) to control traffic during emergency conditions. The exercise of the Attorney General's authority and powers pursuant to P.L.1950, c.70 (C.39:4-213 et seq.) shall supersede an order issued by the commissioner pursuant to this act.

e. A final order shall be effective upon compliance with the notice and briefing provisions of R.S.39:4-198 and shall be binding and enforceable on that date.

C.39:4-8.5 Official permanent record of orders.

4. The commissioner shall maintain an official permanent record of orders issued pursuant to this act providing for the regulation of traffic and parking on public highways or transportation systems under the jurisdiction of the commissioner and of any rule or regulation removed from the New Jersey Administrative Code pursuant to subsection b. of section 5 of this act, which shall be made available upon request, pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.). In addition, an informational record concerning those public highways, or portions thereof, and transportation systems affected by the orders issued pursuant to this act shall be accessible in electronic form by members of the public without fee or charge.

C.39:4-8.6 Continuance, adoption of rules, regulations.

5. a. Rules or regulations adopted pursuant to chapter 4 of this Title before the effective date of this act and in effect on the effective date thereof

and dealing with the regulation of traffic or parking on public highways or transportation systems under the jurisdiction of the commissioner shall continue in effect and shall be enforceable under the provisions of Title 39 of the Revised Statutes and all other applicable statutes, in any court of competent jurisdiction, until superseded by order of the commissioner pursuant to this act.

b. The Commissioner of Transportation shall, within 60 days of the effective date of this act, issue an order which shall in substance include all rules and regulations adopted pursuant to chapter 4 of this Title before the effective date of this act and in effect on the effective date thereof and dealing exclusively with the regulation of traffic or parking on public highways or transportation systems under the jurisdiction of the commissioner, which order shall be final and effective on the date of issuance, without the requirement of any other action or proceeding, notwithstanding the provisions of this act to the contrary. Upon the issuance of the order the rules and regulations included in substance therein shall be superseded. The commissioner shall forbear from adopting any rule or regulation dealing with the regulation of traffic or parking on public highways or transportation systems under the jurisdiction of the commissioner from the effective date of this act until the issuance of the order required by this subsection.

c. Sixty days after the effective date of this act, the Office of Administrative Law may remove from the New Jersey Administrative Code any rule or regulation which deals exclusively with the regulation of traffic and parking on public highways or transportation systems under the jurisdiction of the commissioner and which has been superseded by order of the commissioner.

C.39:4-8.7 Orders not considered rule, regulation pursuant to C.52:14B-1 et seq.

6. Any provision of chapter 4 of this Title authorizing or requiring the commissioner to provide for the regulation of traffic or parking on public highways or transportation systems under the jurisdiction of the commissioner by means of rule or regulation shall on and after the effective date of this act be construed as authorizing or requiring the commissioner to proceed by order, as the case may be, pursuant to the provisions of this act. Such an order, however, shall not be considered a rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.39:4-8.8 Construction of act.

7. a. Nothing in this act shall be construed as expanding or diminishing the authority of the commissioner to regulate traffic and parking on public highways or transportation systems under the jurisdiction of the commis

sioner and to establish, operate, control and maintain official traffic control devices thereon.

b. Nothing in this act shall be construed as superseding any provision or expending or diminishing the authority of the commissioner in regard to the "State Highway Access Management Act," P.L.1989, c.32 (C.27:7-89 et al.).

8. This act shall take effect on the 90th day following enactment.

Approved June 29, 1998.

CHAPTER 29

AN ACT concerning the Delaware River and Bay Authority and authorizing certain projects.

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

C.32:11E-1.8 Projects authorized.

1. For the purposes of complying with the provisions of section 1 of P.L.1989, c.191 (C.32:11E-1.1), the Delaware River and Bay Authority created pursuant to the "Delaware-New Jersey Compact," enacted pursuant to 53 Laws of Delaware, Chapter 145 (17 Del. C.s.1701 et seq.) and P.L.1961, c.66 (C.32:11E-1 et seq.) with the consent of the Congress of the United States in accordance with Pub.L.87-678 (1962), is authorized, pursuant to the procedures set forth in section 1 of P.L.1989, c.191 (C.32:11E-1.1), to undertake a project for the acquisition and creation of a corporate/business/industrial park located in Salem County, including the planning, development, financing, construction, operation, maintenance and improvement thereof, which shall be considered a project of the authority as defined pursuant to Article II of the "Delaware-New Jersey Compact," P.L.1961, c.66, as amended by P.L.1989, c.192 (C.32:11E-1 et seq.).

2. This act shall take effect immediately.

Approved June 29, 1998.

CHAPTER 30

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year

ending June 30, 1998 and regulating the disbursement thereof," approved June 27, 1997 (P.L.1997, c.131).

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

1. In addition to the amounts appropriated under P.L.1997, c.131, there is appropriated out of the General Fund the following sum for the purpose specified:

GRANTS-IN-AID
20 DEPARTMENT OF COMMERCE AND ECONOMIC
DEVELOPMENT
50 Economic Planning, Development and Security
51 Economic Planning and Development -- Grants-In-Aid
2800 Division of Economic Development

20-2800 Economic Development	<u>\$16,300,000</u>
Total Appropriation, Economic Planning and and Development	<u>\$16,300,000</u>
State Aid and Grants:	
New Jersey Economic Development Authority	(\$16,300,000)

In addition to the amount appropriated hereinabove for a grant to the New Jersey Economic Development Authority, there is allocated to the New Jersey Economic Development Authority for the same purpose \$1,700,000 from the unexpended balance in the fiscal year 1998 Grants-In-Aid appropriation made to the Department of the Treasury for the Higher Education Facilities Trust Fund -- Debt Service account.

The sums appropriated and allocated hereinabove are for a grant to pay a portion of the costs associated with the acquisition, site preparation, design and construction of an infectious disease research complex to be located in Newark, New Jersey. The grant shall be subject to the terms and conditions that shall be set forth in an agreement between the entity which shall own and operate the infectious disease research complex and the New Jersey Economic Development Authority, subject to the approval of the State Treasurer. The State Treasurer shall, upon such approval, report to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee on the terms and conditions of the grant agreement.

2. This act shall take effect immediately.

Approved June 30, 1998.

CHAPTER 31

AN ACT concerning criminal history record checks of school employees, amending various parts of the statutory law, supplementing chapter 6 of Title 18A of the New Jersey Statutes, and repealing section 1 of P.L.1987, c.164 .

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

1. Section 1 of P.L.1989, c.229 (C.18A:6-4.13) is amended to read as follows:

C.18A:6-4.13 Nonpublic school employment candidates to demonstrate no criminal history.

1. Any nonpublic school may require all final candidates for employment or service under contract with the school as a teacher, substitute teacher, teacher aide, a school physician, school nurse, custodian, maintenance worker, bus driver, security guard, secretary or clerical worker or for any other position which involves regular contact with pupils, to demonstrate that no criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify that individual from employment in the public schools of this State pursuant to the provisions of P.L.1986, c.116 (C.18A:6-7.1 et seq.). Application of this requirement by a nonpublic school shall be consistent and nondiscriminatory among candidates.

As used in this act, "nonpublic school" means an elementary or secondary school within the State, other than a public school, offering education in grades K-12 or any combination thereof, wherein a child may legally fulfill compulsory school attendance requirements.

2. Section 2 of P.L.1989, c.229 (C.18A:6-4.14) is amended to read as follows:

C.18A:6-4.14 Criminal history record check.

2. An applicant for employment or service in any of the positions covered by this act shall submit to the Commissioner of Education his or her name, address and fingerprints taken on standard fingerprint cards by a law enforcement agency. The commissioner is hereby authorized to exchange fingerprint data with and to receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required by this act. No criminal history record check shall be performed pursuant to this act unless the applicant shall have furnished his or her written consent to such a check.

The applicant shall bear the cost for the criminal history record check, including all costs for administering and processing the check.

3. Section 3 of P.L.1989, c.229 (C.18A:6-4.15) is amended to read as follows:

C.18A:6-4.15 Determination of qualification; written notice.

3. The commissioner shall apply the same requirements, procedures and standards and shall proceed in the same manner as is prescribed in P.L.1986, c.116 (C.18A:6-7.1 et seq.) for determining whether the applicant would be qualified or disqualified for employment in the public schools and shall inform the applicant of his determination in writing. The commissioner shall also provide written notification to the chief administrator of the nonpublic school, which requires the criminal history record check as a condition of employment, of his determination as to whether the candidate would be qualified or disqualified for employment in the public schools.

4. Section 4 of P.L.1989, c.229 (C.18A:6-4.16) is amended to read as follows:

C.18A:6-4.16 Records to be kept no longer than three years; exceptions.

4. The commissioner may maintain the criminal record and application documents on a candidate for no longer than three years from the date of a determination as to the candidate's qualification or disqualification for employment with an employer. The three-year retention limitation shall not apply to statistical data on crimes and any other offenses or an ongoing list of candidates who are qualified or disqualified. All documents submitted by a candidate and all criminal history record information shall be maintained by the commissioner in a confidential manner.

5. Section 1 of P.L.1986, c.116 (C.18A:6-7.1) is amended to read as follows:

C.18A:6-7.1 Criminal record check.

1. A facility, center, school, or school system under the supervision of the Department of Education and board of education which cares for, or is involved in the education of children under the age of 18 shall not employ or contract for the services of any teaching staff member or substitute teacher, teacher aide, child study team member, school physician, school nurse, custodian, school maintenance worker, cafeteria worker, school law enforcement officer, school secretary or clerical worker or any other person serving in a position which involves regular contact with pupils unless the employer has first determined consistent with the requirements and standards of this act, that no criminal history record information exists on

file in the Federal Bureau of Investigation, Identification Division, or the State Bureau of Identification which would disqualify that individual from being employed or utilized in such capacity or position. An individual employed by a board of education or a school bus contractor holding a contract with a board of education, in the capacity of a school bus driver, shall be required to meet the criminal history record requirements pursuant to section 6 of P.L.1989, c.104 (C.18A:39-19.1). This section shall not apply to any individual who provides services on a voluntary basis.

An individual, except as provided in subsection g. of this section, shall be permanently disqualified from employment or service under this act if the individual's criminal history record check reveals a record of conviction for any crime of the first or second degree; or

a. An offense as set forth in chapter 14 of Title 2C of the New Jersey Statutes, or as set forth in N.J.S.2C:24-4 and 2C:24-7, or as set forth in R.S.9:6-1 et seq., or as set forth in N.J.S.2C:29-2; or

b. An offense involving the manufacture, transportation, sale, possession, distribution or habitual use of a "controlled dangerous substance" as defined in the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al. or "drug paraphernalia" as defined pursuant to N.J.S.2C:36-1 et seq.; or

c. (1) A crime involving the use of force or the threat of force to or upon a person or property including, but not limited to, robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder; or

(2) A crime as set forth in chapter 39 of Title 2C of the New Jersey Statutes, a third degree crime as set forth in chapter 20 of Title 2C of the New Jersey Statutes, or a crime as listed below:

Recklessly endangering another person	N.J.S.2C:12-2
Terroristic threats	N.J.S.2C:12-3
Criminal restraint	N.J.S.2C:13-2
Luring, enticing child into motor vehicle, structure or isolated area	P.L.1993, c.291 (C.2C:13-6)
Causing or risking widespread injury or damage	N.J.S.2C:17-2
Criminal mischief	N.J.S.2C:17-3
Burglary	N.J.S.2C:18-2
Usury	N.J.S.2C:21-19
Threats and other improper influence	N.J.S.2C:27-3
Perjury and false swearing	N.J.S.2C:28-3
Resisting arrest	N.J.S.2C:29-2
Escape	N.J.S.2C:29-5;

or

(3) Conspiracy to commit or an attempt to commit any of the crimes described in this act.

d. For the purposes of this section, a conviction exists if the individual has at any time been convicted under the laws of this State or under any similar statutes of the United States or any other state for a substantially equivalent crime or other offense.

e. Notwithstanding the provisions of this section, an individual shall not be disqualified from employment or service under this act on the basis of any conviction disclosed by a criminal record check performed pursuant to this act without an opportunity to challenge the accuracy of the disqualifying criminal history record.

f. When charges are pending for a crime or any other offense enumerated in this section, the employing board of education shall be notified that the candidate may not be eligible for employment until the commissioner has made a determination regarding qualification or disqualification upon adjudication of the pending charges.

g. This section shall first apply to criminal history record checks conducted on or after the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.); except that in the case of an individual employed by a board of education or a contracted service provider who is required to undergo a check upon employment with another board of education or contracted service provider, the individual shall be disqualified only for the following offenses:

(1) any offense enumerated in this section prior to the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

(2) any offense enumerated in this section which had not been enumerated in this section prior to the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.), if the person was convicted of that offense on or after the effective date of that act.

6. Section 2 of P.L.1987, c.164 (C.18A:6-7.1b) is amended to read as follows:

C.18A:6-7.1b Initial criminal history check for substitutes

2. An individual employed by a board of education in any substitute capacity or position, who is rehired annually by that board, shall only be required to undergo a criminal history record check as required pursuant to P.L.1986, c.116 (C.18A:6-7.1 et seq.) upon initial employment, provided the substitute continues in the employ of at least one of the districts at which the substitute was employed within one year of the approval of the criminal history record check.

7. Section 2 of P.L.1986, c.116 (C.18A:6-7.2) is amended to read as follows:

C.18A:6-7.2 Fingerprinting.

2. An applicant for employment or service in any of the positions covered by this act shall submit to the Commissioner of Education his or her name, address and fingerprints taken on standard fingerprint cards by a law enforcement agency. The Commissioner of Education is hereby authorized to exchange fingerprint data with and receive criminal history record information from the federal Bureau of Investigation and the Division of State Police for use in making the determinations required by this act. No criminal history record check shall be performed pursuant to this act unless the applicant shall have furnished his or her written consent to such a check. The applicant shall bear the cost for the criminal history record check, including all costs for administering and processing the check.

8. Section 3 of P.L.1986, c.116 (C.18A:6-7.3) is amended to read as follows:

C.18A:6-7.3 Notice to applicant.

3. Upon receipt of the criminal history record information for an applicant from the Federal Bureau of Investigation and the Division of State Police, the Commissioner of Education shall notify the applicant, in writing, of the applicant's qualification or disqualification for employment or service under this act. If the applicant is disqualified, the convictions which constitute the basis for the disqualification shall be identified in the written notice to the applicant. The applicant shall have 14 days from the date of the written notice of disqualification to challenge the accuracy of the criminal history record information. If no challenge is filed or if the determination of the accuracy of the criminal history record information upholds the disqualification, the commissioner shall notify the employing board of education that the applicant has been disqualified from employment, and a copy of the written notice of disqualification for applicants who hold a certificate issued by the State Board of Examiners shall be forwarded to that board.

The commissioner is authorized to share all criminal history record information regarding teaching staff members with the State Board of Examiners. In addition, the commissioner is authorized to share criminal history record information of an applicant from the Federal Bureau of Investigation or the State Bureau of Identification with the appropriate court in order to obtain copies of the judgment of conviction and such other

documents as the commissioner deems necessary to confirm the completeness and accuracy of the record.

9. Section 4 of P.L.1986, c.116 (C.18A:6-7.4) is amended to read as follows:

C.18A:6-7.4 Three-year limitation; exceptions.

4. The Commissioner of Education may maintain the criminal record and application documents on a candidate for no longer than three years from the date of determination as to the candidate's qualification or disqualification for employment with an employer. The three-year retention limitation shall not apply to statistical data on crimes and any other offenses or an ongoing list of candidates who are qualified or disqualified. All documents submitted by a candidate and all criminal history record information shall be maintained by the commissioner in a confidential manner.

10. Section 6 of P.L.1989, c.104 (C.18A:39-19.1) is amended to read as follows:

C.18A:39-19.1 Bus drivers required to submit certain information to commissioner.

6. a. Prior to employment as a school bus driver, and upon application for renewal of a school bus driver's license, a bus driver shall submit to the Commissioner of Education his or her name, address and fingerprints taken on standard fingerprint cards by a law enforcement agency. No criminal history record check shall be furnished without his or her written consent to such a check. The applicant shall bear the cost for the criminal history record check, including all costs for administering and processing the check.

Upon receipt of the criminal history record information for an applicant from the Federal Bureau of Investigation and the Division of State Police, the Commissioner of Education shall notify the applicant, in writing, of the applicant's qualification or disqualification as a school bus driver. If the applicant is disqualified, the convictions which constitute the basis for the disqualification shall be identified in the written notice to the applicant. A school bus driver, except as provided in subsection e. of this section, shall be permanently disqualified from employment or service if the individual's criminal history record reveals a record of conviction for which public school employment candidates are disqualified pursuant to section 1 of P.L.1986, c.116 (C.18A:6-7.1).

A school bus driver shall not be eligible to operate a school bus if the individual's bus driver's license is currently revoked or suspended by the Division of Motor Vehicle Services in accordance with R.S.39:3-10.1.

b. Notwithstanding the provisions of this section, an individual shall not be disqualified from employment or service under this act on the basis of any conviction disclosed by a criminal history record check performed pursuant to this section without an opportunity to challenge the accuracy of the disqualifying criminal history record.

c. When charges are pending for a crime or any other offense enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1), the employing board of education or contractor shall be notified that the candidate may not be eligible for employment until the commissioner has made a determination regarding qualification or disqualification upon adjudication of the pending charges.

d. The applicant shall have 14 days from the date of the written notice of disqualification to challenge the accuracy of the criminal history record information. If no challenge is filed or if the determination of the accuracy of the criminal history record information upholds the disqualification, notification of the applicant's disqualification for employment shall be forwarded to the Division of Motor Vehicle Services. The local board of education or the school bus contractor and the County Superintendent of Schools shall also be notified of the disqualification. Notwithstanding the provisions of any law to the contrary, the Director of the Division of Motor Vehicle Services shall, upon notice of disqualification from the Commissioner of Education, immediately revoke the applicant's special license issued pursuant to R.S.39:3-10.1 without necessity of a further hearing. Candidates' records shall be maintained in accordance with the provisions of section 4 of P.L.1986, c.116 (C.18A:6-7.4).

e. This section shall first apply to criminal history record checks conducted on or after the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.); except that in the case of a school bus driver employed by a board of education or a contracted service provider who is required to undergo a check upon application for renewal of a school bus driver's license, the individual shall be disqualified only for the following offenses:

(1) any offense enumerated in this section prior to the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.); and

(2) any offense enumerated in this section which had not been enumerated in this section prior to the effective date of P.L.1998, c.31 (C.18A:6-7.1c et al.), if the person was convicted of that offense on or after the effective date of that act.

11. N.J.S.18A:39-20 is amended to read as follows:

Compliance required for assigning bus driver; violations; fine.

18A:39-20. No board of education or contractor shall approve or assign an individual, as a driver or substitute driver of a school bus, without first complying with the provisions of this chapter, and any person violating, or failing to comply with such provisions shall be guilty of a disorderly persons offense and subject to a fine of not more than \$500.00.

C.18A:6-7.1c Employment of applicant on emergent basis.

12. A board of education or contracted service provider may employ an applicant on an emergent basis for a period not to exceed three months, pending completion of a criminal history records check if the board or service provider demonstrates to the Commissioner of Education that special circumstances exist which justify the emergent employment. The board's or service provider's request to the commissioner shall include: (1) a description of the vacant position that needs to be filled; (2) a statement describing the board's or contract provider's good faith efforts to fill the position on a timely basis or a statement describing the unanticipated need for the applicant's employment; and (3) a sworn statement submitted by the applicant attesting that the applicant has not been convicted or does not have a charge pending for a crime or any other offense enumerated in section 1 of P.L.1986, c.116 (C.18A:6-7.1).

In the event that the background check is not completed within three months, the board or contracted service provider may petition the commissioner for an extension of time, not to exceed two months, in order to retain the employee.

C.18A:6-7.2a Authority of commissioner.

13. The Commissioner of Education is authorized to:

- a. receive all criminal history data necessary to complete the criminal history records check as required pursuant to P.L.1986, c.116 (C.18A:6-7.1 et seq.) and section 6 of P.L.1989, c.104 (C.18A:39-19.1), or as permitted pursuant to P.L.1989, c.229 (C.18A:6-4.13 et seq.); and
- b. adjust the fees set by the Department of Education for the criminal history records checks.

Repealer.

14. Section 1 of P.L.1987, c.164 (C.18A:6-7.1a) is repealed.

15. This act shall take effect immediately

Approved June 30, 1998.

CHAPTER 32

AN ACT establishing the New Jersey Supplementary Food Stamp Program, amending P.L.1993, c.13 and P.L.1997, c.37, and supplementing Title 44 of the Revised Statutes.

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

C.44:10-79 Short title.

1. This act shall be known and may be cited as the "New Jersey Supplementary Food Stamp Program Act."

C.44:10-80 Definitions relative to New Jersey Supplementary Food Stamp Program.

2. As used in this act:

"Commissioner" means the Commissioner of Human Services.

"Department" means the Department of Human Services.

"Federal food stamp program" means the federal food stamp program authorized by Title XIII of the "Food and Agriculture Act of 1977," Pub.L.95-113 (7 U.S.C.s.2011 et seq.).

"Program" means the New Jersey Supplementary Food Stamp Program established pursuant to this act.

C.44:10-81 New Jersey Supplementary Food Stamp Program.

3. a. There is established the New Jersey Supplementary Food Stamp Program in the Department of Human Services. The purpose of the program is to provide nutritional assistance to those categories of noncitizens who were rendered ineligible for the federal food stamp program by section 402 of Pub.L.104-193, the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996" (8 U.S.C.s.1612).

b. The program shall be administered pursuant to State rules and regulations implementing the federal food stamp program, except that the eligibility criteria for noncitizens for the program provided in section 4 of this act shall be used in lieu of those of the federal food stamp program.

C.44:10-82 Eligibility of noncitizen for program.

4. a. A noncitizen shall be eligible for participation in the program if that person was: lawfully admitted into the United States prior to August 22, 1996, remains lawfully present in the United States, is ineligible for the federal food stamp program, and is one of the following:

(1) under 18 years of age;

(2) 65 years of age or over;

(3) receiving benefits under the supplemental security income program established pursuant to the federal Social Security Act, Pub.L.92-603 (42

U.S.C.s.1381 et seq.), or determined to be an essential person under the supplemental security income program;

(4) mentally or physically incapacitated, as defined by regulation of the commissioner, including being blind;

(5) considered unemployable under the Work First New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.); or

(6) a natural or adoptive parent, stepparent or legal guardian residing with that person's dependent child under the age of 18. Unless employed, this person: shall be required to participate in a work activity as defined in section 3 of P.L.1997, c.38 (C.44:10-57), which may include a program that is designed to assist the person in securing employment or preparing for employment, in accordance with the provisions of subsection f. of section 8 of P.L.1997, c.38 (C.44:10-62); and shall be eligible for child care and other services under the Work First New Jersey program related to the work activity, except that:

(a) the person shall not be required to engage in a work activity if child care is unavailable for the person's dependent child in accordance with the provisions of subsection d. of section 8 of P.L.1997, c.38 (C.44:10-62); and

(b) the person may be temporarily deferred from the work activity requirement in accordance with the provisions of subsection e. of section 8 of P.L.1997, c.38 (C.44:10-62).

b. To be eligible for the program, a noncitizen shall also meet one of the following criteria:

(1) lawfully admitted for permanent residence as an immigrant;

(2) entered the United States prior to January 1, 1972, or some later date as required by law, and continuously maintained residency in the United States since then, and is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the United States Attorney General;

(3) was qualified by the federal Immigration and Naturalization Service for conditional entry into the United States after March 31, 1980 because of persecution or fear of persecution on account of race, religion, or political opinion;

(4) was qualified by the federal Immigration and Naturalization Service for conditional entry into the United States prior to April 1, 1980;

(5) was granted asylum through an exercise of discretion by the United States Attorney General;

(6) is lawfully present in the United States as a result of an exercise of discretion by the United States Attorney General for emergent reasons or reasons deemed strictly in the public interest, or as a result of a grant of parole by the United States Attorney General;

(7) the United States Attorney General has withheld deportation of the noncitizen because of the judgment of the United States Attorney General that the noncitizen would otherwise be subject to persecution on account of race, religion, or political opinion;

(8) has been determined as aged, blind or disabled in accordance with the supplemental security income program established pursuant to the federal Social Security Act, Pub.L.92-603 (42 U.S.C.s.1381 et seq.), and is considered by the federal Immigration and Naturalization Service to be lawfully admitted for temporary residence;

(9) was granted lawful temporary resident status at least five years prior to applying for the program and subsequently gained lawful permanent resident status; or

(10) is, as of June 1, 1987 or thereafter, a special agricultural worker as defined by federal law and lawfully admitted for temporary residence.

c. A noncitizen who is certified as eligible for the program by the department, or the agency designated by the department, shall be required to apply for United States citizenship within 60 days of the date that the noncitizen is certified as eligible for the program or within 60 days of the date the noncitizen is eligible to apply for citizenship, whichever is later, except that a noncitizen shall be exempt from the citizenship application requirement if that person is:

(1) unable to either apply for or obtain citizenship due to a medical or physical condition as defined by regulation of the commissioner; or

(2) a child under 18 years of age.

d. An eligible noncitizen may continue to receive program benefits until that person meets the minimum residency requirements provided in federal law to apply for citizenship.

e. A person who is required to apply for citizenship to retain eligibility for the program, but who fails to supply adequate proof to the department, or the agency designated by the department, that he has made timely application for citizenship, shall have his eligibility for the program terminated.

f. A person who applies for citizenship, but who subsequently is determined by the federal Immigration and Naturalization Service to be ineligible for citizenship, except for a noncitizen as described in paragraph (1) of subsection c. of this section, shall have his eligibility for the program terminated at the end of the month in which the 60-day period as provided in subsection c. of this section expires.

C.44:10-83 State payment of county administrative costs.

5. The State shall pay the full amount of each county's administrative costs applicable to households that contain only persons eligible for the

program. These costs shall be determined in accordance with the approved cost allocation plan of the department.

C.44:10-84 Noncitizen federal food stamp recipients not eligible.

6. A noncitizen who is eligible for the federal food stamp program shall not be eligible for the program. A noncitizen who is ineligible for the federal food stamp program, but is eligible for the program, and who subsequently is made eligible for the federal food stamp program due to changes in federal law, shall lose entitlement to benefits under the program upon receipt of benefits under the federal food stamp program.

7. Section 1 of P.L.1993, c.13 (C.2C:20-35) is amended to read as follows:

C.2C:20-35 Definitions.

1. As used in this act:

"ATP card" means a document issued by a State or federal agency, to a certified household, to show the food stamp allotment a household is authorized to receive on presentation.

"Benefit card" means a card used or intended for use to access Work First New Jersey, food stamp or other benefits as determined by the Commissioner of Human Services under the electronic benefit distribution system established pursuant to the "Public Assistance Electronic Benefit Distribution System Act," P.L.1985, c.501 (C.44:10-5.1 et seq.) and continued pursuant to P.L.1997, c.37 (C.44:10-71 et al.).

"Department" means the Department of Human Services.

"Food stamp coupon" means any coupon or stamp used or intended for use in the purchase of food pursuant to the federal food stamp program authorized by Title XIII of the "Food and Agriculture Act of 1977," Pub.L.95-113 (7 U.S.C.s.2011 et seq.), or the New Jersey Supplementary Food Stamp Program established pursuant to P.L.1998, c.32 (C.44:10-79 et al.).

8. Section 2 of P.L.1993, c.13 (C.2C:20-36) is amended to read as follows:

C.2C:20-36 Misuse of food stamp coupons, ATP card, benefit card, value equal or greater than \$150.

2. If the face value of food stamp coupons or an ATP card or benefit card is equal to or greater than \$150, an individual shall be guilty of a crime of the fourth degree if he purposely or knowingly and without authorization:

- a. Receives or uses the proceeds of food stamp coupons or an ATP card or benefit card for which he has not applied or has not been approved by the department to use;
- b. Engages in any transaction to convert food stamp coupons or an ATP card or benefit card to other property contrary to federal and State government rules and regulations governing the Work First New Jersey program, the federal food stamp program, the New Jersey Supplementary Food Stamp Program, or any other program included in the electronic benefit distribution system; or
- c. Transfers food stamp coupons or an ATP card or benefit card to another person who is not lawfully entitled or approved by the department to use the coupons or ATP card or benefit card.

9. Section 3 of P.L.1993, c.13 (C.2C:20-37) is amended to read as follows:

C.2C:20-37 Misuse of food stamp coupons, ATP card, benefit card, value less than \$150.

3. If the face value of food stamp coupons or an ATP card or benefit card is less than \$150, an individual shall be guilty of a disorderly persons offense if he purposely or knowingly and without authorization:

- a. Receives or uses the proceeds of food stamp coupons or an ATP card or benefit card for which he has not applied or has not been approved, by the department, to use;
- b. Engages in any transaction to convert food stamp coupons or an ATP card or benefit card to other property contrary to federal and State government rules and regulations governing the Work First New Jersey program, the federal food stamp program, the New Jersey Supplementary Food Stamp Program, or any other program included in the electronic benefit distribution system; or
- c. Transfers food stamp coupons or an ATP card or benefit card to another person who is not lawfully entitled or approved, by the department, to use the coupons or ATP card or benefit card.

10. Section 5 of P.L.1997, c.37 (C.44:10-75) is amended to read as follows:

C.44:10-75 Implementation of electronic benefit distribution system.

5. a. The department shall implement the electronic benefit distribution system established pursuant to P.L.1985, c.501 (C.44:10-5.1 et seq.) in every county of the State.

b. All cash assistance and food stamp benefits shall be provided through the issuance of a single benefit card utilizing the electronic benefit

distribution system. The commissioner may include additional programs in this system at his discretion.

c. No charge, including a fee imposed by a terminal owner, shall be imposed upon a person receiving cash assistance, food stamp or other benefits for participating in the electronic benefit transfer system, except as follows:

(1) after three free cash automatic teller machine withdrawals in a month, the department may deduct a transaction fee from a recipient's account for each subsequent withdrawal;

(2) a recipient shall be required to pay a fee for a replacement benefit card in an amount to be determined by the commissioner, which may be deducted from the recipient's account as determined by the commissioner, in accordance with federal law; and

(3) in the case of a recipient who elects to receive benefits at a point-of-sale location licensed by the Department of Banking and Insurance pursuant to P.L.1993, c.383 (C.17:15A-30 et seq.), the State shall pay the licensee the difference between the contracted base transaction fee and \$1.00. The provisions of this paragraph shall expire two years after the effective date of the single Statewide electronic benefits distribution contract that is let pursuant to P.L.1997, c.37 (C.44:10-71 et al.).

d. A retail establishment currently authorized to participate in the federal food stamp program, or the New Jersey Supplementary Food Stamp Program established pursuant to P.L.1998, c.32 (C.44:10-79 et al.), shall be afforded the opportunity to participate in the electronic benefit distribution system.

e. The department shall cycle the issuance of cash assistance and food stamp benefits over multiple dates throughout the month in a manner that best serves cash assistance and food stamp recipients within the framework of the electronic benefit distribution system in each county.

f. The commissioner shall have the discretion to determine the need for appropriate benefit card security measures, as well as whatever personal identification technology is included on the benefit card, to access cash assistance, food stamp or other benefits under the electronic benefit distribution system.

g. A county agency shall issue a photo-identification card to each adult recipient as a condition of receiving benefits until implementation of the electronic benefit distribution system in that county agency. Once a county begins to implement the electronic benefit distribution system, the county agency shall no longer be required to issue a photo-identification card to each adult recipient but may continue the issuance of photo-identification cards separate from the benefit cards.

h. Notwithstanding any provisions of law to the contrary, until such time as the electronic benefit distribution system is implemented Statewide, contracts for the provision of food stamp coupons are not subject to the requirements of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.).

C.44:10-85 Rules, regulations.

11. 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.

12. This act shall take effect on July 1, 1998.

Approved June 30, 1998.

CHAPTER 33

AN ACT concerning the "Business Employment Incentive Program" and amending P.L.1996, c.26.

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

1. Section 2 of P.L.1996, c.26 (C.34:1B-125) is amended to read as follows:

C.34:1B-125 Definitions relative to business employment incentives.

2. As used in sections 1 through 17 of this act, unless a different meaning clearly appears from the context:

"Application year" means the grant year for which an eligible partnership submits the information required under section 8 of P.L.1996, c.26 (C.34:1B-131);

"Authority" means the New Jersey Economic Development Authority created pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.);

"Base years" means the first two complete calendar years following the effective date of an agreement;

"Business" means a corporation; sole proprietorship; partnership; corporation that has made an election under Subchapter S of Chapter One of Subtitle A of the Internal Revenue Code of 1986, or any other business entity through which income flows as a distributive share to its owners; limited liability company; nonprofit corporation; or any other form of business organization located either within or outside this State, including

a cooperative association. A grant received under this act by a partnership, Subchapter S-Corporation, or other such business entity shall be apportioned among the persons to whom the income or profit of the partnership, Subchapter S-Corporation, or other entity is distributed, in the same proportions as those in which the income or profit is distributed. "Cooperative association" shall include financial, stock or commodities exchanges;

"Business employment incentive agreement" or "agreement" means the written agreement between the authority and a business proposing a project in this State in accordance with the provisions of this act which establishes the terms and conditions of a grant to be awarded pursuant to this act;

"Department" means the Department of Commerce and Economic Development;

"Director" means the Director of the Division of Taxation;

"Division" means the Division of Taxation in the Department of the Treasury;

"Eligible partnership" means a partnership or limited liability company that is qualified to receive a grant as established in this act;

"Eligible position" is a new full-time position created by a business in New Jersey or transferred from another state by the business under the terms and conditions set forth in this act during the base years or in subsequent years of a grant. In determining if positions are eligible positions, the authority shall give greater consideration to positions that average at least 1.5 times the minimum hourly wage during the term of an agreement authorized pursuant to this act. "Eligible position" also includes all current and future partners or members of a partnership or limited liability company created by a business in New Jersey or transferred from another state by the business pursuant to the conditions set forth in this act during the base years or in subsequent years of a grant;

"Employment incentive" means the amount of a grant determined pursuant to subsection a. of section 6 of this act;

"Estimated tax" means an amount calculated for a partner in an eligible position equal to 6.37% of the lesser of (i) the amount of the partner's net income from the eligible partnership that is sourced to New Jersey as reflected in Column B of the partner's Schedule NJK-1 of the application year less the amount of the partner's net income from the eligible partnership that is sourced to New Jersey as reflected in column B of the partner's Schedule NJK-1 in the foundation year, or (ii) the net of all items of partnership income upon which tax has been paid as reflected on the partner's New Jersey Gross Income Tax return in the application year;

"Foundation year" means the year immediately prior to the creation of the eligible position;

"Full-time employee" means a person who is employed for consideration for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, whose wages are subject to withholding as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., and who is determined by the authority to be employed in a permanent position according to criteria it develops, or who is a partner of an eligible partnership, who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. "Full-time employee" shall not include any person who works as an independent contractor or on a consulting basis for the business;

"Grant" means a business employment incentive grant as established in this act;

"Net income from the eligible partnership" means the net combination of a partner's distributive share of the eligible partnership's income, gain, loss, deduction, or guaranteed payments;

"New employee" means a full-time employee first employed in an eligible position on the project which is the subject of an agreement or who is a partner of an eligible partnership, who works for the partnership for at least 35 hours a week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. An out-of-State resident or a resident of New Jersey who is employed outside New Jersey by the business and whose position is relocated to New Jersey after the execution of the agreement may be classified as a new employee when his position is relocated to New Jersey and his wages are subject to withholding or his distributive share of income, gain, loss or deduction, or his guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.; except that such a New Jersey resident shall not be classified as a "new employee" unless his wages, or his distributive share of income, gain, loss or deduction, or his guaranteed payments, or any combination thereof, prior to the relocation, were subject to income taxes imposed by the state or municipality in which the position was previously located or who is a partner of an eligible partnership, who works for the partnership for at least 35 hours a

week, or who renders any other standard of service generally accepted by custom or practice as full-time employment, and whose distributive share of income, gain, loss or deduction, or whose guaranteed payments, or any combination thereof, is subject to the payment of estimated taxes, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq. "New employee" may also include an employee rehired or called back from a layoff during or following the base years to a vacant position previously held by that employee or to a new position established during or following the base years. "New employee" shall not include any employee who was previously employed in New Jersey by the business or by a related person as defined in section 2 of P.L.1993, c.170 (C.54:10A-5.5) if the employee is transferred to the business which is the subject of an agreement unless the employee's position at his previous employer is filled by a new employee. "New employee" also shall not include a child, grandchild, parent or spouse of an individual associated with the business who has direct or indirect ownership of at least 15% of the profits, capital, or value of the business;

"Partner" means a person who is entitled to either a distributive share of a partnership's income, gain, loss or deduction, or guaranteed payments, or any combination thereof, by virtue of holding an interest in the partnership. "Partner" also includes a person who is a member of a limited liability company which is treated as a partnership, as provided in the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.;

"Schedule NJK-1" means Schedule NJK-1 as the form existed for taxable year 1997;

"Targeted area" means a qualifying municipality as defined in P.L.1978, c.14 (C.52:27D-178); and

"Withholdings" means the amount withheld by a business from the wages of new employees or estimated taxes paid by, or on behalf of, partners that are new employees, or any combination thereof, pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.

2. Section 6 of P.L.1996, c.26 (C.34:1B-129) is amended to read as follows:

C.34:1B-129 Employment incentive grant criteria.

6. a. The amount of the employment incentive awarded as a grant in each case shall be not less than 10% and not more than 80% of the withholdings of the business, or not less than 10% and not more than 50% of the estimated tax of partners of an eligible partnership whether paid directly by the partner or by the eligible partnership on behalf of such partner's account, or any combination thereof, and shall be subject to the provisions of sections 10 and 11 of this act. The employment incentive

shall be based on criteria developed by the authority after considering the following:

- (1) The number of eligible positions to be created;
 - (2) The expected duration of those positions;
 - (3) The type of contribution the business can make to the long-term growth of the State's economy;
 - (4) The amount of other financial assistance the business will receive from the State for the project; and
 - (5) The total dollar investment the business is making in the project.
- b. The term of the grant shall not exceed 10 years.
 - c. At the discretion of the authority, the grant may apply only to new employees or partners in eligible positions created during the base years, or to additional new employees or partners in eligible positions created during the remainder of the term of the grant.

3. Section 10 of P.L.1996, c.26 (C.34:1B-133) is amended to read as follows:

C.34:1B-133 Disbursement conditions.

10. No amount shall be disbursed to a recipient business as a grant under this act in any year until the State Treasurer has certified that the amount of withholdings or estimated taxes of partners, or any combination thereof, received in that year by the division from the business or the partners of the business equals or exceeds the amount of the grant.

4. Section 11 of P.L.1996, c.26 (C.34:1B-134) is amended to read as follows:

C.34:1B-134 Grant limitations.

11. a. A business that is receiving a business relocation grant pursuant to the provisions of P.L.1996, c.25 (C.34:1B-112 et seq.) shall not be eligible to receive a grant under this act except upon the approval of the State Treasurer.

b. A business that is receiving any other grant by operation of State law shall not receive an amount as a grant pursuant to this act which, when combined with such other grants, exceeds the total of 80% of its withholdings or 50% of the estimated tax, or any combination thereof paid, except upon the approval of the State Treasurer. Amounts received as grants from the Office of Customized Training pursuant to the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et seq.) shall be excluded from the calculation of the total amount permitted under this subsection.

5. This act shall take effect immediately.

Approved June 30, 1998.

CHAPTER 34

AN ACT concerning appropriations and supplementing the State annual appropriations act for fiscal year 1998, P.L.1997, c.131, and making an appropriation of State general obligation bond proceeds from the "Stormwater Management and Combined Sewer Overflow Abatement Fund" for grants to local government units pursuant to P.L.1989, c.181.

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

1. In addition to the amounts appropriated under P.L.1997, c.131, there are appropriated the following sums for the purposes specified:

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

13-7025 Institutional Program Support	<u>\$24,303,000</u>
Total Appropriation, System-Wide	
Program Support	<u>\$24,303,000</u>
Special Purpose:	
Increased Operating Costs	(\$24,303,000)
Total Appropriation,	
Department of Corrections	<u>\$24,303,000</u>

From the amount appropriated hereinabove for Increased Operating Costs, such sums as shall be determined by the Commissioner of Corrections shall be transferred to other accounts within the Department of Corrections.

**34 DEPARTMENT OF EDUCATION
30 Educational, Cultural and Intellectual Development
35 Education Administration and Management**

43-5092 Compliance and Auditing	<u>\$285,000</u>
Total Appropriation, Education Administration	
and Management	<u>\$285,000</u>

Additions, Improvements

and Equipment (\$285,000)

Total Appropriation, Department of Education . \$285,000**66 DEPARTMENT OF LAW AND PUBLIC SAFETY*****10 Public Safety and Criminal Justice******18 Juvenile Services******1500 Division of Juvenile Services***34-1500 Juvenile Community Programs \$400,000Total Appropriation, Division of Juvenile Services . \$400,000

Personal Services:

Salaries and Wages (\$400,000)

1505 New Jersey Training School for Boys35-1505 Institutional Control and Supervision \$2,400,000

Total Appropriation, New Jersey Training

School for Boys \$2,400,000

Personal Services:

Salaries and Wages (\$2,400,000)

1510 Juvenile Medium Security Center35-1510 Institutional Control and Supervision \$1,370,000

Total Appropriation, Juvenile Medium

Security Center \$1,370,000

Personal Services:

Salaries and Wages (\$1,200,000)

Materials and Supplies (170,000)

Total Appropriation, Department of Law

and Public Safety \$4,170,000**78 DEPARTMENT OF TRANSPORTATION*****10 Public Safety and Criminal Justice******11 Vehicular Safety***01-6400 Motor Vehicle Services \$7,550,000Total Appropriation, Vehicular Safety \$7,550,000

Personal Services:

Salaries and Wages (\$6,200,000)

Special Purpose:

800 Line Telephone Service (750,000)

Additions, Improvements

and Equipment (600,000)

60 Transportation Programs**61 State Highway Facilities**06-6100 Maintenance and Operations \$5,050,000Total Appropriation, State Highway Facilities . . . \$5,050,000

Personal Services:

Salaries and Wages (\$5,050,000)

64 Regulation and General Management99-6000 Management and Administration \$1,000,000

Total Appropriation, Regulation and

General Management \$1,000,000

Personal Services:

Salaries and Wages (\$1,000,000)

Total Appropriation, Department

of Transportation \$13,600,000**94 INTER-DEPARTMENTAL ACCOUNTS****70 Government Direction, Management and Control****74 General Government Services**01-9400 Property Rentals \$2,200,000

Total Appropriation, General

Government Services. \$2,200,000

Property Rentals (\$2,200,000)

Total Appropriation, Inter-Departmental

Accounts \$2,200,000Total Appropriation, Direct State Services \$44,558,000**GRANTS-IN-AID****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 \$19,762,000

Total Appropriation, System-Wide

Program Support \$19,762,000

Grants:

Purchase of Services for Inmates

Incarcerated In County Penal

Facilities (\$18,667,000)

Purchase of Community Services (1,095,000)

Total Appropriation, Department

of Corrections \$19,762,000Total Appropriation, Grants-In-Aid \$19,762,000

STATE AID**26 DEPARTMENT OF COMMUNITY AFFAIRS*****40 Community Development and Environmental Management******41 Community Development Management***04-8030 Local Government Services \$32,000,000

Total Appropriation, Community

Development Management \$32,000,000

State Aid:

Special Aid to Jersey City (\$10,000,000)

Special Aid to the City

of Paterson (7,000,000)

Special Aid to the City

of Camden (15,000,000)

Total Appropriation, Department of

Community Affairs \$32,000,000**34 DEPARTMENT OF EDUCATION*****30 Educational, Cultural and Intellectual Development******31 Direct Educational Services and Assistance******5120 Division of School Finance and Regulatory Services***03-5120 Miscellaneous Grants-In-Aid \$2,150,000

Total Appropriation, Direct Educational

Services and Assistance \$2,150,000

State Aid:

Payments for Institutionalized

Children - Unknown District

of Residence (\$2,150,000)

Total Appropriation, Department of Education . . \$2,150,000Total Appropriations, State Aid \$34,150,000Total Appropriation, General Fund \$98,470,000**PROPERTY TAX RELIEF FUND****STATE AID****34 DEPARTMENT OF EDUCATION*****30 Educational, Cultural and Intellectual Development******31 Direct Educational Services and Assistance******5120 Division of School Finance and Regulatory Services***01-5120 General Formula Aid \$1,433,932

Total Appropriation, Direct Educational

Services and Assistance \$1,433,932

State Aid:

Core Curriculum Standards Aid . . (\$243,613)

County Special Services
 Tuition Stabilization (1,190,319)
 Total Appropriation, Department of Education . . \$1,433,932

82 DEPARTMENT OF THE TREASURY

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid

34-2078 Reimbursement -- Senior Citizens
 and Veterans \$5,500,000
 Total Appropriation, State Subsidies and
 Financial Aid \$5,500,000

State Aid:

State Reimbursements for
 Veterans' Property
 Tax Exemptions (\$5,500,000)
 Total Appropriation, Department of the Treasury: \$5,500,000
 Total Appropriation, Property Tax Relief Fund . . \$6,933,932
 Total Appropriation, All State Funds \$105,403,932

FEDERAL FUNDS

67 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

40-3620 New Jersey National Guard Support Services . \$579,254
 Total Appropriation, Military Services \$579,254
Special Purpose:
 New Jersey Challenge
 Youth Program (\$579,254)
 Total Appropriation, Department of
 Military and Veteran Affairs \$579,254
 Total Appropriation, Federal Funds \$579,254

2. There is appropriated from the "Stormwater Management and Combined Sewer Overflow Abatement Fund," created pursuant to section 14 of the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989," P.L.1989, c.181, to the Department of Environmental Protection the sum of \$15,000,000 for the purpose of providing grants to local government units for financing the cost of the planning and design of combined sewer overflow abatement projects, as follows:

LOCAL GOVERNMENT UNIT**GRANT
AWARD**

Passaic Valley Sewerage Commissioners,
Passaic River / Newark Bay Restoration Program

\$15,000,000

a. The Passaic Valley Sewerage Commissioners are authorized, pursuant to the provisions of R.S.58:14-1 et seq., to collect, treat and dispose of sewage for contracting municipalities located within the Passaic Valley Sewerage District. The contracting municipalities comprising the Passaic Valley Sewerage District are located in parts of Bergen, Essex, Hudson, Passaic and Union counties.

b. Any transfer of any funds or project sponsor listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

c. The Department of Environmental Protection may apply the provisions of the "Sewage Infrastructure Improvement Act," P.L.1988, c.90 (C.58:25-23 et seq.), and any rules or regulations adopted pursuant thereto, as appropriate, in awarding the grants authorized pursuant to this section.

d. Subject to the approval of the Joint Budget Oversight Committee or its successor, the Commissioner of Environmental Protection may reduce the amount of any grant awarded pursuant to this section based upon final allowable project cost determined in accordance with rules and regulations adopted pursuant to the "Sewage Infrastructure Improvement Act," P.L.1988, c.90 (C.58:25-23 et seq.).

e. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1989, c.181, as amended by P.L.1997, c.225.

Total Appropriation, Bond Funds \$15,000,000

3. This act shall take effect immediately.

Approved June 30, 1998.

CHAPTER 35

AN ACT prohibiting smoking in child care centers and amending and supplementing P.L.1983, c.492 (C.30:5B-1 et seq.).

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

C.30:5B-5.3 Findings, declarations relative to smoking in child care centers.

1. a. The Legislature finds and declares that the resolution of the conflict between the right of the smoker to smoke and the right of the nonsmoker to breathe clean air involves a determination of when and where, rather than whether, a smoker may legally smoke. It is not the public policy of this State to deny anyone the right to smoke. However, the Legislature finds that in those areas affected by this act the right of children and nonsmoking employees to breathe clean air should supersede the right of the smoker to smoke. The purpose of this act, therefore, is to prohibit smoking in child care centers.

b. Smoking is prohibited in an indoor area of a child care center when children are present, and in all vehicles when used for center-sponsored transportation. In addition, smoking is prohibited in an indoor area of a child care center even when children are not present unless that area is separately ventilated to the outside. These prohibitions shall be so indicated by the sponsor or other person who has control of the child care center with a sign containing lettering not less than one inch in height stating "Smoking Prohibited" or "Smoking Prohibited When Children Are Present," as appropriate, or designated by the "Smoking Prohibited" international symbol. The letters or symbol shall contrast in color with the sign. Every sign required by this section shall be located so as to be clearly visible to employees of the child care center and the public.

For the purposes of this section "smoking" means the burning of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco.

2. Section 9 of P.L.1983, c.492 (C.30:5B-9) is amended to read as follows:

C.30:5B-9 Denial, suspension, revocation or refusal to renew license.

9. The department may deny, suspend, revoke or refuse to renew a license for good cause, including, but not limited to:

- a. Failure of a child care center or its sponsor to comply with the provisions of this act;
- b. Violation of the terms and conditions of a license by a child care center or its sponsor;
- c. Use of fraud or misrepresentation by a child care center or its sponsor in obtaining a license or in the subsequent operation of the center;
- d. Refusal by a center or its sponsor to furnish the department with required files, reports or records;
- e. Refusal by a center or its sponsor to permit an inspection by an authorized representative of the department during normal operating hours;

f. Any conduct, engaged in or permitted, which adversely affects or presents a serious hazard to the education, health, safety and general well-being and physical and intellectual development of a child attending the child care center, or which otherwise demonstrates unfitness to operate a child care center;

g. Failure to provide a developmental or age-appropriate program that meets the physical, social, emotional and cognitive needs of the children in the center as set forth by regulation; or

h. Failure of a child care center or its sponsor to comply with the provisions of section 1 of P.L.1998, c.35 (C.30:5B-5.3).

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

Approved June 30, 1998.

CHAPTER 36

AN ACT concerning skateboarding and roller skating, 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.39:4-10.10a Regulation of skateboarding, roller skating; "roller skates" defined.

1. The governing body of any municipality may, by ordinance, regulate the operation of skateboards and roller skates upon the roadways and public properties under municipal jurisdiction; provided, however, that no such ordinance shall:

a. absolve any person operating roller skates or a skateboard upon a permitted roadway of any of the duties applicable to the operator of a bicycle pursuant to Article 3 of chapter 4 of Title 39 of the Revised Statutes and all supplements thereto, except as to those provisions thereof which by their nature can have no application; or

b. prohibit any person from operating a skateboard upon any public roadway, except those specifically designated by ordinance .

For the purpose of this section, "roller skates" means a pair of devices worn on the feet with a set of wheels attached, regardless of the number or placement of those wheels, and used to glide or propel the user over the ground.

C.39:4-10.10b Accommodation of roller skates, skateboards not required.

2. Nothing in P.L.1998, c.36 (C.39:4-10.10a et seq.) or in P.L.1997, c.411 (C.39:4-10.5 et al.) shall obligate the Commissioner of Transportation to in any way maintain, plan, design or construct roadways to accommodate the operation of roller skates or skateboards.

3. This act shall take effect immediately.

Approved June 30, 1998.

CHAPTER 37

AN ACT concerning hospital charity care and amending P.L.1992, c.160 and P.L.1996, c.28.

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

1. Section 8 of P.L.1992, c.160 (C.26:2H-18.58) is amended to read as follows:

C.26:2H-18.58 Health Care Subsidy Fund.

8. There is established the Health Care Subsidy Fund in the Department of Health and Senior Services.

a. The fund shall be comprised of revenues from employee and employer contributions made pursuant to section 29 of P.L.1992, c.160 (C.43:21-7b), revenues from the hospital assessment made pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62), revenues pursuant to section 11 of P.L.1996, c.28 (C.26:2H-18.58c), revenues from interest and penalties collected pursuant to this act and revenues from such other sources as the Legislature shall determine. Interest earned on the monies in the fund shall be credited to the fund. The fund shall be a nonlapsing fund dedicated for use by the State to: (1) distribute charity care and other uncompensated care disproportionate share payments to hospitals, and other eligible providers pursuant to section 8 of P.L.1996, c.28 (C.26:2H-18.59f), provide subsidies for the Health Access New Jersey program established pursuant to section 15 of P.L.1992, c.160 (C.26:2H-18.65), and provide funding for children's health care coverage pursuant to P.L.1997, c.272 (C.30:4I-1 et seq.); and (2) assist hospitals and other health care facilities in the underwriting of innovative and necessary health care services.

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 reimbursement of fund monies. The administrator is responsible for promptly informing the commissioner if monies are not or are not reasonably expected to be collected or disbursed.

c. The commissioner shall adopt rules and regulations to ensure the integrity of the fund, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

d. The administrator shall establish separate accounts for the charity care component of the disproportionate share hospital subsidy, other uncompensated care component of the disproportionate share hospital subsidy, hospital and other health care initiatives funding and the payments for subsidies for insurance premiums to provide care in disproportionate share hospitals, known as the Health Access New Jersey subsidy account, respectively.

e. In the event that the charity care component of the disproportionate share hospital subsidy account has a surplus in a given year after payments are distributed pursuant to the methodology established in section 13 of P.L.1995, c.133 (C.26:2H-18.59b) and section 7 of P.L.1996, c.28 (C.26:2H-18.59e) and within the limitations provided in subsection e. of section 9 of P.L.1992, c.160 (C.26:2H-18.59), the surplus monies in calendar years 1996 and 1997 shall lapse to the unemployment compensation fund established pursuant to R.S.43:21-9, and each year thereafter shall lapse to the charity care component of the disproportionate share hospital subsidy account for distribution in subsequent years.

2. Section 8 of P.L.1996, c.28 (C.26:2H-18.59f) is amended to read as follows:

C.26:2H-18.59f Implementation of demonstration health care program for low income residents.

8. The Commissioner of Human Services, in consultation with the Commissioner of Health and Senior Services and the State Treasurer, may pursue any necessary waivers from the federal Department of Health and Human Services in order to implement, within a single region or county of the State designated by the Commissioner of Human Services in consultation with the Commissioner of Health and Senior Services and the State Treasurer, which may be limited to designated hospitals within that region, a demonstration health care program to provide low income residents of that region or county who qualify pursuant to section 10 of P.L.1992, c.160 (C.26:2H-18.60), with eligible charity care services on a managed care basis. The program shall be implemented by the Commissioner of Health

and Senior Services in consultation with the Commissioner of Human Services and the State Treasurer.

a. The demonstration program shall be administered by a program administrator under contract with the State Treasurer pursuant to this section and shall operate for a two-year period. For the purposes of this section, program administrator may include, but not be limited to, an acute care hospital which receives charity care reimbursements or a health maintenance organization.

b. The Commissioner of Health and Senior Services, in consultation with the Commissioner of Human Services and the State Treasurer, shall, within 30 days after approval of the federal waiver, and at appropriate intervals thereafter, solicit proposals from entities in the State interested in administering the demonstration program.

c. The contract shall include, but not be limited to, provisions for:

(1) providing charity care services on a managed care basis as specified by the Commissioner of Health and Senior Services, in consultation with the Commissioner of Human Services and the State Treasurer. An administrator shall be responsible for determining the most appropriate and cost-effective means of providing the health care services required by an eligible person and for directing the person to that means for receipt of the services;

(2) the determination of eligibility criteria for health care providers who choose to participate in the demonstration program;

(3) a methodology established by the Commissioner of Health and Senior Services for reimbursement of participating hospitals and other health care providers;

(4) the development and use of a uniform method for determining eligibility of residents of the designated region or county for health care services under the demonstration program; and

(5) the submission of quarterly reports to the Department of Health and Senior Services and the Department of the Treasury, in a form and manner required by the department, detailing expenditures of health care funds in the demonstration program.

The contract shall also provide that provider participation in the demonstration program shall ensure the maximum receipt by the State of federal disproportionate share monies pursuant to Pub.L.89-97 (42 U.S.C.s.1396a et seq.) and Pub.L.102-234.

d. The Commissioner of Health and Senior Services shall report 12 months after the contract with the administrator or administrators is entered into by the State Treasurer and upon the conclusion of the demonstration program to the standing reference committees on health and appropriations of the Senate and General Assembly and the Governor on:

(1) expenditures related to the provision of health care services on a managed care basis, the number of persons served, the types of services provided, the hospitals participating in the demonstration program, the number and types of other health care providers participating in the demonstration program and such other information as may be required by the Legislature;

(2) the effectiveness of the demonstration program in containing or reducing costs for providing health care services to qualified low income residents of the designated region or county; and

(3) recommendations developed in consultation with the Commissioner of Human Services and the State Treasurer concerning additional cost containment actions that may be adopted for the provision of health care services to qualified low income persons, including, but not limited to, expansion of the demonstration program to encompass other regions or counties within the State.

e. Nothing in this section shall be construed to expand covered health care services provided under the demonstration program to include services not covered by the charity care program in effect on the effective date of P.L.1996, c.28.

f. The implementation of the demonstration program pursuant to this section or other subsidies for charity care that affect the Medicaid State plan shall be contingent upon receipt of federal approvals that assure continuation of an acceptable level of federal Medicaid matching funds, including disproportionate share monies, as determined by the Director of the Division of Medical Assistance and Health Services in the Department of Human Services and the Director of the Division of Budget and Accounting in the Department of the Treasury.

3. Section 9 of P.L.1996, c.28 (C.26:2H-18.59g) is amended to read as follows:

C.26:2H-18.59g Establishment of technology infrastructure to support the provision of charity care.

9. The Commissioner of Health and Senior Services, in consultation with the State Treasurer, shall establish a technology infrastructure to support the provision of charity care pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.).

The State Treasurer, in consultation with the Commissioners of Health and Senior Services and Human Services may, if deemed to be in the State's best interests, include system features and provisions in the technology infrastructure to satisfy the requirements of multiple programs and purposes, including, but not limited to, programs such as, Medicaid, food stamps,

public assistance, and purposes such as the exchange and consolidation of health care information permitted by law, eligibility and identity verification, claims processing, the use of electronic patient identification technology and electronic data interchange.

4. Section 11 of P.L.1996, c.28 (C.26:2H-18.58c) is amended to read as follows:

C.26:2H-18.58c Funding of Health Care Subsidy Fund.

11. a. The Health Care Subsidy Fund shall be funded with \$15 million in General Fund revenues in calendar year 1996 and \$41 million in General Fund revenues in calendar year 1997 and \$42.9 million in General Fund revenues for the period January 1, 1998 through June 30, 1998.

b. The Health Care Subsidy Fund shall be supported with revenues derived from efficiencies achieved by State use of an electronic data interchange system for health care claims and related information, in amounts necessary to provide funding for the provision of charity care pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.).

5. a. There is established a Managed Care Task Force to study and make recommendations concerning the implementation of a program to provide low income residents of the State who qualify pursuant to section 10 of P.L.1992, c.160 (C.26:2H-18.60), with eligible charity care services on a managed care basis. The task force shall also study the use and development of electronic patient identification technology and electronic data exchange to support a program providing charity care services on a managed care basis.

The task force shall consist of 13 members as follows: the State Treasurer, or his designee, who shall serve ex officio; the Commissioner of Health and Senior Services, or his designee, who shall serve ex officio; two members of the Senate to be appointed by the President of the Senate and who shall each be of different political parties; two public members, one of whom shall represent an acute care hospital in the State, to be appointed by the President of the Senate; two members of the General Assembly to be appointed by the Speaker of the General Assembly and who shall each be of different political parties; two public members, one of whom shall represent an acute care hospital in the State, to be appointed by the Speaker of the General Assembly; one representative of the New Jersey Hospital Association; and two public members, one of whom shall represent an acute care hospital in the State, to be appointed by the Governor.

b. The task force shall organize as soon as practicable following the appointment of its members and shall select a chairperson from among the

members. The chairperson shall appoint a secretary who need not be a member of the task force. Vacancies in the membership shall be filled in the same manner as the original appointments were made.

c. The members of the task force shall serve without compensation but shall be entitled to reimbursement for reasonable expenses incurred in the performance of their duties.

d. The Department of the Treasury shall supply the task force with such personnel and resources as it requires to carry out its duties.

e. The task force shall report its findings and recommendations to the Governor and the standing legislative reference committees on budget and appropriations no later than 18 months after the date of organization of the task force.

6. This act shall take effect immediately.

Approved June 30, 1998.

CHAPTER 38

AN ACT concerning the salary of the Director and Deputy Director of the Division of Investment in the Department of the Treasury, authorizing the appointment of deputy directors, and amending P.L.1974, c.55, P.L.1950, c.270, and P.L.1974, c.36.

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

1. Section 2 of P.L.1974, c.55 (C.52:14-15.108) is amended to read as follows:

C.52:14-15.108 Salary ranges for departmental officers, directors.

2. The salary ranges for the following positions shall be as established by the Department of Personnel with the approval of the Director, Division of Budget and Accounting. The salary rate for any such position shall be the salary step in such range next above the salary currently being paid; provided, however, that any sums appropriated for salaries may be made available for salary adjustments therein arising from various exigencies of the State service and for normal merit salary increments as the Commissioner of Personnel, the State Treasurer and the Director of the Division of Budget and Accounting shall determine; and provided, further, that nothing

in this act shall reduce the salary rate for any such position below that which is being paid on the effective date of this act:

- Personnel Department
- Chief Examiner and Secretary
- Community Affairs Department
- Assistant Commissioner of Community Affairs
- Director, Division of State and Regional Planning
- Director, Division of Local Government Services
- Director, Division of Housing and Urban Renewal
- Director, Office of Aging Programs
- Director, Office on Women
- Environmental Protection Department
- Director, Division of Water Resources
- Director, Division of Parks and Forestry
- Director of Fish, Game and Shell Fisheries
- Director, Division of Marine Services
- Director, Division of Environmental Quality
- Health and Senior Services Department
- Director, Division, of Narcotic and Drug Abuse Control
- Corrections Department
- Chairman, State Parole Board
- Associate Member, State Parole Board
- Public Defender
- Labor Department
- Director, Workplace Standards
- Law and Public Safety Department
- Colonel and Superintendent, State Police
- Director, Division of Motor Vehicles
- State Medical Examiner
- Director, Division of Alcoholic Beverage Control
- State Superintendent of Weights and Measures
- Public Utilities Department
- Director, Office of Cable Television
- Executive Director, Public Broadcasting
- State Department
- Director, Division of Administrative Procedure
- Transportation Department
- Assistant Commissioner for Highways
- Assistant Commissioner for Public Transportation
- Treasury Department
- Director, Division of Budget and Accounting
- Director, Division of Taxation

Director, Division of Purchase and Property
Director, Division of Pensions and Benefits
Director, Division of State Lottery.

2. Section 6 of P.L.1950, c.270 (C.52:18A-84) is amended to read as follows:

C.52:18A-84 Director of Division of Investment.

6. The Division of Investment established hereunder shall be under the immediate supervision and direction of a director, who shall be a person qualified by training and experience to direct the work of such division. The director of such division shall be appointed by the State Treasurer from a list of one or more persons qualified for such office and submitted to the State Treasurer by the State Investment Council; provided, that the State Treasurer may require the submission of an additional list or lists. Each list so submitted by the council shall also contain the qualifications of each person whose name appears thereon who shall be certified by the council to the State Treasurer as qualified for the office of director of such division. The detailed qualifications of each person so named by the council shall be contained in such certification.

Any director so appointed shall serve without term but may be removed from office (a) by the State Treasurer, for cause, upon notice and opportunity to be heard at a public hearing, or (b) by the State Investment Council, if seven or more members thereof shall vote for such director's removal from office.

Any vacancy occurring in the office of the Director of the Division of Investment shall be filled in the same manner as the original appointment.

The director of said division shall devote his entire time and attention to the duties of his office and shall not be engaged in any other occupation or profession. Notwithstanding any other provision of law to the contrary, the State Treasurer shall determine the salary of the director the amount of which shall not exceed \$200,000.

3. Section 1 of P.L.1974, c.36 (C.52:18A-84.1) is amended to read as follows:

C.52:18A-84.1 Deputy Directors of Division of Investment.

1. The State Treasurer shall, whenever he shall deem the same necessary, designate no more than two Deputy Directors of the Division of Investment, who shall be a person or persons qualified by training and experience to undertake such an office, and who shall serve as deputy director unless and until disapproved in writing by the State Investment Council. A second deputy director shall be designated only under the

conditions set forth in this section. The State Treasurer's designation shall be in writing and shall be filed with the Secretary of State. The State Treasurer may at any time change or cancel one or both designations, which change or cancellation shall be in writing and shall be filed with the Secretary of State.

A Deputy Director of the Division of Investment shall have and exercise such of the powers and perform such of the functions and duties of the director as the director shall authorize and direct. Any such authorization and direction shall be in writing, signed by the State Treasurer and by the Director of the Division of Investment, and filed with the Secretary of State, and shall include a designation of the period during which it shall be and remain in force. No such authorization and direction shall be deemed to preclude the director himself from exercising the powers and the performance of the duties included in said authorization and direction. In the event that a vacancy occurs in the office of the director for any cause whatsoever, the person then holding the office of deputy director shall continue to hold such office and shall exercise the powers and perform the functions and duties of the director until the successor to the director shall be appointed and shall qualify.

The State Treasurer may designate a second deputy director of the division for a period not to exceed six months in anticipation of a vacancy in the director's position provided that the person so designated shall be the person the State Treasurer shall appoint as the Director of the Division of Investment pursuant to section 6 of P.L. 1950, c.270 (C.52:18A-84) within or at the conclusion of the six-month period.

Notwithstanding any other provision of law to the contrary, the State Treasurer shall determine the salary for the position of deputy director the amount of which shall not exceed 95% of the salary of the director.

4. This act shall take effect immediately

Approved June 30, 1998.

CHAPTER 39

AN ACT authorizing the sale, assignment and transfer of State tax indebtedness and lien, supplementing chapter 50 of Title 54 of the Revised Statutes.

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

C.54:50-29 Authority to sell, transfer, assign right, title, interest in State tax indebtedness, taxpayer rights.

1. a. The State Treasurer shall have the authority to sell, transfer or assign all right, title and interest in any State tax indebtedness and lien represented by any certificate of debt including any statutory fee for the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1), issued pursuant to R.S.54:49-12 to any person for a fair, adequate and reasonable consideration; provided however, that the underlying State tax indebtedness and lien represented by the certificate is fixed and constitutes a final determination of the Director of the Division of Taxation not subject to protest or appeal pursuant to the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

b. After a sale pursuant to this section and for the purpose of the proper administration of this section and to prevent untimely protests or appeals of the underlying tax indebtedness, it shall be presumed that the tax indebtedness is fixed and constitutes a final determination of the director not subject to protest or appeal unless the taxpayer or the taxpayer's authorized representative can establish by clear and convincing evidence that the contrary is true. If the taxpayer contests the underlying tax indebtedness after the sale, transfer or assignment of the State tax indebtedness and lien represented by any certificate of debt, then the taxpayer shall first file a protest with the director pursuant to R.S.54:49-18 before bringing an appeal to the tax court pursuant to chapter 51A of Title 54 of the Revised Statutes; provided however, that the director shall be joined as the primary party in interest with the person to whom the State tax indebtedness and lien has been sold, transferred or assigned in any action or proceeding brought to challenge the underlying tax indebtedness. The director shall advise by written notice the clerk of the court which has entered the certificate on its record of docketed judgments that the sale, transfer or assignment has been made in the name and address of the purchaser. Thereupon, the clerk shall, without cost, enter a notation of the sale and the name and address of the purchaser in the record of docketed judgments. This written notice shall also be given by the director to the taxpayer in accordance with R.S.54:50-6.

C.54:50-30 Sale, transfer, assignment to highest bidder.

2. All sales, transfers or assignments of indebtedness and liens represented by certificates of debt shall be to the highest bidder after public advertisement for bids therefor. Specifications and invitations for bids shall permit such full and free competition as is consistent with what will be most advantageous to the State based upon a present value analysis taking into account the likelihood of the State collecting the indebtedness within a reasonable time and other factors as the State Treasurer may determine.

Notice for bids shall be in such manner selected by the State Treasurer as will best give notice thereof to bidders and shall be sufficiently in advance of the sales, transfers or assignment to promote competitive bidding. Any or all bids may be rejected if the State Treasurer determines that it is in the public interest to do so.

C.54:50-31 Entitlement to remedies.

3. The purchaser, transferee or assignee of any State tax indebtedness and lien represented by a certificate of debt shall be entitled to exercise all the remedies and may take all of the proceedings for the collection of the indebtedness represented by the certificate that are available pursuant to the laws of this State to any judgment creditor, and shall be entitled to the same priority as the State may have respecting the certificate and underlying indebtedness and lien. Interest shall accrue at the rate provided by R.S.54:49-3.

C.54:50-32 Provision of taxpayer information, confidentiality.

4. Notwithstanding the provisions of subsection a. of R.S.54:50-8 to the contrary, the Director of the Division of Taxation may provide the purchaser, transferee or assignee of the indebtedness and lien represented by the certificate of debt such taxpayer information as is necessary for the purchaser to collect the indebtedness represented by the certificate, provided that such disclosure is not contrary to the provisions of subsection (a) of section 26 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.6103 or other State or federal law. Such purchaser, transferee or assignee and its employees shall be specifically subject to the confidentiality provisions of R.S.54:50-8; and the purchaser shall furnish the director with the affidavit of each of its principals and employees in which each such principal and employee shall acknowledge receipt of a copy of the confidentiality provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., understanding of the obligation to maintain, and agreement to maintain, the confidentiality of taxpayer information, and awareness that violation of the confidentiality provisions is punishable by law.

C.54:50-33 Warrant of satisfaction.

5. The purchaser, transferee or assignee of the indebtedness and lien represented by the certificate of debt shall promptly file any warrant of satisfaction with the clerk, and such warrant of satisfaction shall be recorded in the office of any recording officer in which such certificate has been filed.

C.54:50-34 Deposit of proceeds.

6. All proceeds received by the State Treasurer from the sale, transfer or assignment of State tax indebtedness and lien represented by certificates of debt pursuant to sections 1 through 5 of P.L.1998, c.39 (C.54:50-29 through C.54:50-33) shall be deposited in the designated fund, if any, as may be provided by law for deposit of the proceeds collected pursuant to the State tax under which the indebtedness arises, including but not limited to the indebtedness pursuant to the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., the proceeds of which sale, transfer or assignment of indebtedness and lien shall be deposited to the Property Tax Relief Fund established pursuant to N.J.S.54A:9-25.

C.54:50-35 Authority of director.

7. The Director of the Division of Taxation is authorized to promulgate regulations and take other necessary or useful measures for the purpose of efficiently administering sections 1 through 6 of this act, securing the largest possible revenue for the State, ensuring the integrity of the collection program and assuring fairness to taxpayers.

C.54:50-36 Immunity from damages.

8. Under no circumstances shall any purchaser, transferee, or designee have any legal recourse against the State or its officers or employees for any damages of any sort whatsoever that might arise on account of or in connection with any sale, transfer or assignment made or proposed to be made pursuant to the provisions of sections 1 through 7 of P.L.1998, c.39 (C.54:50-29 through C.54:50-35).

9. This act shall take effect immediately.

Approved June 30, 1998.

CHAPTER 40

AN ACT establishing an assessment on intermediate care facilities for the mentally retarded and supplementing Title 30 of the Revised Statutes.

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

C.30:6D-43 Short title.

1. This act shall be known and may be cited as the "Division of Developmental Disabilities Community Placement and Services Assessment Act."

C.30:6D-44 Findings, declarations relative to assessment on intermediate care facilities.

2. The Legislature finds and declares that:

a. It is in the public interest to generate revenue to be used by the Division of Developmental Disabilities in the Department of Human Services to reduce the number of disabled persons awaiting placement in a community residence or program; and

b. By establishing an appropriate assessment on intermediate care facilities for the mentally retarded, to the extent possible under federal law, additional funding will be available for more placements of disabled persons in community residences or programs.

C.30:6D-45 Definitions relative to assessment on intermediate care facilities.

3. As used in this act:

"Commissioner" means the Commissioner of Human Services.

"Gross revenue" means all revenue received by an ICF-MR from patients or third parties, including, but not limited to, persons, Medicaid and other payers related to patient services.

"Intermediate care facility for the mentally retarded" or "ICF-MR" means any institution licensed by the Department of Health and Senior Services as an ICF-MR or operated by the Department of Human Services as a certified ICF-MR.

"Medicaid" means the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

C.30:6D-46 Payment of annual assessment.

4. Beginning July 1, 1998, all ICF-MRs in the State shall annually pay an assessment of 5.8% annually of gross revenue. This assessment shall be paid on a quarterly basis to the Director of the Division of Revenue in the Department of the Treasury. The Director of the Division of Revenue, in consultation with the Director of the Division of Taxation in the Department of the Treasury, shall establish appropriate procedures and forms for the purpose of collecting and recording this assessment. The provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq. shall apply to the extent that its provisions, including the confidentiality, protest and appeal provisions, are not inconsistent with the provisions of this act.

C.30:6D-47 Submission of gross revenue reports.

5. An ICF-MR shall submit appropriate gross revenue reports to the Director of the Division of Revenue on a quarterly basis. The Director of

the Division of Revenue shall develop procedures, forms and appropriate time lines for an ICF-MR to follow in making its reports.

C.30:6D-48 Failure to pay assessment; penalty.

6. An ICF-MR that fails to pay the assessment imposed under this act when due, shall be liable to a penalty of 10% on the amount of the underpayment of the assessment. In addition, the ICF-MR shall pay interest at the rate of 6% per month on the amount of the underpayment of the assessment and the interest shall continue to accrue on the unpaid balance of principal assessment due until the date of the actual payment.

C.30:6D-49 Set-off of reimbursement payment.

7. If an ICF-MR fails to pay an assessment for two or more quarters, the Director of the Division of Revenue shall seek to set off so much of the Medicaid reimbursement payment which is due the ICF-MR as is necessary to satisfy the indebtedness. The Director of the Division of Revenue, in consultation with the Director of the Division of Taxation and the Department of Human Services, shall establish procedures and methods to effect the set-off. The Director of the Division of Taxation shall give notice to the ICF-MR and provide the opportunity for a hearing pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), but no request for a hearing or any subsequent appeal shall stay the collection of the indebtedness, nor shall any protest or appeal provided for in section 4 of this act stay such collection. No Medicaid reimbursement payment shall be made to the ICF-MR pending resolution of the indebtedness. Neither the State Treasurer nor any other State agency, official or employee shall be held liable to the ICF-MR for any damages sustained by the ICF-MR resulting from the set-off provided for in this section.

C.30:6D-50 Assessment considered allowable cost for Medicaid reimbursement.

8. Excluding any interest and penalty, the assessment imposed by this act shall be considered an allowable cost for Medicaid reimbursement purposes.

C.30:6D-51 Division of Development Disabilities Community Placement and Services Fund.

9. a. The State Treasurer shall establish the Division of Developmental Disabilities Community Placement and Services Fund in the Department of the Treasury. All monies collected from the assessments set forth in this act shall be deposited in this fund. Subject to appropriation by the Legislature, the monies in this fund shall be transferred to the Department of Human Services in full to be used for reducing the Division of Developmental Disabilities' waiting list, making appropriate community placements and providing support services. The fund shall not be used to supplant

appropriations from the General Fund to the Department of Human Services for use in making community placements.

b. The State Treasurer shall issue a quarterly report concerning the status of collections to the commissioner.

C.30:6D-52 Portions of act severable.

10. If any part of this act is found by a court of competent jurisdiction to be invalid, unconstitutional, or otherwise in violation of federal law or regulations, that portion of the act shall be of no force and effect, and all other portions of the act shall be in full force and effect so long as the remaining portion of the act continues to be in compliance with federal law.

C.30:6D-53 Nullification.

11. If the federal government alters the law to prohibit the use of provider assessments to generate a matching amount from Medicaid, this act shall be nullified.

C.30:6D-54 Imposition of health care related fee, assessment, tax prohibited.

12. Notwithstanding any provision of law to the contrary, there shall be no health care related fee, assessment or tax as defined in 42 CFR s.433.55 imposed on any ICF-MR by any State board, bureau or agency without prior notice to and approval by the State Treasurer and the commissioner. Any fee or assessment imposed on an ICF-MR without express approval of the State Treasurer and the commissioner shall be void.

C.30:6D-55 Rules, regulations.

13. The State Treasurer, 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 and to comply with the requirements of Pub.L.104-193; except that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the State Treasurer may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the State Treasurer deems necessary to implement the provisions of this act, which shall be effective for a period not to exceed six months and may thereafter be amended, adopted or re-adopted in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

14. This act shall take effect on July 1, 1998.

Approved June 30, 1998.

CHAPTER 41

AN ACT establishing the Drug Utilization Review Board for State pharmaceutical benefits programs, amending and supplementing P.L.1993, c.16, and making an appropriation.

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

1. Section 1 of P.L.1993, c.16 (C.30:4D-17.16) is amended to read as follows:

C.30:4D-17.16 Definitions.

1. As used in this act:

"Beneficiary" means a person participating in a State pharmaceutical benefits program.

"Board" means the Drug Utilization Review Board established pursuant to section 2 of P.L.1998, c.41 (C.30:4D-17.17a) in connection with State pharmaceutical benefits programs.

"Compendia" means those resources widely accepted by the medical profession in the efficacious use of drugs which is based on, but not limited to, these sources: the "American Hospital Formulary Services Drug Information," the "U.S. Pharmacopeia-Drug Information," the "American Medical Association Drug Evaluations," and the peer-reviewed medical literature, and information provided from the manufacturers of drug products.

"Criteria" means those explicit and predetermined elements that are used to assess or measure drug use on an ongoing basis to determine if the use is appropriate, medically necessary, and not likely to result in adverse medical outcomes.

"Department" means the Department of Human Services.

"Drug interactions" means the occurrence when two or more drugs taken by a recipient lead to clinically significant toxicity that is characteristic of one or any of the drugs present or that leads to the interference with the effectiveness of one or any of the drugs.

"Drug-disease contraindication" means the occurrence when the therapeutic effect of a drug is adversely altered by the presence of another disease or condition.

"Intervention" means a form of educational communication utilized by the board with a prescriber or pharmacist to inform about or to influence prescribing or dispensing practices.

"Medicaid" means the program established pursuant to P.L. 1968, c.413 (C.30:4D-1 et seq.).

"Overutilization or underutilization" means the use or non-use of a drug in quantities such that the desired therapeutic goal is not achieved.

"PAAD" means the program of pharmaceutical assistance to the aged and disabled established pursuant to P.L. 1975, c.194 (C.30:4D-20 et seq.).

"Prescriber" means a person authorized by the appropriate State professional and occupational licensing board to prescribe medication and devices.

"Prospective drug utilization review" means that part of the drug utilization review program that occurs before the drug is dispensed and is designed to screen for potential drug therapy problems based on knowledge of the patient, the patient's continued drug use and the drug use criteria and standards developed by the board.

"Retrospective drug utilization review" means that part of the drug utilization review program that assesses or measures drug use based on an historical review of drug use data against criteria and standards developed by the board on an ongoing basis with professional input.

"Standards" means the acceptable range of deviation from the criteria that reflects local medical practice and that is tested on the beneficiary database.

"State pharmaceutical benefits program" means the following programs: Medicaid, PAAD, the AIDS drug distribution program, and any other State and federally funded pharmaceutical benefits program.

"Therapeutic appropriateness" means drug prescribing and dispensing based on rational drug therapy that is consistent with the criteria and standards developed pursuant to P.L. 1993, c.16 (C.30:4D-17.16 et seq.) and section 2 of P.L. 1998, c.41 (C.30:4D-17.17a).

"Therapeutic duplication" means the prescribing and dispensing of the same drug or of two or more drugs from the same therapeutic class when overlapping time periods of drug administration are involved and when the prescribing or dispensing is not medically indicated.

C.30:4D-17.17a Drug Utilization Review Board.

2. a. There is established the Drug Utilization Review Board in the department to advise the department on the implementation of a drug utilization review program pursuant to P.L. 1993, c.16 (C.30:4D-17.16 et seq.) and this section. The board shall establish a Senior Drug Utilization Review Committee to address the specific prescribing needs of the elderly and an AIDS/HIV Drug Utilization Review Committee to address the specific prescribing needs of persons with AIDS/HIV, in addition to such other committees as it deems necessary. It shall be the responsibility of each

committee to evaluate the specific prescribing needs of its beneficiary population, and to submit recommendations to the board in regard thereto.

The board shall consist of 15 members, including the Commissioners of Human Services and Health and Senior Services or their designees, who shall serve as a nonvoting ex officio members, and 13 public members. The public members shall be appointed by the Governor with the advice and consent of the Senate. The appointments shall be made as follows: six persons licensed and actively engaged in the practice of medicine in this State, including at least two who specialize in geriatric medicine and two who specialize in AIDS/HIV care, one of whom who is a pediatric AIDS/HIV specialist, four of whom shall be appointed upon the recommendation of the Medical Society of New Jersey and two upon the recommendation of the New Jersey Osteopathic Association; one person licensed as a physician in this State who is actively engaged in academic medicine; four persons licensed in and actively practicing or teaching pharmacy in this State, who shall be appointed from a list of pharmacists recommended by the New Jersey Pharmacists Association, the New Jersey Council of Chain Drug Stores, the Garden State Pharmacy Owners, Inc., the New Jersey Society of Hospital Pharmacists, the Academy of Consultant Pharmacists and the College of Pharmacy of Rutgers, The State University; one additional health care professional; and one member to be appointed upon the recommendation of the Pharmaceutical Research and Manufacturers of America.

Each member of the board shall have expertise in the clinically appropriate prescribing and dispensing of outpatient drugs.

b. All appointments to the board shall be made no later than the 60th day after the effective date of this act. The public members shall be appointed for two-year terms and shall serve until a successor is appointed and qualified, and are eligible for reappointment; except that of the public members first appointed, eight shall be appointed for a term of two years and five for a term of one year.

c. Vacancies in the membership of the board shall be filled in the same manner as the original appointments were made but for the unexpired term only. Members of the board shall serve with compensation for the time and expenses incurred in the performance of their duties as board members, as determined by the Commissioners of Human Services and Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury.

d. The board shall select a chairman from among the public members, who shall serve a one-year term, and a secretary. The chairman may serve consecutive terms. The board shall adopt by-laws. The board shall meet at least quarterly and may meet at other times at the call of the chairman. The

board shall in all respects comply with the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.). No motion to take any action by the board shall be valid except upon the affirmative vote of a majority of the authorized membership of the board.

e. The duties of the board shall include the development and application of the criteria and standards to be used in retrospective and prospective drug utilization review. The criteria and standards shall be based on the compendia and developed with professional input in a consensus fashion. There shall be provisions for timely reassessments and revisions as necessary and provisions for input by persons acting as patient advocates. The drug utilization review standards shall reflect the local practices of prescribers, in order to monitor:

- (1) therapeutic appropriateness;
- (2) overutilization or underutilization;
- (3) therapeutic duplication;
- (4) drug-disease contraindications;
- (5) drug-drug interactions;
- (6) incorrect drug dosage;
- (7) duration of drug treatment; and
- (8) clinical drug abuse or misuse.

The board shall recommend to the department criteria for denials of claims and establish standards for a medical exception process. The board shall also consider relevant information provided by interested parties outside of the board and, if appropriate, shall make revisions to the criteria and standards in a timely manner based upon this information.

f. The board, with the approval of the department, shall be responsible for the development, selection, application and assessment of interventions or remedial strategies for prescribers, pharmacists and beneficiaries that are educational and not punitive in nature to improve the quality of care, including:

- (1) Information disseminated to prescribers and pharmacists to ensure that they are aware of the duties and powers of the board;
- (2) Written, oral or electronic reminders of patient-specific or drug-specific information that are designed to ensure prescriber, pharmacist and beneficiary confidentiality, and suggested changes in the prescribing or dispensing practices designed to improve the quality of care;
- (3) The development of an educational program, using data provided through drug utilization review as a part of active and ongoing educational outreach activities to improve prescribing and dispensing practices as provided in this section. These educational outreach activities shall include accurate, balanced and timely information about drugs and their effect on a patient. If the board contracts with another entity to provide this program,

that entity shall publicly disclose any financial interest or benefit that accrues to it from the products selected or used in this program;

(4) Use of face-to-face discussion between experts in drug therapy and the prescriber or pharmacist who has been designated by the board for educational intervention;

(5) Intensified reviews or monitoring of selected prescribers or pharmacists;

(6) The timely evaluation of interventions to determine whether the interventions have improved the quality of care; and

(7) The review of case profiles prior to the conducting of an intervention.

3. Section 3 of P.L.1993, c.16 (C.30:4D-17.18) is amended to read as follows:

C.30:4D-17.18 Responsibilities of department.

3. The department shall be responsible for:

a. (Deleted by amendment, P.L.1998, c.41).

b. The implementation of a drug utilization review program, subject to the approval of the Commissioner of Health and Senior Services, to ensure that prescriptions are appropriate, medically necessary, and not likely to result in adverse medical outcomes, including the approval of the provisions of any contractual agreement between the State pharmaceutical benefits program and other entities processing and reviewing drug claims and profiles for the drug utilization review program.

The program shall include both retrospective and prospective drug utilization review. Retrospective drug utilization review shall include an analysis of drug claims processing data in order to identify patterns of fraud, abuse or gross overuse, and inappropriate or medically unnecessary care, and to assess data on drug use against standards that are based on the compendia and other sources. Prospective drug utilization review shall include a review conducted by the pharmacist at the point of sale.

c. (Deleted by amendment, P.L.1998, c.41).

d. (Deleted by amendment, P.L.1998, c.41).

e. The submission of an annual report, which shall be subject to public comment prior to its issuance, to the federal Department of Health and Human Services by December 1 of each year. The annual report shall also be submitted to the Governor, the Legislature, the New Jersey Pharmaceutical Association and the Medical Society of New Jersey by December 1 of each year. The report shall include the following information:

(1) An overview of the activities of the board and the drug utilization review program;

(2) Interventions used and their ability to improve the quality of care; however, this information shall not disclose the identities of individual prescribers, pharmacists, or beneficiaries, but shall specify whether the intervention was a result of underutilization or overutilization of drugs;

(3) The costs of administering the drug utilization review program;

(4) Any cost impact to other areas of the State pharmaceutical benefits program resulting from the drug utilization review program, such as hospitalization rates or changes in long-term care;

(5) A quantitative assessment of how drug utilization review has improved beneficiaries' quality of care;

(6) A review of the total number of prescriptions and medical exception requests reviewed by drug therapeutic class;

(7) An assessment of the impact of the educational program established pursuant to subsection f. of section 2 of P.L.1998, c.41 (C.30:4D-17.17a) and interventions on prescribing or dispensing practices, total program costs, quality of care and other pertinent patient patterns; and

(8) Recommendations for improvement of the drug utilization review program.

f. The development of a working agreement between the board and other boards or agencies, including, but not limited to: the Board of Pharmacy of the State of New Jersey and the State Board of Medical Examiners, in order to clarify any overlapping areas of responsibility.

g. The establishment of an appeal process for prescribers, pharmacists and beneficiaries pursuant to P.L.1993, c.16 (C.30:4D-17.16 et seq.) and section 2 of P.L.1998, c.41 (C.30:4D-17.17a).

h. The publication and dissemination of medically correct and balanced educational information to prescribers and pharmacists to identify and reduce the frequency of patterns of fraud, abuse, gross overuse, or inappropriate or medically unnecessary care among prescribers, pharmacists and beneficiaries, including:

(1) potential or actual reactions to drugs;

(2) therapeutic appropriateness;

(3) overutilization or underutilization;

(4) appropriate use of generic drugs;

(5) therapeutic duplication;

(6) drug-disease contraindications;

(7) drug-drug interactions;

(8) incorrect drug dosage or duration of drug treatment;

(9) drug allergy interactions; and

(10) clinical abuse or misuse.

i. The development and publication, with the input of the Board of Pharmacy of the State of New Jersey, of the guidelines to be used by

pharmacists, including mail order pharmacies, in their counseling of beneficiaries.

j. The adoption and implementation of procedures designed to ensure the confidentiality of any information collected, stored, retrieved, assessed, or analyzed by the board, staff to the board, or contractors to the drug utilization review program, that identifies individual prescribers, pharmacists, or beneficiaries. The board may have access to identifying information for purposes of carrying out intervention activities, but the identifying information may not be released to anyone other than a member of the board, except that the board may release cumulative nonidentifying information for purposes of legitimate research. The improper release of identifying information in violation of this act may subject that person to criminal or civil penalties.

k. The determination of whether nursing or long-term care facilities under 42 CFR 483.60 are exempt from the provisions of this act.

l. The establishment of a medical exception process by regulation.

m. The provision of such staff and other resources as the board requires.

C.30:4D-17.18a Rules, regulations.

4. The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), and subject to the approval of the Commissioner of Health and Senior Services as appropriate, shall adopt rules and regulations to effectuate the purposes of P.L.1993, c.16 (C.30:4D-17.16 et seq.) and section 2 of P.L.1998, c.41 (C.30:4D-17.17a); except that, notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the Commissioner of Human Services, subject to the approval of the Commissioner of Health and Senior Services, may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the provisions of P.L.1993, c.16 (C.30:4D-17.16 et seq.) and section 2 of P.L.1998, c.41 (C.30:4D-17.17a), which shall be effective for a period not to exceed six months and may thereafter be amended, adopted or re-adopted by the Commissioner of Human Services, subject to the approval of the Commissioner of Health and Senior Services, in accordance with the requirements of P.L.1968, c.410 (C.52:14B-1 et seq.).

5. There is appropriated \$90,000 to the Department of Human Services from the General Fund to effectuate the purposes of this act.

Repealer.

6. Section 2 of P.L.1993, c.16 (C.30:4D-17.17) is repealed.

7. This act shall take effect immediately.

Approved June 30, 1998.

CHAPTER 42

AN ACT concerning certain administrative hearings, supplementing P.L.1968, c.410 (C.52:14B-1 et seq.), amending N.J.S.18A:6-16, and making an appropriation .

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

C.52:14B-10.1 Adjudication of certain contested cases.

1. Any statute, rule or regulation to the contrary notwithstanding, all contested cases, as defined in section 2 of P.L.1968, c.410 (C.52:14B-2), except those cases in which criminal charges are also filed, arising under the Tenure Employees Hearing Law, article 2 of chapter 6 of Title 18A of the New Jersey Statutes, and referred to the Office of Administrative Law shall be adjudicated pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), in an expeditious and timely manner except as follows:

a. The discovery process shall begin immediately upon the notice of the referral of the case to the Office of Administrative Law and a discovery request shall be initiated by transmitting the request to a receiving party within 30 days of receipt of the notice of referral. Answers to a discovery request shall be made within 30 days of the receipt of the request, except that if the discovery is available only by motion, the answer shall be due within 30 days of receipt of an order granting the motion. Additional discovery shall be permitted by motion or upon the consent of the parties, but shall be filed with the administrative law judge within 10 days of the filing of the answers to interrogatories. The administrative law judge may extend discovery time by no more than 30 days for disputes over sufficiency, completion or other just cause.

b. The pre-hearing conference shall be held within 30 days of the referral of the case to the Office of Administrative Law.

c. The hearing shall be held within 30 days after the end of the discovery period.

d. Transcripts if ordered by the parties shall be provided within 15 days of the conclusion of the hearing and all briefs shall be submitted to the

Administrative Law Judge within 30 days of the conclusion of the hearing or receipt of the transcripts by the parties, whichever is later.

2. N.J.S.18A:6-16 is amended to read as follows:

Proceedings before commissioner; written response; determination.

18A:6-16. Upon receipt of such a charge and certification, or of a charge lawfully made to the commissioner, the commissioner or the person appointed to act in the commissioner's behalf in the proceedings shall examine the charges and certification. The individual against whom the charges are certified shall have 15 days to submit a written response to the charges to the commissioner. Upon a showing of good cause, the commissioner may grant an extension of time. The commissioner shall render a determination on the sufficiency of charges as set forth below within 15 days immediately following the period provided for a written response to the charges.

If, following receipt of the written response to the charges, the commissioner is of the opinion that they are not sufficient to warrant dismissal or reduction in salary of the person charged, he shall dismiss the same and notify said person accordingly. If, however, he shall determine that such charge is sufficient to warrant dismissal or reduction in salary of the person charged, he shall within 10 days of making that determination refer the case to the Office of Administrative Law for further proceedings, except that when a motion for summary decision has been made prior to that time, the commissioner may retain the matter for purposes of deciding the motion.

3. There is appropriated from the General Fund to the Office of Administrative Law \$228,596 for the creation of two additional administrative law judge positions and one additional judicial secretarial position to effectuate the provisions of this act.

4. This act shall take effect immediately.

Approved June 30, 1998.

CHAPTER 43

AN ACT concerning certificate of need and revising parts of statutory law.

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

C.26:2H-6.1 Findings, declarations relative to certificate of need.

1. The Legislature finds and declares that:
 - a. The regulatory structure for the State's health care delivery system put in place in the 1970's was an outgrowth of federal legislation predicated on the idea that the most satisfactory means of controlling health care costs was the allocation of health care resources by government through a highly centralized health planning mechanism;
 - b. For two decades, the State established strong controls over the health care delivery system by such means as the setting of hospital rates and through the certificate of need program, which allocated the provision of services among providers, regulated hospital expansion, and regulated the purchase of equipment and the use of medical technology;
 - c. The evolution of market-based means of controlling costs, most notably the growth of managed care, and the rapid development of new medical techniques and innovations in medical technology exposed the inefficiencies inherent in centralized health care planning, which was unable to respond quickly to the changing needs of the health care system;
 - d. In 1992, the Legislature began to dismantle the existing regulatory structure, responding to the needs of the health care system in New Jersey by eliminating hospital rate setting, leaving hospital charges to be established through negotiation between hospitals and those who paid for health care services and, by providing access to health insurance to all citizens of the State, without regard to health status or preexisting condition, contributed to the significant changes taking place in the underlying economics of the health care delivery system by helping to create a more competitive health care environment;
 - e. The certificate of need program is the last remaining vestige of the highly regulated environment, and its original purpose, which was to control costs by limiting the proliferation of health care services through State control of those services, has been undermined by the significant changes in the economics of the health care system that have taken place since its inception;
 - f. Decisions as to health care services, the acquisition of medical technology, and the expansion of facilities can best be made by the health care provider based on his own expertise in delivering health care services to the community he serves;
 - g. The appropriate role of the State with respect to services no longer subject to certificate of need is that of licensure of facilities and services, to ensure the quality of care;
 - h. For reasons of maintaining the quality of certain health care services, a limitation of the proliferation of such services may continue to

be essential to protect the viability of the services as well as the providers now rendering them, to protect the role of such institutions as urban hospitals, whose importance to the Statewide health care system is indisputable, and to guard against the closing of important facilities and the transfer of services from facilities in a manner which is harmful to the public interest; and

i. Therefore, it is essential, in order to promote greater efficiency in the State's health care delivery system, to eliminate the certificate of need requirement for many services immediately, to eliminate the requirement for other services over a more extended period, and to create a commission to consider whether certain remaining health care services should continue to be subject to a certificate of need requirement in the interest of the well-being of the public and to ensure the maintenance of quality health care throughout the State.

2. 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 or 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 by 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. (Deleted by amendment, P.L.1998, c.43).

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 and Senior Services.

j. "Commissioner" means the State Commissioner of Health and Senior Services.

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. (Deleted by amendment, P.L.1992, c.160).

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 and Senior Services in 1972 and which has a maximum 50-bed capacity and which does not accommodate Medicare or Medicaid patients.

o. (Deleted by amendment, P.L.1998, c.43).

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 conduct certificate of need review activities.

3. Section 5 of P.L.1971, c.136 (C.26:2H-5) is amended to read as follows:

C.26:2H-5 Commissioner's powers.

5. a. The commissioner, to effectuate the provisions and purposes of this act, shall have the power to inquire into health care services and the

operation of health care facilities and to conduct periodic inspections of such facilities with respect to the fitness and adequacy of the premises, equipment, personnel, rules and bylaws and the adequacy of financial resources and sources of future revenues.

b. The commissioner, with the approval of the board, shall adopt and amend rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the provisions and purposes of this act, including but not limited to: (1) the establishment of requirements for a uniform Statewide system of reports and audits relating to the quality of health care provided, health care facility utilization and costs; (2) certification by the department of schedules of rates, payments, reimbursement, grants and other charges for health care services as provided in section 18; and (3) standards and procedures relating to the licensing of health care facilities and the institution of certain additional health care services.

c. The commissioner may enter into contracts with any government agency, institution of higher learning, voluntary nonprofit agency, or appropriate planning agency or council; and such entities are authorized to enter into contracts with the commissioner to effectuate the provisions and purposes of this act.

d. The commissioner may provide consultation and assistance to health care facilities in operational techniques, including but not limited to, planning, principles of management, and standards of health care services.

e. At the request of the commissioner, health care facilities shall furnish to the Department of Health and Senior Services such reports and information as it may require to effectuate the provisions and purposes of this act, excluding confidential communications from patients.

f. The commissioner may institute or cause to be instituted in a court of competent jurisdiction proceedings to compel compliance with the provisions of this act or the determinations, rules, regulations and orders of the commissioner.

g. Notwithstanding any rules and regulations governing private long-term health care facilities and enforcing the 1967 Life Safety Code, as amended and supplemented, the commissioner shall permit third floor occupancy of such facilities by owners, members of their immediate families, and licensed professionals employed at such facilities.

4. Section 33 of P.L.1991, c.187 (C.26:2H-5.7) is amended to read as follows:

C.26:2H-5.7 State Health Planning Board established.

33. There is established in the Department of Health and Senior Services a State Health Planning Board. The members of the board shall include: the Commissioners of Health and Senior Services and Human Services, or their designees, who shall serve as ex officio, nonvoting members; the chairmen of the Health Care Administration Board and the Public Health Council, or their designees, who shall serve as ex officio members; and nine public members appointed by the Governor with the advice and consent of the Senate, five 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 additional public members first appointed pursuant to P.L.1998, c.43, two shall serve for a term of two years and two shall serve for a term of three years. Following the expiration of the original terms, the public members shall serve for a term of four years and are eligible for reappointment. Public members serving on the board on the effective date of P.L.1998, c.43 shall continue to serve for the term of their appointment. 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.

5. Section 34 of P.L.1991, c.187 (C.26:2H-5.8) is amended to read as follows:

C.26:2H-5.8 Review of application for certificate of need.

34. a. (Deleted by amendment, P.L.1998, c.43).

b. The State Health Planning Board shall review applications for certificates of need and make recommendations to the Commissioner of Health and Senior Services.

c. In the case of an application for a certificate of need to transfer ownership of an existing general acute care hospital or to close or eliminate a health care facility or service that is subject to review by the State Health Planning Board, the State Health Planning Board shall hold at least one public hearing in the service area of the health care facility or service; except that, in the event the Attorney General or the Department of Health and Senior Services is required by State law to hold a public hearing on the transfer of ownership of the hospital, the State Health Planning Board shall not be required to hold a public hearing on the application for a certificate of need to transfer ownership of the hospital. The public hearing shall be held no later than 30 days after an application is deemed complete by the Commissioner of Health and Senior Services. Public notice of the hearing shall be provided at least two weeks in advance of the date of the hearing.

Notwithstanding the provisions of this subsection to the contrary, in the event that the commissioner determines that a proposed closure or elimination of a health care facility or service should be considered on an expedited basis in order to preserve the quality of health care provided to the community, the commissioner may reduce the period of time required for public notice of the hearing.

6. Section 7 of P.L.1971, c.136 (C.26:2H-7) is amended to read as follows:

C.26:2H-7 Certificate of need required for construction, expansion of health care facility.

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.).

Except as provided in section 19 of P.L.1992, c.160 (C.26:2H-7a) and section 16 of P.L.1998, c.43 (C.26:2H-7c), 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 and Senior Services;

c. The purchase by any person of major moveable equipment whose total cost is over \$2 million;

d. The expenditure by a licensed health care facility of over \$2 million for construction of a new health care facility; and

e. The construction of a facility by any person, whose total project cost exceeds \$2 million, if the facility-type is the subject of a health planning regulation adopted by the Department of Health and Senior Services.

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 Senior Services, 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 organization or through a medical group or groups which contract directly with the health

maintenance organization, which initiates a health care service, 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 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 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.

7. Section 19 of P.L.1992, c.160 (C.26:2H-7a) is amended to read as follows:

C.26:2H-7a Exemptions from certificate of need requirement.

19. Notwithstanding the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7) to the contrary, the following are exempt from the certificate of need requirement:

- Community-based primary care centers;
- Outpatient drug and alcohol services;
- Hospital-based medical detoxification for drugs and alcohol;
- Ambulance and invalid coach services;
- Mental health services which are non-bed related outpatient services;
- Residential health care facility services;
- Capital improvements and renovations to health care facilities;
- Additions of medical/surgical, adult intensive care and adult critical care beds in hospitals;
- Replacement of existing major moveable equipment;
- Inpatient operating rooms;
- Alternate family care programs;
- Hospital-based subacute care;

- Ambulatory care facilities;
- Comprehensive outpatient rehabilitation services;
- Special child health clinics;
- New technology in accordance with the provisions of section 18 of P.L.1998, c.43 (C.26:2H-7d);
- Transfer of ownership interest except in the case of an acute care hospital;
- Change of site for approved certificate of need within the same county;
- Additions to vehicles or hours of operation of a mobile intensive care unit;
- Relocation or replacement of a health care facility within the same county, except for an acute care hospital;
- Continuing care retirement communities authorized pursuant to P.L.1986, c.103 (C.52:27D-330 et seq.);
- Magnetic resonance imaging;
- Adult day health care facilities;
- Pediatric day health care facilities; and
- Chronic or acute renal dialysis facilities.

8. Section 3 of P.L.1996, c.102 (C.26:2H-7.6) is amended to read as follows:

C.26:2H-7.6 Requirements for subacute care unit.

3. a. A hospital which proposes to utilize a portion of its licensed bed capacity for the purpose of establishing a subacute care unit shall be subject to the following requirements:

- (1) the subacute care unit's beds shall be licensed by the Department of Health and Senior Services as long-term care beds and shall meet all applicable State licensing and federal certification requirements, including the physical requirements for skilled nursing beds under the federal Medicare program established pursuant to Pub.L.89-97 (42 U.S.C.s.1395 et seq.), with reasonable waiver provisions as determined by the commissioner or the federal Health Care Financing Administration, as appropriate;
- (2) the maximum length of stay in the unit shall not exceed eight days;
- (3) the unit shall be certified to participate in the Medicare program as a skilled nursing facility;
- (4) the unit shall be comprised of not more than 7% of the hospital's licensed medical-surgical bed capacity or 12 beds, whichever is greater;
- (5) the hospital's licensed medical-surgical bed capacity shall be reduced, by the commissioner, by the number of beds used to establish a subacute care unit under the provisions of this section. Long-term care beds in a hospital's subacute care unit shall not be transferred to, or combined

with, a subacute care unit in another hospital. Bed limitations for a hospital shall include both conversions of existing acute care beds and any purchases or other acquisitions or rentals of beds to be used by a hospital for the provision of subacute care under this act;

(6) (Deleted by amendment, P.L.1998, c.43).

(7) the hospital shall be subject to the fee for the filing of an application for a license for long-term care beds and any renewal thereof as established by the Department of Health and Senior Services pursuant to section 12 of P.L.1971, c.136 (C.26:2H-12).

b. Subacute care shall not be covered by the Medicaid program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.). The long-term care beds in a subacute care unit shall not be included in long-term care bed inventories for certificate of need review purposes.

9. 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 based upon criteria and standards therefor promulgated by the commissioner. The commissioner may approve or deny an application for a certificate of need. If an application is denied, the applicant may request a hearing pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). Requests for a hearing shall be made to the Department of Health and Senior Services within 30 days of receipt of notification of the commissioner's action. The department shall arrange within 60 days of a request, for a hearing and after such hearing the commissioner or his designee shall furnish the applicant in writing the hearing examiner's recommendations and reasons therefor. The commissioner within 30 days of receiving all appropriate hearing records shall make his determination, which shall be a final agency decision.

10. 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, the fee shall be \$5,000 plus 0.15% of the total

project cost. Upon determination that an application is complete, copies thereof shall be referred by the department to the State Health Planning Board for review, when applicable.

The board shall provide adequate mechanisms for full consideration of each application submitted to the board 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 the State Health Planning Board 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.

11. Section 1 of P.L.1982, c.149 (C.26:2H-11.1) is amended to read as follows:

C.26:2H-11.1 Application for certificate of need, initial licensure for certain narcotic, drug abuse treatment centers.

1. In the case of an application for a certificate of need or initial licensure, as applicable, for a narcotic and drug abuse treatment center to be located within 500 feet from any building in this State used for the instruction of children between the ages of five and 18 years, the applicant shall notify the governing body of the municipality within which he proposes to locate the treatment center of his intention to apply for the certificate of need or licensure and the proposed location of the center. Documentation of such notice shall be filed with the certificate of need or license application. The Commissioner of Health and Senior Services is hereby authorized to adopt reasonable rules and regulations, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act. For the purposes of this act, the definition of "narcotic and drug abuse treatment center" shall be identical to the definition in subsection (a) of section 2 of P.L.1970, c.334 (C.26:2G-22). This act shall not apply to any such narcotic and drug abuse treatment center for which an application was filed prior to the effective date of this act.

12. 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; 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 a single, nonrefundable fee for the filing of an application for and issuance of a license and a single, nonrefundable fee for any renewal thereof, and a single, nonrefundable fee for a biennial inspection of the facility, as it shall from time to time fix in rules or regulations; provided, however, that no such licensing fee shall exceed \$10,000 in the case of a hospital and \$4,000 in the case of any other health care facility for all services provided by the hospital or other health care facility, and no such inspection fee shall exceed \$5,000 in the case of a hospital and \$2,000 in the case of any other health care facility for all services provided by the hospital or other health care facility. No inspection fee shall be charged for inspections other than biennial inspections. 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. (Deleted by amendment, P.L.1998, c.43).

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.

e. If a prospective applicant for licensure for a health care service or facility that is not subject to certificate of need review pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) so requests, the department shall provide the prospective applicant with a pre-licensure consultation. The purpose of the consultation is to provide the prospective applicant with information and guidance on rules, regulations, standards and procedures appropriate and applicable to the licensure process. The department shall conduct the consultation within 60 days of the request of the prospective applicant.

13. Section 2 of P.L.1986, c.11 (C.26:2H-12.4) is amended to read as follows:

C.26:2H-12.4 Application procedure for hospital respite care program.

2. A hospital applying for permission to establish a hospital respite care program is not required to apply for a certificate of need pursuant to section 7 of P.L.1971, c.136 (C.26:2H-7) and is required to demonstrate only that it has the vacancy rate required by this act and adequate staff to serve the number of senior citizens it proposes to accept.

14. Section 14 of P.L.1971, c.136 (C.26:2H-14) is amended to read as follows:

C.26:2H-14 Unlicensed health care facility; rules violations; penalties.

14. Any person, firm, partnership, corporation or association who shall operate or conduct a health care facility without first obtaining the license required by this act, or who shall operate such health care facility after revocation or suspension of license, shall be liable to a penalty of not more than \$1,000 as provided for by regulation for each day of operation in violation hereof for the first offense and for any subsequent offense. Any person, firm, partnership, corporation or association who violates any rule or regulation adopted in accordance with this act as the same pertains to the care of patients and physical plant standards shall be subject to a penalty of not more than \$2,500 as provided for by regulation for each day that he is in violation of such rule or regulation. Upon notification to the facility of such violations as pertain to the care of patients or to the hazardous or unsafe condition existing in or upon the structure in which the licensed facility is maintained, the commissioner shall allow the facility 72 hours in which to correct any such violation and if at the end of such period the violation is not corrected and it poses an imminent threat to the health,

safety or welfare of the public or of the residents of the facility, he may, in his discretion, summarily suspend the license of the facility without a hearing and may order immediate correction of such violation as a prerequisite of reinstatement of licensure. If a licensee that is subject to summary suspension shall deny that a violation exists or has occurred, he shall have the right to apply to the commissioner for a hearing. Such hearing shall be held and a decision rendered within 48 hours of receipt of said request. If the commissioner shall rule against the licensee, the licensee shall have the right to apply for injunctive relief against the commissioner's order. Jurisdiction of such injunctive relief shall be in the Superior Court of New Jersey. Nothing herein shall be construed to prevent the commissioner from thereafter suspending or revoking the license in accordance with the procedure set forth in section 13. If, within one year after such violation such person, firm, partnership, corporation or association is found guilty of the same violation such penalties as hereinbefore set forth shall be doubled, and if there be a third violation within such time, such penalties shall be tripled. In addition thereto the department may, in its discretion, suspend the license for such time as it may deem proper or revoke said license.

Any person, firm, partnership, corporation or association who shall, except in cases of an emergency, maintain more patients in his premises than he is licensed so to do, shall be subject to a penalty, in accordance with the procedure set forth in section 13, in an amount equal to the daily charge collected from such patient or patients plus \$25.00 for each day each extra patient is so maintained.

15. Section 12 of P.L.1992, c.160 (C.26:2H-18.62) is amended to read as follows:

C.26:2H-18.62 Use of hospital, other health care initiatives monies.

12. a. The monies in the hospital and other health care initiatives account are appropriated for the establishment of a program which will assist hospitals and other health care facilities in the underwriting of innovative and necessary health care services and provide funding for public or private health care programs, which may include any program funded pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47), managed care regulation and oversight pursuant to P.L.1997, c.192 (C.26:2S-1 et al.), administration and enforcement of health care facility licensing requirements pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), and for such other programs that the commissioner deems necessary or appropriate to carry out the provisions of section 5 of P.L.1992, c.160 (C.26:2H-18.55).

The commissioner shall develop equitable regulations regarding eligibility for and access to the financial assistance, within six months of the effective date of this act.

b. Such funds as may be necessary shall be transferred by the department from the fund to the Division of Medical Assistance and Health Services in the Department of Human Services for payment to disproportionate share hospitals.

c. Notwithstanding any law to the contrary, each hospital whose revenue cap was established by the Hospital Rate Setting Commission in 1993 pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.) shall pay 53% of its total operating revenue to the department for deposit in the Health Care Subsidy Fund, except that the amount to be paid by a hospital in a given year shall be prorated by the department so as not to exceed the \$40 million limit set forth in this subsection. The hospital shall make monthly payments to the department beginning July 1, 1993, except that the total amount paid into the Health Care Subsidy Fund plus interest shall not exceed \$40 million per year. The commissioner shall determine the manner in which the payments shall be made.

For the purposes of this subsection, "total operating revenue" shall be defined by the department in accordance with financial reporting requirements established pursuant to N.J.A.C.8:31B-3.3.

d. The monies paid by the hospitals shall be credited to the hospital and other health care initiatives account.

C.26:2H-7c Exemptions from certificate of need requirement.

16. a. Notwithstanding the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7) to the contrary, 20 months after the effective date of P.L.1998, c.43 the following shall be exempt from the certificate of need requirement:

Extracorporeal shock wave lithotripter;

Hyperbaric chamber;

Positron emission tomography;

Residential drug and alcohol services;

Ambulatory surgical facilities;

Basic obstetric and pediatric services and birth centers, including additions of basic obstetric and pediatric beds in hospitals; and

Linear accelerator, including Cobalt 60 unit.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, if the Commissioner of Health and Senior Services determines that Department of Health and Senior Services licensing standards for a health care service or facility listed in subsection a. of this section have been adopted by regulation of the department pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the commissioner

may exempt the health care service or facility from the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7) prior to the 20-month period established in subsection a. of this section.

The commissioner shall publish notice of any exemptions established pursuant to this subsection in the New Jersey Register and provide for 45 days' public notice prior to the effective date of the exemption.

c. In the case of any health care service or facility that is not exempted from the provisions of section 7 of P.L.1971, c.136 (C.26:2H-7) pursuant to this section or section 19 of P.L.1992, c.160 (C.26:2H-7a) and is not subject to expedited review, the commissioner shall publish a call schedule for the initiation of the services or facilities within 90 days of the date of enactment of this act. In the event that the commissioner determines that there is insufficient need to support the initiation of the service or facility, the commissioner is authorized to cancel the call. The commissioner shall provide public notice of the cancellation at least 45 days prior to the scheduled call date.

C.26:2H-7.9 Certificate of Need Study Commission.

17. There is established a 15-member Certificate of Need Study Commission. The members shall include: the Commissioners of Health and Senior Services and Human Services who shall serve ex officio; the Chairman of the Senate Health Committee and the Chairman of the General Assembly Health Committee; and 11 public members. The public members shall be appointed as follows: two persons to be appointed by the President of the Senate, who shall not be of the same political party, one of whom is a State licensed health care professional and one of whom is a representative of a State licensed health care facility; two persons to be appointed by the Speaker of the General Assembly, who shall not be of the same political party, one of whom is a State licensed health care professional and one of whom is a representative of a State licensed health care facility; and two State licensed health care professionals, three representatives of a State licensed health care facility, one health economist and one consumer of health care services who is knowledgeable about health care financing issues and who is a resident of this State, to be appointed by the Governor. Vacancies in the membership of the commission shall be filled in the same manner provided for the original appointments.

a. The Commissioner of Health and Senior Services shall serve as chairman of the commission. The commission shall select a vice-chairman from among the members. The commission shall organize as soon as practicable following the appointment of its members.

The commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State, county or municipal depart-

ment, board, bureau, commission or agency as it may require and as may be available to it for its purposes. The Department of Health and Senior Services shall provide staff support for the commission.

b. The commission shall conduct a comprehensive study to examine the impact that elimination of certificate of need requirements would have on each of the following health care services and facilities: nursing homes; home health agencies; assisted living residences and programs; comprehensive personal care homes; psychiatric beds; comprehensive rehabilitation services; trauma services; transfer of ownership of an existing general acute care hospital; new general acute care hospitals; special hospitals; children's hospitals; organ banks; cardiac surgery and cardiac catheterization; mobile intensive care units; organ and bone marrow transplantation, including stem cell; burn centers; specialized perinatal and pediatric services, including maternal and child health consortia, pediatric intensive care and neonatal intermediate and intensive care; and any other health care services and facilities subject to certificate of need requirements that are not scheduled for exemption pursuant to sections 19 of P.L.1992, c.160 (C.26:2H-7a) and 16 of P.L.1998, c.43 (C.26:2H-7c). The commission shall assess the impact that deregulation of the services or facilities will have on:

- (1) urban hospitals;
- (2) access to care by residents in the State;
- (3) quality of care;
- (4) services that are delivered Statewide or on a regional basis; and
- (5) the State General Fund, including programs such as Medicaid.

The commission shall make recommendations about which health care services or facilities, if any, should continue to be subject to certificate of need requirements or another type of State regulation, and which services or facilities should be exempt from such State regulation.

c. Within 20 months of the effective date of P.L.1998, c.43, the commission shall report its findings and recommendations to the Governor and the Senate and General Assembly Health Committees.

d. The commission shall expire upon the submission of its report.

C.26:2H-7d Certain health care equipment exempt.

18. Notwithstanding the provisions of P.L.1971, c.136 (C.26:2H-1 et seq.) to the contrary, health care equipment which involves new technology that is not identified in N.J.A.C.8:33 et seq., shall not be subject to certificate of need requirements and may be initiated in the State in accordance with the requirements of this section.

a. The new technology shall be directly related to a health care service for which the provider is already licensed and has obtained a certificate of need, when required.

b. The provider shall notify the Commissioner of Health and Senior Services about the intent to initiate the new technology at least 60 days prior to the date the provider will begin use of the technology.

c. The new technology shall have pre-market approval from the federal Food and Drug Administration.

d. The provider shall use the new technology in accordance with guidelines approved by the Joint Commission on Accreditation of Health Care Organizations until such time as the Department of Health and Senior Services has adopted licensing standards for the new technology. The provider shall be required to comply with the department's licensing standards for the new technology upon adoption of the standards.

e. The provider shall agree to submit to the department appropriate patient information and other data concerning use of the new technology to assist the department in establishing licensing standards. The provider shall submit the information and other data on a quarterly basis until such time as licensing standards are adopted for the new technology.

f. The commissioner may suspend a provider's use of the new technology if he determines that the provider is not in compliance with the requirements of this section.

Repealer.

19. The following sections are repealed:

Section 35 of P.L.1991, c.187 (C.26:2H-5.9);

Section 20 of P.L.1992, c.160 (C.26:2H-7b); and

Section 37 of P.L.1991, c.187 (C.26:2H-10.1).

20. This act shall take effect immediately, except that section 7 shall take effect 45 days after the date of enactment; but the commissioner may take such anticipatory administrative actions in advance of the effective date of section 7 as shall be necessary for the implementation of this act.

Approved June 30, 1998.

CHAPTER 44

AN ACT establishing the New Jersey Commerce and Economic Growth Commission, abolishing the Department of Commerce and Economic Development and revising parts of the statutory law.

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

C.52:27C-61 Short title.

1. This act shall be known and may be cited as the "New Jersey Commerce and Economic Growth Commission Act of 1998."

C.52:27C-62 Findings, declarations relative to New Jersey Commerce and Economic Growth Commission.

2. The Legislature finds and declares that:
 - a. New Jersey is in a fierce competition for jobs and businesses, not only with other states, but throughout the world; and
 - b. The State must do all it can to increase opportunities for New Jersey citizens to enjoy economic success and prosperity; and
 - c. To attract business, New Jersey must think and act like a business, by utilizing the best available personnel, without consideration of political affiliation, selected on the basis of the skills, ability and experience, needed to provide enhanced customer service, and by responding to the needs of the business community with flexibility and agility; and
 - d. Commerce and economic development are priorities for New Jersey because success in these endeavors means the creation of jobs for our citizens. As such, commerce and economic development deserve a unique and dynamic role in our State government; and
 - e. Because we soon will be entering the 21st century, New Jersey must now boldly transform its economic development mission to be market driven, mobile and responsive enough to the future's challenges to empower New Jersey to undertake new commercial and economic ventures as the economic engine of the Northeast; and
 - f. The State and its citizens will benefit from a more sharply focused economic development vision, in which the State's efforts are coordinated under one organization, the New Jersey Commerce and Economic Growth Commission, that coordinates economic development activities for the State with all related entities, including, but not limited to, the New Jersey Economic Development Authority, the New Jersey Commission on Science and Technology, the New Jersey Urban Enterprise Zone Authority, the Motion Picture and Television Development Commission, and the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises; and
 - g. Just as the Legislature 25 years ago could not have predicted the technological and business changes that have taken place since then, this Legislature recognizes that it, too, cannot predict the future and must, therefore, ensure that the New Jersey Commerce and Economic Growth Commission has the agility and ability to retool its focus and priorities to

ensure the State's capability to respond to the technological and business changes yet to come; and

h. Economic growth and prosperity are still the number one priorities for our citizens, and by creating an innovative and independent economic development entity, the New Jersey Commerce and Economic Growth Commission, the Legislature reaffirms that it is also a priority of government; and

i. The board of directors of the commission appointed pursuant to this act should assist the Chief Executive Officer and Secretary of the commission appointed pursuant to this act in assuring that persons appointed to the staff of the commission, because they will no longer be in the classified civil service pursuant to Title 11A of the New Jersey Statutes, will be selected on the basis of qualification and professional and technical competence, avoiding political considerations to the maximum extent possible.

C.52:27C-63 "New Jersey Commerce and Economic Growth Commission."

3. There is established a body corporate and politic, with corporate succession, to be known as the "New Jersey Commerce and Economic Growth Commission" (hereinafter "the commission").

The commission shall be established in the Executive Branch of the State Government and for the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the commission is allocated, in but not of, the Department of the Treasury, but notwithstanding this allocation, the commission shall be independent of any supervision and control by the department or by any board or officer thereof.

C.52:27C-64 Department of Commerce and Economic Development abolished.

4. The Department of Commerce and Economic Development created pursuant to P.L.1981, c.122 (C.52:27H-1 et seq.) is abolished as a principal department in the Executive Branch of State government, and all of its powers, functions, and duties including, but not limited to, the Division of Travel and Tourism, and the Division of International Trade, except as herein otherwise provided, are continued in the commission.

C.52:27C-65 Appropriations, moneys continued.

5. All appropriations and other moneys available and to become available to any department, division, bureau, board, commission, or other entity or agency, the functions, powers and duties of which have been assigned or transferred to the Department of Commerce and Economic Development, are hereby continued in the commission, except as herein otherwise provided, and shall be available for the objects and purposes for which such moneys are appropriated subject to any terms, restrictions, limitations, or other requirements imposed by State or federal law. Nothing

herein shall alter the provisions of section 4 of P.L.1983, c.190 (C.34:1B-39). Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Department of Commerce and Economic Development, the same shall mean and refer to the "New Jersey Commerce and Economic Growth Commission" in but not of the Department of the Treasury.

C.52:27C-66 Termination of employment, officers and employees.

6. The offices and terms of the commissioner, deputy commissioner, assistant commissioners, directors, deputy directors, executive directors, and all other employees of the Department of Commerce and Economic Development and of its various divisions and offices, except as herein otherwise provided, shall terminate upon the effective date of this act.

The Commissioner of Personnel shall exercise all best efforts to find and offer employment within State service for employees of the Department of Commerce and Economic Development who are employed by the department on the date of enactment of this act, and who are not offered positions with the commission or who, having been offered such positions, choose not to accept employment with the commission.

Notwithstanding the requirements of Title 11A of the New Jersey Statutes or the regulations promulgated thereunder, no employee of the commission shall retain career service rights after the effective date of this act.

C.52:27C-67 Powers of Chief Executive Officer and Secretary; employees.

7. The Chief Executive Officer and Secretary of the commission as designated pursuant to section 8 this act, shall have the power to employ consultants and employees as may be required in the judgment of the commission to carry out the purposes of this act and to establish job titles and descriptions, and to fix and pay employees compensation from funds available to the commission therefor, notwithstanding the provisions of Title 11A of the New Jersey Statutes. The commission shall establish the terms and conditions of employment. Employees of the commission shall, as appropriate, be covered under the State of New Jersey's collective negotiations agreements, provided however that only the contractual provisions of such agreements which apply to non-career service employees shall apply to the commission employees. For contractual purposes, previous State service in the career service shall be counted toward any contractual provision that requires unclassified seniority. Employees of the Department of Commerce and Economic Development who are employed by the department on the date of enactment of this act, and who are hired by the commission shall retain their salary and leave time. Employees of the commission shall be enrolled in the Public Employees' Retirement System

and shall be eligible to participate in the State Health Benefits Program established pursuant to the "New Jersey State Health Benefits Program Act," P.L.1961, c.49 (C.52:14-17.25 et seq.). The commission may elect to provide health benefits for its employees through private insurance policies, hospital and medical service corporations, health maintenance organizations, or any other manner available for the provision of health benefits, provided that the types of benefits shall not provide less coverage than those benefits provided to other State employees.

The commission shall advertise all available positions within the commission, except under circumstances where there is an emergent need as specified in the commission's personnel handbook.

C.52:27C-68 Board of Directors.

8. The Board of Directors of the commission shall consist of the following 11 voting members and two non-voting members:

a. The Governor, who shall be the Chair of the commission. The Governor may be represented by an official designee, whose name shall be filed with the commission.

b. The Chief Executive Officer and Secretary of the commission, who shall hold cabinet-level rank and who shall be appointed by the Governor with the advice and consent of the Senate. The Chief Executive Officer and Secretary of the commission shall serve at the pleasure of the Governor during the Governor's term of office and until a successor is appointed and qualified, and shall receive such salary as shall be fixed by the Governor. The Chief Executive Officer and Secretary shall serve as an ex officio voting member of the commission and may be represented by an official designee, whose name shall be filed with the commission.

The person in office as the Commissioner of the Department of Commerce and Economic Development on the effective date of this act shall hold the office of the Chief Executive Officer and Secretary of the commission without the advice and consent of the Senate and shall serve at the pleasure of the Governor during the Governor's term of office and until a successor is appointed and qualified.

Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Commissioner of the Department of Commerce and Economic Development, the same shall mean and refer to the Chief Executive Officer and Secretary of the "New Jersey Commerce and Economic Growth Commission."

c. One commissioner from each of the following departments who shall serve ex-officio: the Department of Environmental Protection; the Department of Labor and the Department of Transportation. These

commissioners may be represented by an official designee, whose name shall be filed with the commission.

d. The chairman of the New Jersey Commission on Higher Education, who shall serve ex officio. This chairman may be represented by an official designee, whose name shall be filed with the commission.

e. Three public members who shall be appointed by the Governor with the advice and consent of the Senate, not more than two of whom shall be of the same political party. The three public members shall serve for a term of five years and shall serve until their successors are appointed and qualified. Of the three public members first appointed pursuant to this subsection, two shall serve for a term of five years and one shall serve for a term of three years. These members shall be New Jersey residents who shall provide appropriate geographical representation from throughout the State and who shall be employed by, owners of, or members of the board of directors of, a business whose principal operation is located in New Jersey. Public members shall receive no compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of their official duties.

f. Two additional members who shall be appointed by, and serve at the pleasure of, the Governor. The Governor is authorized to appoint one member upon the recommendation of the President of the Senate and one member upon the recommendation of the Speaker of the General Assembly.

g. One member of the Senate, to be appointed by the President of the Senate, and one member of the General Assembly, to be appointed by the Speaker of the General Assembly. These members are non-voting, advisory members, appointed solely for the purpose of developing and facilitating legislation to assist the commission in fulfilling its statutory mission, and may not exercise any of the executive powers delegated to the commission by law.

h. Any vacancies in the appointed membership of the commission 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.52:27C-69 Powers, quorum, action by commission.

9. a. The powers of the commission shall be vested in the members thereof in office from time to time, and a majority of the total authorized membership of the commission shall constitute a quorum at any meeting thereof. Action may be taken and motions and resolutions adopted by the commission at any meeting thereof by the affirmative vote of a majority of the membership, unless in any case the bylaws of the commission shall require a larger number. No vacancy in the membership of the commission

shall impair the right of a quorum to exercise all the rights and perform all the duties of the commission.

b. Members of the commission shall be subject to the provisions of the "New Jersey Conflicts of Interest Law," P.L.1971, c.182 (C.52:13D-12 et seq.).

C.52:27C-70 Delivery of copy of minutes to Governor, approval, veto.

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

C.52:27C-71 Duties of Chief Executive Officer and Secretary.

11. The Chief Executive Officer and Secretary of the commission shall devote full time to the performance of the duties assigned thereto, and shall:

- a. Administer the work of the commission;
- b. Appoint and remove officers and other personnel employed within the commission, except as herein otherwise specifically provided;
- c. Have authority to organize and maintain an administrative office and to assign to employment therein such secretarial, clerical and other assistants in the commission as the Chief Executive Officer and Secretary and the internal operations of the commission may require;
- d. Perform, exercise and discharge the functions, powers and duties of the commission through such offices as may be established by this act or otherwise by law;
- e. Organize the work of the commission in such organizational units, not inconsistent with the provisions of this act, as the Chief Executive Officer and Secretary may determine to be necessary for the efficient and effective operation of the commission;
- f. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the commission, its officers, and employees;
- g. Institute or cause to be instituted such legal proceedings or processes as may be necessary to properly enforce and give effect to any of the powers or duties of the Chief Executive Officer and Secretary or the commission;

h. Make reports of the commission's operations, and such other reports, as the Governor shall from time to time request or as may be required by law;

i. Coordinate the activities of the commission and the several organizational units therein, in a manner designed to eliminate overlapping and duplicative functions;

j. Integrate within the commission, so far as practicable, all staff services of the commission and of the several organizational units therein;

k. Have access to all relevant files and records of other State agencies and require any officer or employee therein to provide such information as the Chief Executive Officer and Secretary may deem necessary to the performance of the functions of the commission;

l. Lease or purchase suitable headquarters for the commission and such other quarters as the Chief Executive Officer and Secretary shall deem necessary to the proper functioning of the commission;

m. Enter into agreements with any individual, partnership, trust, association, or corporation, or any public agency, under which the commission, and such other entity or entities, shall undertake a project as a joint venture, with the commission providing such assistance or advice as the agreement may provide. Such a joint venture must directly further the statutory mission of the commission. Employees of any joint venture shall not be deemed public employees. A joint venture entered into by the commission shall not be deemed an instrumentality of the State of New Jersey. A joint venture entered into by the commission shall not be deemed or construed to create or constitute a debt, liability, or loan or pledge of the credit, or be payable out of property or funds of the State;

n. Organize or participate in the organization of nonprofit corporations which are exempt from federal taxation under section 501(c)(3) of the Internal Revenue Code. Any such nonprofit corporations must directly further the statutory mission of the commission. Expenses incurred by such nonprofit corporations shall be payable from funds raised by the nonprofit corporation, and no liability or obligation, in tort or contract, shall be incurred by the State for the operation of such nonprofit corporations. Any such nonprofit corporations shall obtain private counsel and shall not be represented by the Attorney General or indemnified by the State of New Jersey;

o. Serve as a member of any board, commission, corporation, or authority which by law designates the Commissioner of the Department of Commerce and Economic Development as an ex officio member;

p. Develop annually an economic development master plan identifying the commission's objectives, policies and programs which will encourage business attraction, expansion, and retention; and

q. Perform such other functions as may be prescribed in this act or by any other law or by the commission.

C.52:27C-72 Certain records deemed public.

12. Notwithstanding any other provision of law, only the records of any nonprofit corporation on which the Chief Executive Officer and Secretary serves and which are in the possession of the Chief Executive Officer and Secretary in an official capacity shall be deemed public records which may be subject to public inspection under the provisions of the "Right to Know Law," P.L.1963, c.73 (C.47:1A-1 et seq.).

C.52:27C-73 Powers of commission.

13. The commission shall have perpetual succession and shall have the following powers:

- a. To make, amend and repeal rules and bylaws for its own governance and guidance not inconsistent with State and federal law;
- b. To adopt an official seal and alter the same at its pleasure;
- c. To maintain an office at such place or places within the State as it may designate;
- d. To contract for, accept, solicit or collect any grants, loans, funds, property, or other aid in any form from the United States of America or any agency or instrumentality thereof, from the State or any agency, instrumentality or political subdivision thereof, or from any other public source;
- e. To set an amount and to charge reasonable fees for special projects or services that were not customarily provided by the department prior to the effective date of this act to be paid to the commission for services rendered to persons, businesses, or other entities which fees shall reflect the cost of providing such projects or services; notwithstanding the provisions of this subsection, the commission is authorized to set an amount and to charge reasonable fees for services for which fees were charged by the department prior to the effective date of this act;
- f. To exercise all of the powers, functions, and duties previously exercised by the Department of Commerce and Economic Development, except as herein provided pursuant to this act;
- g. To act as the State's representative abroad and within the United States concerning trade and commerce issues;
- h. To adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary for the proper functioning of the commission and necessary to carry out the provisions of this act;
- i. To do any and all things necessary or convenient to carry out the purposes of the commission and to exercise the powers given and granted to the commission under this act;

j. To coordinate the State's economic development activities among the commission's organizational units and the New Jersey Economic Development Authority, the New Jersey Commission on Science and Technology, the New Jersey Urban Enterprise Zone Authority, the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises, and the Motion Picture and Television Development Commission, and to recommend economic development policies to the Governor;

k. To enter into memoranda of understanding or other cooperative agreements with the New Jersey Economic Development Authority, the New Jersey Commission on Science and Technology, the New Jersey Urban Enterprise Zone Authority, the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises, the Atlantic City Convention Center Authority, the Dredging Project Task Force, the Economic Development Site Task Force, and the Motion Picture and Television Development Commission, or any other state agency for the provision of services or other cooperative efforts to effectuate the purposes of this act and to ensure the coordination of the State's economic development activities;

l. To make and enter into contracts, leases, agreements, and purchases necessary for the use, or incidental to the performance of, the commission's duties and the exercise of its powers under the act;

m. To do and perform any acts and things authorized by this act under, through or by means of its own officers, agents and employees, or by contract with any person;

n. To insure against any losses in connection with the commission's properties, operations or assets; and

o. To approve annually the economic development master plan submitted by the Chief Executive Officer and Secretary.

C.52:27C-74 Legal representation.

14. The Attorney General shall provide legal representation to the commission.

C.52:27C-75 Examination of accounts, books, records.

15. The Director of the Division of Budget and Accounting, in the Department of the Treasury, the director's legally authorized representatives, and the State Auditor are hereby authorized and empowered from time to time to examine the accounts, books, and records of the commission, and any of its related entities, including its receipts, disbursements, contracts, investments and any other matters relating thereto and to its financial standing.

C.52:27C-76 Awarding of purchases, contracts, agreements.

16. a. All purchases, contracts, or agreements, where the cost or contract price exceeds the sum of \$25,000, or, after January 1, 1999, the amount determined pursuant to subsection b. of this section, shall, except as otherwise provided in this act, be made, negotiated, or awarded only after public advertisement for bids therefor and shall be awarded to that responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the commission in its judgment, upon consideration of price and other factors. Any bid may be rejected when the commission determines that it is in the public interest to do so.

Any purchase, contract, or agreement, where the cost or contract price is less than or equal to \$25,000, or the amount determined pursuant to subsection b. of this section, shall be made, negotiated, or awarded by the commission without advertising and in any manner which the commission, in its judgment, deems necessary to serve its unique interests and purposes and which promotes, whenever practicable, full and free competition by the acceptance of quotations or proposals or by the use of other suitable methods.

b. Commencing January 1, 1999, 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 1999 the threshold amount resulting from any adjustment under this subsection, 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 the commission of the adjustment. The adjustment shall become effective on July 1 of each odd-numbered year.

C.52:27C-77 Exceptions to requirement of advertising for bids.

17. a. Any purchase, contract, or agreement, where the cost or contract price exceeds the amount set forth in subsection a. of section 16 of P.L.1998, c.44 (C.52:27C-76), or, after January 1, 1999, the amount calculated by the Governor pursuant to subsection b. of section 16 of P.L.1998, c.44 (C.52:27C-76) may be made, negotiated, or awarded by the commission without advertisement for bids under the following circumstances:

(1) When the subject matter consists of:

(a) Items or services supplied by a public utility subject to the jurisdiction of the Board of Public Utilities, and tariffs and schedules of the charges made, charged or extracted by the public utility for those items or services which are filed with the commission; or

(b) The purchase, rental, or lease of such office space, office machinery, specialized equipment, buildings or real property as may be necessary for the use, or incidental to the performance, of the commission's duties and the exercise of its powers under this act; or

(2) When any one or more of the following circumstances exist:

(a) Standardization of equipment and interchange ability of parts is in the public interest;

(b) Only one source of supply or service is available;

(c) The exigency of the commission's duties and responsibilities will not admit of advertisement;

(d) More favorable terms can be obtained from a primary source of supply of an item or service;

(e) Bid prices, after advertising, are not reasonable or have not been independently arrived at in open competition, but no negotiated purchase, contract, or agreement may be entered into under this subsection after the rejection of all bids received unless: (i) notification of the intention to negotiate and reasonable opportunity to negotiate is given to each responsible bidder; (ii) the negotiated price is lower than the lowest rejected bid price of a responsible bidder; and (iii) the negotiated price is the lowest negotiated price offered by any responsible bidder;

(f) The purchase is to be made from, or the contract is to be made with, any federal or State government or agency or other entity, or any political subdivision thereof; or

(g) Purchases are made through or by the Director of the Division of Purchase and Property, in the Department of the Treasury, pursuant to section 1 of P.L.1959, c.40 (C.52:27B-56. 1).

b. In any such instances as identified in subsection a. of this section, the commission may make, negotiate, or award the purchase, contract or agreement in any manner which the commission deems necessary to serve its unique interests and purposes and which promotes, whenever practicable, full and free competition by the acceptance of quotations or proposals or by the use of other suitable methods.

c. In any case in which the commission shall make, negotiate, or award a purchase, contract, or agreement without public advertisement pursuant to subsection a. of this section, the commission shall, by resolution passed by the affirmative vote of a majority of its members, specify the subject matter or circumstances set forth in subsection a. which permit the commission to take such action.

C.52:27C-78 Submission of budget request.

18. The commission shall submit its budget request directly to the Division of Budget and Accounting in the Department of the Treasury in a

format to be agreed upon jointly by the commission, the Joint Budget Oversight Committee of the Legislature, or its successor, and the Division of Budget and Accounting.

C.52:27C-79 Annual report.

19. a. No later than three months after the end of its fiscal year, the commission shall make an annual report of its activities for the preceding fiscal year to the Governor and the Legislature. Each report shall include, but not be limited to, a description of the short-term and long-term goals of the commission and an assessment of the effectiveness of the commission in meeting such goals, and any recommendations for legislation to improve the effectiveness of the commission.

b. The commission shall include, in the report required by subsection a. of this section, a description setting forth information concerning the imposition, collection and expenditure of the fees imposed by the commission. Each such report shall also set forth a complete operating and financial statement covering the operations of the commission, and any of its related entities, during the year. The commission shall cause an independent audit of its books and accounts to be made at least once in each year by certified public accountants and cause a copy thereof to be filed with the Secretary of State, the Director of the Division of Budget and Accounting, in the Department of the Treasury and the State Auditor.

C.52:27C-80 Organization of commission.

20. The commission shall organize within 90 days of the effective date of this act and shall be subject to the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

C.52:27C-81 Status of New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises.

21. a. The New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises, established pursuant to P.L.1985, c.386 (C.34:1B-47 et seq.), is transferred in but not of the Department of the Treasury, but, notwithstanding this transfer, the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises, the same shall mean and refer to the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. The New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises may, subject to the commission's approval, develop and promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement the provisions of this act and to effectuate the purposes of the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises as provided by law.

e. Regulations adopted by the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprises shall continue with full force and effect until amended or repealed pursuant to law.

C.52:27C-82 Status of New Jersey Economic Development Authority.

22. a. The New Jersey Economic Development Authority, established pursuant to P.L.1974, c.80 (C.34:1B-1 et seq.), is transferred in but not of the Department of the Treasury, but, notwithstanding this transfer, the New Jersey Economic Development Authority shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Economic Development Authority, the same shall mean and refer to the New Jersey Economic Development Authority in but not of the Department of the Treasury. Notwithstanding the provisions of any law, rule, regulation or order to the contrary, the Chief Executive Officer and Secretary of the commission shall appoint the executive director of the New Jersey Economic Development Authority.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. The New Jersey Economic Development Authority may develop and promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement the provisions of this act and to effectuate the purposes of the New Jersey Economic Development Authority as provided by law. Nothing herein shall alter the provisions of section 1 of P.L.1979, c.303 (C.34-1B-5.1).

e. Regulations adopted by the New Jersey Economic Development Authority shall continue with full force and effect until amended or repealed pursuant to law.

C.52:27C-83 Status of South Jersey Port Corporation.

23. a. The South Jersey Port Corporation, established pursuant to P.L.1968, c.60 (C.12: 11A-1 et seq.), is transferred in but not of the Department of the Treasury, but, notwithstanding this transfer, the South Jersey Port Corporation shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the South Jersey Port Corporation, the same shall mean and refer to the South Jersey Port Corporation in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. Regulations adopted by the South Jersey Port Corporation shall continue with full force and effect until amended or repealed pursuant to law.

C.52:27C-84 Status of New Jersey Public Broadcasting Authority.

24. a. The New Jersey Public Broadcasting Authority, established pursuant to P.L.1968, c.405 (C.48:23-1 et seq.), is transferred in but not of the Department of State, but notwithstanding this transfer, the New Jersey Public Broadcasting Authority shall be independent of any supervision and control by the department or by any board or officer thereof. The New Jersey Public Broadcasting Authority shall submit its budget request directly to the Division of Budget and Accounting in the Department of the Treasury.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Public Broadcasting Authority, the same shall mean and refer to the New Jersey Public Broadcasting Authority in but not of the Department of State.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. The New Jersey Department of State may render administrative assistance including, but not limited to, personnel and fiscal assistance, upon request of the New Jersey Public Broadcasting Authority. The cost and expense of any services rendered may be paid by the New Jersey Public Broadcasting Authority.

e. Regulations adopted by the New Jersey Public Broadcasting Authority shall continue with full force and effect until amended or repealed pursuant to law.

C.52:27C-85 Status of New Jersey Commission on Science and Technology.

25. a. The New Jersey Commission on Science and Technology, established pursuant to P.L.1985, c.102 (C.52:9X-1 et seq.), is transferred in but not of the Department of the Treasury, but notwithstanding this transfer, the New Jersey Commission on Science and Technology shall be independent of any supervision and control by the department or by any board or officer thereof. Notwithstanding the provisions of any law, rule, regulation or order to the contrary, the Chief Executive Officer and Secretary of the commission shall appoint the Executive Director of the New Jersey Commission on Science and Technology.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Commission on Science and Technology, the same shall mean and refer to the New Jersey Commission on Science and Technology in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. The New Jersey Commission on Science and Technology may, subject to the commission's approval, develop and promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement the provisions of this act and to effectuate the purposes of the New Jersey Commission on Science and Technology as provided by law.

e. Regulations adopted by the New Jersey Commission on Science and Technology shall continue with full force and effect until amended or repealed pursuant to law.

C.52:27C-86 Status of Motion Picture and Television Development Commission.

26. a. The Motion Picture and Television Development Commission, established pursuant to P.L.1977, c.44 (C.34:1B-22 et seq.), is transferred in but not of the Department of the Treasury, but notwithstanding this transfer, the Motion Picture and Television Development Commission shall be independent of any supervision and control by the department or by any board or officer thereof. Notwithstanding the provisions of any law, rule, regulation or order to the contrary, the Chief Executive Officer and Secretary of the commission shall appoint the Executive Director of the Motion Picture and Television Development Commission.,

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Motion Picture and Television Development Commission, the same shall mean and refer to the Motion Picture and Television Development Commission in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. The Motion Picture and Television Development Commission may, subject to the commission's approval, develop and promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement the provisions of this act and to effectuate the purposes of the Motion Picture and Television Development Commission as provided by law.

C.52:27C-87 Status of New Jersey Council of Economic Advisors.

27. a. The New Jersey Council of Economic Advisors, established pursuant to P.L.1993, c.149 (C.52:9H-34 et seq.), is transferred in but not of the Department of the Treasury, but notwithstanding this transfer, the New Jersey Council of Economic Advisors shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Council of Economic Advisors, the same shall mean and refer to the New Jersey Council of Economic Advisors in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. The commission may render administrative assistance including, but not limited to, personnel and fiscal assistance to the New Jersey Council of Economic Advisors. The cost and expense of any services rendered may be paid by the New Jersey Council of Economic Advisors, or as is annually provided for in the State budget.

C.52:27C-88 Status of New Jersey Urban Enterprise Zone Authority.

28. a. The New Jersey Urban Enterprise Zone Authority, established pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.), is transferred in but not of the Department of Treasury, but notwithstanding this transfer, the New Jersey Urban Enterprise Zone Authority shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Jersey Urban Enterprise Zone Authority the same shall mean and refer to the New Jersey Urban Enterprise Zone Authority in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. All clerical and professional assistants, and all personnel, procurement, budgetary and other administrative services necessary or incidental to the authority's proper functioning shall be provided by and through the commission, and it shall, subject to the availability of funds, reimburse the commission for all administrative services provided to the authority.

e. The New Jersey Urban Enterprise Zone Authority may, subject to the commission's approval, develop and promulgate such rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) as are necessary to implement the provisions of this act and to effectuate the purposes of the New Jersey Urban Enterprise Zone Authority as provided by law.

f. Regulations adopted by the New Jersey Urban Enterprise Zone Authority shall continue with full force and effect until amended or repealed pursuant to law.

C.52:27C-89 Status of Atlantic City Convention Center Authority.

29. a. The Atlantic City Convention Center Authority, established pursuant to P.L.1981, c.459 (C.52:27H-29 et seq.), is transferred in but not of the Department of the Treasury, but notwithstanding this transfer, the Atlantic City Convention Center Authority shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Atlantic City Convention Center Authority, the same shall mean and refer to the Atlantic City Convention Center Authority in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

C.52:27C-90 Status of Dredging Project Facilitation Task Force.

30. a. The Dredging Project Facilitation Task Force, established pursuant to P.L.1997, c.97 (C.12:6B-1 et seq.), is transferred in but not of the Department of the Treasury, but notwithstanding this transfer, the Dredging Project Task Force shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Dredging Project Task Force, the same shall mean and refer to the Dredging Project Task Force in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

C.52:27C-91 Status of Economic Development Site Task Force.

31. a. The Economic Development Site Task Force, established pursuant to P.L.1997, c.97 (C.12:6B-1 et seq.), is transferred in but not of the Department of the Treasury, but notwithstanding this transfer, the Economic Development Site Task Force shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Economic Development Site Task Force, the same shall mean and refer to the Economic Development Site Task Force in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

C.52:27C-92 Status of New Capital Sources Board.

32. a. The New Capital Sources Board established pursuant to P.L.1995, c.293 (C.34:1B-107 et seq.), is transferred in but not of the Department of the Treasury, but notwithstanding this transfer, the New Capital Sources Board shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the New Capital Sources Board, the same shall mean and refer to the New Capital Sources Board in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

C.52:27C-93 Status of Export Finance Company Advisory Council.

33. a. The Export Finance Company Advisory Council established pursuant to P.L. 1995, c.209 (C.34:1B-93 et seq.), is transferred in but not of the Department of the Treasury, but notwithstanding this transfer, the Export Finance Company Advisory Council shall be independent of any supervision and control by the department or by any board or officer thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise reference is made to the Export Finance Company Advisory Council, the same shall mean and refer to the Export Finance Company Advisory Council in but not of the Department of the Treasury.

c. This transfer shall be subject to the provisions of the "State Agency Transfer Act," P.L. 1971, c.375 (C.52:14D-1 et seq.).

34. Section 1 of P.L.1974, c.55 (C.52:14-15.107) is amended to read as follows:

C.52:14-15.107 Department officers; annual salaries.

Notwithstanding the provisions of the annual appropriations act and section 7 of P.L.1974, c.55 (C.52:14-15.110), the Governor shall fix and establish the annual salaries for the following officers within the limits as follows:

Title	Salary Not to Exceed
Agriculture Department	
Secretary of Agriculture	\$115,000
Banking Department	
Commissioner of Banking	\$115,000
Community Affairs Department	
Commissioner of Community Affairs	\$115,000
Corrections Department	
Commissioner of Corrections	\$115,000
Education Department	
Commissioner of Education	\$115,000
Environmental Protection Department	
Commissioner of Environmental Protection.	\$115,000
Health and Senior Services Department	
Commissioner of Health and Senior Services.	\$115,000
Human Services Department	
Commissioner of Human Services	\$115,000
Banking and Insurance Department	
Commissioner of Banking and Insurance.	\$115,000
Labor Department	
Commissioner of Labor.	\$115,000
Law and Public Safety Department	
Attorney General	\$115,000
Military and Veterans' Affairs Department	
Adjutant General	\$115,000
Personnel Department	
Commissioner of Personnel	\$115,000
State Department	
Secretary of State	\$115,000
Transportation Department	
Commissioner of Transportation	\$115,000
Treasury Department	
State Treasurer	\$115,000
Members, Board of Public Utilities	\$115,000

Notwithstanding the provisions of this section to the contrary, the Chief Executive Officer and Secretary of the New Jersey Commerce and Economic Growth Commission shall receive such salary as shall be fixed by the Governor pursuant to subsection b. of section 8 of P.L.1998, c.44 (C.52:27C-68).

35. Section 5 of P.L.1997, c.278(C.58:10B-23)is amended to read as follows:

C.58:10B-23 "Brownfields Redevelopment Task Force"; duties

5. a. There is created the "Brownfields Redevelopment Task Force." The Task Force shall consist of five representatives from State agencies and six public members. The State agency representatives shall be from each of the following State agencies: the Office of State Planning in the Department of Community Affairs, the New Jersey Redevelopment Authority in the Department of Community Affairs, the New Jersey Commerce and Economic Growth Commission, the Department of Transportation, and the Site Remediation Program in the Department of Environmental Protection. The six public members shall be appointed by the Governor with the advice and consent of the Senate. The public members shall include to the extent practicable: a representative of commercial or residential development interests, a representative of the financial community, a representative of a public interest environmental organization, a representative of a neighborhood or community redevelopment organization, a representative of a labor or trade organization, and a representative of a regional planning entity.

The Office of State Planning shall provide staff to implement the functions and duties of the Task Force. The public members of the Task Force shall serve without compensation but may be reimbursed for actual expenses in the performance of their duties. The Governor shall select the chairperson of the Task Force.

b. The Task Force shall prepare and update an inventory of brownfield sites in the State. In preparing the inventory, priority shall be given to those areas of the State that receive assistance from the Urban Coordinating Council. To the extent practicable, the inventory shall include an assessment of the contaminants known or suspected to have been discharged or that are currently stored on the site, the extent of any remediation performed on the site, the site's proximity to transportation networks, and the availability of infrastructure to support the redevelopment of the site. The information gathered for the inventory shall, to the extent practicable, be made available to the public by entering it into the Department of Environmental Protection's existing geographic information system, by making this

information available on the system and by making copies of any maps and data available to the public. The department may charge a reasonable fee for the reproduction of maps and data which fee shall reflect the cost of their reproduction.

c. In addition to its functions pursuant to subsection b. of this section, the Task Force shall:

(1) coordinate State policy on brownfields redevelopment, including incentives, regulatory programs, provision of infrastructure, and redevelopment planning assistance to local governments;

(2) use the inventory to prioritize sites based on their immediate economic development potential;

(3) prepare a plan of action to return these sites to productive economic use on an expedited basis;

(4) actively market sites on the inventory to prospective developers;

(5) use the inventory to provide a targeted environmental assessment of the sites, or of areas containing several brownfield sites, by the Department of Environmental Protection;

(6) consult with the Pinelands Commission concerning the remediation and redevelopment of brownfield sites located in the pinelands area as designated pursuant to section 10 of P.L.1979, c.111 (C.13:18A-11);

(7) evaluate the performance of current public incentives in encouraging the remediation of and redevelopment of brownfields; and

(8) make recommendations to the Governor and the Legislature on means to better promote the redevelopment of brownfields, including the provision of necessary public infrastructure and methods to attract private investment in redevelopment.

d. As used in this section, "brownfield" means any former or current commercial or industrial site that is currently vacant or underutilized and on which there has been, or there is suspected to have been, a discharge of a contaminant.

36. This act shall take effect sixty days after enactment, except that any appointment or any personnel activity consistent with the purposes of this act may be made prior to that date.

Approved June 30, 1998.

CHAPTER 45

Note: In approving the following act, certain items were deleted or reduced by the Governor. For a statement of those items, see the Governor's statement appended to Senate Bill No. 2000, dated June 30, 1998.

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1999 and regulating the disbursement thereof.

**ANTICIPATED RESOURCES
FOR THE FISCAL YEAR 1998-1999
GENERAL FUND**

Undesignated Fund Balance, July 1, 1998 \$143,921,000

Major Taxes

Sales	\$5,005,000,000
Corporation Business	1,381,000,000
Motor Fuels	481,741,000
Motor Vehicle Fees	358,763,000
Transfer Inheritance	384,000,000
Insurance Premiums	291,000,000
Cigarette	270,000,000
Petroleum Products Gross Receipts	196,459,000
Corporation Banks and Financial Institutions	42,000,000
Alcoholic Beverage Excise	73,000,000
Realty Transfer	67,000,000
Savings Institutions	25,000,000
Tobacco Products Wholesale Sales	13,000,000
Public Utility Excise (Reform)	<u>7,000,000</u>
Total -- Major Taxes	<u>\$8,594,963,000</u>

Miscellaneous Taxes, Fees, Revenues

Executive Branch --

Department of Agriculture:

Fertilizer Inspection Fees	\$168,000
Miscellaneous Revenue	<u>6,000</u>
Subtotal, Department of Agriculture	<u>\$174,000</u>

Department of Banking and Insurance:

Actuarial Services	\$57,000
Bank Assessments	2,739,000
Banking -- Examination Fees	2,947,000
Banking -- Licenses and Other Fees	3,124,000
FAIR Act Administration	12,500,000
Insurance -- Special Purpose Assessment	13,985,000
Insurance Examination Billings	1,450,000
Insurance Fraud Prevention	17,869,000
Insurance Licenses and Other Fees	9,120,000
Real Estate Commission	<u>3,554,000</u>
Subtotal, Department of Banking and Insurance	<u>\$67,345,000</u>

Department of Community Affairs:

Affordable Housing and Neighborhood Preservation -- Fair Housing	\$18,342,000
Boarding Home Fees	368,000
Construction Fees	5,841,000
Fire Safety	13,452,000
Hackensack Meadowlands Development Commission ..	4,200,000
Housing Inspection Fees	7,141,000
Plan Review Additional	1,647,000
Planned Real Estate Development Fees	828,000
Workplace Standards -- Licenses, Permits and Fines	1,138,000
Subtotal, Department of Community Affairs ...	<u>\$52,957,000</u>

Department of Education:

Audit Recoveries	\$1,900,000
Audit of Enrollments	15,000,000
Criminal History Background Checks	420,000
Local School District Loan Recoveries -- NJEDA	11,000,000
Miscellaneous Revenue	150,000
Nonpublic Schools Textbook Recoveries	500,000
School Construction Inspection Fees	289,000
State Board of Examiners	1,700,000
Subtotal, Department of Education	<u>\$30,959,000</u>

Department of Environmental Protection:

Air Pollution Fees and Fines	\$9,850,000
Clean Water Enforcement Act	1,750,000
Coastal Area Development Review Act	940,000
Endangered Species Tax Check-Off	329,000
Excess Diversion	250,000
Freshwater Wetlands Fees	1,973,000
Freshwater Wetlands Fines	30,000
Hazardous Waste Fees	2,600,000
Hazardous Waste Fines	200,000
Hunters' and Anglers' Licenses	11,231,000
Industrial Site Recovery Act	1,666,000
Laboratory Certification Fees	950,000
Laboratory Certification Fines	60,000
Marina Rentals	840,000
Marine Lands -- Preparation and Filing Fees	124,000
Medical Waste	3,800,000
Miscellaneous Revenue	7,000
New Jersey Pollutant Discharge Elimination System ..	14,484,000
New Jersey Water Supply Authority Debt Service Repayments	800,000
Parks Management Fees and Permits	4,275,000
Parks Management Fines	175,000
Pesticide Control Fees	4,042,000
Pesticide Control Fines	50,000
Radiation Protection Fees	3,820,000
Radiation Protection Fines	15,000
Radon Testers Certification	260,000
Recycling Fees	700,000
Shellfish and Marine Fisheries	9,000

Solid Waste -- Utility Regulation Assessments	2,700,000
Solid Waste -- Utility Regulation Fines	108,000
Solid Waste Fines -- DEP	5,206,000
Solid Waste Management Fees -- DEP	6,360,000
Solid and Hazardous Waste Disclosure	3,708,000
Spring Meadow Golf Course	500,000
Stormwater Permits	2,240,000
Stream Encroachment	1,495,000
Toxic Catastrophe Prevention Fees	1,283,000
Toxic Catastrophe Prevention Fines	25,000
Treatment Works Approval	961,000
Underground Storage Improvement Fund	500,000
Underground Storage Tanks	1,875,000
Water Allocation	2,100,000
Water Supply Management Regulations	1,135,000
Water/Wastewater Operators Licenses	225,000
Waterfront Development Fees	1,060,000
Waterfront Development Fines	15,000
Well Permits/Well Drillers/Pump Installers Licenses . . .	1,000,000
Wetlands	23,000
Worker and Community Right to Know -- Fines	<u>60,000</u>
Subtotal, Department of Environmental Protection	<u>\$97,809,000</u>
Department of Health and Senior Services:	
Animal Control Act	\$550,000
Health Care Reform	1,200,000
Licenses, Fines, Permits, Penalties, and Fees	790,000
Rabies Control	<u>453,000</u>
Subtotal, Department of Health and Senior Services	<u>\$2,993,000</u>
Department of Human Services:	
Child Care Licensing/Adoption Law	\$225,000
Early Periodic Screening and Diagnostic Testing	5,000,000
Marriage License Fees	1,309,000
Medicaid Uncompensated Care -- Acute	183,827,000
Medicaid Uncompensated Care -- Mental Health	21,867,000
Medicaid Uncompensated Care -- Psychiatric	155,729,000
Medicaid Uncompensated Care -- UMDNJ	52,855,000
Medicaid Uncompensated Care -- Piscataway	6,804,000
Medical Assistance -- Federal Match on PAAD/ Medicaid Dual Eligibles	997,000
Patients' and Residents' Cost Recoveries:	
Developmental Disability	21,764,000
Psychiatric Hospitals	40,724,000
Purchased Institutional Care	2,200,000
School Based Medicaid	<u>26,000,000</u>
Subtotal, Department of Human Services	<u>\$519,301,000</u>
Department of Labor:	
Special Compensation Fund	\$1,558,000
Workers' Compensation Assessment	11,174,000
Workplace Standards -- Licenses, Permits and Fines . . .	<u>1,220,000</u>
Subtotal, Department of Labor	<u>\$13,952,000</u>

Department of Law and Public Safety:

Beverage Licenses \$2,000,000

Division of Consumer Affairs:

General Revenues:

Charities Registration Section 695,000

Controlled Dangerous Substances 100,000

Legalized Games of Chance Control 1,390,000

Private Employment Agencies 258,000

Weights and Measures -- General 2,612,000

Professional Examining Board Fees:

New Jersey Cemetery Board 140,000

State Board of Architects 435,000

State Board of Audiology and Speech --

Language Pathology Advisory 87,000

State Board of Certified Public Accountants 691,000

State Board of Chiropractors 481,000

State Board of Cosmetology and Hairstyling 2,029,000

State Board of Dentistry 725,000

State Board of Electrical Contractors 481,000

State Board of Marriage Counselor Examiners 150,000

State Board of Master Plumbers 331,000

State Board of Medical Examiners 3,670,000

State Board of Mortuary Science 244,000

State Board of Nursing 2,900,000

State Board of Occupational

Therapists and Assistants 57,000

State Board of Ophthalmic Dispensers

and Ophthalmic Technicians 189,000

State Board of Optometrists 257,000

State Board of Orthotics and Prosthesis 32,000

State Board of Pharmacy 1,150,000

State Board of Physical Therapy 246,000

State Board of Professional Engineers

and Land Surveyors 798,000

State Board of Professional Planners 120,000

State Board of Psychological Examiners 431,000

State Board of Public Movers

and Warehousemen 228,000

State Board of Real Estate Appraisers 312,000

State Board of Respiratory Care 134,000

State Board of Shorthand Reporting 76,000

State Board of Social Workers 490,000

State Board of Veterinary Medical Examiners 157,000

Miscellaneous Revenue 21,000

Other Boating Fees 6,000

Pleasure Boat Licenses 3,300,000

Securities Enforcement 5,398,000

State Police -- Fingerprint Fees 1,014,000

State Police -- Other Licenses 168,000

State Police -- Private Detective Licenses 220,000

Violent Crime Compensation 3,780,000

Subtotal, Department of Law

and Public Safety \$38,003,000

Department of Military and Veterans' Affairs:	
Soldiers' Homes	<u>\$21,029,000</u>
Subtotal, Department of Military and Veterans' Affairs	<u>\$21,029,000</u>
Department of Transportation:	
Air Safety Fund	\$965,000
Applications and Highway Permits	1,700,000
Auto Body Repair Shop Licensing	589,000
Autonomous Transportation Authorities	24,500,000
Drunk Driving Fines	710,000
Good Driver	97,467,000
Heavy Duty Diesel	1,890,000
High Risk Vehicle Inspection Fee	203,000
Interest on Purchase of Right-of-Way	63,000
Logo Sign Program Fees	775,000
Motor Vehicle Database -- Automated Access	7,800,000
Motor Vehicle Inspection Fund	64,400,000
Motor Vehicle Security -- Responsibility Law Administration	9,527,000
Outdoor Advertising	740,000
Parking Offenses	280,000
Petitions and Motor Carrier Inspections	145,000
Photo Licensing	1,000,000
Salvage Title Program	450,000
School Bus Failure to Pass Inspection	2,000,000
School Bus Inspection Fee	1,500,000
Special Plate Fees	1,174,000
Uninsured Motorists Program	<u>3,821,000</u>
Subtotal, Department of Transportation	<u>\$221,699,000</u>
Department of the Treasury:	
Assessments -- Cable TV	\$3,017,000
Assessments -- Public Utility	18,888,000
Casino Fines	150,000
Coin Operated Telephones	6,000,000
Commercial Recording -- Expedited	2,803,000
Commissions	1,098,000
Equipment Leasing Fund -- Debt Service Recovery	4,822,000
Escrow Interest -- Construction Accounts	150,000
General Revenue -- Fees	22,430,000
Higher Education Bond Interest Recoveries	221,000
Investment Earnings	15,000,000
NJ Development Authority for Small Businesses, Minorities' & Women's Enterprises	500,000
Nuclear Emergency Response Assessment	3,948,000
Public Utility Fines	300,000
Public Utility Gross Receipts and Franchise Taxes	60,000,000
Public Utility Tax -- Administration	250,000
Railroad Tax -- Class II	4,800,000
Railroad Tax -- Franchise	3,300,000
Rate Payer Advocate	4,000,000
SOIL Match	5,000,000
Surplus Property	2,000,000
Tax Lien Sales	10,000,000

Transitional Energy Facilities Assessment	<u>282,000,000</u>
Subtotal, Department of the Treasury	<u>\$450,677,000</u>
Other Sources:	
Miscellaneous Revenue	<u>\$500,000</u>
Subtotal, Other Sources	<u>\$500,000</u>
Inter-Departmental Accounts:	
Administration and Investment of and Health	
Benefit Pension Funds - Recoveries	\$37,569,000
Drug Enforcement Demand Reduction	955,000
Employee Maintenance Deductions	700,000
Fringe Benefit Recoveries from Federal	
and Other Funds	74,700,000
Fringe Benefit Recoveries from School Districts	11,500,000
Fringe Benefit Recoveries from	
Colleges and Universities	45,321,000
Indirect Cost Recovery -- DEP Other Funds	13,000,000
MTF Revenue Fund	51,500,000
Rent of State Building Space	1,200,000
Social Security Recoveries from Federal	
and Other Funds	<u>38,000,000</u>
Subtotal, Inter-Departmental Accounts	<u>\$274,445,000</u>
Judicial Branch --	
Court Fees	<u>\$62,078,000</u>
Subtotal, Judicial Branch	<u>\$62,078,000</u>
Total -- Miscellaneous Taxes, Fees, Revenues	<u>\$1,853,921,000</u>

Interfund Transfers

Beaches and Harbor Fund	\$135,000
Clean Communities Account Fund	725,000
Clean Waters Fund	155,000
Correctional Facilities Construction Fund	15,000
Correctional Facilities Construction Fund (Act of 1987)	833,000
Cultural Center and Historic Preservation Fund (Act of 1987)	227,000
Developmental Disabilities Waiting List Reduction Fund	100,000
Emergency Flood Control Fund	6,000
Energy Conservation Fund	279,000
Farmland Preservation Fund	54,000
Fund for the Support of Free Public Schools	5,350,000
Hazardous Discharge Fund	150,000
Hazardous Discharge Fund (Act of 1986)	100,000
Hazardous Discharge Site Cleanup Fund	14,923,000
Health Care Subsidy Fund	22,500,000
Historic Preservation Fund (1992)	467,000
Housing Assistance Fund	60,000
Human Services Facilities Construction Fund	57,000
Institutions Construction Fund	1,000
Jobs, Science and Competitiveness Fund	100,000
Jobs, Science and Technology Fund	2,000
Judiciary Child Support Fund	1,250,000
Judiciary Bail Fund	1,800,000
Judiciary Probation Fund	175,000
Judiciary Special Civil Fund	150,000
Judiciary Superior Court Miscellaneous Fund	240,000

Legal Services Trust Fund	11,954,000
Medical Malpractice Reinsurance Recovery Fund	14,500,000
Mortgage Assistance Fund	1,060,000
Motor Vehicle Security Responsibility Fund	8,000
New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Preservation Fund	300,000
Natural Resources Fund	461,000
New Jersey Bridge Rehabilitation and Improvement Fund	380,000
New Jersey Green Acres Fund (Act of 1983)	1,150,000
New Jersey Green Acres Fund (Act of 1992)	1,135,000
New Jersey Green Acres Fund - 1995	1,264,000
New Jersey Green Acres Fund - 1989	110,000
New Jersey Green Trust Fund (Act of 1992)	1,314,000
New Jersey Green Acres Fund - 1995	1,244,000
New Jersey Green Acres Fund - 1989	220,000
New Jersey Spill Compensation Fund Administrative Costs	1,592,000
Pollution Prevention Fund	1,592,000
Public Purpose Buildings Construction Fund	29,000
Public Purpose and Community-Based Facilities Construction Fund	235,000
Resource Recovery Investment Fund	225,000
Resource Recovery and Solid Waste Disposal Facility Fund	224,000
Safe Drinking Water Fund	1,974,000
Sanitary Landfill Facility Contingency Fund	2,899,000
School Fund Investment Account	2,541,000
Shore Protection Fund	750,000
Solid Waste Services Tax Fund	75,000
State Disability Benefits Fund General Account	25,161,000
State Land Acquisition and Development Fund	170,000
State Lottery Fund	665,500,000
State Lottery Fund Administration	13,835,000
State Recreation and Conservation Land Acquisition and Development (Act of 1974)	120,000
State Recycling Fund	942,000
State of New Jersey Cash Management Fund	1,750,000
Unclaimed Insurance Payments	100,000
Unclaimed Personal Property Trust Fund	46,000,000
Unemployment Compensation Tax Auxiliary Fund	11,789,000
Unsatisfied Claim and Judgment Fund	2,297,000
Wage and Hour Trust Fund	75,000
Wastewater Treatment Fund - 1992	2,800,000
Water Conservation Fund	36,000
Water Supply Fund	3,024,000
Worker and Community Right to Know Fund	2,595,000
Workforce Development Partnership Fund	33,750,000
Total -- Interfund Transfers	\$918,757,000
Total State Revenues, General Fund	\$11,367,641,000
Total Resources, General Fund	<u>\$11,511,562,000</u>

Surplus Revenue Fund

Undesignated Fund Balance, July 1, 1998	\$500,695,000
Total Resources, Surplus Revenue Fund	<u>\$500,695,000</u>

Property Tax Relief Fund

Undesignated Fund Balance, July 1, 1998	\$493,183,000
Gross Income Tax	<u>5,933,000,000</u>
Total Resources, Property Tax Relief Fund	<u>\$6,426,183,000</u>

Casino Control Fund

Undesignated Fund Balance, July 1, 1998	\$0
License Fees	<u>54,761,000</u>
Total Resources, Casino Control Fund	<u>\$54,761,000</u>

Casino Revenue Fund

Undesignated Fund Balance, July 1, 1998	\$0
Boarding House Rental Assistance	2,000,000
Casino Simulcasting Fund	165,000
Gross Revenue Tax	325,000,000
Investment Earnings	<u>3,000,000</u>
Total Resources, Casino Revenue Fund	<u>\$330,165,000</u>

Gubernatorial Elections Fund

Undesignated Fund Balance, July 1, 1997	\$0
Taxpayers' Designations	<u>1,500,000</u>
Total Resources, Gubernatorial Elections Fund	<u>\$1,500,000</u>
Total Resources, All State Funds	<u>\$18,824,866,000</u>

Federal Revenue

Executive Branch --

Department of Agriculture:

Child Nutrition -- Administration	\$2,800,000
Child Nutrition -- Child Care	38,700,000
Child Nutrition -- School Lunch	121,000,000
Child Nutrition -- Special Milk	1,300,000
Child Nutrition -- Summer Programs	8,348,000
Cooperative Gypsy Moth Suppression	120,000
Fish Inspection Services	200,000
Hemlock Woolly Adelgid	44,000
Jobs Bill	1,150,000
Nutrition Education and Training -- NET	75,000
School Breakfast	20,150,000
Team Nutrition Training	195,000
Various Federal Programs and Accruals	<u>163,000</u>
Subtotal, Department of Agriculture	<u>\$194,245,000</u>

Department of Commerce and Economic Development:

National Telecommunications Information Agency	<u>\$125,000</u>
Subtotal, Department of Commerce and Economic Development	<u>\$125,000</u>

Department of Community Affairs:

Community Services Block Grant -- HHS	\$14,000,000
Emergency Shelter Grants Program	1,100,000
HOPE for Elderly Independence Demonstration Program	400,000
Moderate Rehabilitation Housing Assistance	13,346,000
National Affordable Housing -- HOME Investment Partnerships	7,500,000

Permanent Housing for the Handicapped Homeless	350,000
Section 8 Community Investment	501,000
Section 8 Existing Housing Rental Assistance	70,946,000
Section 8 Housing Voucher Program	42,372,000
Shelter Plus Care Program	540,000
Small Cities Block Grant Program	11,500,000
Supplemental Assistance for Facilities to Assist the Homeless	382,000
Transitional Housing -- Homeless	1,000,000
Weatherization Assistance Program	2,800,000
Various Federal Programs and Accruals	60,000
Subtotal, Department of Community Affairs . . .	<u>\$166,797,000</u>
Department of Corrections:	
SSA Incentive Payments	\$50,000
State Criminal Alien Assistance Program	<u>10,500,000</u>
Subtotal, Department of Corrections	<u>\$10,550,000</u>
Department of Education:	
AIDS Prevention Education	\$659,000
Adult Basic Education -- Administration/Discretionary	10,414,000
Bilingual and Compensatory Education-- Homeless Children and Youth	634,000
Byrd Scholarship Program	1,064,000
Character Education Partnership	274,000
Christa McAuliffe Fellowship Program	45,000
Comprehensive School Reform -- FEI Administration . . .	686,000
Comprehensive School Reform Title I -- Administration	2,624,000
Comprehensive System of Personnel Development (CSPD)	178,000
Deaf/Blind Children Services -- Administration/Discretionary	366,000
Drug Use/Violence Prevention Data Collection	150,000
Drug-Free Schools and Communities -- Administration	10,190,000
EESA, Title II -- Math/Science Training, Exemplary . . .	7,350,000
Eisenhower Math/Science Grant -- Critical Skills	1,290,000
Emergency Immigrants Education Assistance -- Administration	4,962,000
Even Start Family Literacy Grant -- Discretionary	2,410,000
GOALS 2000 -- Technology	11,629,000
IASA Consolidated Administration	5,069,000
IDEA -- Handicapped	136,152,000
Innovative Education., Title VI -- Discretionary	9,849,000
Learn and Serve Community Based	200,000
Migrant Education -- Administration/Discretionary	1,283,000
National Community Service -- Disability Funds	55,000
National Community Service -- Learn and Serve America (K-12)	644,000
National Community Service -- Program Development Assistance and Training	153,000
National Community Service -- State Commission	350,000

National Community Service -- Urban School Services Corp.	6,615,000
New Jersey Partnership for Transition	300,000
Pre-School Incentive Grant --	
Administration/Discretionary	11,645,000
Public Charter Schools	2,770,000
Safe & Drug-Free Schools -- Governor's	
Portion Discretionary	2,652,000
School to Work Opportunities	6,000,000
Technology Literacy Challenge Fund	10,455,000
Title I -- Capital Expenses	2,235,000
Title I -- LEA Disadvantaged.	166,000,000
Title I, Part D -- Neglected & Delinquent	2,548,000
Vocational Education -- Basic Grants, Administration	22,368,000
Vocational Education Technical Preparation	2,300,000
Various Federal Programs and Accruals	180,000
Subtotal, Department of Education	<u>\$444,848,000</u>
Department of Environmental Protection:	
Air Deposition	\$700,000
Air Pollution Maintenance Program	6,319,000
Appalachian Trail Improvement (ISTEA)	50,000
Appalachian Trail Viewshed Acquisition (ISTEA)	500,000
Archaeological & History/GIS Inventory (ISTEA)	1,700,000
Artificial Reef Program	300,000
Boat Access (Fish and Game)	400,000
CERCLA Grants	250,000
Cape May Point State Park Bikeway (ISTEA)	200,000
Clean Lakes Program	3,650,000
Clean Vessels	1,000,000
Climate Change Action Plan (Recycling of	
Landfill Gases)	200,000
Coastal Zone Management Implementation	4,117,000
Consolidated Forest Management	935,000
Construction Grants Program	64,000,000
Delaware and Raritan Canal Route #1	
Crossing (ISTEA)	825,000
Delaware and Raritan Canal State Park	
Multi-Purpose Trail -- Phase II (ISTEA)	400,000
Delaware and Raritan Canal State Park	
Multi-Purpose Trail -- Phase III (ISTEA)	500,000
Delaware & Raritan Canal State Park	
Old Rose to Mulberry St. (ISTEA)	250,000
Delaware and Raritan Canal State Park/	
Bordentown Outlet (ISTEA)	820,000
Endangered Species E-1-6	90,000
Environmental Justice	250,000
Estuary Program	1,240,000
Forest Resource Management --	
Cooperative Forest Fire Control	214,000
Forked River Annex Land Acquisition	330,000
Good Luck Point Land Acquisition	480,000
Hazardous Waste -- Resource Conservation	
Recovery Act	4,281,000

Historic Preservation Survey & Planning	900,000
Hunters' and Anglers' License Fund	5,790,000
Island Beach State Park Bikeway Extension (ISTEA)	600,000
Land and Water Conservation Fund	5,000,000
Liberty State Park Archival Facility (ISTEA)	726,000
Liberty State Park Ferry Slip Restoration (ISTEA)	2,000,000
Liberty State Park Train Sheds -- Structural Report (ISTEA)	350,000
Liberty State Park -- Bus Terminal	400,000
Marine Fisheries Investigation and Management	1,110,000
Maurice River II	1,000,000
Multi-Media	500,000
NPDES Implementation Support Program	900,000
National Coastal Wetlands Conservation	775,000
National Geologic Mapping Program	200,000
National Recreational Trails	642,000
Non- Point Source Implementation (319H)	2,000,000
Particulate Monitoring Grant	1,500,000
Paulinskill Valley Trail Improvements (ISTEA)	550,000
Pesticide Technology	660,000
Pinelands Grant -- Acquisition	6,000,000
Pollution Prevention Incentive	100,000
Preliminary Assessments/Site Inspections	3,175,000
Radon Program	600,000
Safe Drinking Water Act	48,200,000
Salem River Meadows	1,000,000
Sloop/Maple Creek Acquisition	350,000
State Wetlands Conservation Plan	500,000
State/EPA Data Management Grant	500,000
Statewide Trail Implementation (ISTEA)	110,000
Stewardship Land Type Association	20,000
Superfund Grants	25,000,000
Sussex Branch Train Bridges (ISTEA)	1,127,000
Sussex Branch Trail Connector (ISTEA)	75,000
U.S. Department of Energy/Inventory of Greenhouse Gases	400,000
Underground Injection Control	90,000
Underground Storage Tanks	1,855,000
Various Federal Programs and Accruals	1,312,000
Water Monitoring and Planning	1,600,000
Water Pollution Control Program	2,400,000
Watershed Indicators	<u>300,000</u>
Subtotal, Department of Environmental Protection	<u>\$214,318,000</u>
Department of Health and Senior Services:	
Abstinence Education -- FHS	\$900,000
American Stop Smoking Intervention Study	1,270,000
Behaviorial Risk Factor Surveillance System	60,000
Breast Cancer Epidemiology	3,000,000
Childhood Lead Poisoning	1,100,000
Clinical Laboratory Improvement Amendments Program	612,000
Comprehensive AIDS Resources Grant	40,000,000

Comprehensive Breast and Cervical Cancer	3,200,000
Coordination of Home Visits to Families with Children in New Jersey	260,000
Counseling on Health Insurance for Medicare Enrollees .	300,000
Demand Needs Assessment -- Alcohol	217,000
Demand and Needs Assessment for Alcohol and Drug Abusers	574,000
Demonstration Program to Conduct Health Assessments	2,700,000
Dietetic Internship	460,000
Early Intervention Program for Infants and Toddlers with Disabilities (Part H)	9,700,000
Epidemiology 2000 -- Electronic Surveillance	250,000
Essex County Healthy Start Initiative	500,000
Evaluating Client-Centered HIV Prevention Counseling .	413,000
Family Planning Program -- Title X	3,100,000
Federal Civil Monetary Penalties	250,000
Federal Lead Abatement Program	800,000
Food Inspection	274,000
HIV/AIDS Prevention and Education Grant	12,800,000
HIV/AIDS Surveillance Grant	5,637,000
Hepatitis C Virus Infection Programs	360,000
Housing Opportunities for Persons with AIDS	1,400,000
Immunization Project	8,570,000
Information Network for Public Health Officials	250,000
Injury Demonstration Projects for Evaluation of Youth Violence Prevention	396,000
Lyme Disease Research	211,000
Maternal and Child Epidemiology Programs (MCHEP) .	94,000
Maternal and Child Health Block Grant .	12,700,000
Medicare/Medicaid Inspections of Nursing Facilities . .	7,976,000
New Jersey Project: Providing a MED Home in a Neighborhood of Services	116,000
National Council on Aging -- Senior Employment Services Project .	3,000,000
National Program of Cancer Registries	1,500,000
New Jersey WIN Initiative Project .	350,000
Occupationally Related Tuberculosis Among Health Care Workers	125,000
Older Americans Act -- Title III	29,150,000
Pediatric AIDS Health Care Demonstration Project . . .	2,200,000
Preventative Health and Health Services Block Grant . .	5,882,000
Prevention of Lead Hazards from Renovation and Remodeling	100,000
Primary Care Service and Management Planning	175,000
Prostate Cancer Study	375,000
Public Employees Occupational Safety and Health -- State Plan	500,000
Residential Substance Abuse Treatment for Pregnant/Postpartum Women	671,000
Sentinel Event Notification System -- Occupational Risks	150,000
State Based Diabetes Program	750,000
State Office of Rural Health	50,000

State-Based Birth Defects Surveillance	
Demonstration Project	64,000
Substance Abuse Block Grant	45,312,000
Supplemental Food Program -- WIC	100,000,000
Toxic Substances Control Act	190,000
Tuberculosis Control Program	8,900,000
USDA Older Americans Act -- Title III	3,900,000
Various Federal Programs and Accruals	518,000
Venereal Disease Project	2,650,000
Vital Statistics Component	674,000
WIC Farmer's Market Nutrition Program	217,000
Subtotal, Department of Health and Senior Services	<u>\$327,853,000</u>
Department of Human Services:	
Block Grant Mental Health Services	\$8,090,000
Child Care Block Grant	72,169,000
Child Support Enforcement Program	111,369,000
Community Based Residential Program Grant	1,000,000
Community Care Waiver	142,295,000
Developmental Disabilities Council	1,566,000
Federal Independent Living	500,000
Food Stamp Program	92,275,000
Foster Grandparents Program	851,000
Low Income Energy Assistance Block Grant	40,090,000
Projects for Assistance in Transition from Homelessness (PATH)	620,000
Refugee Resettlement Program	5,212,000
Restricted Grants	3,247,000
Social Service Block Grant	69,126,000
Temporary Assistance to Needy Families Block Grant	440,976,000
Title IV-B Child Welfare Services	10,074,000
Title IV-E Foster Care	63,996,000
Title IV-E Foster Care Independent Living	2,298,000
Title XIX -- Child Residential	42,276,000
Title XIX ICF/MR	171,016,000
Title XIX Medical Assistance	2,250,927,000
Title XXI Childrens Health Insurance Program	88,400,000
Various Federal Programs and Accruals	520,000
Vocational Rehabilitation Act -- Section 120	8,946,000
Subtotal, Department of Human Services	<u>\$3,627,839,000</u>
Department of Labor:	
Comprehensive Services for Independent Living	\$600,000
Current Employment Statistics	1,984,000
Disabled Veterans' Outreach Program	2,786,000
Employment Services	23,264,000
Employment Services Cost Reimbursable Grants -- Migrant Housing	50,000
Employment Services Grants -- Alien Labor Certification	1,781,000
JTPA Title III D Discretionary Funding	5,600,000
Job Training Partnership Act	58,959,000

Job Training Partnership Act -- Title III	
Dislocated Workers	44,679,000
Local Veterans' Employment Representatives	1,594,000
OASI (DDS) Intelligent Workstation Activities	1,000,000
OSHA Data Collection Survey	80,000
Occupational Informational Coordinating Program	161,000
Occupational Safety Health Act ,	
On-Site Consultation	1,522,000
Occupational Wage Survey -- LMI	241,000
Occupational Wage Survey -- Alien Certification	224,000
Old Age and Survivors Insurance --	
Disability Determination	39,050,000
One Stop LMI	527,000
Redesigned Occupational Safety and	
Health (ROSH)	381,000
Rehabilitation of Supplemental Security	
Income Beneficiaries	2,000,000
Supported Employment	1,000,000
Technology Related Assistance Project	550,000
Trade Adjustment Assistance Project	8,610,000
Unemployment Insurance	97,476,000
Various Federal Programs and Accruals	345,000
Vocational Rehabilitation Act of 1973	40,500,000
Welfare to Work	23,257,000
Work Opportunity Tax Credit	<u>700,000</u>
Subtotal, Department of Labor	<u>\$358,921,000</u>
Department of Law and Public Safety:	
Aftercare Program	\$154,000
Alcohol Education Materials	550,000
Anti-Terrorism Training	150,000
COPS Universal Hiring Grant	3,500,000
Challenge Grant	435,000
Combating Underage Drinking	360,000
Community Prosecutors Block Grant	1,500,000
Comprehensive Environmental Response	
Compliance and Liability Act	30,000
Cops MORE Grant	2,300,000
Drug Enforcement Administration and Grants	18,900,000
Drug Testing Prevention	2,600,000
Drunk Driver Prevention	1,422,000
Emergency Management Training & Education	400,000
Federal Highway Safety Program -- State Match	3,888,000
Flood Mitigation Assistance	1,500,000
Forensic DNA Lab	1,200,000
Hazardous Materials Transportation	
Uniform Safety Act	275,000
High Intensity Drug Trafficking Area (HIDTA)	900,000
Incident Command (ISTEA)	500,000
Juvenile Accountability Incentive Block Grant	6,000,000
Juvenile Boot Camp Renovation Grant	1,000,000
Juvenile Justice Delinquency Prevention	2,274,000
Juvenile Monitoring Unit	195,000

Law Enforcement Planning, Resource	
Development and Evaluation	100,000
Local Law Enforcement Block Grant	1,300,000
Medicaid Fraud Unit	2,500,000
Mitigation Assistance Program	400,000
NHTSA 402 -- Youthful Driver	20,000
National Criminal History Program -- OAG	7,000,000
National Sex Offender Registry	700,000
New Charge Resolution Project	617,000
Northeast Hazardous Waste Project -- RCRA	224,000
OP Special Traffic Safety Program	175,000
Private Industry Council -- JTPA Funds (MSW)	250,000
Recreational Boating Safety Financial Assistance	2,000,000
Residential Treatment for Substance Abuse	1,600,000
SARA Title III, Section 126 Funding	125,000
State Identification System	173,000
State and Local Assistance	5,232,000
Title III/Hazardous Materials	270,000
Title V Funding	540,000
Truth In Sentencing Incentive Grant	18,600,000
Unemployment Fraud	550,000
Various Federal Programs and Accruals	355,000
Victim Assistance Grants	11,000,000
Victim Compensation Award	2,200,000
Violence Against Women Act	5,000,000
Youth Violence/Gangs/At-Risk Youth	3,000,000
Subtotal, Department of Law	
and Public Safety	<u>\$113,964,000</u>
Department of Military and Veterans' Affairs:	
Army Facilities -- Service Contracts	\$855,000
Army National Guard Statewide Security Agreement	575,000
Army Training and Technology Lab	1,300,000
Atlantic City Air Base -- Service Contracts	1,845,000
Facilities Management Support Contract	1,800,000
Fire Fighter/Crash Rescue Service	
Cooperative Funding Agreement	933,000
Hazardous Waste Environmental Protection Program	1,817,000
McGuire Air Force Base -- Service Contracts	1,491,000
Medicare Part A and Part B Receipts for	
Resident Care and Operational Costs	173,000
National Guard Communications Agreement	500,000
New Jersey National Guard Challenge	
Youth Program	1,854,000
Reefex Environmental Program	500,000
Training and Equipment Pool Sites	1,400,000
Veterans' Education Monitoring	<u>507,000</u>
Subtotal, Department of Military and	
Veterans' Affairs	<u>\$15,550,000</u>
Department of State:	
Arts Programs	50,000
National Endowment for the Arts Partnership	616,000
Various Federal Programs and Accruals	<u>197,000</u>
Subtotal, Department of State	<u>\$863,000</u>

Department of Transportation:	
Airport Fund	\$20,000,000
Highway Planning and Research	13,000,000
Metropolitan Planning Funds	11,000,000
Motor Carrier MC98-34-001	25,000
Motor Carrier Safety Assistance Program	4,000,000
New Jersey Transportation Planning Assistance	3,500,000
Rail Freight Capital Projects	2,000,000
Supportive Services Highway Construction Training Program	500,000
Trauma Research -- Highway Traffic Safety	259,000
Subtotal, Department of Transportation	<u>\$54,284,000</u>
Department of the Treasury:	
Division of Gas Expansion	\$600,000
Federal Energy Administration ..	500,000
National Health Service Corps -- Student Loan Repayment Program	182,000
State Energy Conservation Program	1,725,000
State Student Incentive Grant Program	655,000
Student Loan Administrative Cost Deduction and Allowance	13,976,000
Subtotal, Department of the Treasury	<u>\$17,638,000</u>
The Judiciary:	
Various Federal Programs and Accruals	<u>\$372,000</u>
Subtotal, The Judiciary	<u>\$372,000</u>
Subtotal -- Federal Revenue	<u>\$5,548,167,000</u>
Special Transportation Trust Fund -- Federal	
Department of Transportation:	
Federal Highway Administration	\$675,000,000
Federal Transit Administration	<u>\$300,000,000</u>
Subtotal, Special Transportation Trust Fund -- Federal	<u>\$975,000,000</u>
Total Appropriation, Federal Revenue	<u>\$6,523,167,000</u>
Grand Total Resources, All Funds	<u>\$25,371,333,000</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, 1999. 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 encumbrances on file as of June 30, 1999 with the Director of the Division of Budget and Accounting or held by pre-encumbrances on file as of June 30, 1999 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing

of all pre-encumbrances outstanding as of July 31, 1999 together with an explanation of their status. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any encumbrance or pre-encumbrance made under any appropriation contained in any appropriation act of the previous year or years. Furthermore, balances held by pre-encumbrances as of June 30, 1998 are available for payments applicable to fiscal year 1998 as determined by the Director of the Division of Budget and Accounting. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with a listing of all pre-encumbrances outstanding as of July 31, 1998 together with an explanation of their status. On or before December 1, 1998, 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, 1998, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1998.

**DIRECT STATE SERVICES
LEGISLATIVE BRANCH**

01 LEGISLATURE

70 Government Direction, Management and Control

71 Legislative Activities

0001 Senate

01-0001 Senate	<u>\$10,519,000</u>
Total Appropriation, Senate	<u>\$10,519,000</u>

Personal Services:

Senators (40) ..	(\$1,412,000)
Salaries and Wages	(3,785,000)
Members' Staff Services	(4,200,000)
Materials and Supplies	(141,000)
Services Other Than Personal	(856,000)
Maintenance and Fixed Charges	(76,000)
Additions, Improvements and Equipment	(49,000)

The unexpended balance as of June 30, 1998 in this account is appropriated.

0002 General Assembly

02-0002 General Assembly	<u>\$16,162,000</u>
Total Appropriation, General Assembly	<u>\$16,162,000</u>

Personal Services:

Assemblypersons (80)	(\$2,812,000)
Salaries and Wages	(4,245,000)
Members' Staff Services	(8,000,000)
Materials and Supplies	(155,000)
Services Other Than Personal	(775,000)
Maintenance and Fixed Charges	(140,000)
Additions, Improvements and Equipment	(35,000)

The unexpended balance as of June 30, 1998 in this account is appropriated.

Total Appropriation, Senate and General Assembly.	<u>\$26,681,000</u>
--	---------------------

0003 Office of Legislative Services

03-0003 Legislative Support Services	<u>\$21,666,000</u>
Total Appropriation, Office of Legislative Services	<u>\$21,666,000</u>

Personal Services:

Salaries and Wages	(\$14,940,000)
Materials and Supplies	(1,067,000)
Services Other Than Personal	(2,575,000)
Maintenance and Fixed Charges	(2,926,000)

Special Purpose:

Affirmative Action and Equal Employment Opportunity	(23,000)
Additions, Improvements and Equipment	(135,000)

The unexpended balance as of June 30, 1998 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.

In addition to the amounts appropriated hereinabove, there is appropriated an amount not to exceed \$3,717,000, less any funds previously appropriated for this purpose, as determined by the Computer Executive Group of the Legislative Information Systems Committee of the Legislative Services Commission, for the continuation and expansion of data processing systems 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. No amounts so determined shall be obligated, expended or otherwise made available without the written prior authorization of the Senate President and the Speaker of the General Assembly.

Receipts derived from fees and charges for public access to legislative information systems and the unexpended balance as of June 30, 1998 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.

Such sums as are required for master lease payments, subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer, are appropriated.

09 Legislative Commissions**0010 Intergovernmental Relations Commission**

09-0010 Intergovernmental Relations Commission	<u>\$369,000</u>
Total Appropriation, Intergovernmental Relations Commission	<u>\$369,000</u>

Special Purpose:

The Council of State Governments	(\$135,000)
National Conference of State Legislatures	(151,000)
Yankee Trader Institute - The Council of State Governments	(37,000)
Northeast-Midwest Research Institute	(46,000)

The unexpended balance as of June 30, 1998 in this account is appropriated.

0014 Joint Committee on Public Schools

09-0014 Joint Committee on Public Schools	<u>\$350,000</u>
Total Appropriation, Joint Committee on Public Schools	<u>\$350,000</u>

Special Purpose:

Expenses of the Commission	(\$350,000)
----------------------------------	-------------

The unexpended balance as of June 30, 1998 in this account is appropriated.

Of the amounts hereinabove appropriated, no funds shall be available for payments on contracts for the monitoring of the Newark public school district entered into prior to the effective date of this act by the Joint Committee on the Public Schools constituted in the 1996-1997 legislative session.

0018 State Commission of Investigation

09-0018 State Commission of Investigation \$2,358,000

Total Appropriation, State Commission of Investigation . . . \$2,358,000

Special Purpose:

Expenses of the Commission (\$2,358,000)

The unexpended balance as of June 30, 1998 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026 Commission on Business Efficiency in
the Public Schools \$80,000

Total Appropriation, Commission on Business

Efficiency in the Public Schools \$80,000

Special Purpose:

Expenses of the Commission (\$80,000)

The unexpended balance as of June 30, 1998 in this account is appropriated.

0053 New Jersey Law Revision Commission

09-0053 New Jersey Law Revision Commission \$293,000

Total Appropriation, New Jersey Law Revision Commission . \$293,000

Special Purpose:

Expenses of the Commission (\$293,000)

The unexpended balance as of June 30, 1998 in this account is appropriated.

0058 State Capitol Joint Management Commission

09-0058 State Capitol Joint Management Commission \$4,500,000

Total Appropriation, State Capitol Joint

Management Commission \$4,500,000

Special Purpose:

Expenses of the Commission (\$4,500,000)

The unexpended balance as of June 30, 1998 in this account is appropriated.

In addition to the amounts appropriated hereinabove, there is appropriated an amount not to exceed \$1,000,000, as shall be determined by the State Capital Joint Management Commission, to develop a food service hospitality facility for visitors and others at the capital complex. The selection of the vendor by the State Capital Joint Management Commission shall be made by an open public bidding process.

0060 New Jersey Information Resources Management Commission

The unexpended balance as of June 30, 1998 in this account is appropriated.

0061 Clean Ocean and Shore Trust Committee

09-0061 Clean Ocean and Shore Trust Committee \$125,000

Total Appropriation, Clean Ocean and

Shore Trust Committee \$125,000

Special Purpose:

Expenses of the Committee (\$125,000)

The unexpended balance as of June 30, 1998 in this account is appropriated.

Total Appropriation, Legislative Commissions \$8,075,000

Total Appropriation, Legislature \$56,422,000

EXECUTIVE BRANCH
06 OFFICE OF THE CHIEF EXECUTIVE
70 Government Direction, Management and Control
76 Management and Administration
0300 Chief Executive's Office

01-0300 Executive Management	<u>\$5,250,000</u>
Total Appropriation, Chief Executive's Office	<u>\$5,250,000</u>
Personal Services:	
Salaries and Wages	(\$4,002,000)
Materials and Supplies	(96,000)
Services Other Than Personal	(553,000)
Maintenance and Fixed Charges	(136,000)
Special Purpose:	
National Governors' Association	(170,000)
Coalition of Northeastern Governors	(48,000)
Education Commission of the States	(91,000)
National Conference of Commissioners On	
Uniform State Laws	(42,000)
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	(27,000)
The unexpended balance as of June 30, 1998 in this account is appropriated.	
Total Appropriation, Office of the Chief Executive	<u>\$5,250,000</u>

10 DEPARTMENT OF AGRICULTURE
40 Community Development and Environmental Management
49 Agricultural Resources, Planning, and Regulation

01-3310 Animal Disease Control	\$1,027,000
02-3320 Plant Pest and Disease Control	1,739,000
03-3330 Resource Development Services	1,617,000
04-3340 Dairy and Commodity Regulation	850,000
06-3360 Marketing Services	2,581,000
08-3380 State Agricultural Development Committee	100,000
99-3370 Management and Administrative Services	<u>1,143,000</u>
Total Appropriation, Agricultural Resources,	
Planning, and Regulation	<u>\$9,057,000</u>
Personal Services:	
Salaries and Wages	(\$5,548,000)
Materials and Supplies	(184,000)
Services Other Than Personal	(422,000)
Maintenance and Fixed Charges	(288,000)
Special Purpose:	
Aquaculture Development	(200,000)
Fish and Seafood Development	
and Promotion	(100,000)
Future Farmers' Youth Development	(195,000)
Dairy and Commodity Regulation	(75,000)
Sludge/Fertilizer Testing	(50,000)
Promotion/Market Development	(1,166,000)

Wine Promotion Program (30,000)
 Temporary Emergency Food Assistance Program (338,000)
 Expenses of State Board of Agriculture. (18,000)
 Agricultural Right-to-Farm Program (100,000)
 Aquaculture Technology (250,000)
 Sussex County Soil Conservation District (65,000)
 Affirmative Action and Equal Employment Opportunity (28,000)

Receipts from laboratory test fees are appropriated to support the Animal Health Laboratory program. The unexpended balance as of June 30, 1998 in the Animal Health Laboratory program is appropriated for the same purpose.

Receipts from the sale or studies of beneficial insects are appropriated to support the Beneficial Insect Laboratory. The unexpended balance as of June 30, 1998 in the Sale of Insects account is appropriated for the same purpose.

Receipts from the seed laboratory testing and certification programs are appropriated for program costs.

Receipts from Nursery Inspection fees are appropriated for Nursery Inspection program costs. The unexpended balance as of June 30, 1998 in the Nursery Inspection fee account is appropriated for the same purpose.

Receipts derived from the Soybean Integrated Pest Management Program are appropriated for the same purpose.

In addition to the amount hereinabove for Resource Development Services, such sums as may be necessary shall be transferred, pursuant to an agreement between the Department of Environmental Protection and the Department of Agriculture, from the Department of Environmental Protection's Water Resources Monitoring and Planning – Constitutional Dedication account to support non-point source pollution control programs in the Department of Agriculture, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts from Stormwater Discharge Permit Program fees are appropriated for program costs. The unexpended balance as of June 30, 1998 in the Stormwater Discharge Permit Program account is appropriated for the same purpose.

Receipts from dairy licenses and inspections are appropriated for program costs.

Receipts in excess of the amount anticipated from feed, fertilizer, and liming material registrations and inspections are appropriated for program costs.

Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections are appropriated for the cost of conducting fruit, vegetable, fish and poultry inspections.

The unexpended balance as of June 30, 1998 in the Promotion/Market Development account is appropriated for the same purpose.

Receipts in excess of those anticipated, generated at the rate of \$.20 per gallon of wine, vermouth and sparkling wines sold by plenary winery and farm winery licenses issued pursuant to R.S.33:1-10, and certified by the Director of the Division of Taxation, are appropriated to the Department of Agriculture from the alcoholic beverage excise tax for expenses of the Wine Promotion Program. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts derived from the distribution of commodities, sale of containers, and salvage of commodities, in accordance with applicable federal regulations, are appropriated for Commodity Distribution expenses.

Of the amount appropriated hereinabove for Aquaculture Technology, \$125,000 shall be allocated for the aquaculture extension program and \$125,000 shall be allocated for the Aquaculture Technology Information Center at Cumberland County College.

Total Appropriation, Department of Agriculture \$9,057,000

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

01-3110	Licensing and Regulatory Affairs	\$12,653,000
02-3120	Actuarial Services	3,935,000
03-3130	Regulation of the Real Estate Industry	2,425,000
04-3110	Public and Regulatory Services	1,549,000
05-3160	Unsatisfied Claims	1,742,000
06-3110	Insurance Fraud Prevention	17,000,000
07-3170	Supervision and Examination of Financial Institutions	3,595,000
99-3150	Management and Administrative Services	<u>3,965,000</u>
	Total Appropriation, Economic Regulation	<u>\$46,864,000</u>

Personal Services:

Salaries and Wages	(\$23,824,000)
Materials and Supplies	(346,000)
Services Other Than Personal	(14,544,000)
Maintenance and Fixed Charges	(150,000)

Special Purpose:

Additional Investigators Insurance	
Fraud Prevention	(2,250,000)
Insurance Claims Ombudsman	(776,000)
Insurance Fraud Prosecution Services	(4,500,000)
Affirmative Action and Equal	
Employment Opportunity	(30,000)
Additions, Improvements and Equipment	(444,000)

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

The unexpended balance as of June 30, 1998 in the Public Adjusters' Licensing account, together with receipts derived from the "Public Adjusters' Licensing Act," P.L.1993, c.66 (C.17:22B-1 et seq.), are appropriated for the administration of the act, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for Unsatisfied Claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of that fund additional sums as may be necessary for the payment of claims pursuant to section 7 of P.L.1952, c.174 (C.39:6-67), and for such additional costs as may be required to administer the fund pursuant to P.L.1952, c.174 (C.39:6-61 et seq.).

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

There are appropriated from the assessments imposed by the New Jersey Individual Health Coverage Program Board, created pursuant to the "Individual Health Insurance Reform Act," P.L.1992, c.161 (C.17B:27A-2 et seq.), and by the New Jersey Small Employer Health Benefits Program Board, created pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), such sums as may be necessary to carry out the provisions of those acts, subject to the approval of the Director of the Division of Budget and Accounting.

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

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 pursuant to 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.
- All monies deposited in the Division of Motor Vehicles Surcharge Fund are appropriated to the Market Transition Facility Revenue Fund in accordance with the provisions of P.L.1994, c.57 (C.34:1B-21.1 et seq.).
- The amount appropriated hereinabove for FAIR Act Administration shall be funded from the additional taxes on the taxable premiums of insurers for the payment of Department of Banking and Insurance administrative costs related to its statutory duties, pursuant to P.L.1990, c.8 (C.17:33B-1 et al.).
- In addition to the sum hereinabove, such other sums as the Director of the Division of Budget and Accounting shall determine are appropriated from the assessments of the insurance industry pursuant to P.L.1995, c.156 (C.17:1C-19 et seq.).
- The amount hereinabove for the Division of Insurance accounts is payable from receipts received from the Special Purpose Assessment of insurance companies pursuant to section 2 of P.L.1995, c.156 (C.17:1C-20). If the Special Purpose Assessment cap calculation is less than the amount herein appropriated for this purpose for the Division of Insurance, the appropriation shall be reduced to the level of funding supported by the Special Purpose Assessment cap calculation.
- The unexpended balance as of June 30, 1998 in the Pinelands Development Credit Bank account is appropriated for the same purpose.
- Receipts in excess of anticipated revenues from examination and licensing fees, bank assessments, fines and penalties and the unexpended balances as of June 30, 1998, not to exceed \$250,000, are appropriated to the Division of Banking, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding any provisions of law to the contrary, any surplus balance remaining in the New Jersey Medical Malpractice Reinsurance Recovery Fund after all financial obligations of the New Jersey Medical Malpractice Reinsurance Association are funded, as determined by the Director of the Division of Budget and Accounting, are appropriated for transfer to the General Fund as State revenue.
- Upon certification by the Commissioner of Banking and Insurance pursuant to subparagraph (b) of paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8) that loans in an amount less than \$160,000,000 per calendar year will satisfy the current and anticipated financial obligations of the Market Transition Facility without reference to the amount of funds remaining from the sale of the Market Transition Facility Senior Lien Revenue Bonds, there is appropriated out of the New Jersey Automobile Insurance Guaranty Fund such sums as may be necessary to satisfy the obligation of the New Jersey Property Liability Insurance Guaranty Fund to make refunds according to law in the amount of any exemption due pursuant to subparagraph (b) of paragraph (9) of subsection a. of section 8 of P.L.1974, c.17 (C.17:30A-8).
- Total Appropriation, Department of Banking
and Insurance \$46,864,000

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-2920 Public Broadcasting Services	<u>\$3,722,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$3,722,000</u>

Personal Services:

Salaries and Wages	(\$2,957,000)
Materials and Supplies	(132,000)
Services Other Than Personal	(474,000)
Maintenance and Fixed Charges	(110,000)

Special Purpose:

Affirmative Action and Equal Employment Opportunity	(20,000)
Additions, Improvements and Equipment	(29,000)

There are appropriated from the Emergency Services Fund such sums as may be necessary to reimburse the New Jersey Public Broadcasting Authority for the cost of its emergency broadcasts, pursuant to section 4 of P.L.1989, c.133 (C.52:14E-8.1), subject to the approval of the Director of the Division of Budget and Accounting.

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

20-2800 Economic Development	\$4,747,000
21-2850 International Trade	1,051,000
22-2860 Travel and Tourism	7,000,000
26-2810 Development for Small Businesses and Women and Minority Businesses	1,052,000
99-2910 Management and Administrative Services	<u>640,000</u>
Total Appropriation, Economic Planning and Development	<u>\$14,490,000</u>

Personal Services:

Salaries and Wages	(\$3,236,000)
Materials and Supplies	(73,000)
Services Other Than Personal	(321,000)
Maintenance and Fixed Charges	(72,000)

Special Purpose:

Prosperity New Jersey	(350,000)
New Jersey Community Development Bank	(1,000,000)
Office of Sustainability	(600,000)
Accounts Management System	(1,460,000)
Trade Shows, Missions and Promotions	(215,000)
New Jersey Israel Commission	(130,000)
Agricultural Exports Initiative	(150,000)
Travel and Tourism, Advertising and Promotion	(4,450,000)
Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program	(1,850,000)
New Jersey Council of Economic Advisors	(45,000)
Small Business Outreach/Technical Assistance	(500,000)
Affirmative Action and Equal Employment Opportunity	(30,000)
Additions, Improvements and Equipment	(8,000)

The amounts hereinabove for the Travel and Tourism, Advertising and Promotion account shall be allocated between the International Trade, Economic Development and Travel and Tourism programs at the discretion of the Commissioner of Commerce and Economic Development.

- Of the amount hereinabove appropriated for the Travel and Tourism Advertising and Promotion account, the Director of the Division of Travel and Tourism shall expend such amounts as the director determines will encourage the optimum effective continuing operation of each of the Tourist Welcome Centers, including but not limited to, the transfer of the operation of the centers to private, non-profit entities, whether under lease arrangements or such other agreements as the director may determine.
- The Director of the Division of Travel and Tourism shall report semi-annually on the expenditure of State funds and private contributions during the preceding six months for the Travel and Tourism, Advertising and Promotion Program and the Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program. The first semi-annual report covering the first six months of fiscal year 1999 shall be completed not later than January 31, 1999, the second semi-annual report covering the second six months of fiscal year 1999 shall be completed not later than July 31, 1999 and both reports shall be submitted to the Governor and the Joint Budget Oversight Committee.
- The amount hereinabove for Travel and Tourism, Advertising and Promotion - Cooperative Marketing Program shall be available for expenditure only to the extent that an amount equal to 25 percent of the State funds are expended from funds raised by the Division of Travel and Tourism pursuant to subsection j. of section 9 of P.L.1977, c.225 (C.34:1A-53), through contributions from private tourism industry concerns and non-State public entities as determined by the Director of the Division of Budget and Accounting.
- Fifty percent of the receipts collected from the use of the Travel and Tourism logo and slogan and the sale of related tourism promotional items are appropriated for the purpose of administering the Travel and Tourism program, subject to the approval of the Director of the Division of Budget and Accounting.
- Subject to the approval of the Director of the Division of Budget and Accounting, of the sums hereinabove appropriated, or otherwise made available, for the Office of Sustainability, the Commissioner of Commerce and Economic Development is authorized to contract with the New Jersey Economic Development Authority which shall finance loans to sustainable businesses.
- There is appropriated from the Enterprise Zone Assistance Fund such sums as are necessary for administrative services provided by the Department of Commerce and Economic Development in accordance with the provisions of section 11 of P.L.1993, c.367 (C.52:27H-65.1), subject to the approval of the Director of the Division of Budget and Accounting.
- 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.), are appropriated from the Enterprise Zone Assistance Fund subject to the approval of the Director of the Division of Budget and Accounting.
- Subject to the approval of the Director of the Division of Budget and Accounting, there is appropriated to the Department of the Treasury on behalf of the New Jersey Economic Development Authority from the General Fund such sums as may be necessary to fund the Business Employment Incentive Program, the amount of which shall not exceed the total amount of revenues received as withholdings, as defined in section 2 of P.L.1996, c.26 (C.34:1B-125), from all businesses receiving grants pursuant to the "Business Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124 et seq.), as certified by the Director of the Division of Taxation. The Authority shall provide the Joint Budget Oversight Committee, on or before November 1, 1998, with a report of the grants funded in the prior fiscal year including, but not limited to, a summary of each grant agreement and the amount of each grant funded in that year.
- Subject to the approval of the Director of the Division of Budget and Accounting, there is appropriated to the Department of Commerce and Economic Development from the

General Fund such sums as may be necessary, as certified by the Commissioner and the Director of the Division of Taxation, to fund business relocation grants made under the "Business Relocation Assistance Grant Act," the amount of which shall not exceed the new income tax revenues as defined in section 2 of P.L.1996, c.25 (C.34:1B-113). In addition to the report required pursuant to section 10 of P.L.1996, c.25 (C.34:1B-121), the Commissioner shall provide the Joint Budget Oversight Committee, on or before November 1, 1998, with a report of the grants funded in the prior fiscal year including, but not limited to, a summary of each grant agreement and the amount of each grant funded in that year.

Notwithstanding the provisions of section 33 of P.L.1984, c.218 (C.5:12-181) and P.L.1985, c.386 (C.34:1B-47 et seq.) which govern the use of funds set aside for the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises, the amount hereinabove for the Small Business Outreach/Technical Assistance account is appropriated from the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises.

The unexpended balance as of June 30, 1998 for the Council of Economic Advisors is appropriated.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology \$436,000

Total Appropriation, New Jersey Commission

on Science and Technology \$436,000

Personal Services:

Salaries and Wages (\$379,000)

Materials and Supplies (9,000)

Services Other Than Personal (37,000)

Maintenance and Fixed Charges (11,000)

Total Appropriation, Department of Commerce

and Economic Development \$18,648,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

01-8010 Housing Code Enforcement \$4,584,000

02-8020 Housing Services 3,021,000

03-8040 Special Urban Services 1,350,000

04-8030 Local Government Services 3,230,000

06-8015 Uniform Construction Code 4,498,000

12-8025 Boarding Home Regulation and Assistance 1,156,000

13-8027 Codes and Standards 193,000

18-8017 Uniform Fire Code 3,497,000

Total Appropriation, Community

Development Management \$21,529,000

Personal Services:

Board Members (7 @ \$12,000) (\$84,000)

Salaries and Wages (14,915,000)

Materials and Supplies (149,000)

Services Other Than Personal (1,111,000)

Maintenance and Fixed Charges (680,000)

Special Purpose:

Prevention of Homelessness (243,000)

- Neighborhood Preservation-Fair
 Housing P.L.1985, c.222 (1,059,000)
 Council on Affordable Housing (1,358,000)
 Main Street New Jersey (200,000)
 Office of Neighborhood Empowerment . . (1,350,000)
 Local Fire Fighters' Training (375,000)
 Additions, Improvements and Equipment (5,000)
- The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If the receipts are less than anticipated, the appropriation shall be reduced proportionately.
- The unexpended balance as of June 30, 1998, in the Housing Code Enforcement program classification, 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 unexpended balance as of June 30, 1998 in the several Uniform Construction Code program classification fees accounts, together with any receipts in excess of the amounts anticipated, is appropriated for expenses of code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance as of June 30, 1998 in the Planned Real Estate Development Full Disclosure Act fees 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 amounts received by the Uniform Construction Code Revolving Fund attributable to that portion of the surcharge fee in excess of \$0.0006, and to surcharges on other construction, shall be 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), shall be available for training and non-training purposes. Notwithstanding the provision of law to the contrary, unexpended balances as of June 30, 1998 in the Uniform Construction Code Revolving Fund are appropriated.
- 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.
- The unexpended balance as of June 30, 1998 in the Uniform Fire Code program classification, 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 amounts hereinabove for the Uniform Fire Code program classification are payable out of the fees and penalties derived from code enforcement activities. If the receipts are less than anticipated, the appropriations shall be reduced proportionately.
- The amount hereinabove for the Council on Affordable Housing and Neighborhood Preservation-Fair Housing accounts shall be 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). Any receipts in excess of the amount anticipated, and any unexpended balance as of June 30, 1998 are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- Any receipts from the sale of truth in renting statements, including fees, fines, and penalties, are appropriated.

Receipts from the New Jersey Housing and Mortgage Finance Agency charges for the Affordable Housing Management Service to municipalities and the unexpended balance as of June 30, 1998 are appropriated for the operation of the Affordable Housing Management Service within the Division of Housing.

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

Fees for local government, authority, and special district audits, education program administration, debt financing, expedited budget review and other fiscal services as authorized by the Local Finance Board are appropriated for associated expenses, 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 notwithstanding any provision of P.L.1983, c.530 (C.55:14K-1 et seq.) to the contrary, moneys held in the Boarding House Rental Assistance Fund that were originally appropriated from the General Fund may be used by the Commissioner for the purpose of providing life safety improvement loans, and any moneys held in the Boarding House Rental Assistance Fund may be used for the purpose of providing rental assistance for repayment of such loans. Notwithstanding any provision of P.L.1983, c.530, the Commissioner of the Department of Community Affairs shall have authority to disburse funds from the Boarding House Rental Assistance Fund established pursuant to section 14 of said act for the purpose of repaying, through rental assistance or otherwise, loans made to the boarding house owners for the purpose of rehabilitating boarding houses.

Receipts from repayment of loans from the Urban Multi-Family Production Program, together with the unexpended balance of such loan repayments as of June 30, 1998 are appropriated for the purpose of funding additional urban multi-family housing projects.

The unexpended balance as of June 30, 1998 in the Special Urban Services program classification is appropriated.

50 Economic Planning, Development and Security

52 Economic Regulation

32-8450 Workplace Standards	\$779,000
Total Appropriation, Economic Regulation	<u>\$779,000</u>

Personal Services:

Salaries and Wages	(\$717,000)
Materials and Supplies	(17,000)
Services Other Than Personal	(3,000)
Maintenance and Fixed Charges	(2,000)

Special Purpose:

Carnival Amusement Ride Safety	
Advisory Board	(1,000)
Safety Commission	(3,000)
Additions, Improvements and Equipment	(36,000)

Receipts in excess of the amount appropriated for the Workplace Standards program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is hereby authorized to transfer such sums as are necessary between the Department of Labor and the Department of Community Affairs for the administration of the Workplace Standards program.

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources	\$306,000
-----------------------------------	-----------

15-8051 Women's Programs	<u>925,000</u>
Total Appropriation, Social Services Programs	<u>\$1,231,000</u>
Personal Services:	
Salaries and Wages	(\$717,000)
Materials and Supplies	(70,000)
Services Other Than Personal	(138,000)
Maintenance and Fixed Charges	(6,000)
Special Purpose:	
Expenses of the New Jersey	
Commission on Women	(7,000)
Address Confidentiality Program	(93,000)
Office on the Prevention of Violence	
Against Women	(200,000)
Receipts from divorce filing fees pursuant to P.L.1993, c.188 are appropriated.	

70 Government Direction, Management and Control

72 Governmental Review and Oversight

39-8405 Office of State Planning	<u>\$1,208,000</u>
Total Appropriation, Government Review	
and Oversight	<u>\$1,208,000</u>
Personal Services:	
Salaries and Wages	(\$1,065,000)
Materials and Supplies	(41,000)
Services Other Than Personal	(100,000)
Maintenance and Fixed Charges	(2,000)

The Office of State Planning is authorized to collect reasonable fees for the distribution of its publications, and receipts derived from such fees are appropriated for the Office of State Planning.

In addition to the amounts hereinabove, such additional sums as may be necessary are appropriated to fund an impact assessment study on the interim State Development and Redevelopment Plan as part of the Cross-Acceptance process, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1998 in the Brownfields Site Inventory Project account is appropriated for the same purposes.

70 Government Direction, Management and Control

76 Management and Administration

99-8070 Management and Administrative Services	<u>\$2,218,000</u>
Total Appropriation, Management	
and Administration	<u>\$2,218,000</u>
Personal Services:	
Salaries and Wages	(\$1,811,000)
Materials and Supplies	(10,000)
Services Other Than Personal	(310,000)
Maintenance and Fixed Charges	(26,000)
Special Purpose:	
Affirmative Action and Equal	
Employment Opportunity	(60,000)
Additions, Improvements and Equipment	(1,000)
Total Appropriation, Department of	
Community Affairs	<u>\$26,965,000</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 \$1,967,000
 13-7025 Institutional Program Support 30,381,000
 Total Appropriation, System-Wide Program Support \$32,348,000

Personal Services:

Salaries and Wages (\$6,453,000)
 Materials and Supplies (2,000)
 Services Other Than Personal (431,000)

Special Purpose:

Central Office Transportation Unit (273,000)
 Central Transport -- South
 Woods State Prison (525,000)
 Special Operations Group (75,000)
 Integrated Information Systems
 Development (7,441,000)
 Augment Medical Care At Institutions (560,000)
 Inmate Work Details Program (1,280,000)
 Return of Escapees and Absconders (199,000)
 Mutual Agreement Program (4,090,000)
 Recruit Screening Program (180,000)
 Radio Maintenance (177,000)
 Drug Courts (800,000)
 Drug Court Treatment Programs (689,000)
 Safety Vests (148,000)
 Civilly Committed Sexual
 Offender Facility (2,000,000)
 Maintenance of McCorkle Facility (709,000)
 DOC/DOT Work Details (500,000)
 Institutional Support -- South
 Woods State Prison (575,000)
 Video Teleconferencing (300,000)
 Mandatory Staff Training (813,000)
 Additional Mental Health Services (2,000,000)
 Food Services Supplementary Funding . (2,100,000)

Additions, Improvements and Equipment (28,000)

The unexpended balance as of June 30, 1998 in the Integrated Information Systems Development account is appropriated to provide funding for the cost of replacing the Department of Corrections S/36 Correctional Management Information System subject to the approval of the Director of the Division of Budget and Accounting, the expenditures of which shall directly improve the department's ability to collect fines, restitutions, penalties, surcharges or other debts owed by inmates.

The appropriation hereinabove for Drug Courts shall be transferred to the appropriate agencies in the amounts necessary to implement this initiative, subject to the approval of the Director of the Division of Budget and Accounting.

Of the sums appropriated hereinabove for Video Teleconferencing, an amount shall be transferred to the Judiciary and the Office of the Public Defender for telephone line charges, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums appropriated hereinabove for Video Teleconferencing, the Commissioner of the Department of Corrections, with the approval of the Director of

the Division of Budget and Accounting, shall transfer or credit to this account, an amount up to \$200,000 from other appropriations in the department to reflect savings in central transportation operations due to the use of video teleconferencing equipment. The unexpended balance as of June 30, 1998 in the Drug Courts account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

7040 New Jersey State Prison

07-7040 Institutional Control and Supervision	\$40,485,000
08-7040 Institutional Care Program	10,269,000
09-7040 Institutional Treatment Program	1,601,000
10-7040 Education Program	651,000
19-7040 Physical Plant and Support Services	4,138,000
99-7040 Management and Administrative Services	<u>1,513,000</u>
Total Appropriation, New Jersey State Prison	<u>\$58,657,000</u>

Personal Services:

Salaries and Wages	(\$44,871,000)
Food In Lieu of Cash	(207,000)
Materials and Supplies	(5,796,000)
Services Other Than Personal	(6,955,000)
Maintenance and Fixed Charges	(696,000)

Special Purpose:

Other Special Purpose	(4,000)
Additions, Improvements and Equipment	(128,000)

7045 Vroom Central Reception and Assignment Facility

07-7045 Institutional Control and Supervision	\$16,883,000
08-7045 Institutional Care Program	5,091,000
09-7045 Institutional Treatment Program	2,287,000
10-7045 Education Program	76,000
19-7045 Physical Plant and Support Services	2,831,000
99-7040 Management and Administrative Services	<u>819,000</u>
Total Appropriation, Vroom Central Reception and Assignment Facility	<u>\$27,987,000</u>

Personal Services:

Salaries and Wages	(\$18,221,000)
Food In Lieu of Cash	(103,000)
Materials and Supplies	(3,453,000)
Services Other Than Personal	(3,441,000)
Maintenance and Fixed Charges	(745,000)

Special Purpose:

Expanded Capacity	(1,896,000)
Additions, Improvements and Equipment	(128,000)

7050 East Jersey State Prison

07-7050 Institutional Control and Supervision	\$34,726,000
08-7050 Institutional Care Program	12,848,000
09-7050 Institutional Treatment Program	2,062,000
10-7050 Education Program	606,000
19-7050 Physical Plant and Support Services	4,698,000
22-7050 Northern Regional Pre-Release Center	3,990,000
99-7050 Management and Administrative Services	<u>1,837,000</u>
Total Appropriation, East Jersey State Prison	<u>\$60,767,000</u>

Personal Services:

Salaries and Wages	(\$41,613,000)
Food In Lieu of Cash	(191,000)
Materials and Supplies	(7,885,000)
Services Other Than Personal	(9,896,000)
Maintenance and Fixed Charges	(1,034,000)
Special Purpose:	
Other Special Purpose	(20,000)
Additions, Improvements and Equipment	(128,000)

7055 South Woods State Prison

07-7055 Institutional Control and Supervision	\$42,194,000
08-7055 Institutional Care Program	17,647,000
09-7055 Institutional Treatment Program	3,465,000
10-7055 Education Program	2,451,000
19-7055 Physical Plant and Support Services	8,865,000
99-7055 Management and Administrative Services	2,272,000
Total Appropriation, South Woods State Prison	<u>\$76,894,000</u>

Personal Services:

Salaries and Wages	(\$51,177,000)
Food In Lieu of Cash	(126,000)
Materials and Supplies	(11,664,000)
Services Other Than Personal	(12,120,000)
Maintenance and Fixed Charges	(1,379,000)

Special Purpose:

State Match -- Edward Byrne Drug Treatment Grant	(300,000)
Additions, Improvements and Equipment	(128,000)

The unexpended balance, as of June 30, 1998, in the Start-up Equipment account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

7060 Bayside State Prison

07-7060 Institutional Control and Supervision	\$28,597,000
08-7060 Institutional Care Program	11,793,000
09-7060 Institutional Treatment Program	1,672,000
10-7060 Education Program	713,000
19-7060 Physical Plant and Support Services	3,748,000
23-7060 Bayside Reception Unit	3,284,000
99-7060 Management and Administrative Services	1,668,000
Total Appropriation, Bayside State Prison	<u>\$51,475,000</u>

Personal Services:

Salaries and Wages	(\$33,839,000)
Food In Lieu of Cash	(163,000)
Materials and Supplies	(6,206,000)
Services Other Than Personal	(8,600,000)
Maintenance and Fixed Charges	(1,340,000)

Special Purpose:

Additional Staffing Needs	(1,198,000)
Other Special Purpose	(1,000)
Additions, Improvements and Equipment	(128,000)

7065 Southern State Correctional Facility

07-7065	Institutional Control and Supervision	\$26,792,000
08-7065	Institutional Care Program	8,074,000
09-7065	Institutional Treatment Program	1,574,000
10-7065	Education Program	581,000
19-7065	Physical Plant and Support Services	3,122,000
99-7065	Management and Administrative Services	<u>1,255,000</u>
	Total Appropriation, Southern State Correctional Facility	<u>\$41,398,000</u>

Personal Services:

Salaries and Wages	(\$29,806,000)
Food In Lieu of Cash	(140,000)
Materials and Supplies	(4,420,000)
Services Other Than Personal	(5,779,000)
Maintenance and Fixed Charges	(1,124,000)

Special Purpose:

Other Special Purpose	(1,000)
Additions, Improvements and Equipment	(128,000)

7070 Mid-State Correctional Facility

07-7070	Institutional Control and Supervision	\$10,427,000
08-7070	Institutional Care Program	3,602,000
09-7070	Institutional Treatment Program	932,000
10-7070	Education Program	304,000
19-7070	Physical Plant and Support Services	1,741,000
99-7070	Management and Administrative Services	<u>798,000</u>
	Total Appropriation, Mid-State Correctional Facility	<u>\$17,804,000</u>

Personal Services:

Salaries and Wages	(\$12,943,000)
Food In Lieu of Cash	(68,000)
Materials and Supplies	(1,980,000)
Services Other Than Personal	(2,429,000)
Maintenance and Fixed Charges	(256,000)
Additions, Improvements and Equipment	(128,000)

7075 Riverfront State Prison

07-7075	Institutional Control and Supervision	\$18,105,000
08-7075	Institutional Care Program	6,824,000
09-7075	Institutional Treatment Program	1,672,000
10-7075	Education Program	249,000
19-7075	Physical Plant and Support Services	2,302,000
99-7075	Management and Administrative Services	<u>1,179,000</u>
	Total Appropriation, Riverfront State Prison	<u>\$30,331,000</u>

Personal Services:

Salaries and Wages	(\$21,392,000)
Food In Lieu of Cash	(111,000)
Materials and Supplies	(3,379,000)
Services Other Than Personal	(4,936,000)
Maintenance and Fixed Charges	(384,000)

Special Purpose:

Management and Administrative Services	(1,000)
Additions, Improvements and Equipment	(128,000)

7080 Edna Mahan Correctional Facility for Women

07-7080	Institutional Control and Supervision	\$17,840,000
08-7080	Institutional Care Program	7,208,000
09-7080	Institutional Treatment Program	1,105,000
10-7080	Education Program	336,000
19-7080	Physical Plant and Support Services	3,270,000
99-7080	Management and Administrative Services	<u>1,186,000</u>
Total Appropriation, Edna Mahan Correctional Facility for Women		<u>\$30,945,000</u>

Personal Services:

Salaries and Wages	(\$22,459,000)
Food In Lieu of Cash	(133,000)
Materials and Supplies	(3,601,000)
Services Other Than Personal	(3,923,000)
Maintenance and Fixed Charges	(660,000)

Special Purpose:

State Match -- Social Services Block Grant	(41,000)
Additions, Improvements and Equipment	(128,000)

In addition to the amounts appropriated hereinabove, upon the final disposition of an independent audit of Cogeneration costs and upon the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, there is appropriated \$615,000 for increased utility costs.

7085 Northern State Prison

07-7085	Institutional Control and Supervision	\$37,183,000
08-7085	Institutional Care Program	18,342,000
09-7085	Institutional Treatment Program	2,220,000
10-7085	Education Program	593,000
19-7085	Physical Plant and Support Services	3,631,000
21-7085	Minimum Security Unit	4,689,000
99-7085	Management and Administrative Services	<u>1,419,000</u>
Total Appropriation, Northern State Prison		<u>\$68,077,000</u>

Personal Services:

Salaries and Wages	(\$43,981,000)
Food In Lieu of Cash	(215,000)
Materials and Supplies	(8,275,000)
Services Other Than Personal	(14,072,000)
Maintenance and Fixed Charges	(904,000)

Special Purpose:

Gang Management Unit	(500,000)
Other Special Purpose	(2,000)
Additions, Improvements and Equipment	(128,000)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090	Institutional Control and Supervision	\$12,016,000
08-7090	Institutional Care Program	5,323,000
09-7090	Institutional Treatment Program	1,084,000
10-7090	Education Program	225,000
19-7090	Physical Plant and Support Services	1,468,000
99-7090	Management and Administrative Services	<u>1,022,000</u>
Total Appropriation, Adult Diagnostic and Treatment Center, Avenel		<u>\$21,138,000</u>

Personal Services:

Salaries and Wages	(\$14,311,000)
Food In Lieu of Cash	(78,000)
Materials and Supplies	(2,066,000)
Services Other Than Personal	(4,170,000)
Maintenance and Fixed Charges	(381,000)
Special Purpose:	
Other Special Purpose	(4,000)
Additions, Improvements and Equipment	(128,000)

7110 Garden State Youth Correctional Facility

07-7110 Institutional Control and Supervision	\$24,075,000
08-7110 Institutional Care Program	11,642,000
09-7110 Institutional Treatment Program	2,364,000
10-7110 Education Program	108,000
19-7110 Physical Plant and Support Services	2,292,000
99-7110 Management and Administrative Services	<u>1,219,000</u>
Total Appropriation, Garden State Youth Correctional Facility	<u>\$41,700,000</u>

Personal Services:

Salaries and Wages	(\$27,447,000)
Food In Lieu of Cash	(127,000)
Materials and Supplies	(4,785,000)
Services Other Than Personal	(8,214,000)
Maintenance and Fixed Charges	(579,000)
Special Purpose:	
State Match -- Edward Byrne Drug Treatment Grant	(134,000)
State Match -- Residential Substance Abuse Treatment Grant	(285,000)
Other Special Purpose	(1,000)
Additions, Improvements and Equipment	(128,000)

7120 Albert C. Wagner Youth Correctional Facility

07-7120 Institutional Control and Supervision	\$27,794,000
08-7120 Institutional Care Program	8,845,000
09-7120 Institutional Treatment Program	1,306,000
10-7120 Education Program	254,000
19-7120 Physical Plant and Support Services	2,711,000
99-7120 Management and Administrative Services	<u>1,336,000</u>
Total Appropriation, Albert C. Wagner Youth Correctional Facility	<u>\$42,246,000</u>

Personal Services:

Salaries and Wages	(\$27,568,000)
Food In Lieu of Cash	(134,000)
Materials and Supplies	(3,931,000)
Services Other Than Personal	(5,842,000)
Maintenance and Fixed Charges	(505,000)
Special Purpose:	
Adult Offender Boot Camp	(4,138,000)
Additions, Improvements and Equipment	(128,000)

Receipts derived from the Upholstery Program at the Albert C. Wagner Youth Correctional Facility, and any unexpended balance as of June 30, 1998 are appropriated for the

operation of the program with surplus funds being credited to the institution's Inmate Welfare Fund, subject to the approval of the Director of the Division of Budget and Accounting.

7130 Mountainview Youth Correctional Facility

07-7130 Institutional Control and Supervision	\$19,963,000
08-7130 Institutional Care Program	6,694,000
09-7130 Institutional Treatment Program	1,335,000
10-7130 Education Program	244,000
19-7130 Physical Plant and Support Services	3,176,000
99-7130 Management and Administrative Services	<u>1,606,000</u>
Total Appropriation, Mountainview Youth Correctional Facility	<u>\$33,018,000</u>
Personal Services:	
Salaries and Wages	(\$23,551,000)
Food In Lieu of Cash	(115,000)
Materials and Supplies	(3,554,000)
Services Other Than Personal	(4,896,000)
Maintenance and Fixed Charges	(612,000)
Special Purpose:	
Sewage Hauling and Disposal Costs	(161,000)
Other Special Purpose	(1,000)
Additions, Improvements and Equipment	(128,000)

17 Parole

7010 Office of Parole

03-7010 Parole	<u>\$39,775,000</u>
Total Appropriation, Office of Parole	<u>\$39,775,000</u>
Personal Services:	
Salaries and Wages	(\$24,286,000)
Materials and Supplies	(174,000)
Services Other Than Personal	(396,000)
Maintenance and Fixed Charges	(532,000)
Special Purpose:	
Payments To Inmates Discharged	
From Facilities	(100,000)
Parolee Electronic Monitoring Program ..	(4,201,000)
Expanded Intensive Supervision/	
Surveillance Program	(4,023,000)
High Impact Diversion Program	(3,671,000)
Parolee Drug Treatment	(1,336,000)
State Match -- Truth in Sentencing Grant ..	(650,000)
Community Program Management	(381,000)
Additions, Improvements and Equipment	(25,000)

7280 State Parole Board

05-7280 State Parole Board	<u>\$8,674,000</u>
Total Appropriation, State Parole Board	<u>\$8,674,000</u>
Personal Services:	
Salaries and Wages	(\$7,612,000)
Materials and Supplies	(157,000)
Services Other Than Personal	(342,000)
Maintenance and Fixed Charges	(115,000)

Special Purpose:

South Woods State Prison (350,000)
 Additions, Improvements and Equipment (98,000)

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

01-7000 Planning, Management and General Support \$2,631,000
 02-7000 Program Operations Support 2,343,000
 19-7000 Physical Plant and Support Services 1,096,000
 99-7000 Management and Administrative Services 10,886,000
 Total Appropriation, Central Planning,
 Direction and Management \$16,956,000

Personal Services:

Salaries and Wages (\$13,623,000)
 Materials and Supplies (464,000)
 Services Other Than Personal (1,960,000)
 Maintenance and Fixed Charges (510,000)

Special Purpose:

Affirmative Action and Equal
 Employment Opportunity (225,000)
 Additions, Improvements and Equipment (174,000)
 Total Appropriation, Department of Corrections \$700,190,000

Balances on hand as of June 30, 1998 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 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 K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 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 \$103,000
 05-5064 Bilingual Education and Equity Issues 363,000
 06-5064 Programs for Disadvantaged Youths 8,000
 07-5065 Special Education 170,000
 Total Appropriation, Direct Educational Services
 and Assistance \$644,000

Personal Services:

Salaries and Wages (\$545,000)
 Materials and Supplies (23,000)
 Services Other Than Personal (75,000)
 Maintenance and Fixed Charges (1,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf \$10,014,000
 13-5011 Program For Behaviorally Difficult
 Deaf Pupils 790,000
 Total Appropriation, State and All Other Funds \$10,804,000

Less:**All Other Funds****Marie H. Katzenbach School****for the Deaf** **\$7,067,000****Program for Behaviorally Difficult****Deaf Pupils** **790,000****Total Deductions** **\$7,857,000**

Total Appropriation, Operation and Support

of Educational Institutions **\$2,947,000**

Personal Services:

Salaries and Wages (\$8,373,000)

Employee Benefits (115,000)

Materials and Supplies (913,000)

Services Other Than Personal (347,000)

Maintenance and Fixed Charges (555,000)

Special Purpose:

Transportation Expenses for Students (39,000)

Technology Initiative (200,000)

Operations (200,000)

Additions, Improvements and Equipment (62,000)

Less:**All Other Funds** **7,857,000**

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other statute, for the 1998-99 academic year, local boards of education shall reimburse the Marie H. Katzenbach School for the Deaf at an annual rate and payment schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting.

Any income from the rental of vacant space at the Marie H. Katzenbach School for the Deaf is appropriated for capital costs of the school's facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1998, in the receipt account of the Marie H. Katzenbach School for the Deaf is appropriated for expenses of operating the school.

The unexpended balance as of June 30, 1998, in the receipt account of the Positive Learning Understanding Support (PLUS) program is appropriated for the expenses of operating the Marie H. Katzenbach School for the Deaf.

The unexpended balance as of June 30, 1998, of receipts derived from charges at the regional schools for the handicapped is appropriated for the costs associated with the regional schools' facilities.

33 Supplemental Education and Training Programs20-5062 General Vocational Education **\$455,000**

Total Appropriation, Supplemental Education

and Training Programs **\$455,000**

Personal Services:

Salaries and Wages (\$398,000)

Materials and Supplies (26,000)

Services Other Than Personal (31,000)

34 Educational Support Services

29-5029 Educational Technology \$272,000

30-5063 Academic Programs and Standards 13,386,000

31-5060 Grants Management and Development 225,000

32-5061 Professional Development and Licensure 1,646,000

33-5067 Service to Local Districts	4,572,000
36-5120 Pupil Transportation	393,000
38-5120 Facilities Planning and School Building Aid	289,000
40-5064 Health, Safety and Community Services	<u>3,608,000</u>
Total Appropriation, Educational Support Services	<u>\$24,391,000</u>

Personal Services:

Salaries and Wages	(\$11,501,000)
Materials and Supplies	(339,000)
Services Other Than Personal	(721,000)
Maintenance and Fixed Charges	(59,000)

Special Purpose:

Improved Basic Skills/Special Review Assessment	(95,000)
Statewide Assessment Program (Grades 4, 8, 11)	(11,329,000)
Core Curriculum Standards	(100,000)
Advisory Council On Holocaust Education	(194,000)
Additions, Improvements and Equipment	(53,000)

Receipts from the State Board of Examiners' fees in excess of those anticipated and the unexpended balances of such receipts as of June 30, 1998 are appropriated for the operation of the Professional Development and Licensure programs.

The unexpended balance as of June 30, 1998, in the Inspection of school construction account and receipts in excess of the amount anticipated, are appropriated for the operation of the school construction inspection program.

The unexpended balance as of June 30, 1998 in the Statewide Assessment Program (Grades 4, 8, 11) is appropriated for the operation of the assessment program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1998 of such receipts, are appropriated for the cost of operation.

The unexpended balance as of June 30, 1998 in the Charter School Innovation Network program is appropriated for the operation of the program.

35 Education Administration and Management

42-5120 School Finance	\$3,099,000
43-5092 Compliance and Auditing	1,039,000
99-5010 Management and Administrative Services	<u>7,828,000</u>
Total Appropriation, Education Administration and Management	<u>\$11,966,000</u>

Personal Services:

Salaries and Wages	(\$9,441,000)
Materials and Supplies	(318,000)
Services Other Than Personal	(1,027,000)
Maintenance and Fixed Charges	(76,000)

Special Purpose:

CEIFA Implementation	(660,000)
State Board of Education Expenses	(62,000)
Affirmative Action and Equal Employment Opportunity	(47,000)

Additions, Improvements and Equipment

Such sums as may be necessary for the operating costs of the audit of enrollment registers are appropriated from revenues that may be received or are receivable for this program,

subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated, such sums as may be necessary for the Department of Education to conduct comprehensive compliance investigations are appropriated, subject to the recommendation of the Commissioner of Education and the approval of the Director of the Division of Budget and Accounting.

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.

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.

Receipts derived from fees for school district personnel background checks and the unexpended balances as of June 30, 1998 of such receipts are appropriated for the cost of operation.

The unexpended balance as of June 30, 1998 in the CEIFA Implementation account is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove, there is appropriated an amount not to exceed \$200,000 for the purpose of paying boarding facilities lease costs at boarding charter schools.

Total Appropriation, Department of Education \$40,403,000

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 K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management	\$6,156,000
12-4875 Parks Management	31,539,000
13-4880 Hunters' and Anglers' License Fund	11,231,000
14-4885 Shellfish and Marine Fisheries Management	1,283,000
20-4880 Wildlife Management	329,000
21-4895 Natural Resources Engineering	1,386,000
24-4876 Palisades Interstate Park Commission	<u>1,906,000</u>
Total Appropriation, Natural Resource Management	<u>\$53,830,000</u>

Personal Services:

Salaries and Wages	(\$35,742,000)
Materials and Supplies	(3,688,000)
Services Other Than Personal	(2,311,000)
Maintenance and Fixed Charges	(2,885,000)

Special Purpose:

Fire Fighting Costs	(1,525,000)
Green Acres Administration	(3,938,000)
Liberty State Park Commission	(22,000)
Expenses of the Delaware and Raritan Canal Commission	(181,000)

- Natural Lands Trust (135,000)
 Natural Areas Council (5,000)
 Endangered Species Tax
 Check-Off Donations (329,000)
 Dam Repair Administrative Costs (267,000)
 Site Restoration and Maintenance (500,000)
 Additions, Improvements and Equipment (802,000)
- An amount equivalent to 75 percent of receipts in excess of the amount anticipated from fees and permit receipts from the use of State park and marina facilities, and the unexpended balance as of June 30, 1998 of such receipts, are appropriated for Parks Management, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of P.L.1985, c.533 (C.13:1E-99.1 et seq.) or any other law to the contrary, of the amount hereinabove for Parks Management, \$725,000 is appropriated from the Clean Communities Fund to offset the cost of Parks' litter pickup program.
- The amount hereinabove for the Green Acres Administration account is appropriated from the 1992 New Jersey Green Acres Fund and the 1992 New Jersey Green Trust Fund pursuant to the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, and the 1995 New Jersey Green Acres Fund and the 1995 New Jersey Green Trust Fund pursuant to the "Green Acres, Farmland and Historic Preservation and Blue Acres Bond Act of 1995," P.L.1995, c.204, together with an amount not to exceed \$1,910,000 subject to the approval of the Director of the Division of Budget and Accounting, for the administration of the Green Acres program.
- Receipts from police court, stands, concessions and self-sustaining activities operated or supervised by the Palisades Interstate Park Commission, and the unexpended balance as of June 30, 1998 of such receipts, are appropriated.
- The amount hereinabove for the Hunters' and Anglers' License Fund is payable out of that fund and any amount remaining therein and the unexpended balance as of June 30, 1998 in the Hunters' and Anglers' License Fund, together with any receipts in excess of the amount anticipated, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.
- Pursuant to section 2 of P.L.1993, c.303 (C.23:3-1f), there are appropriated such sums as may be necessary to offset revenue losses associated with the issuance of free hunting and fishing licenses to active members of the New Jersey State National Guard. The amount to be appropriated shall be certified by the Division of Fish, Game and Wildlife and is subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the Endangered Species Tax Check-Off Donations account is payable out of receipts, and the unexpended balances in the Endangered Species Tax Check-Off Donations account as of June 30, 1998, together with receipts in excess of the amount anticipated, are appropriated. If receipts are less than anticipated, the appropriation shall be reduced proportionately.
- An amount to not exceed \$1,329,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for costs attributable to planning, operation, and administration of the shore protection program, subject to the approval of the Director of the Division of Budget and Accounting.
- An amount not to exceed \$280,000 is allocated from the capital construction appropriation for Shore Protection Fund Projects for the operation and maintenance of the Bayshore Flood Control facility.
- The amount hereinabove for the Dam Repair Administrative Costs account is appropriated from the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act

of 1992," P.L. 1992, c. 88, together with an amount not to exceed \$99,000 subject to the approval of the Director of the Division of Budget and Account, for administrative costs related to this bond fund.

The unexpended balance as of June 30, 1998 in the Delaware and Raritan Canal Commission, Canal Corridor, Base Maps account is appropriated.

43 Science and Technical Programs

01-4820 Radiation Protection	\$4,821,000
02-4801 Air Pollution Control	2,033,000
05-4810 Water Supply and Watershed Management	490,000
07-4850 Water Monitoring and Planning	1,145,000
18-4810 Science and Research	2,672,000
22-4861 Water Quality Management	368,000
29-4815 Environmental Remediation and Monitoring	5,000,000
90-4801 Management Policy and Planning	<u>1,119,000</u>
Total Appropriation, Science and Technical Programs ...	<u>\$17,648,000</u>

Personal Services:

Salaries and Wages	(\$5,975,000)
Materials and Supplies	(340,000)
Services Other Than Personal	(1,438,000)
Maintenance and Fixed Charges	(296,000)

Special Purpose:

Nuclear Emergency Response	(1,695,000)
Quality Assurance -- Lab	
Certification Programs	(857,000)
Safe Drinking Water Fund	(490,000)
Monmouth County Clam Depuration	
and Relay	(150,000)
Environmental Indicators and Monitoring .	(700,000)
Hazardous Waste Research	(500,000)
Water Resources Monitoring and	
Planning -- Constitutional	
Dedication	(5,000,000)

Additions, Improvements and Equipment

There is allocated from the Commercial Vehicle Enforcement Fund, established pursuant to section 17 of P.L. 1995, c. 157 (C.39:8-75), such sums as may be necessary to fund the costs of the regulation of the Diesel Exhaust Emissions program, subject to the approval of the Director of the Division of Budget and Accounting.

There is allocated from the Motor Vehicle Inspection Fund, established in subsection j. of R.S.39:8-2 such sums as may be necessary to administer and implement the Inspection and Maintenance program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Waste Research account is appropriated from interest earned by the New Jersey Spill Compensation Fund for research on the prevention and the effects of discharges of hazardous substances on the environment and organisms, on methods of pollution prevention and recycling of hazardous substances, and on the development of improved cleanup, removal and disposal operations, subject to the approval of the Director of the Division of Budget and Accounting.

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.), and the unexpended balances as of June 30, 1998 in the Nuclear Emergency Response account, together with receipts in excess of

the amount anticipated, not to exceed \$814,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Environmental Remediation and Monitoring program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance as of June 30, 1998 in the Water Resources Monitoring and Planning-Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

44 Site Remediation

19-4815 Publicly-Funded Site Remediation	\$6,261,000
27-4815 Responsible Party Site Remediation	19,926,000
29-4815 Environmental Remediation and Monitoring	<u>5,200,000</u>
Total Appropriation, Site Remediation	<u>\$31,387,000</u>

Personal Services:

Salaries and Wages	(\$7,155,000)
Materials and Supplies	(193,000)
Services Other Than Personal	(1,090,000)
Maintenance and Fixed Charges	(388,000)

Special Purpose:

Spill Prevention, Response and Site Cleanup, Non-Site Specific Costs ..	(1,303,000)
Hazardous Discharge Site Cleanup Fund -- Responsible Party	(14,923,000)
Underground Storage Tanks	(684,000)
Cleanup Projects Administrative Costs -- Constitutional Dedication	(5,200,000)
Additions, Improvements and Equipment	(451,000)

In addition to site specific charges, the amounts hereinabove for the Publicly-Funded Site Remediation and the Responsible Party Site Remediation program classifications, excluding the Hazardous Discharge Site Cleanup Fund-Responsible Party and the Underground Storage Tanks accounts, are 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.), together with an amount not to exceed \$4,501,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

There is appropriated from 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 \$566,000 for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Spill Prevention, Response and Site Cleanup, Non-Site Specific Costs account is appropriated from the New Jersey Spill Compensation Fund, together with receipts in excess of those anticipated, not to exceed \$684,000, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Publicly-Funded Site Remediation program class, such additional sums that may be received from the federal government for the Superfund Grants program are appropriated.

There are appropriated from the New Jersey Spill Compensation Fund such sums as may be required for cleanup operations, adjusters and paying approved claims for damages in accordance with the provisions of P.L.1976, c.141 (C.58:10-23.11 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Hazardous Discharge Site Cleanup Fund-Responsible Party account is appropriated from responsible party cost recoveries deposited in the Hazardous Discharge Site Cleanup Fund, together with an amount not to exceed \$8,264,000, for administrative costs associated with the cleanup of hazardous waste sites, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Environmental Remediation and Monitoring program classification shall be provided from revenue received from the Corporation Business Tax, pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution. The unexpended balance as of June 30, 1998 in the Cleanup Projects Administrative Costs-Constitutional Dedication account is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

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

45 Environmental Regulation

02-4892 Air Pollution Control	\$5,687,000
05-4840 Water Supply and Watershed Management	7,080,000
08-4891 Water Pollution Control	7,209,000
09-4860 Public Wastewater Facilities	2,700,000
15-4890 Land Use Regulation	6,041,000
17-4900 Solid Waste Resource Management	6,266,000
23-4910 Hazardous Waste Management	<u>3,372,000</u>
Total Appropriation, Environmental Regulation	<u>\$38,355,000</u>
Personal Services:	
Salaries and Wages	(\$20,630,000)
Materials and Supplies	(358,000)
Services Other Than Personal	(4,090,000)
Maintenance and Fixed Charges	(160,000)
Special Purpose:	
Administrative Costs Water Supply	
Bond Act of 1981 -- Management	(968,000)
Administrative Costs Water	
Supply Bond Act of 1981 --	
Watershed and Aquifer	(1,237,000)
Administrative Costs Water	
Supply Bond Act of 1981 --	
Planning and Standards	(819,000)
Water/Wastewater Operators Licenses	(43,000)
Office of the Rivermaster	(58,000)
Safe Drinking Water Fund	(1,484,000)
1992 Wastewater Treatment Fund	(2,700,000)
Tidelands Resource Council	(25,000)
Tidelands Peak Demands	(1,847,000)
Office of Permit Information	
and Assistance	(504,000)
Sanitary Landfill Facility Contingency	
Fund -- Administration	(399,000)
Administration of Resource Recovery	
and Solid Waste Disposal Facility	
Fund	(224,000)
Recycling of Solid Waste	(942,000)
Pollution Prevention	(1,592,000)

Major Hazardous Waste Facilities

Siting Act -- Siting Commission(60,000)

Additions, Improvements and Equipment(215,000)

The amounts hereinabove for the Administrative Costs Water Supply Bond Act of 1981 - Water Supply Management; Watershed and Aquifer; and Planning and Standards accounts are appropriated from the "Water Supply Bond Act of 1981," P.L.1981, c.261, together with an amount, not to exceed \$1,311,000, for costs attributable to administration of water supply programs, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the federal funds amount for the Water Supply and Watershed Management program classification, such additional sums that may be received from the federal government for the Drinking Water State Revolving Fund program are appropriated.

Any funds received by the New Jersey Environmental Infrastructure Trust from any State agency to offset the Trust's annual operating expenses are appropriated.

In addition to the federal funds amount for the Public Wastewater Facilities program classification, such additional sums that may be received from the federal government for the Clean Water State Revolving Fund program are appropriated.

The amount hereinabove for the 1992 Wastewater Treatment Fund account is appropriated from the 1992 Wastewater Treatment Fund, created pursuant to the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L. 1992, c. 88, together with an amount not to exceed \$1,455,000, for costs attributable to the administration of wastewater treatment system projects, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Sanitary Landfill Facility Contingency Fund - Administration account is appropriated from the Sanitary Landfill Facility Contingency Fund, together with an amount not to exceed \$168,000, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Administration of Resource Recovery and Solid Waste Disposal Facility Fund account is appropriated from the Resource Recovery and Solid Waste Disposal Facility Fund, together with an amount not to exceed \$55,000, 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, the amount hereinabove for the Recycling of Solid Waste account is appropriated from the State Recycling Fund, together with an amount not to exceed \$379,000, for the administration of the Recycling of Solid Waste program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of P.L.1985, c.533 (C.13:1E-99.1 et seq.) or any other law to the contrary, all sums in the Clean Communities Account Fund, other than the amount appropriated from the fund for Parks Management to offset the cost of Parks' litter pickup program, shall be distributed as grants to municipalities and counties in accordance with the same criteria used for distribution of grants from the fund pursuant to the fiscal year 1996 appropriations act, P.L.1995, c.164, as determined by the Director of the Division of Budget and Accounting in consultation with the Commissioner of the Department of Environmental Protection.

There are appropriated from the State Recycling Fund and the Clean Communities Account Fund such sums as may be required to carry out the provisions of the "Clean Communities and State Recycling Act," P.L.1981, c.278, as amended by P.L.1985, c.533 (C.13:1E-92 et seq.).

New Jersey State Library

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.).

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

The unexpended balance as of June 30, 1998 in the Major Hazardous Waste Facilities Siting Act-Siting Commission account is appropriated.

The amount hereinabove for the Pollution Prevention account is appropriated from receipts received pursuant to the "Pollution Prevention Act," P.L.1991, c.235 (C.13:1D-35 et seq.), together with an amount not to exceed \$561,000, subject to the approval of the Director of the Division of Budget and Accounting, for administration of the Pollution Prevention program. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of sections 5 and 6 of P.L.1995, c.188 (C.26:2C-9.5 and 26:2C-9.6), Air Surcharge Reengineering fees, and the unexpended balance as of June 30, 1998 not to exceed \$100,000, are appropriated for costs attributable to Air Reengineering Projects.

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs \$1,829,000

99-4800 Management and Administrative Services 14,361,000

Total Appropriation, Environmental

Planning and Administration \$16,190,000

Personal Services:

Salaries and Wages (\$12,348,000)

Materials and Supplies (280,000)

Services Other Than Personal (1,474,000)

Maintenance and Fixed Charges (186,000)

Special Purpose:

Affirmative Action and Equal

Employment Opportunity (98,000)

Additions, Improvements and Equipment . . . (1,804,000)

47 Enforcement Policy

02-4855 Air Pollution Control \$7,380,000

04-4855 Pesticide Control 1,864,000

08-4855 Water Pollution Control 5,290,000

15-4855 Land Use Regulation 1,653,000

17-4855 Solid Waste Resource Management 2,165,000

23-4855 Hazardous Waste Management 1,295,000

Total Appropriation, Enforcement Policy \$19,647,000

Personal Services:

Salaries and Wages.. . . . (\$13,118,000)

Materials and Supplies (136,000)

Services Other Than Personal (1,372,000)

Maintenance and Fixed Charges (286,000)

Special Purpose:

Toxic Catastrophe Prevention (800,000)

Worker and Community Right

to Know Act (932,000)

Oil Spill Prevention (2,235,000)

Tidelands Peak Demands (694,000)

Additions, Improvements and Equipment (74,000)

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, and receipts in excess of the amount anticipated, not to exceed \$222,000, are appropriated. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The amount hereinabove for the Oil Spill Prevention program is payable out of the New Jersey Spill Compensation Fund, and the receipts in excess of those anticipated, not to exceed \$947,000, from the New Jersey Spill Compensation Fund for the Oil Spill Prevention program are appropriated, in accordance with the provisions of P.L.1990, c.76 (C.58:10-23.11f2 et seq.), P.L.1990, c.78 (C.58:10-23.11d1 et seq.), and P.L.1990, c.80 (C.58:10-23.11f1), subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1998 in the Operation Clean Shores account is appropriated to the Operation Clean Shores State Aid account.

Receipts deposited into the Coastal Protection Trust Fund pursuant to P.L.1993, c.168 (C.39:3-27.47 et seq.) are appropriated in an amount not to exceed \$600,000 for the cleanup or maintenance of beaches or shores, an amount not to exceed \$200,000 for the cost of providing monitoring, surveillance and enforcement activities for the Cooperative Coastal Monitoring Program, an amount not to exceed \$50,000 for the implementation of the "New Jersey Adopt a Beach Act," P.L.1992, c.213 (C.13:19-22 et seq.), and an amount not to exceed \$150,000 for a program of grants for the operation of a sewage pump-out boat and the construction of sewage pump-out devices for marine sanitation devices and portable toilet emptying receptacles at public and private marinas and boatyards in furtherance of the provisions of P.L.1988, c.117 (C.58:10A-56 et seq.). Receipts deposited to the Coastal Protection Trust Fund in excess of \$1,000,000 are appropriated to finance emergency shore protection projects and the cleanup of discharges into the ocean.

Total Appropriation, Department of

Environmental Protection \$177,057,000

The amounts hereinabove for the Safe Drinking Water Fund account are payable out of receipts, and receipts in excess of the amount anticipated, not to exceed \$897,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

The amounts hereinabove for the Tidelands Peak Demands account are appropriated from receipts derived from the sales, grants, leases, licensing, and rentals of State riparian lands, together with an amount not to exceed \$1,365,000, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Notwithstanding the provisions of section 3 of P.L.1997, c.235 (C.58:10A-37.3), receipts derived from the repayment of any outstanding loans made from the State Underground Storage Tank Improvement Fund are anticipated as revenue to the General Fund.

Notwithstanding any other law, the Commissioner of the Department of Environmental Protection shall obtain concurrence from the Director of the Division of Budget and Accounting before altering fee schedules or any other revenue-generating mechanism under the department's purview.

Notwithstanding the provisions of the "Environmental Fee Fund Accountability Act of 1991," P.L.1991, c.426 (C.52:27B-20.1 et seq.) and P.L.1991, c.427 (C.13:1D-9.1 et seq.), all revenues from fees and fines collected by the Department of Environmental Protection, unless otherwise dedicated herein, shall be deposited into the State General Fund without regard to their specific dedication.

Notwithstanding any other provision in this act, of the Federal Fund amounts appropriated for the programs included in the Performance Partnership Grant Agreement with the Environmental Protection Agency, the Department of Environmental Protection is authorized to reallocate the appropriations, in accordance with the Grant Agreement and subject to the approval of the Director of the Division of Budget and Accounting.

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES

20 Physical and Mental Health

21 Health Services

01-4215 Vital Statistics	\$1,374,000
02-4220 Family Health Services	1,626,000
03-4230 Public Health Protection Services	13,223,000
04-4240 Alcoholism, Drug Abuse and Addiction Services	594,000
08-4280 Laboratory Services	4,379,000
12-4245 AIDS Services	<u>2,703,000</u>
Total Appropriation, Health Services	<u>\$23,899,000</u>

Personal Services:

Salaries and Wages	(\$14,574,000)
Materials and Supplies	(2,495,000)
Services Other Than Personal	(1,094,000)
Maintenance and Fixed Charges	(203,000)

Special Purpose:

Electronic Death Certificate	(250,000)
WIC Farmers Market Program	(87,000)
Public Awareness Campaign for Black Infant Mortality	(500,000)
Cancer Registry	(400,000)
New Jersey State Commission on Cancer Research	(1,000,000)
Medical Waste Management Program	(813,000)
Rabies Control Program	(464,000)
Animal Population Control Program	(557,000)
Worker and Community Right to Know Program	(1,362,000)
Middle School Survey on Substance Abuse	(100,000)

The unexpended balance as of June 30, 1998, in the Comprehensive Regulated Medical Waste Management Act account, together with any receipts received by the Department of Health and Senior Services pursuant to the provisions of the "Comprehensive Regulated Medical Waste Management Act," P.L.1989, c.34 (C.13:1E-48.1 et seq.), is appropriated.

The unexpended balance as of June 30, 1998 in the Rabies Control Program account, together with any receipts in excess of the amount anticipated, is appropriated.

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

The unexpended balance as of June 30, 1998 in the Animal Population Control Program account, together with any receipts in excess of the amount anticipated, is 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.

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.
- In addition to the amount appropriated above, an amount not to exceed \$1,900,000 is appropriated from the Worker and Community Right to Know Fund, subject to the approval of the Director of the Division of Budget and Accounting.
- 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 as of June 30, 1998 in the New Jersey State Commission on Cancer Research account is appropriated.
- Amounts deposited in the "New Jersey Breast Cancer Research Fund" from gross income tax check-offs pursuant to the provisions of P.L.1995, c.26 (C.54A:9-25.7 et al.) are appropriated to the New Jersey State Commission on Cancer Research for breast cancer research projects, subject to the approval of the Director of the Division of Budget and Accounting.
- The Division of Alcoholism, Drug Abuse and Addiction Services is authorized to bill a patient, a patient's estate, 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, 1998 from these billings and fees are appropriated to the Department of Health and Senior Services, Division of Alcoholism, Drug Abuse and Addiction Services, for the support of the alcohol and drug abuse programs.
- There are 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.).
- There is transferred from the "Drug Enforcement and Demand Reduction Fund" \$350,000 to carry out P.L.1995, c.318 (C.26:2B-36 et al.) to establish an "Alcoholism and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" within the Department of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting.
- There is appropriated \$350,000 from the "Drug Enforcement and Demand Reduction Fund" established pursuant to N.J.S.2C:35-15 to the Department of Health and Senior Services for a grant to Partnerships for a Drug Free New Jersey pursuant to P.L.1997, c.174.
- The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to the Department of Health and Senior Services for diagnostic laboratory services provided to any other agency or department; provided further, however, that funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.
- Receipts from fees established by the Commissioner of Health and Senior Services 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 of such fees as of June 30, 1998 are appropriated.
- Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services in Health Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

22 Health Planning and Evaluation

06-4260 Long Term Care Systems Development and Quality Assurance	\$4,858,000
07-4270 Health Care Systems Analysis	<u>1,973,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$6,831,000</u>

Personal Services:

Salaries and Wages (\$4,262,000)
 Materials and Supplies (73,000)
 Services Other Than Personal (247,000)
 Maintenance and Fixed Charges (100,000)

Special Purpose:

Nursing Home Background Checks (900,000)
 Emergency Medical Services
 for Children Program (50,000)
 Emergency Medical Services (79,000)
 Long Term Care Survey Staff (120,000)
 Implementation of Statewide
 Health Information Network (1,000,000)

Receipts from fees established by the Commissioner of Health and Senior Services 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 of such fees as of June 30, 1998, are appropriated.

Available funds are appropriated to the Health Care Facilities Improvement Fund to provide available resources in an emergency situation at a health care facility, as defined by the Commissioner of Health and Senior Services, or for closure of a health care facility, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from fees charged for processing Certificate of Need applications and the unexpended balances of such receipts as of June 30, 1998 are appropriated for the cost of this program, subject to the approval of the Director of the Division of Budget and Accounting.

From the amount appropriated for Implementation of Statewide Health Information Network, \$250,000 shall be allocated for a grant to the New Jersey Institute of Technology and \$250,000 shall be allocated for a grant to Thomas A. Edison State College.

From the amount appropriated for Implementation of Statewide Health Information Network, no amount shall be expended for costs of administrative services within the Department of Health and Senior Services.

The unexpended balance as of June 30, 1998, in the New Jersey Emergency Medical Services Helicopter Response Program account is appropriated.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services in Health Planning and Evaluation, in excess of those anticipated, are appropriated.

In addition to the amount appropriated above for Implementation of Statewide Health Information Network, \$1,000,000 is appropriated from the annual .53 percent assessment on New Jersey hospitals established pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62) for the same purpose.

In addition to the amount appropriated above for Emergency Medical Services for Children Program, \$150,000 is appropriated from the annual .53 percent assessment on New Jersey hospitals established pursuant to section 12 of P.L.1992, c.160 (C.26:2H-18.62) for the same purpose.

25 Health Administration

99-4210 Management and Administrative Services \$1,746,000

Total Appropriation, Health Administration \$1,746,000

Personal Services:

Salaries and Wages (\$1,352,000)
 Materials and Supplies (49,000)
 Services Other Than Personal (223,000)

Maintenance and Fixed Charges (38,000)

Special Purpose:

Affirmative Action and Equal
Employment Opportunity (84,000)

26 Senior Services

22-4275 Medical Services for the Aged \$4,489,000
24-4275 Pharmaceutical Assistance to the Aged and Disabled . . . 6,655,000
28-4275 Lifeline 1,851,000
55-4275 Programs for the Aged 945,000
56-4275 Office of the Ombudsman 571,000
57-4275 Office of the Public Guardian 734,000
Total Appropriation, Senior Services \$15,245,000

Personal Services:

Salaries and Wages (\$8,521,000)
Materials and Supplies (339,000)
Services Other Than Personal (1,820,000)
Maintenance and Fixed Charges (849,000)

Special Purpose:

Fiscal Agent -- Medical Services
for the Aged (119,000)
Special Purpose -- Community
Choice/Acuity Audits (703,000)
Payments to Fiscal Agent -- PAA (2,134,000)
New Jersey Easy Access Single
Point-of-Entry (NJEASE) (100,000)
Federal Programs for the Aging
(State Share) (410,000)
Additions, Improvements and Equipment (250,000)

Receipts from the Office of Public Guardian are appropriated.

When any action by a county welfare agency, whether alone or in combination with the Division of Medical Assistance and Health Services or the Department of Health and Senior Services, results in a recovery of improperly granted medical assistance, the Division of Medical Assistance and Health Services or the Department of Health and Senior Services may reimburse the county welfare agency in the amount of 25% of the gross recovery.

Notwithstanding any State law to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Department of Health and Senior Services to permit and assist the matching of the Department of Health and Senior Services program eligibility and/or adjudication claims files against that third party's eligibility and/or adjudicated claims files for the purpose of the coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

The unexpended balances as of June 30, 1998, in the Payments to Fiscal Agent - PAA account are appropriated.

Total Appropriation, Department of Health and
Senior Services \$47,721,000

There is appropriated to the Department of Health and Senior Services from the "Health Care Subsidy Fund" established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) an amount to continue to fund programs established pursuant to section 25 of P.L.1991, c.187 (C.26:2H-18.47) through the annual .53 percent assessment on New Jersey hospitals established pursuant to section 12 of P.L.1992,

c.160 (C.26:2H-18.62). However, available funding shall first provide for the Community Care Program for the Elderly and Disabled, the expansion of Medicaid to 185 percent of poverty, and the Infant Mortality Reduction Program. The remaining available funds may be used to fund programs established by section 25 of P.L.1991, c.187 (C.26:2H-18.47), as determined by the Commissioner of Health and Senior Services, subject to the approval of the Director of the Division of Budget and Accounting. Any unexpended balance as of June 30, 1998 in the Health Care Subsidy Fund received through the .53 percent annual assessment on hospitals made during fiscal year 1998 is appropriated. Furthermore, notwithstanding any other law to the contrary, the established program to provide local health planning shall be limited to a maximum of three specific geographic regions to be designated by the Commissioner of Health and Senior Services.

Receipts from licenses, permits, fines, penalties and fees collected by the Department of Health and Senior Services, in excess of those anticipated, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1995, c.133, or any other law to the contrary, the first \$1,200,000 in per adjusted admission charge assessment revenues, attributable to \$10.00 per adjusted admission charge assessments made by the Department of Health and Senior Services shall be anticipated as revenue in the General Fund available for health-related purposes. Furthermore, it is recommended that the remaining revenue attributable to this fee shall be available to carry out the provisions of P.L.1995, c.133 as determined by the Commissioner of Health and Senior Services and subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, the State Treasurer shall transfer to the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58), only those additional revenues generated from third party liability recoveries, excluding Medicaid, by the State arising from a review by the Director of the Division of Budget and Accounting of hospital payments reimbursed from the Health Care Subsidy Fund with service dates that are after the date of enactment of P.L.1996, c.29.

Notwithstanding the provisions of any other law to the contrary, the Commissioner shall devise, at the commissioner's discretion, rules or guidelines that allocate reductions in health service grants to the extent possible toward administration and not client services.

Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Health and Senior Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary, fees, fines, penalties and assessments owed to the Department of Health and Senior Services shall be offset against payments due and owing from other appropriated funds.

Notwithstanding any provision of law to the contrary, and notwithstanding the terms of any repayment agreement with the Department of Health and Senior Services concerning charity care overpayments, the department shall forgive any repayment due to be made to the department in fiscal year 1999 as repayment of a charity care overpayment that is due from a hospital which meets the following conditions: (a) the hospital received in 1995 less than 50% of that hospital's 1993 "Charity Care" Subsidy payments, exclusive of any supplemental payments received during fiscal year 1996, (b) the hospital receives less than 33% of that hospital's total uncompensated care in subsidy, (c) the hospital did not receive any subsidy payments under the "Other Uncompensated Care" subsidy account in 1995, and (d) the hospital treats a substantial amount of problem billed cases measured by having received at least \$4,000,000 from the

Hospital Relief Fund in the Division of Medical Assistance and Health Services in the Department of Human Services during fiscal year 1998.

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health Services

08-7700 Community Services \$4,386,000
 99-7700 Management and Administrative Services 4,715,000
 Total Appropriation, Division of Mental Health Services . . . \$9,101,000

Personal Services:

Salaries and Wages (\$7,300,000)
 Materials and Supplies (41,000)
 Services Other Than Personal (528,000)
 Maintenance and Fixed Charges (155,000)
 Additions, Improvements and Equipment (1,077,000)

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services \$33,967,000
 98-7710 Physical Plant and Support Services 6,701,000
 99-7710 Management and Administrative Services 4,353,000
 Total Appropriation, Greystone Park
 Psychiatric Hospital \$45,021,000

Personal Services:

Salaries and Wages (\$38,697,000)
 Materials and Supplies (3,353,000)
 Services Other Than Personal (1,441,000)
 Maintenance and Fixed Charges (948,000)

Special Purpose:

Interim Assistance (50,000)
 Additions, Improvements and Equipment (532,000)

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services \$31,784,000
 98-7720 Physical Plant and Support Services 5,960,000
 99-7720 Management and Administrative Services 5,609,000
 Total Appropriation, Trenton Psychiatric Hospital \$43,353,000

Personal Services:

Salaries and Wages (\$35,172,000)
 Materials and Supplies (3,092,000)
 Services Other Than Personal (2,124,000)
 Maintenance and Fixed Charges (799,000)

Special Purpose:

Interim Assistance (150,000)
 One-Time Utility Costs (1,536,000)
 Additions, Improvements and Equipment (480,000)

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services \$11,261,000
 98-7725 Physical Plant and Support Services 1,307,000
 99-7725 Management and Administrative Services 1,296,000
 Total Appropriation, The Forensic Psychiatric Hospital . . . \$13,864,000

Personal Services:

Salaries and Wages	(\$12,265,000)
Materials and Supplies	(992,000)
Services Other Than Personal	(409,000)
Maintenance and Fixed Charges	(98,000)
Additions, Improvements and Equipment	(100,000)

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and Health Services	\$39,275,000
98-7740 Physical Plant and Support Services	6,937,000
99-7740 Management and Administrative Services	<u>4,877,000</u>
Total Appropriation, Ancora Psychiatric Hospital	<u>\$51,089,000</u>

Personal Services:

Salaries and Wages	(\$43,585,000)
Materials and Supplies	(3,646,000)
Services Other Than Personal	(2,195,000)
Maintenance and Fixed Charges	(927,000)

Special Purpose:

Interim Assistance	(120,000)
Additions, Improvements and Equipment	(616,000)

7750 Arthur Brisbane Child Treatment Center

10-7750 Patient Care and Health Services	\$6,670,000
98-7750 Physical Plant and Support Services	1,109,000
99-7750 Management and Administrative Services	<u>828,000</u>
Total Appropriation, Arthur Brisbane	

Child Treatment Center

\$8,607,000

Personal Services:

Salaries and Wages	(\$7,538,000)
Materials and Supplies	(461,000)
Services Other Than Personal	(336,000)
Maintenance and Fixed Charges	(132,000)
Additions, Improvements and Equipment	(140,000)

7760 Senator Garrett W. Hagedorn Gero-Psychiatric Hospital

10-7760 Patient Care and Health Services	\$15,456,000
98-7760 Physical Plant and Support Services	3,138,000
99-7760 Management and Administrative Services	<u>2,419,000</u>

Total Appropriation, Senator Garrett W.

Hagedorn Gero-Psychiatric Hospital

\$21,013,000

Personal Services:

Salaries and Wages	(\$17,535,000)
Materials and Supplies	(1,749,000)
Services Other Than Personal	(1,138,000)
Maintenance and Fixed Charges	(292,000)

Special Purpose:

Interim Assistance	(14,000)
Additions, Improvements and Equipment	(285,000)

Division of Mental Health Services

Receipts recovered from advances made under the interim assistance program in the mental health institutions during the fiscal year ending June 30, 1999 are appropriated for the same purpose.

The unexpended balances as of June 30, 1998 in the interim assistance program accounts in the mental health institutions are appropriated for the same purpose.

The amount appropriated for the Division of Mental Health Services for State facility operations and the amount appropriated as State aid for the costs of county facility operations first are charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid Uncompensated Care.

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and Management . . . \$31,567,000

Total Appropriation, Division of

Medical Assistance and Health Services \$31,567,000

Personal Services:

Salaries and Wages (\$11,698,000)

Materials and Supplies (184,000)

Services Other Than Personal (3,486,000)

Maintenance and Fixed Charges (317,000)

Special Purpose:

Payments to Fiscal Agents (4,654,000)

Eligibility Determination (6,600,000)

Master Lease Debt Service Payments (23,000)

Professional Standards Review

Organization -- Utilization Review . . (1,179,000)

Medicaid Managed Care Initiative

(Health Benefits Coordinator) (3,239,000)

Additions, Improvements and Equipment (187,000)

The unexpended balances as of June 30, 1998 in the Payments to Fiscal Agents account are appropriated.

The unexpended balances as of June 30, 1998 in the Managed Health Care Initiative account are appropriated to the Medicaid Managed Care Initiative (Health Benefits Coordinator) account.

The unexpended balances as of June 30, 1998, in the Fraud and Abuse Initiative 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, the Division of Medical Assistance and Health Services may reimburse the county welfare agency in the amount of 25 percent of the gross recovery.

Sufficient funds from the Health Care Subsidy Fund are appropriated to the Division of Medical Assistance and Health Services for payment to disproportionate share hospitals for uncompensated care costs and for subsidized children's health insurance in the NJ KidCare program as defined in P.L.1992, c.160 (C.26:2H-18.51 et al.), P.L.1996, c.28, and P.L.1997, c.263.

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

Notwithstanding any State law to the contrary, any third party as defined in subsection m. of section 3 of P.L.1968, c.413 (C.30:4D-3), writing health, casualty, or malpractice insurance policies in the State or covering residents of this State, shall enter into an agreement with the Division of Medical Assistance and Health Services to permit and assist the matching of the Medicaid Eligibility file and/or adjudicated claims against that third party's eligibility file and/or adjudicated claims for the purpose of the

coordination of benefits, utilizing, if necessary, social security numbers as common identifiers.

The Division of Medical Assistance and Health Services, in coordination with the county welfare agencies, shall continue a program to outstation eligibility workers in disproportionate share hospitals and federally qualified health centers.

Payment to the vendor for its efforts in federal maximizing initiatives is appropriated and shall be paid from the Maximization of Federal HCFA Reimbursement or the School Based Medicaid revenues received, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, all past, present and future revenues representing federal financial participation received by the State from the United States and that are based on payments made by the State to hospitals that serve a disproportionate share of low-income patients shall be deposited in the General Fund and may be expended only upon appropriation by law.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

99-7600 Management and Administrative Services \$8,894,000
Total State and Federal Appropriation \$8,894,000

Less:

Federal Funds

Management and Administrative Services. \$5,596,000

Total Federal Funds \$5,596,000

Total Appropriation, Division of
Developmental Disabilities \$3,298,000

Personal Services:

Salaries and Wages (\$7,129,000)

Materials and Supplies (32,000)

Services Other Than Personal (210,000)

Maintenance and Fixed Charges (162,000)

Special Purpose:

Foster Grandparents Program (669,000)

Developmental Disabilities Council (306,000)

Additions, Improvements and Equipment (386,000)

Less:

Federal Funds 5,596,000

7601 Community Programs

01-7601 Purchased Residential Care \$959,000

02-7601 Social Supervision and Consultation 7,411,000

03-7601 Adult Activities 933,000

04-7601 Education and Day Training 9,501,000

Total Appropriation, Community Programs \$18,804,000

Personal Services:

Salaries and Wages (\$12,705,000)

Materials and Supplies (1,208,000)

Services Other Than Personal (1,006,000)

Maintenance and Fixed Charges (3,259,000)

Special Purpose:

Guardianship Program (285,000)

Homemaker Services (State Share) (167,000)

Additions, Improvements and Equipment (174,000)

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation Services \$5,356,000
 98-7610 Physical Plant and Support Services 1,673,000
 99-7610 Management and Administrative Services 1,437,000
 Total State and Federal Funds Appropriation \$8,466,000

Less:**Federal Funds****Residential Care and**

Habilitation Services **\$4,877,000**

Physical Plant and Support Services **1,121,000**

Management and Administrative

Services **763,000**

Total Federal Funds **\$6,761,000**

Total Appropriation, Green Brook Regional Center \$1,705,000

Personal Services:

Salaries and Wages (\$6,761,000)

Materials and Supplies (892,000)

Services Other Than Personal (272,000)

Maintenance and Fixed Charges (210,000)

Special Purpose:

Green Brook Bond Payments (313,000)

Additions, Improvements and Equipment (18,000)

Less:

Federal Funds **6,761,000**

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation Services \$50,950,000
 98-7620 Physical Plant and Support Services 7,021,000
 99-7620 Management and Administrative Services 5,340,000
 Total State and Federal Funds Appropriation \$63,311,000

Less:**Federal Funds****Residential Care and Habilitation**

Services **\$19,046,000**

Physical Plant and Support Services **1,477,000**

Management and Administrative

Services **479,000**

Total Federal Funds **\$21,002,000**

Total Appropriation, Vineland
 Developmental Center \$42,309,000

Personal Services:

Salaries and Wages (\$55,890,000)

Materials and Supplies (5,075,000)

Services Other Than Personal (1,469,000)

Maintenance and Fixed Charges (826,000)

Special Purpose:

Family Care (6,000)

Additions, Improvements and Equipment (45,000)

Less:

Federal Funds **\$21,002,000**

The unexpended balances as of June 30, 1998 in the Reward for Identification of Person(s)
 Responsible for the Assault on Client account are appropriated for the same purpose.

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation Services \$29,013,000
 98-7630 Physical Plant and Support Services 3,922,000
 99-7630 Management and Administrative Services 3,519,000
 Total State, Federal and All Other Funds Appropriation .. \$36,454,000

Less:**Federal Funds**

*Residential Care and
 Habilitation Services* \$12,037,000
Physical Plant and Support Services 760,000
*Management and Administrative
 Services* 723,000
Total Federal Funds \$13,520,000

All Other Funds

*Residential Care and Habilitation
 Services* \$210,000
Total All Other Funds \$210,000
 Total Appropriation, North Jersey
 Developmental Center \$22,724,000

Personal Services:

Salaries and Wages (\$30,721,000)
 Materials and Supplies (2,953,000)
 Services Other Than Personal (2,173,000)
 Maintenance and Fixed Charges (587,000)
 Additions, Improvements and Equipment (20,000)

Less:

Federal Funds 13,520,000
All Other Funds 210,000

7640 Woodbine Developmental Center

05-7640 Residential Care and Habilitation Services \$34,005,000
 98-7640 Physical Plant and Support Services 4,792,000
 99-7640 Management and Administrative Services 5,417,000
 Total State and Federal Funds Appropriation \$44,214,000

Less:**Federal Funds**

*Residential Care and
 Habilitation Services* \$10,745,000
Physical Plant and Support Services 1,568,000
*Management and Administrative
 Services* 950,000
Total Federal Funds \$13,263,000
 Total Appropriation, Woodbine
 Developmental Center \$30,951,000

Personal Services:

Salaries and Wages (\$37,422,000)
 Materials and Supplies (4,414,000)
 Services Other Than Personal (1,672,000)
 Maintenance and Fixed Charges (576,000)
 Additions, Improvements and Equipment (130,000)

Less:

Federal Funds 13,263,000

7650 New Lisbon Developmental Center

05-7650 Residential Care and Habilitation Services \$40,138,000
 98-7650 Physical Plant and Support Services 5,583,000
 99-7650 Management and Administrative Services 3,139,000
 Total State, Federal and All Other Funds Appropriation . . . \$48,860,000

Less:**Federal Funds****Residential Care and Habilitation**

Services \$22,043,000

Physical Plant and Support Services 2,470,000

Management and Administrative

Services 1,032,000

Total Federal Funds \$25,545,000

Total Appropriation, New Lisbon

Developmental Center \$23,315,000

Personal Services:

Salaries and Wages (\$43,916,000)

Materials and Supplies (3,308,000)

Services Other Than Personal (1,105,000)

Maintenance and Fixed Charges (511,000)

Additions, Improvements and Equipment (20,000)

Less:

Federal Funds 25,545,000

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation Services \$33,828,000
 98-7660 Physical Plant and Support Services 4,483,000
 99-7660 Management and Administrative Services 2,850,000
 Total State, Federal and All Other Funds Appropriation . . . \$41,161,000

Less:**Federal Funds****Residential Care and Habilitation**

Services \$13,800,000

Physical Plant and Support Services 524,000

Management and Administrative

Services 1,136,000

Total Federal Funds \$15,460,000

All Other Funds**Residential Care and Habilitation**

Services \$102,000

Total All Other Funds \$102,000

Total Appropriation, Woodbridge

Developmental Center \$25,599,000

Personal Services:

Salaries and Wages (\$35,897,000)

Materials and Supplies (3,692,000)

Services Other Than Personal (1,050,000)

Maintenance and Fixed Charges (468,000)

Additions, Improvements and Equipment (54,000)

Less:

Federal Funds 15,460,000

All Other Funds 102,000

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation Services	\$34,318,000
98-7670 Physical Plant and Support Services	6,871,000
99-7670 Management and Administrative Services	<u>2,699,000</u>
Total State, Federal and All Other Funds Appropriation . .	<u>\$43,888,000</u>

Less:**Federal Funds****Residential Care and Habilitation**

Services \$10,214,000

Physical Plant and Support Services 1,944,000

Management and Administrative

Services 899,000

Total Federal Funds \$13,057,000

All Other Funds**Residential Care and Habilitation**

Services \$198,000

Total All Other Funds \$198,000

Total Appropriation, Hunterdon Developmental Center . . \$30,633,000

Personal Services:

Salaries and Wages (\$38,269,000)

Materials and Supplies (3,996,000)

Services Other Than Personal (1,030,000)

Maintenance and Fixed Charges (567,000)

Additions, Improvements and Equipment (26,000)

Less:

Federal Funds 13,057,000

All Other Funds 198,000

In addition to the amounts appropriated hereinabove, upon the final disposition of an independent audit of Cogeneration costs and upon the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, there is appropriated an amount not to exceed \$885,000 for increased utility costs.

Division of Developmental Disabilities

In addition to the amount hereinabove 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, are considered as appropriated on behalf of the Developmental Centers and are available for matching federal funds.

The State appropriation is based on ICF/MR revenues of \$171,016,000, provided that if the ICF/MR revenues exceed \$171,016,000, there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director of the Division of Budget and Accounting.

33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired**

11-7560 Habilitation and Rehabilitation \$3,705,000

12-7560 Instruction, Community Programs and Prevention 2,126,000

99-7560 Management and Administrative Services 1,281,000

Total Appropriation, Commission for the

Blind and Visually Impaired \$7,112,000

Personal Services:

Salaries and Wages (\$5,470,000)

Materials and Supplies (124,000)

Services Other Than Personal (573,000)

Maintenance and Fixed Charges (80,000)

Special Purpose:

Technology for the Visually Impaired (848,000)

Additions, Improvements and Equipment (17,000)

Notwithstanding the provisions of N.J.S.18A:61-1 and N.J.S.18A:46-13, or any other law to the contrary, local boards of education shall reimburse the Commission for the Blind and Visually Impaired for the documented costs of providing services to children who are classified as "educationally handicapped," provided however, that each local board shall pay that portion of cost which the number of children classified "educationally handicapped" bears to the total number of such children served; provided further, however, that payments shall be made by each local board in accordance with a schedule adopted by the Commissioners of Education and Human Services; and further, the Director of the Division of Budget and Accounting is authorized to deduct such reimbursements from the State aid payments to the local boards of education.

There is appropriated from funds recovered from audits or other collection activities an amount sufficient to pay vendors fees to compensate the recoveries, and the administration of the State's vending machine program, subject to the approval of the Director of the Division of Budget and Accounting. Receipts in excess of \$130,000 are appropriated for the purpose of expanding vision screening services and other prevention services, subject to the approval of the Director of the Division of Budget and Accounting. The unexpended balance of such receipts as of June 30, 1998 is appropriated.

The unexpended balances as of June 30, 1998 in the Technology for the Visually Impaired account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Family Development

15-7550 Income Maintenance Management \$133,331,000

Total State, Federal and All Other Funds Appropriation . . \$133,331,000

Less:

Federal Funds

Income Maintenance

Management \$82,028,000

Total Federal Funds \$82,028,000

All Other Funds

Income Maintenance Management . . . \$5,858,000

Total All Other Funds \$5,858,000

Total Appropriation, Division of

Family Development \$45,445,000

Personal Services:

Salaries and Wages (\$19,830,000)

Materials and Supplies (479,000)

Services Other Than Personal (17,043,000)

Maintenance and Fixed Charges (1,304,000)

Special Purpose:

Income Maintenance Management (302,000)

Electronic Benefit Transfer/

Distribution System (8,205,000)

Finger Imaging (3,274,000)

Non Public Assistance Legal Services, Child Support	(441,000)
Hospital Paternity Program	(1,612,000)
Work First New Jersey Child Support Initiatives	(17,046,000)
Work First New Jersey -- Developmental Fund	(9,418,000)
Work First New Jersey -- Technology Investment	(24,303,000)
Child Support Consolidation	(30,053,000)
Additions, Improvements and Equipment	(21,000)

Less:

Federal Funds **82,028,000**

All Other Funds **5,858,000**

Any federal funds received by the Division of Family Development 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.

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1998 are appropriated.

The unexpended balances as of June 30, 1998 in the Income Maintenance Management program classification direct state services accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

55 Social Services Programs

7570 Division of Youth and Family Services

16-7570 Initial Response/Case Management	\$137,318,000
17-7570 Substitute Care	9,694,000
18-7570 General Social Services	1,313,000
99-7570 Management and Administrative Services	<u>21,644,000</u>
Total State and Federal Appropriation	<u>\$169,969,000</u>

Less:**Federal Funds**

Initial Response/Case Management ... **\$71,024,000**

Substitute Care

General Social Services

Management and Administrative

Services

Total Federal Funds

Total Appropriation, Division of Youth

and Family Services

Personal Services:

Salaries and Wages

Materials and Supplies

Services Other Than Personal

Maintenance and Fixed Charges

Special Purpose:

Child Protection Initiative

Additions, Improvements and Equipment ...

Less:

Federal Funds **91,812,000**

7580 Division of the Deaf and Hard of Hearing

23-7580 Services for the Deaf	<u>\$430,000</u>
Total Appropriation, Division of the Deaf and Hard of Hearing	<u>\$430,000</u>

Personal Services:

Salaries and Wages	(\$251,000)
Materials and Supplies	(41,000)
Services Other Than Personal	(41,000)
Maintenance and Fixed Charges	(1,000)

Special Purpose:

Services to Deaf Clients	(40,000)
Communication Access Services	(55,000)
Additions, Improvements and Equipment	(1,000)

70 Government Direction, Management and Control**76 Management and Administration****7500 Division of Management and Budget**

87-7500 Research, Policy and Planning	\$721,000
96-7500 Institutional Security Services	3,824,000
99-7500 Management and Administrative Services	<u>7,102,000</u>
Total Appropriation, Division of Management and Budget	<u>\$11,647,000</u>

Personal Services:

Salaries and Wages	(\$7,952,000)
Materials and Supplies	(58,000)
Services Other Than Personal	(847,000)
Maintenance and Fixed Charges	(72,000)

Special Purpose:

Rehabilitation Services Scholarships	(150,000)
Affirmative Action and Equal Employment Opportunity	(255,000)
Transfer to State Police for Fingerprinting/Background Checks of Job Applicants	(200,000)
State Office on Disability Services	(450,000)
Institutional Staff Background Checks	(407,000)
Funding in Lieu of Privatization	(1,200,000)
Additions, Improvements and Equipment	(56,000)

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.

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.

From the sum appropriated hereinabove for Management and Administration, the Department of Human Services shall conduct a study of contracted service providers in relation to contract reform.

Total Appropriation, Department of Human Services

\$565,744,000

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 and Senior Services 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 K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 first shall be charged to the State Lottery Fund.
- Balances on hand as of June 30, 1998 of funds held for the benefit of patients in the several institutions, and such funds as may be received, are appropriated for the use of the patients.
- Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purchase of additional material and other expenses incidental to such sale or manufacture.
- Any change in program eligibility criteria and increases in the types of services or rates paid for services to or on behalf of clients for all programs under the purview of the Department of Human Services, not mandated by federal law, shall first be approved by the Director of the Division of Budget and Accounting.
- Notwithstanding any other provision of law to the contrary, receipts from payments collected from clients receiving services from the department, and collected from their chargeable relatives, are appropriated to offset administrative and contract expenses related to the charging, collecting and accounting of payments from clients receiving services from this department and from their chargeable relatives pursuant to R.S.30:1-12 subject to the approval of the Director of the Division of Budget and Accounting.
- Payment to the vendor for its efforts in maximizing federal revenues is appropriated and shall be paid from the federal revenues received, subject to the approval of the Director of the Division of Budget and Accounting.
- From the amounts appropriated for Payments for Medical Assistance Recipients -- Prescription Drugs, Pharmaceutical Assistance to the Aged -- Claims, and Pharmaceutical Assistance to the Aged and Disabled -- Claims, there is allocated to the Division of Medical Assistance and Health Services up to \$100,000 from savings realized in these programs for personnel costs for the monitoring of prescription drug utilization in these programs, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended State balances as of June 1 of each fiscal year may be transferred among the Income Maintenance Management program classification accounts in order to comply with the State Maintenance of Effort requirements as specified in the federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193, and as legislatively required by the Work First New Jersey program, section 4 of P.L.1997, c.38 (C.44:10-58), subject to the approval of the Director of the Division of Budget and Accounting. Notice of such transfers shall be provided to the Joint Budget Oversight Committee. Any transfers that would result in appropriations or expenditures exceeding the State's Maintenance of Effort requirement obligation shall be subject to the approval of the Joint Budget Oversight Committee. In addition, unobligated balances remaining from funds allocated to the Department of Labor for Work First New Jersey as of June 1 of each year are to revert to the Work First New Jersey - Client Benefits account in order to comply with Pub.L.104-193, as required by section 4 of P.L.1997, c.38 (C.44:10-58).

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

51 Economic Planning and Development

18-4570 Planning and Analysis	\$207,000
99-4565 Management and Administrative Services	<u>306,000</u>
Total Appropriation, Economic Planning and Development . .	<u>\$513,000</u>

Personal Services:

Salaries and Wages (\$331,000)
 Materials and Supplies (12,000)
 Services Other Than Personal (77,000)
 Maintenance and Fixed Charges (28,000)

Special Purpose:

Affirmative Action and Equal
 Employment Opportunity (62,000)
 Additions, Improvements and Equipment (3,000)

Such sums as may be necessary to collect the contributions to the Health Care Subsidy Fund pursuant to section 29 of the "Health Care Reform Act of 1992," P.L. 1992, c.160 (C.43:21-7b), are appropriated from the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Planning and Research program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount necessary to provide administrative costs incurred by the Department of Labor to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the Enterprise Zone Assistance Fund, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts appropriated hereinabove for Management and Administration, there are appropriated from the New Jersey Redevelopment Investment Fund and the Economic Development Fund an amount of \$142,000 to provide for administrative costs incurred by the Department of Labor for activities related to the New Jersey Redevelopment Authority and the New Jersey Economic Development Authority programs, as determined by the Director of the Division of Budget and Accounting.

52 Economic Regulation

12-4550 Workplace Standards \$4,600,000
 Total Appropriation, Economic Regulation \$4,600,000

Personal Services:

Salaries and Wages (\$4,324,000)
 Materials and Supplies (20,000)
 Services Other Than Personal (111,000)
 Maintenance and Fixed Charges (80,000)

Special Purpose:

Worker and Community Right
 To Know Act (35,000)
 Additions, Improvements and Equipment (30,000)

Receipts in excess of the amount anticipated for the Workplace Standards program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "unemployment compensation law," R.S.43:21-1 et seq., such amounts as may be necessary to implement technology improvements in the Workplace Standards program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.

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 Fund". If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately. In addition to the amounts hereinabove, there are appropriated out of the Worker and Community Right to Know Fund such

additional sums, not to exceed \$8,400, to administer the Right to Know program, subject to the approval of the Director of the Division of Budget and Accounting. 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.

53 Economic Assistance and Security

03-4520 State Disability Insurance Plan	\$20,049,000
04-4520 Private Disability Insurance Plan	3,557,000
05-4525 Workers' Compensation	11,174,000
06-4530 Special Compensation	1,558,000
Total Appropriation, Economic Assistance and Security ..	<u>\$36,338,000</u>

Personal Services:

Salaries and Wages	(\$23,823,000)
Materials and Supplies	(374,000)
Services Other Than Personal	(4,055,000)
Maintenance and Fixed Charges	(1,995,000)

Special Purpose:

Reimbursement to Unemployment Insurance for Joint Tax Functions ..	(5,176,000)
Special Compensation	(60,000)
Additions, Improvements and Equipment	(855,000)

Such sums as may be necessary to administer the Unemployment Insurance program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The amounts hereinabove for the 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 to pay disability benefits, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated for the Workers' Compensation program are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

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

The State Treasurer is directed to transfer to the General Fund the sum of \$50,000 from the excess in the Second Injury Fund over the sum of \$1,250,000 accumulated as of June 30, 1998, pursuant to R.S.34:15-94.

There is appropriated out of the balance in the Second Injury Fund an amount not to exceed \$1,000,000 to be deposited to the credit of the Uninsured Employers' Fund for the payment of benefits as determined in accordance with section 11 of P.L.1966, c.126 (C.34:15-120.2). Any amount so transferred shall be included in the next Uninsured Employers' Fund surcharge imposed in accordance with section 10 of P.L.1966, c.126 (C.34:15-120.1) and such amount shall be returned to the Second Injury Fund without interest. Furthermore, any amount so transferred shall be included in "net assets" pursuant to paragraph (4) of subsection c. of 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 the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is authorized to transfer such sums as are necessary between the Department of Labor and the Department of Treasury for the administration of revenue collection and processing functions related to the Unemployment Insurance, Temporary Disability Insurance, Workers Compensation, and Special Compensation programs.

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$2,351,000
09-4545 Employment Services	6,563,000
16-4556 Public Sector Labor Relations	2,696,000
17-4560 Private Sector Labor Relations	<u>473,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$12,083,000</u>

Personal Services:

Salaries and Wages	(\$5,024,000)
Materials and Supplies	(34,000)
Services Other Than Personal	(264,000)
Maintenance and Fixed Charges	(28,000)

Special Purpose:

Workforce Development Partnership Program	(4,482,000)
Workforce Development Partnership -- Counselors	(2,081,000)

Additions, Improvements and Equipment (170,000)

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

The amount hereinabove for the Vocational Rehabilitation Services program classification is 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 amounts hereinabove for the Workforce Development Partnership Program shall be appropriated from receipts received pursuant to P.L.1992, c.44 (C.34:15D-12 et seq.), together with such additional sums as may be required to administer the Workforce Development Partnership Program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of the "1992 New Jersey Employment and Workforce Development Act," P.L.1992, c.43 (C.34:15D-1 et seq.), the Commissioner of the Department of Labor, in consultation with the Director of the Division of Budget and Accounting, shall allocate an additional amount, not to exceed \$10,000,000, from the balance in the Workforce Development Partnership Fund to adequately fund the Customized Training program.

The amount hereinabove for the Private Sector Labor Relations program classification is appropriated from the Unemployment Compensation Auxiliary Fund.

Total Appropriation, Department of Labor \$53,534,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement

06-1200 Patrol Activities and Crime Control	\$115,538,000
07-1200 Police Services and Public Order	21,144,000
08-1200 Emergency Services	3,963,000
09-1020 Criminal Justice	17,872,000

11-1050 State Medical Examiner	205,000
23-1200 State Capitol Complex Security	5,781,000
24-1200 Marine Police Operations	8,183,000
99-1200 Management and Administrative Services	<u>17,284,000</u>
Total Appropriation, Law Enforcement	<u>\$189,970,000</u>

Personal Services:

Salaries and Wages	(\$139,913,000)
Cash In Lieu of Maintenance	(17,149,000)
Materials and Supplies	(5,173,000)
Services Other Than Personal	(5,293,000)
Maintenance and Fixed Charges	(5,268,000)

Special Purpose:

Drunk Driver Fund Program	(962,000)
Noncriminal Record Checks	(1,014,000)
Nuclear Emergency Response Program ..	(1,988,000)
Health Insurance Fraud Unit	(1,500,000)
Expenses of State Grand Jury	(356,000)
Medicaid Fraud Investigation--	
State Match	(375,000)
State Police Recruit Training	(1,800,000)
Affirmative Action and Equal	
Employment Opportunity	(193,000)
N.C.I.C. 2000 Project	(2,200,000)
COPS Universal Grant - State Match	(700,000)

Additions, Improvements and Equipment . . . (6,086,000)

The unexpended balance as of June 30, 1998, in the Victim Witness Advocacy Fund account, together with receipts derived pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), 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 law or regulation to the contrary, 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, except for such funds as are dedicated pursuant to P.L.1993, c.227, are appropriated for law enforcement purposes designated by the Attorney General.

The unexpended balance as of June 30, 1998, 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.

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 the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), that in addition to the amounts hereinabove, all fees and penalties collected by the Director of

the Division of Alcoholic Beverage Control in excess of \$2,000,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for Patrol Activities and Crime Control, there is appropriated an amount not to exceed \$1,200,000 from indirect cost recoveries, for the purpose of offsetting the costs of the provision of State Police services.

The unexpended balance as of June 30, 1998, 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.

Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health and Senior Services to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 1998, is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment and any expenditures therefrom shall be subject to the approval of the Director of the Division of Budget and Accounting.

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

Notwithstanding the provisions of section 3 of P.L.1985, c.69 (C.53:1-20.7), the unexpended balance as of June 30, 1998, in the Noncriminal Record Checks 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 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, 1998, 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).

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 and Division of Criminal Justice personnel are 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, municipality, 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, municipalities, 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.

Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), are appropriated to offset all reasonable and necessary expenses of the Division of State Police and Department of Transportation-Division of Motor Vehicles in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.

All fees and receipts collected pursuant to paragraph (7) of subsection l. of N.J.S.2C:39-6, and the unexpended balance as of June 30, 1998, are appropriated to offset the costs of administering the application process subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law or regulation to the contrary, receipts derived from the recovery of costs associated with the implementation of the "Criminal Justice Act of 1970," P.L.1970, c.74 (C.52:17B-97 et seq.), are appropriated for the purpose of offsetting the costs of the Division of Criminal Justice, subject to the approval of the Director of the Division of Budget and Accounting.

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety	\$338,000
17-1420 Election Law Enforcement	2,982,000
20-1450 Review and Enforcement of Ethical Standards	446,000
21-1400 Regulation of Alcoholic Beverages	1,191,000
25-1421 Election Management and Coordination	<u>289,000</u>
Total Appropriation, Special Law Enforcement Activities ..	<u>\$5,246,000</u>

Personal Services:

Salaries and Wages	(\$2,826,000)
Materials and Supplies	(102,000)
Services Other Than Personal	(361,000)
Maintenance and Fixed Charges	(40,000)

Special Purpose:

Federal Highway Safety Program --	
State Match	(338,000)
Election Law Enforcement Data	
Processing Enhancements	(1,000,000)
Per Diem Payment to Members of the	
Election Law Enforcement	
Commission	(15,000)
Statewide Voter Registration	
and Election Coordination	(285,000)
Voter Declaration	(4,000)
Additions, Improvements and Equipment	(275,000)

The unexpended balance in the Federal Highway Safety Program -- State Match account, of the several departments, as of June 30, 1998, is appropriated for such highway safety projects.

Notwithstanding the provisions of section 14 of P.L.1992, c.188 (C.33:1-4.1), in addition to the amounts hereinabove, all fees and penalties collected by the Director of the Division of Alcoholic Beverage Control in excess of \$2,000,000 are appropriated for the purpose of offsetting additional operational costs of the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police and the Division of Alcoholic Beverage Control, subject to the approval of the Director of the Division of Budget and Accounting.

Registration fees, tuition fees, training fees, and other fees received for reimbursement for attendance at courses administered or conducted by the Division of Alcoholic Beverage Control are appropriated for program costs.

From the receipts derived from uncashed pari-mutuel winning tickets, the regulation, supervision, licensing and enforcement of all New Jersey Racing Commission activities and functions, such sums as may be required are appropriated for the purpose of offsetting the costs of the administration and operation of the New Jersey Racing Commission, 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 11 of P.L.1991, c.244 (C.52:13C-23.1) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provision hereinabove, amounts received pursuant to P.L.1971, c.183 (C.52:13C-18 et seq.) are appropriated for the purpose of offsetting additional operational costs of the Election Law Enforcement Commission, subject to the approval of the Director of the Division of Budget and Accounting.

Of the receipts derived from the regulation, supervision, and licensing of all State Athletic Control Board activities and functions, an amount is appropriated for the purpose of offsetting the costs of the administration and operation of the State Athletic Control Board, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts derived from the examination of voting machines by Election Management and Coordination and the unexpended balance as of June 30, 1998 of those receipts are appropriated for the costs of making such examinations.

18 Juvenile Services

1500 Division of Juvenile Services

34-1500 Juvenile Community Programs	\$16,318,000
40-1400 Aftercare Programs	3,582,000
99-1500 Management and Administrative Services	<u>3,134,000</u>
Total Appropriation, Division of Juvenile Services	<u>\$23,034,000</u>

Personal Services:

Salaries and Wages	(\$16,723,000)
Materials and Supplies	(1,691,000)
Services Other Than Personal	(1,767,000)
Maintenance and Fixed Charges	(847,000)

Special Purpose:

Juvenile Justice Initiatives	(770,000)
Social Services Block Grant --	
State Match	(42,000)
Cedar Grove Residential Program	(1,000,000)
Additions, Improvements and Equipment	(194,000)

Notwithstanding the provisions of any law to the contrary, amounts that become available as a result of the contracting of community programs may be transferred to the Contract Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, amounts that become available as a result of the contracting of community programs shall be transferred from the Inter-Departmental Employee Benefits program classification to the Contract Services account, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, amounts that become available as a result of the contracting of community programs shall be transferred from the Inter-Departmental Salary and Other Benefits program classification to the Contract

Services account, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums appropriated hereinabove for Salaries and Wages within Management and Administrative Services, the Director of the Juvenile Justice Commission, with the approval of the Director of the Division of Budget and Accounting, may transfer or credit to this account an amount up to \$226,000 from other appropriations in Juvenile Community Programs to reflect savings from the contracting of community programs.

1505 New Jersey Training School for Boys

35-1505	Institutional Control and Supervision	\$13,714,000
36-1505	Institutional Care	2,651,000
37-1505	Institutional Treatment	2,515,000
39-1505	Physical Plant and Support Services	2,458,000
99-1505	Management and Administrative Services	<u>877,000</u>
	Total Appropriation, New Jersey Training School for Boys	<u>\$22,215,000</u>

Personal Services:

Salaries and Wages	(\$17,576,000)
Food In Lieu of Cash	(84,000)
Materials and Supplies	(1,746,000)
Services Other Than Personal	(2,162,000)
Maintenance and Fixed Charges	(524,000)

Special Purpose:

Management and Administrative Services ...	(2,000)
Additions, Improvements and Equipment	(121,000)
Receipts derived from the Eyeglass program at the New Jersey Training School for Boys and any unexpended balance as of June 30, 1998 are appropriated for the operation of the program.	

1510 Juvenile Medium Security Center

35-1510	Institutional Control and Supervision	\$12,921,000
36-1510	Institutional Care	699,000
37-1510	Institutional Treatment	460,000
39-1510	Physical Plant and Support Services	1,719,000
99-1510	Management and Administrative Services	<u>498,000</u>
	Total Appropriation, Juvenile Medium Security Center ...	<u>\$16,297,000</u>

Personal Services:

Salaries and Wages	(\$7,691,000)
Food In Lieu of Cash	(32,000)
Materials and Supplies	(459,000)
Services Other Than Personal	(447,000)
Maintenance and Fixed Charges	(112,000)

Special Purpose:

Juvenile Boot Camp	(3,933,000)
Female Secure Care Program --	
Johnstone	(2,800,000)
Johnstone Facility Maintenance	(702,000)
Additions, Improvements and Equipment	(121,000)

19 Central Planning, Direction and Management

88-1000	Central Library Services	\$580,000
---------	--------------------------------	-----------

99-1000 Management and Administrative Services 6,178,000
 Total Appropriation, Central Planning, Direction
 and Management \$6,758,000

Personal Services:

Salaries and Wages (\$5,609,000)
 Materials and Supplies (362,000)
 Services Other Than Personal (418,000)
 Maintenance and Fixed Charges (88,000)

Special Purpose:

Affirmative Action and Equal
 Employment Opportunity (198,000)
 Additions, Improvements and Equipment (83,000)

Notwithstanding the provisions of any law or regulation to the contrary, 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, except for such funds as are dedicated pursuant to P.L. 1993, c.227, are appropriated for law enforcement purposes designated by the Attorney General.

The Attorney General shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with written reports on August 1, 1998 and February 1, 1999, of the use and disposition by State law enforcement agencies of any interest in property or money seized, or proceeds resulting from seized or forfeited property, and any interest or income earned thereon, arising from any State law enforcement agency involvement in a surveillance, investigation, arrest or prosecution involving offenses under N.J.S.2C:35-1 et seq. and N.J.S.2C:36-1 et seq. leading to such seizure or forfeiture. The reports shall specify for the preceding period of the fiscal year the type, approximate value, and disposition of the property seized and the amount of any proceeds received or expended, whether obtained directly or as contributive share, including but not limited to the use thereof for asset maintenance, forfeiture prosecution costs, costs of extinguishing any perfected security interest in seized property and the contributive share of property and proceeds of other participating local law enforcement agencies.

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, 1998, are appropriated to defray additional laboratory related administration and operational expenses of the "Comprehensive Drug Reform Act of 1987," P.L.1987, c.106 (C.2C:35-1 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

70 Government Direction, Management and Control

74 General Government Services

12-1010 Legal Services \$46,841,000
 Total All Operations \$46,841,000

Less:

Reimbursement From

Other Sources \$32,166,000
Total Deductions \$32,166,000

Total Appropriation, General
 Government Services \$14,675,000

Personal Services:

Salaries and Wages (\$13,484,000)
 Materials and Supplies (122,000)
 Services Other Than Personal (774,000)

Maintenance and Fixed Charges (262,000)

Additions, Improvements and Equipment (33,000)

Expense:

Reimbursements From Other Sources . . (32,166,000)

Less:

Reimbursement From Other Sources . . . 32,166,000

In addition to the \$32,166,000 attributable to Reimbursements from Other Sources and the corresponding additional amount associated with employee fringe benefit costs, there are appropriated such sums as may be received or receivable from any State agency, instrumentality or public authority for direct or indirect costs of legal services furnished thereto and attributable to a change in or the addition of a client agency agreement, 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 that 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.

The unexpended balances as of June 30, 1998 in the Division of Law Legal Services Client Agency Agreement program accounts are appropriated, 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	\$12,676,000
15-1320	Board of Accountancy	691,000
15-1321	Board of Architects and Certified Landscape Architects . .	435,000
15-1322	Board of Dentistry	725,000
15-1323	Board of Mortuary Science	244,000
15-1324	Board of Professional Engineers and Land Surveyors . . .	798,000
15-1325	Board of Medical Examiners	3,670,000
15-1326	Board of Nursing	2,900,000
15-1327	Board of Optometrists	257,000
15-1328	Board of Pharmacy	1,150,000
15-1329	Board of Veterinary Medical Examiners	157,000
15-1330	Board of Shorthand Reporting	76,000
15-1331	Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians	189,000
15-1332	Board of Cosmetology and Hairstyling	2,029,000
15-1333	Board of Professional Planners	120,000
15-1334	Board of Examiners of Electrical Contractors	481,000
15-1335	Board of Psychological Examiners	431,000
15-1335	Board of Examiners of Master Plumbers	331,000
15-1337	Board of Marriage Counselor Examiners	150,000
15-1338	Board of Chiropractic Examiners	481,000
15-1339	Board of Public Movers and Warehousemen	228,000
15-1340	Board of Physical Therapy	246,000
15-1341	Audiology and Speech-Language Pathology Advisory Committee	87,000
15-1342	State Real Estate Appraiser Board	312,000
15-1343	State Board of Respiratory Care	134,000
15-1344	State Board of Social Work Examiners	490,000
15-1345	Orthotics and Prosthetics Board	32,000

15-1346 Occupational Therapy and Therapy Assistants	57,000
15-1347 New Jersey Cemetery Board	140,000
16-1350 Protection of Civil Rights	4,511,000
19-1440 Victims of Crime Compensation Board	5,230,000
Total Appropriation, Protection of Citizens' Rights	<u>\$39,458,000</u>

Personal Services:

Salaries and Wages	(\$9,737,000)
Materials and Supplies	(543,000)
Services Other Than Personal	(12,763,000)
Maintenance and Fixed Charges	(1,885,000)

Special Purpose:

Consumer Affairs Legalized	
Games of Chance	(1,390,000)
Securities Enforcement Fund	(5,398,000)
Consumer Affairs Weights and	
Measures Program	(2,612,000)
Consumer Affairs Charitable	
Registrations Program	(695,000)
Additional Staffing -- Civil Rights	(600,000)
Claims -- Victims of Crime	(3,630,000)
Additions, Improvements and Equipment	(205,000)

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 operational costs of the Division of Consumer Affairs, 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.

Receipts in excess of the amount anticipated are appropriated to the Controlled Dangerous Substance Registration program for the purpose of offsetting the costs of the administration and operation of the program, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.

Receipts in excess of the amount anticipated derived pursuant to R.S.51:1-1 et seq. from the operations of the Division of Consumer Affairs Office of Weights and Measures program and the unexpended balances as of June 30, 1998, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to P.L.1954, c.7 (C.5:8-1 et seq.) from the operations of the Division of Consumer Affairs Legalized Games of Chance program and the unexpended balances as of June 30, 1998, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated derived pursuant to P.L.1994, c.16 (C.45:17A-18 et seq.) from the operations of the Division of Consumer Affairs

Charitable Registration and Investigative program and the unexpended balances as of June 30, 1998, are appropriated for the purposes of offsetting the operational costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

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

Receipts in excess of the amount anticipated are appropriated to the Securities Enforcement Fund program account to offset the cost of operating this program, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for each of the several State professional boards, advisory boards, and committees shall be provided from receipts of those entities, and any receipts in excess of the amounts specifically provided to each of the entities are appropriated. The unexpended balances as of June 30, 1998 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

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

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

Notwithstanding the provisions of section 2 of P.L.1983, c.412 (C.10:5-14.1a), any receipts derived from the assessment of fines and penalties pursuant to P.L.1945, c.169 (C.10:5-1 et seq.), are appropriated to the Division on Civil Rights for additional operational costs, subject to the approval of the Director of the Division of Budget and Accounting.

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

Receipts derived from assessments 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, 1998, are appropriated for payment of claims of victims of crimes pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and additional board operational costs up to \$1,100,000, subject to the approval of the Director of the Division of Budget and Accounting.

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, 1998, are appropriated for payment of claims for victims of 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.

Receipts derived from assessments pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) and the unexpended balance as of June 30, 1998 in the Criminal Disposition and Revenue Collection Fund program account are appropriated for the purpose of offsetting the costs of the design, development, implementation and operation of the Criminal Disposition and Revenue Collection program, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1998 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.

Total Appropriation, Department of Law

and Public Safety \$317,653,000

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS***10 Public Safety and Criminal Justice******14 Military Services***

30-3620 Physical Plant and Support Services	\$4,611,000
40-3620 New Jersey National Guard Support Services	1,038,000
60-3600 Joint Training Center Management and Operations	558,000
99-3600 Management and Administration	<u>4,272,000</u>
Total Appropriation, Military Services	<u>\$10,479,000</u>

Personal Services:

Salaries and Wages	(\$6,535,000)
Materials and Supplies	(1,335,000)
Services Other Than Personal	(506,000)
Maintenance and Fixed Charges	(713,000)

Special Purpose:

Joint Federal-State Operations and Maintenance Contracts (State Share) .	(568,000)
New Jersey National Guard Challenge Youth Program	(618,000)
Newark Armory, City of Newark Drum and Bugle Corps	(20,000)
Affirmative Action and Equal Employment Opportunity	(5,000)
Additions, Improvements and Equipment	(179,000)

Receipts derived from the rental and use of armories and the unexpended balance of such receipts as of June 30, 1998 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, 1998 in the Joint Federal-State Operations and Maintenance Contracts (State share) account is appropriated for the same purpose.

The unexpended balance as of June 30, 1998 in the National Guard State Active Duty account is appropriated for the same purpose.

80 Special Government Services***83 Services to Veterans******3610 Veterans' Program Support***

50-3610 Veterans Outreach and Assistance	\$3,525,000
70-3610 Burial Services	<u>1,172,000</u>
Total Appropriation, Veterans' Program Support	<u>\$4,697,000</u>

Personal Services:

Salaries and Wages	(\$3,316,000)
Materials and Supplies	(379,000)
Services Other Than Personal	(130,000)
Maintenance and Fixed Charges	(91,000)

Special Purpose:

Vietnam Memorial Perpetual Care	(150,000)
Governor's Veterans' Service Council	(5,000)
Transitional Housing	(400,000)
Vietnam Veterans Educational Center	(200,000)

Additions, Improvements and Equipment

The unexpended balance as of June 30, 1998 in the Vietnam Memorial Perpetual Care account is appropriated for the same purpose.

The unexpended balance as of June 30, 1998 in the Korean Veterans Memorial account is appropriated for the same purpose.

The unexpended balance as of June 30, 1998 in the Transitional Housing account is appropriated for the same purpose.

Funds received for Veterans' Transitional Housing from the federal Department of Veterans' Affairs and the individual residents are appropriated for the same purpose.

Funds received for plot interment allowances from the federal Department of Veterans' Affairs, burial fees collected, and the unexpended balances as of June 30, 1998 are appropriated for perpetual care and maintenance of burial plots and grounds at the Brigadier General Doyle Veterans' Memorial Cemetery.

Funds collected by and on behalf of the Korean Veterans Memorial Fund are appropriated for the purposes of the Korean Veterans Memorial.

3630 Menlo Park Veterans' Memorial Home

20-3630 Domiciliary and Treatment Services \$10,100,000

30-3630 Physical Plant and Support Services 2,545,000

99-3630 Management and Administration 1,337,000

Total Appropriation, Menlo Park Veterans'

Memorial Home \$13,982,000

Personal Services:

Salaries and Wages (\$11,153,000)

Materials and Supplies (1,644,000)

Services Other Than Personal (892,000)

Maintenance and Fixed Charges (173,000)

Additions, Improvements and Equipment (120,000)

Fees charged to participants and Department of Veterans' Affairs per diem for the Veterans Adult Day Care program at Menlo Park and the unexpended balance of such receipts as of June 30, 1998, are appropriated for the same purpose.

3640 Paramus Veterans' Memorial Home

20-3640 Domiciliary and Treatment Services \$10,769,000

30-3640 Physical Plant and Support Services 1,878,000

99-3640 Management and Administration 1,571,000

Total Appropriation, Paramus Veterans' Memorial Home . . \$14,218,000

Personal Services:

Salaries and Wages (\$11,242,000)

Materials and Supplies (1,624,000)

Services Other Than Personal (1,052,000)

Maintenance and Fixed Charges (221,000)

Additions, Improvements and Equipment (79,000)

3650 Vineland Veterans' Memorial Home

20-3650 Domiciliary and Treatment Services \$10,738,000

30-3650 Physical Plant and Support Services 2,393,000

99-3650 Management and Administration 1,251,000

Total Appropriation, Vineland Veterans' Memorial Home . . \$14,382,000

Personal Services:

Salaries and Wages (\$11,971,000)

Materials and Supplies (1,502,000)

Services Other Than Personal (604,000)

Maintenance and Fixed Charges (208,000)

Additions, Improvements and Equipment (97,000)

Total Appropriation, Department of Military

and Veterans' Affairs \$57,758,000

- Balances on hand as of June 30, 1998 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.
- 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 \$50 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.
- 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.
- Forty percent of the receipts in excess of the amount anticipated derived from resident contributions and federal reimbursements, as of June 30, 1999, are appropriated for veterans' program 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 Adjutant General.
- Unexpended balances as of June 30, 1998 in the Equipment for Alzheimer's Facility Zone account for each veterans' home are appropriated for the same purpose.
- Fees charged to residents for personal laundry services provided by the veterans' homes are appropriated to supplement the operational and maintenance costs of these laundry services.
- A portion of the revenue received by the veterans homes as a result of reimbursed Medicare Part B expenses and Medicare Part A expenses formerly classified as Medicare Part B, as determined by the Director of the Division of Budget and Accounting, and the unexpended balance of such receipts as of June 30, 1998, are appropriated for resident care and operational costs associated with the change in Medicare billing regulations as expressed in the federal Balanced Budget Act of 1997, Pub.L.105-33, and published by the Health Care Financing Administration, subject to the approval of the Director of the Division of Budget and Accounting of a detailed expense listing as shall be submitted by the Adjutant General of the Department of Military and Veterans' Affairs.
- Of the amount appropriated hereinabove 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 K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 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	\$3,568,000
02-2720 State and Local Government Operations	14,622,000
04-2740 Merit Services	2,171,000
05-2750 Equal Employment Opportunity and Affirmative Action	877,000
07-2770 Human Resource Development Institute	<u>5,644,000</u>
Total Appropriation, General Government Services	<u>\$26,882,000</u>
Personal Services:	
Merit System Board	(\$52,000)
Salaries and Wages	(18,928,000)
Materials and Supplies	(543,000)

Services Other Than Personal (4,613,000)
 Maintenance and Fixed Charges (247,000)
 Special Purpose:
 Classification and Compensation Redesign (800,000)
 Affirmative Action and Equal
 Employment Opportunity (93,000)
 Microfilm Service Charges (29,000)
 Test Validation/Police Testing (434,000)
 Shared Services Pilot Program (176,000)
 Americans with Disabilities Act (60,000)
 Purchase of Alternative Training Methods (336,000)
 Additions, Improvements and Equipment (571,000)
 Receipts derived from fees charged to applicants for open competitive or promotional
 examinations are appropriated subject to the approval of the Director of the Division
 of Budget and Accounting.
 Receipts derived from training services and any unexpended balance as of June 30, 1998
 are appropriated subject to the approval of the Director of the Division of Budget and
 Accounting.
 Receipts derived from Employee Advisory Services are appropriated subject to the
 approval of the Director of the Division of Budget and Accounting.
 The Director of the Division of Budget and Accounting is authorized to transfer or credit
 to the Department of Personnel all or part of any appropriation made to any account
 to fund the State's unemployment insurance liability for the purpose of creating a pilot
 "displaced workers pool" and funding the salaries of State employees scheduled to be
 laid off.
 In addition to the amount appropriated hereinabove, receipts in excess of the amount
 anticipated, attributable to changes in the fee structure or fee increases charged to
 applicants for open competitive or promotional examinations for a "displace worker
 pool," are appropriated for this purpose for State employees scheduled to be laid off.
 Notwithstanding the provisions of N.J.S.11A:6-32, cash awards for suggestions shall be
 paid from the operating budget of the agency from savings generated by the suggestion,
 subject to the approval of the Director of the Division of Budget and Accounting.
 Total Appropriation, Department of Personnel \$26,882,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts \$429,000
 06-2535 Museum Services 2,109,000
 07-2540 Development of Historical Resources 856,000
 Total Appropriation, Cultural and Intellectual
 Development Services \$3,394,000
 Personal Services:
 Salaries and Wages (\$2,276,000)
 Materials and Supplies (93,000)
 Services Other Than Personal (82,000)
 Maintenance and Fixed Charges (52,000)
 Special Purpose:
 Council Member Expenses (3,000)
 Maintenance of Old Barracks (375,000)
 Historic Trust (20,000)
 Irish Immigrant Workers -- Delaware
 and Raritan Canal Study (50,000)

Historic Trust Administrative Costs (443,000)

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 amount hereinabove for the Historic Trust Administrative Costs account is appropriated from the "Historic Preservation Fund" established pursuant to the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L. 1992, c. 88 and the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L. 1995, c. 204, together with an amount not to exceed \$245,000 subject to the approval of the Director of the Division of Budget and Accounting, for costs attributable to planning, administrative, organization, and operating expenses related to historic preservation projects.

There are appropriated out of revenues derived from the rental and operation of the War Memorial, such sums as may be necessary to operate and maintain this facility.

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

2541 Division of State Library

51-2541 Library Services \$3,066,000

Total Appropriation, Division of State Library \$3,066,000

Personal Services:

Salaries and Wages (\$1,866,000)

Materials and Supplies (392,000)

Services Other Than Personal (269,000)

Maintenance and Fixed Charges (23,000)

Special Purpose:

Supplies and Extended Services (500,000)

Additions, Improvements and Equipment (16,000)

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Office of the Secretary of State \$227,000

08-2545 Records Management 1,225,000

Total Appropriation, Office of the Secretary of State \$1,452,000

Personal Services:

Salaries and Wages (\$1,103,000)

Materials and Supplies (19,000)

Services Other Than Personal (84,000)

Maintenance and Fixed Charges (17,000)

Special Purpose:

Affirmative Action and Equal

Employment Opportunity (34,000)

Martin Luther King Jr.

Commemorative Commission (193,000)

Additions, Improvements and Equipment (2,000)

The unexpended balance as of June 30, 1998 in the Martin Luther King, Jr. Commemorative Commission is appropriated for the same purpose.

The Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Records Management program classification a sum up to \$303,000 for cost recoveries in the Division of Records.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Microfilm Section any appropriation made to any department for microfilming

costs which had been appropriated or allocated to such department for its share of the costs of the Microfilm Section.

Receipts derived from fees charged for microfilming services provided to local governments are appropriated for the same purpose.

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2400 Commission on Higher Education

80-2400 Statewide Planning and Coordination
for Higher Education \$924,000
81-2400 Educational Opportunity Fund Programs 393,000
Total Appropriation, Commission on Higher Education . . . \$1,317,000

Personal Services:

Salaries and Wages (\$1,062,000)
Materials and Supplies (23,000)
Services Other Than Personal (197,000)
Maintenance and Fixed Charges (27,000)
Additions, Improvements and Equipment (8,000)

Of the amount hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 first shall be charged to the State Lottery Fund.

Total Appropriation, Department of State \$9,229,000

78 DEPARTMENT OF TRANSPORTATION

10 Public Safety and Criminal Justice

11 Vehicular Safety

01-6400 Motor Vehicle Services \$92,924,000
18-6430 Security Responsibility 9,697,000
Total Appropriation, Vehicular Safety \$102,621,000

Personal Services:

Salaries and Wages (\$38,066,000)
Materials and Supplies (2,525,000)
Services Other Than Personal (18,075,000)
Maintenance and Fixed Charges (879,000)

Special Purpose:

800 Line Telephone Service (750,000)
Reflectorized Plates (3,052,000)
In-Terminal School Bus
Inspection Program (1,500,000)
Vehicle Inspection Program (21,415,000)
Agency Operations (14,209,000)
Security Responsibility --
Agency Operations (1,427,000)

Additions, Improvements and Equipment (723,000)

The unexpended balance as of June 30, 1998 in the Auto Body Licensing and Enforcement program account, together with any receipts in excess of the amount anticipated, is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

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

- The sum hereinabove for Agency Operations is available for maintaining services at privately operated motor vehicle agencies; provided however, that the expenditures thereof are subject to the approval of the Director of the Division of Budget and Accounting.
- Receipts in the "Commercial Vehicle Enforcement Fund" established pursuant to section 17 of P.L.1995, c.157 (C.39:8-75), are appropriated to offset all reasonable and necessary expenses of the Division of State Police and Department of Transportation-Division of Motor Vehicles in the performance of commercial truck safety and emission inspections, subject to the approval of the Director of the Division of Budget and Accounting.
- Receipts derived pursuant to the New Jersey Medical Service Helicopter Response Act under section 1 of P.L.1992, c.87 (C.39:3-8.2) are appropriated to the Division of State Police and the Department of Health and Senior Services to defray the operating costs of the program as authorized under P.L.1986, c.106 (C.26:2K-35 et seq.). The unexpended balance as of June 30, 1998 is appropriated to the special capital maintenance reserve account for capital replacement and major maintenance of helicopter equipment, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the In-Terminal School Bus Inspection Program is payable from receipts derived from In-Terminal School Bus Inspection fees, and receipts in excess of the amount anticipated from In-Terminal School Bus Inspection fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting. If receipts are less than anticipated, the appropriation shall be reduced proportionately.
- Receipts in excess of the amount anticipated from motorbus petition and inspection fees are appropriated for the purpose of administering the Motorbus Regulation program, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount appropriated hereinabove for the Security Responsibility program classification as well as an amount for central rent, fringe benefits and indirect costs shall be reimbursed 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), subject to the approval of the Director of the Division of Budget and Accounting.
- Sums required for the processing of credit card transaction fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance as of June 30, 1998 in the Litigation Service Fees - Delinquent Surcharge Program, is appropriated for the implementation and administration of this program, subject to the approval of the Director of the Division of Budget and Accounting.
- Funds necessary to defray the cost of collection to implement the provisions of P.L.1994, c.64 (C.17:29A-35 et seq.), as well as the cost of billing and collection of surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act of 1982 -- Merit Rating System Surcharge Program, P.L.1983, c.65 (C.17:29A-33 et al.) as amended, are appropriated from fees in lieu of actual cost of collection receipts and from surcharges derived, subject to the approval of the Director of the Division of Budget and Accounting.
- Receipts in excess of the amount anticipated for Special Plates, derived pursuant to P.L.1964 c.195 (C.39:3-27.3 et seq.), P.L.1968, c.247 (C.39:3-27.5 et seq.), P.L.1977, c.369 (C.39:3-27.8 et seq.), P.L.1979, c.456 (C.39:3-27.13 et seq.), P.L.1979, c.457 (C.39:3-27.15 et seq.), section 12 of P.L.1979, c.224 (C.39:3-19.5), P.L.1981, c.240 (C.39:3-27.27 et seq.), P.L.1981, c.401 (C.39:3-27.29 et seq.), P.L.1983, c.165 (C.39:3-27.33 et seq.), P.L.1959, c.56 (C.39:3-33.3 et seq.), P.L.1987, c.374 (C.39:3-

27.35 et seq.), P.L.1991, c.168 (C.39:3-27.42), P.L.1993, c.72 (C.39:3-27.46), P.L.1994, c.29 (C.39:3-27.59 et seq.) and P.L.1949, c.280 (C.39:4-204 et seq.), are appropriated for the purchase of license plates, subject to the approval of the Director of the Division of Budget and Accounting.

Upon implementation of the Enhanced Inspection and Maintenance Program, one-half of the receipts derived from fines and penalties received from complaints and summonses issued by county or local law enforcement officers, pursuant to R.S.39:8-9, are appropriated for payment to the county or municipality initiating the complaint or summons.

Notwithstanding the provisions of the "Motor Vehicle Inspection Fund" established pursuant to subsection j. of R.S.39:8-2, balances in the fund are available for other-Clean Air purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Vehicle Inspection Program is payable from the Motor Vehicle Inspection Fund. The increased cost of implementation of the Enhanced Inspection and Maintenance program will be funded from federal Congestion Mitigation and Air Quality Improvement funds.

Receipts from the new fines and fees available with the implementation of the Enhanced Inspection and Maintenance Program derived pursuant to subsection d. of section 5 of P.L.1995, c.112 (C.39:8-45), subsection b. of section 7 of P.L.1995, c.112 (C.39:8-47), section 8 of P.L.1995, c.112 (C.39:8-48), subsection a. of section 12 of P.L.1995, c.112 (C.39:8-52), subsection a. of section 13 of P.L.1995, c.112 (C.39:8-53), section 14 of P.L.1995, c.112 (C.39:8-54), paragraph 2 of subsection (i) of R.S.39:8-2, and subsections c. and e. of R.S.39:8-9, are deposited in the Motor Vehicle Inspection Fund and are appropriated for the vehicle inspection program, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P.L.1995, c.112 (C.39:8-41 et al.), there are appropriated such sums as are necessary to fund portions of the Enhanced Inspection and Maintenance Program that are not eligible for federal Congestion Mitigation and Air Quality Improvement funding, subject to the approval of the Director of the Division of Budget and Accounting.

60 Transportation Programs

61 State Highway Facilities

06-6100 Maintenance and Operations	\$46,736,000
08-6120 Physical Plant and Support Services	<u>7,276,000</u>
Total Appropriation, State Highway Facilities	<u>\$54,012,000</u>

Personal Services:

Salaries and Wages	(\$28,990,000)
Materials and Supplies	(10,831,000)
Services Other Than Personal	(3,035,000)
Maintenance and Fixed Charges	(10,903,000)

Special Purpose:

Disposal of Dead Deer	(253,000)
-----------------------------	-----------

The unexpended balances as of June 30, 1998 in excess of \$1,000,000 in the accounts hereinabove are appropriated.

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

Receipts in excess of the amount anticipated 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 the amount anticipated from the Logo Sign program fees, which include the Trailblazer Sign Program, the Variable Message Advertising Program, the Excess Parcel Advertising Program, and the Land Service Road Advertising Program are appropriated for the purpose of administering the program subject to the approval of the Director of the Division of Budget and Accounting.

64 Regulation and General Management

05-6070 Access and Use Management \$1,344,000

99-6000 Management and Administrative Services 9,775,000

Total Appropriation, Regulation and

General Management \$11,119,000

Personal Services:

Salaries and Wages (\$3,231,000)

Materials and Supplies (424,000)

Services Other Than Personal (4,450,000)

Maintenance and Fixed Charges (188,000)

Special Purpose:

Airport Safety Fund (965,000)

Funding in Lieu of Privatization (1,400,000)

Affirmative Action and Equal

Opportunity Employment (461,000)

The unexpended balance as of June 30, 1998 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.

The unexpended balance as of June 30, 1998 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

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

Receipts derived from fees on placarded rail freight cars transporting hazardous materials in this State are appropriated to defray the expenses of the Placarded Rail Freight Car Transporting Hazardous Materials program, subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount anticipated 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.

Such amount as is necessary from the Management and Administrative Services program classification in the Regulation and General Management State-wide program in the department is allocated for the Commissioner of Transportation to identify the most congested and most dangerous traffic locations in the State, after consultation with the Division of State Police in the Department of Law and Public Safety and local traffic enforcement officials, and to make recommendations to the Governor and the Legislature on measures necessary to remedy these most congested and most dangerous traffic locations.

Total Appropriation, Department of Transportation \$167,752,000

Such receipts not to exceed \$5,000,000 as may be received by the Department of Transportation from the State's Highway Authorities as reimbursement for services that are performed by the department on behalf of the authorities, including but not limited

to maintenance and operations programs, are appropriated for purposes within the department as shall be determined by the Director of the Division of Budget and Accounting.

82 DEPARTMENT OF THE TREASURY

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

46-2150 Student Assistance Programs \$2,537,000
 Total Appropriation, Higher Educational Services \$2,537,000

Personal Services:

Salaries and Wages (\$1,241,000)
 Materials and Supplies (43,000)
 Services Other Than Personal (804,000)
 Maintenance and Fixed Charges (22,000)

Special Purpose:

Servicing of Governor's Teachers
 Scholarship Loans (71,000)
 College Savings Program Administration . . (350,000)
 Additions, Improvements and Equipment (6,000)

At any time prior to the issuance and sale of bonds or other obligations by the New Jersey Higher Education Assistance Authority, the State Treasurer is authorized to transfer from any available moneys in any fund of the Treasury of the State to the credit of any fund of the Authority such sums as the State Treasurer deems necessary. Any sums so transferred shall be returned to the same fund of the Treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of Authority bonds or other Authority obligations.

Of the amount hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 first shall be charged to the State Lottery Fund.

50 Economic Planning, Development and Security

51 Economic Planning and Development

13-8031 Economic Research \$211,000
 Total Appropriation, Economic Planning
 and Development \$211,000

Personal Services:

Salaries and Wages (\$141,000)
 Materials and Supplies (27,000)
 Services Other Than Personal (35,000)
 Maintenance and Fixed Charges (5,000)
 Additions, Improvements and Equipment (3,000)

50 Economic Planning, Development and Security

52 Economic Regulation

53-2018 Ratepayer Advocacy \$3,658,000
 54-2008 Utility Regulation 5,724,000
 55-2004 Regulation of Cable Television 1,480,000
 97-2016 Regulatory Support Services 3,380,000
 99-2003 Management and Administrative Services 6,034,000
 Total Appropriation, Economic Regulation \$20,276,000

Personal Services:

Salaries and Wages (\$17,045,000)

Materials and Supplies (320,000)
 Services Other Than Personal (2,064,000)
 Maintenance and Fixed Charges (556,000)

Special Purpose:

Other Special Purpose (40,000)
 Additions, Improvements and Equipment (251,000)

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, are 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-32 et seq.), or other applicable statutes with respect to assessment of public utilities or the cable television industry.

Receipts derived from fees are appropriated.

Receipts from fines and penalties in excess of \$300,000 are appropriated for regulatory enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

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

The unexpended balances as of June 30, 1998 are appropriated.

Notwithstanding the provisions of any law to the contrary, there are appropriated to the Division of the Ratepayer Advocate such additional sums, not to exceed \$400,000, that are necessary for the cost of this activity under section 16 of P.L. 1994, c.58 (C.52:27E-63), subject to the approval of the Director of the Division of Budget and Accounting. This shall be included as part of the fiscal year 2000 assessment of public utilities or the cable television industry for this activity under P.L.1968, c.173 (C.48:2-59 et seq.), to be applied to costs incurred in fiscal year 1999.

Receipts of the Division of the Ratepayer Advocate in excess of those anticipated are appropriated for the Division of the Ratepayer Advocate to defray the cost of this activity under section 16 of P.L.1994, c.58 (C.52:27E-63).

There are appropriated from interest earned by the Petroleum Overcharge Reimbursement Fund such sums as may be required for costs attributable to the administration of the fund, 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

52-2044 Temporary Disability Insurance \$1,524,000
 Total Appropriation, Economic Assistance and Security . . . \$1,524,000

Special Purpose:

Temporary Disability Insurance (\$1,524,000)

The Director of the Division of Budget and Accounting is authorized to transfer such sums as are necessary between the Department of Labor and the Department of the Treasury for the administration of revenue collection and processing functions related to the Unemployment Insurance, Temporary Disability Insurance, Workers Compensation, and Special Compensation Programs.

The amounts hereinabove for the Temporary Disability Insurance program 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 Temporary Disability Insurance program, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary to collect the contributions pursuant to P.L.1996 c.28 (C.26B:2H-18.52 et al.) are appropriated from the Health Care Subsidy Fund, subject to the approval of the Director of the Division of Budget and Accounting.

Such sums as may be necessary to collect the contributions related to the Workforce Development Partnership program shall be appropriated from receipts received pursuant to P.L.1992, c.44 (C.34:15D-12 et seq.).

70 Government Direction, Management and Control

72 Governmental Review and Oversight

02-2015 Employee Relations and Collective Negotiations \$521,000
 07-2040 Office of Management and Budget 12,973,000
 Total Appropriation, Governmental
 Review and Oversight \$13,494,000

Personal Services:

Salaries and Wages (\$11,961,000)
 Materials and Supplies (304,000)
 Services Other Than Personal (719,000)
 Maintenance and Fixed Charges (77,000)

Special Purpose:

General Fixed Asset Account
 Group, Independent Audit (401,000)
 Governmental Accounting Standards Board . (32,000)

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, performance audits, and the single audit.

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

There are appropriated out of revenues derived from the collection of fees charged for the issuance of dishonored checks, such sums as are necessary to defray administrative processing costs associated with such checks.

73 Financial Administration

15-2080 Tax Services and Administration \$73,840,000
 16-2090 Administration of State Lottery 12,582,000
 17-2105 Administration of State Revenues 15,325,000
 19-2120 Management of State Investments 5,253,000
 Total Appropriation, Financial Administration \$107,000,000

Personal Services:

Salaries and Wages (\$74,230,000)
 Materials and Supplies (4,936,000)
 Services Other Than Personal (26,079,000)
 Maintenance and Fixed Charges (1,513,000)

Special Purpose:

Economic Research (62,000)
 Additions, Improvements and Equipment (180,000)

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 the investment earnings of general obligation bond proceeds, such sums as may be necessary for the payment of debt service administrative costs.

- Notwithstanding the provision of any law to the contrary, there shall be no retroactive payment for refunds due under section 9 of P.L.1976, c.141 (C.58:10-23.11h) as amended pursuant to section 1 of P.L.1997, c.134 for the period from January 1, 1996, through June 26, 1997, appropriated from the Spill Compensation Fund.
- Of the amounts hereinabove for Economic Research, \$31,000 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 Economic Research, subject to the approval of the Director of the Division of Budget and Accounting.
- 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.
- Such sums as may be necessary for the administration of the homestead property tax reimbursement established pursuant to P.L.1997, c.348 (C.54:4-8.67 et seq.) are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding any other law to the contrary, there are appropriated out of receipts in the Solid Waste Services Tax Fund and the Resource Recovery Investment Tax Fund such sums as may be necessary for the cost of administration and collection of taxes pursuant to P.L.1985, c.38 (C.13:1E-136 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.
- Such sums as are required for the acquisition of equipment essential to the modernization of processing tax returns, are appropriated from tax collections, subject to the approval of the Joint Budget Oversight Committee and the Director of the Division of Budget and Accounting.
- The amount necessary to provide administrative costs incurred by the Division of Taxation to meet the statutory requirements of the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60 et seq.) is appropriated from the enterprise zone assistance fund, subject to the approval of the Director of the Division of Budget and Accounting.
- Pursuant to the provisions of section 12 of P.L.1992, c.165 (C.40:54D-12), there are appropriated such sums as may be required to compensate the Department of the Treasury for costs incurred in administering the "Tourism Improvement and Development District Act," P.L.1992, c.165 (C.40:54D-1 et seq.).
- In addition to the amounts appropriated hereinabove, such additional sums as may be necessary are appropriated to fund the costs of the collection and processing of debts, taxes and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, 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 with written reports on the detailed appropriation and expenditure of sums appropriated pursuant to this provision.
- Notwithstanding any provision of any other law to the contrary, there are available out of fees derived from the cost of collection imposed pursuant to section 8 of P.L.1987, c.76 (C.54:49-12.1), such sums as may be required for compliance and enforcement activities associated with the collection process as promulgated by the Taxpayers' Bill of Rights under P.L.1992, c.175.
- There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

- There are appropriated out of 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 and implementing games pursuant to section 7 of P.L.1970, c.13 (C.5:9-7).
- In addition to the amounts hereinabove, State Lottery Fund receipts in excess of anticipated contributions to education and State institutions, and reimbursements of administrative expenditures, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.
- Notwithstanding the provisions of any 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.
- Notwithstanding the provisions of any other law to the contrary, there are appropriated out of receipts derived from the sale of advertising by the State Lottery, such sums as may be necessary for advertising costs required in the administration of the State Lottery pursuant to P.L.1970, c.13 (C.5:9-1 et seq.).
- There are appropriated, out of receipts derived from service fees billed to authorities for the handling of investment transactions, such sums as may be necessary to administer the above investment activity.
- There are appropriated, out of receipts derived from the 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).
- 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 Benefits 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. In addition to the amounts hereinabove, there are appropriated such sums as may be necessary for administrative costs, which shall include bank service charges, investment services, and other such costs as are related to the management of the pension and health benefit programs as the Director of the Division of Budget and Accounting shall determine. In addition, revenue resulting from such charges to the various pensions and health benefit funds, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be credited to the General Fund as anticipated revenue.

74 General Government Services

09-2050 Purchasing and Inventory Management	\$19,951,000
21-2140 Pensions and Benefits	24,700,000
26-2067 Property Management and Construction --	
Property Management Services	8,745,000
37-2051 Risk Management	1,624,000
50-2027 Commercial Recording	<u>2,315,000</u>
Total Appropriation, General Government Services	<u>\$57,335,000</u>
Personal Services:	
Salaries and Wages	(\$28,063,000)
Materials and Supplies	(898,000)
Services Other Than Personal	(11,576,000)
Maintenance and Fixed Charges	(1,396,000)
Special Purpose:	
Fleet Renewal Management Program ..	(15,000,000)
State Pension System Audit	(128,000)
Land Use Regulation Specialist	(250,000)
Additions, Improvements and Equipment	(24,000)

- Receipts in excess of those anticipated from the over-the-counter surcharges are appropriated to meet the costs of the Division of Commercial Recording, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance in the Department of the Treasury, Secretary of State Fund as of June 30, 1998, and notwithstanding the provisions of sections 18 and 19 of P.L.1987, c.435 (C.52:16-10.2 and 52:16-10.3), receipts in excess of the amount anticipated from fees are appropriated to meet the costs of Elections Management and Coordination in the Department of Law and Public Safety, the Office of the Secretary of State in the Department of State, and the Division of Commercial Recording in the Department of the Treasury, subject to the approval of the Director of the Division of Budget and Accounting. Such sums as the Director of the Division of Budget and Accounting shall determine shall be transferred or credited from the fund to Elections Management and Coordination in the Department of Law and Public Safety, the Office of the Secretary of State in the Department of State, and the Division of Commercial Recording in the Department of the Treasury, for this purpose.
- 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 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 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.
- Notwithstanding the provision of any other law to the contrary, there are appropriated from receipts derived from vendor registration fees sufficient sums for services and expenses related to the development, letting and administration of commodity or service contracts.
- 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.
- Notwithstanding the provisions of any other law to the contrary, there are appropriated, out of receipts derived from third party subrogation, such sums as may be necessary for the administrative expenses of this program.
- Notwithstanding the provisions of section 15 of article 6 of P.L.1944, c.112 (C.52:27B-67), revenues in excess of the anticipation derived from the sale of surplus state vehicles are available for the replacement of Central Motor Pool temporary assignment vehicles, subject to the approval of the Director of the Division of Budget and Accounting.
- Proceeds derived from commissions are credited to defray administrative costs incurred as a result of the management of the travel contract.
- The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Capitol Post Office revolving fund 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.
- The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Print Shop revolving fund any appropriation made to any department for printing costs appropriated or allocated to such departments for their share of costs of the Print Shop and the Office of Printing Control.
- The unexpended balance in the State Purchase Fund as of June 30, 1998, 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.

- There are appropriated out of the revenues received from the sale of surplus property sufficient sums for the administrative costs of the Distribution Center-Surplus Property Unit.
- There are available from the savings in property rental accounts derived from warehouse space consolidation and elimination, such sums as may be required to implement and administer the warehouse space utilization program in the Division of Property Management and Construction, subject to the approval of the Director of the Division of Budget and Accounting.
- From the receipts derived from the sale of real property, such sums are appropriated for the costs incurred in the selling of the real property, including appraisal, survey, advertising, and other costs related to the disposal, subject to the approval of the Director of the Division of Budget and Accounting.
- In addition to the amounts hereinabove, there are appropriated by way of estimated receipts, an amount not to exceed \$500,000, to provide building modifications and tenant services which fall outside the scope of basic building maintenance in State owned facilities under the auspices of the Division of Property Management and Construction, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balances in excess of \$200,000 in the Management of the DEP Properties account as of June 30, 1998 are appropriated for the same purpose.
- Receipts derived from the leasing of State surplus real property are appropriated for the maintenance of leased property subject to the approval of the Director of the Division of Budget and Accounting, provided that a sum not to exceed \$100,000 shall be available for the administrative expenses of the program.
- Receipts from employee maintenance charges in excess of \$700,000 are appropriated for maintenance of employee housing and associated relocation costs; provided however, that a sum not to exceed \$155,000 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.
- There are appropriated out of receipts derived from lease proceeds billed to the occupants of the James J. Howard Marine Science Laboratory, such sums as may be required to operate and maintain the facility and for the payment of interest and/or principal due from the issuance of bonds for this facility.
- The unexpended balances in the State cafeteria accounts as of June 30, 1998, 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 Property Management and Construction 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.
- Notwithstanding any law to the contrary, there are appropriated out of receipts derived from the pre-qualification service fees billed to contractors, architects, engineers and professionals sufficient sums for expenses related to the administration of pre-qualification activities undertaken by the Division of Property Management and Construction.
- 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 Benefits 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. In addition to the amounts hereinabove, there are appropriated such sums as may be necessary for administrative costs, which shall include bank service charges, investment services, and any other such costs as are related to the management of the pension and health benefit programs, as the Director of the Division of Budget and Accounting shall determine. In addition, revenue resulting from such charges to the various pensions and health benefit funds, payable on a schedule to be determined by the Director of the Division of Budget and Accounting, shall be credited to the General Fund as anticipated revenue.

The unexpended balance as of June 30, 1998 in the Pensions and Health Benefits Commission account is appropriated for the same purpose.

There are appropriated sufficient sums as may be required for the expenses of the Pensions and Health Benefits Commission, provided that such appropriation shall be reimbursed to the General Fund from the resources available to the various pensions and health benefits funds.

Notwithstanding the provisions of any law to the contrary, there are appropriated from the Capital City Redevelopment Loan and Grant Fund such sums as may be required to provide for expenses, programs and strategies which will enhance the vitality of the capital district as a place to live, visit, work and conduct business, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Land Use Regulation Specialists Fees account is to be expended solely for the purchase of expert witness services related to the State's defense against inverse condemnation claims of the Land Use Regulation program.

2026 Office of Administrative Law

03-2026 Adjudication of Administrative Appeals \$6,854,000

Total State and All Other Funds Appropriations \$6,854,000

Less:

Adjudication of Administrative Appeals \$4,085,000

Total Deductions \$4,085,000

Total Appropriation, Office of Administrative Law . . . \$2,769,000

Personal Services:

Salaries and Wages (\$5,936,000)

Employee Benefits (116,000)

Materials and Supplies (151,000)

Services Other Than Personal (489,000)

Maintenance and Fixed Charges (130,000)

Special Purpose:

Affirmative Action and Equal

Employment Opportunity (6,000)

Additions, Improvements and Equipment (26,000)

Less:

Adjudication of Administrative Appeals . 4,085,000

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."

In addition to the amount hereinabove, such sums as may be received or receivable from any department or non-State fund source for administrative hearing costs by the Office of Administrative Law and the unexpended balance as of June 30, 1998 of such sums

are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

The Director of the Division of Budget and Accounting is empowered to transfer or credit to the Office of Administrative Law any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for its share of such costs.

Receipts derived from the annual license fee payable to the Office of Administrative Law and the unexpended balance as of June 30, 1998 of such receipts are appropriated.

Receipts derived from the royalty payable to the Office of Administrative Law and the unexpended balance as of June 30, 1998 of such receipts are appropriated.

76 Management and Administration

98-2006 Public Contracts Affirmative Action Office \$1,011,000

99-2000 Management and Administrative Services 4,598,000

91-9147 Local Government Budget Review 1,973,000

Total Appropriation, Management and Administration \$7,582,000

Personal Services:

Salaries and Wages (\$4,980,000)

Materials and Supplies (23,000)

Services Other Than Personal (507,000)

Maintenance and Fixed Charges (76,000)

Special Purpose:

Local Government Budget Review (1,973,000)

Federal Liaison Office -- Washington, D.C. . (23,000)

The unexpended balance as of June 30, 1998 in the State Revenue Forecasting Advisory Commission account is appropriated for the same purpose.

The unexpended balance as of June 30, 1998 in the Productivity and Efficiency Program is appropriated for the same purpose.

There is appropriated from investment earnings of State funds a sum, not to exceed \$640,000, for public finance activities.

There are appropriated out of receipts derived from service fees billed to authorities for the handling of Public Finance transactions such sums as may be necessary to administer the above public finance activities.

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.

An amount equivalent to the amount due to be paid in fiscal year 1999 to the State by the Port Authority of New York and New Jersey pursuant to the regional economic development agreement dated January 1, 1990, among the States of New York and New Jersey and the Port Authority of New York and New Jersey is appropriated to the Economic Recovery Fund established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12), for the purposes of P.L.1992, c.16 (C.34:1B-7.10 et seq.).

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.

Fees collected on behalf of the Public Contracts Affirmative Action program and the unexpended balance as of June 30, 1998 of such fees are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

The unexpended balance in the Local Government Budget Review account as of June 30, 1998 is appropriated.

In addition to the amount hereinabove, the Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Local Government Budget Review, such sums as may be available for the purpose of expanding the review of local governments' operations.

80 Special Government Services

82 Protection of Citizens' Rights

06-2024 Appellate Services to Indigents	\$6,380,000
57-2021 Trial Services to Indigents and Special Programs	51,517,000
58-2022 Mental Health Screening Services	2,192,000
61-2023 Dispute Settlement	127,000
99-2025 Management and Administrative Services	<u>2,120,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$62,336,000</u>

Personal Services:

Salaries and Wages	(\$43,547,000)
Materials and Supplies	(571,000)
Services Other Than Personal	(16,446,000)
Maintenance and Fixed Charges	(338,000)

Special Purpose:

Public Defender Special Hearings	
Unit -- Megan's Law	(690,000)
Intensive Supervision and Juvenile Intensive	
Supervision Program Staff	(175,000)
Affirmative Action and Equal	
Employment Opportunity	(64,000)
Additions, Improvements and Equipment	(505,000)

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

Receipts from clients including Office of Dispute Settlement fees and the unexpended balances as of June 30, 1998 are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for the operation of the Public Defender's office there are appropriated additional sums as may be required for Trial and Appellate Services to Indigents, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

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

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.

Lawsuit settlements and legal costs awarded by any court to the Office of the Public Defender are appropriated for the expenses associated with the representation of indigent clients.

Total Appropriation, Department of the Treasury \$275,064,000

90 MISCELLANEOUS COMMISSIONS

40 Community Development and Environmental Management

43 Science and Technical Programs

9130 Interstate Sanitation Commission

03-9130 Interstate Sanitation Commission	<u>\$388,000</u>
Total Appropriation, Interstate Sanitation Commission	<u>\$388,000</u>

Special Purpose:

Expenses of the Commission (\$388,000)

9140 Delaware River Basin Commission03-9140 Delaware River Basin Commission \$787,000Total Appropriation, Delaware River Basin Commission . . . \$787,000

Special Purpose:

Expenses of the Commission (\$787,000)

70 Government Direction, Management and Control**72 Government Review and Oversight****9148 Council on Local Mandates**

The unexpended balance as of June 30, 1998 in this account is appropriated.

Total Appropriation, Miscellaneous Commissions \$1,175,000**94 INTER-DEPARTMENTAL ACCOUNTS****70 Government Direction, Management and Control****74 General Government Services**

01-9400 Property Rentals \$245,320,000

02-9400 Insurance and Other Services 45,426,000

06-9400 Utilities and Other Services 39,274,000Total Appropriation, General Government Services . . . \$330,020,000

Property Rentals:

Existing and Anticipated Leases (\$147,317,000)

Mercer County Improvement

Authority (7,316,000)

Economic Development Authority (25,568,000)

New Jersey Sports and Exposition

Authority (33,918,000)

New Jersey Building Authority (58,119,000)

Other Debt Service Leases

and Tax Payments (13,668,000)

Less:**Direct Charges and Charges****to Non-State Fund Sources 40,586,000**

Insurance:

Property Insurance (1,565,000)

Casualty Insurance (811,000)

Special Insurance Policies (225,000)

Tort Claims Liability Fund (9,000,000)

Workers' Compensation Fund (29,000,000)

Vehicle Claims Liability Fund (4,200,000)

Self-Insurance Deductible Fund (500,000)

Self-Insurance Fund-Foster Parents (125,000)

Utilities and Other Services:

Fuel and Utilities (17,975,000)

Household and Security (4,799,000)

Camden Aquarium

Management Agreement (1,500,000)

Sports and Exposition Authority (15,000,000)

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 for leases negotiated by the Office of Property Management and subject to the approval or disapproval by the State Leasing and Utilization Committee pursuant to P.L.1992, c.130 (C.52:18A-191.1 et seq.), and except as hereinafter provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

An amount shall be appropriated to implement the Facilities Master Plan, subject to the approval of the Director of the Division of Budget and Accounting.

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 and the Performing Arts Center structure to be constructed 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 improvements thereon purchased or caused to be constructed by the authority for the State in the city of Newark for the Performing Arts Center, subject to the prior written consent of the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly. Upon the final payment of the State's obligations pursuant to the lease for the real property and infrastructure improvements purchased by the authority, the title to the real property and improvements shall revert to the State. The State may sublease the land and facilities for the purpose of operating, maintaining or financing a Performing Arts Center in Newark. Any sublease for use of land and improvements acquired for the State by the New Jersey Economic Development Authority for the Performing Arts Center shall be subject to the prior written approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, or its successor.

There are appropriated from amounts hereinabove for the Economic Development Authority such sums as may be 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), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed \$3,000,000 shall be appropriated for the costs of security, maintenance, utilities and other operating expenses related to the Marlboro Psychiatric Hospital and North Princeton Developmental Center closure initiatives, subject to the approval of the Director of the Division of Budget and Accounting.

There are appropriated such additional sums as may be required to pay future debt service costs for projects undertaken by the New Jersey Building Authority, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1998 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, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.
- The funds appropriated to the Tort Claims Liability Fund are available for the payment of claims of a tortious nature, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.
- The funds appropriated to the Tort Claims Liability Fund are available for the payment of direct costs of legal, administrative, and medical services related to the investigation, mitigation and litigation of tort claims under N.J.S.59:12-1, and claims of a tortious nature, as recommended by the Attorney General and as the Director of the Division of Budget and Accounting shall determine.
- The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of pool attorneys engaged by the Public Defender for the defense of indigents.
- The funds appropriated to the Tort Claims Liability Fund are available for the indemnification of designated pathologists engaged by the State Medical Examiner.
- Notwithstanding any other law to the contrary, claims paid from the Tort Claims Liability Fund on behalf of entities funded, whole or in part, from non-State funds, may be reimbursed from such non-State fund sources as determined by the Director of the Division of Budget and Accounting.
- To the extent that sums appropriated to pay Workers' Compensation claims under R.S.34:15-1 et seq., are insufficient, there are appropriated such additional sums as may be required to pay Workers' Compensation claims, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the Workers' Compensation Self-Insurance Fund under R.S.34:15-1 is available for the payment of direct costs of legal, investigative, administrative and medical services related to the investigation, mitigation, litigation and administration of claims against the fund, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding any other law to the contrary, benefits provided to community work experience participants shall be borne by the Work First New Jersey program funded through the Department of Human Services and any costs related to administration, mitigation, litigation and investigation of claims will be reimbursed to the Bureau of Risk Management by the Work First New Jersey Program funded through the Department of Human Services, subject to the approval of the Director of the Division of Budget and Accounting.
- To the extent that sums appropriated to pay auto insurance claims are insufficient, there are appropriated such additional sums as may be required to pay auto insurance claims, subject to the approval of the Director of the Division of Budget and Accounting.
- The amount hereinabove for the Vehicle Claims Liability Fund is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.
- The unexpended balance as of June 30, 1998 in the Self-Insurance Deductible Fund is appropriated for the same purposes.
- The amount appropriated for the Self-Insurance Fund-Foster Parents is available for the payment of direct costs of legal, investigative and medical services related to the investigation, mitigation and litigation of claims against the fund.
- The sums hereinabove are available for payment of obligations applicable to prior fiscal years.
- There are appropriated out of revenues received from utility companies such sums as may be required for implementation and administration of the Energy Conservation Initiatives Program, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the sums hereinabove for Fuel and Utilities, the Director of the Division of Budget and Accounting shall transfer or credit to this account such sums that accrue from appropriations made to various spending agencies for Fuel and Utilities and Salaries and Wages, to reflect savings associated with the fuel switch and other energy-conservation initiatives.

9410 Employee Benefits

03-9410 Employee Benefits \$1,137,167,000
 Total Appropriation, Employee Benefits \$1,137,167,000

Special Purpose:

Public Employees' Retirement
 System (\$50,942,000)
 Police and Firemen's Retirement
 System (1,790,000)
 Police and Firemen's Retirement System
 (P.L.1979, c.109) (23,555,000)
 Alternate Benefits Program --
 Employer Contributions (75,907,000)
 Teachers' Pension and Annuity Fund
 and Non-Contributory Group Life
 Insurance -- State (4,074,000)
 Pension Adjustment Program (1,619,000)
 Veterans Act Pensions (161,000)
 P.E.R.S. Minimum Pension Benefit Act --
 Pre-1955 Retirees (22,000)
 Heath Act Pensions (10,000)
 Debt Service on Pension Obligation
 Bonds (52,380,000)
 State Employees' Health Benefits (433,090,000)
 State Employees' Prescription
 Drug Program (99,080,000)
 State Employees' Dental
 Program -- Shared Cost (23,380,000)
 State Employees' Vision Care Program .. (1,000,000)
 Social Security Tax -- State (349,320,000)
 Temporary Disability
 Insurance Liability (8,373,000)
 Unemployment Insurance Liability (10,869,000)
 Fringe Benefit Impact From
 Agency Initiatives (1,595,000)

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow or widower of any person, now deceased, who was elected and served as Governor of the State; provided such widow or widower was the spouse of such person for all or part of the period during which he or she served as Governor; and provided further, that this shall not apply to any widow or widower receiving a pension granted under R.S.43:8-2, and continued by R.S.43:7-1 et seq., R.S.43:8-1 et seq., and R.S.43:8-8 et seq.

Such additional sums as may be required for Social Security Tax 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 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.

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.

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

Notwithstanding the provisions of the Pension Adjustment Act, P.L. 1985, c. 143 (C.43:3B-1 et seq.), pension adjustment benefits for members and beneficiaries of the Consolidated Police and Firemen's Pension Fund shall be paid by the fund. Employer appropriations for these benefits as required under the act shall be paid to the fund.

In addition to the sum hereinabove appropriated to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L. 1997, c. 114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

9420 Other Inter-Departmental Accounts

04-9420 Other Inter-Departmental Accounts \$58,340,000

Total Appropriation, Other Inter-Departmental Accounts . \$58,340,000

Special Purpose:

To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided however, that a sum not in excess of \$5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State (\$2,000,000)

Contingency Funds (1,500,000)

Interest on Short Term Notes (400,000)

Notes Issuance Expenses --

Underwriters Costs (600,000)

Catastrophic Illness in Children Relief

Fund -- Employer Contributions (125,000)

Interest on Interfund Borrowing (6,000,000)

Statewide 911 Emergency

Telephone System (15,315,000)

Year 2000 Data Processing Initiative . . (25,900,000)

Restoration to Emergency Services Fund (1,500,000)

Interdepartmental Initiatives (5,000,000)

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. The unexpended balance as of June 30, 1998 in the Year 2000 Data Processing Initiative is appropriated for the same purpose.

Notwithstanding the provisions of N.J.S.2A:153-1 et seq., there is allocated at the discretion of the Governor, an amount up to \$50,000, from the Special Purpose amount

appropriated hereinabove to meet any condition of emergency or necessity, as a reward for the capture and return of Joanne Chesimard.

There are appropriated to the Emergency Services Fund such sums as are required to meet the costs of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood expenses for State owned structures to comply with Federal Insurance Administration requirements, as recommended by the Emergency Services Council and approved by the Governor, and subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount appropriated hereinabove for Data Processing, there is appropriated an amount as determined by the Director of the Division of Budget and Accounting.

9430 Salary Increases and Other Benefits

05-9430 Salary Increases and Other Benefits \$103,319,000
 Total Appropriation, Salary Increases and
 Other Benefits \$103,319,000

Special Purpose:

Salary Increases and Other Benefits . (\$109,094,000)
 Unused Accumulated Sick
 Leave Payments (4,500,000)
 Funding in Lieu of Privatization (1,885,000)

Less:

Statewide Efficiency Initiatives 12,160,000

The sums hereinabove appropriated to the various State departments, agencies or commissions 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 1999 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.

No salary range or rate of pay shall be increased or paid in any State department, agency, or commission without the approval of 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.

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.

Any sums appropriated for Salary Increases and Other Benefits 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 under the Palisades Interstate Park Commission.

The Director of the Division of Budget and Accounting shall transfer from departmental accounts and credit to the Salary Increases and Other Benefits account a sum of \$12,160,000 from appropriations made to various spending agencies to reflect savings as a result of statewide efficiency initiatives. This additional sum is appropriated for Salary Increases and Other Benefits.

The unexpended balance as of June 30, 1998 in the Salary Increases and Other Benefits account is appropriated for the same purpose.

Total Appropriation, Inter-Departmental Accounts \$1,628,846,000

THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

01-9710	Supreme Court	\$3,886,000
02-9715	Superior Court -- Appellate Division	13,557,000
03-9720	Civil Courts	77,706,000
04-9725	Criminal Courts	59,759,000
05-9730	Family Courts	65,635,000
06-9735	Municipal Courts	794,000
07-9740	Probation Services	87,690,000
08-9745	Court Reporting	2,350,000
09-9750	Public Affairs and Education	1,409,000
10-9755	Information Services	10,910,000
11-9760	Trial Court Services	33,915,000
12-9765	Management and Administration	7,638,000
	Total Appropriation, Judicial Services	<u>\$365,249,000</u>

Personal Services:

Chief Justice	(\$138,000)
Associate Justices	(794,000)
Judges	(47,376,000)
Salaries and Wages	(238,785,000)
Materials and Supplies	(8,705,000)
Services Other Than Personal	(27,334,000)
Maintenance and Fixed Charges	(2,118,000)

Special Purpose:

Rules Development	(200,000)
Ten Additional Judgeships	(3,000,000)
Child Placement Review	
Advisory Council	(75,000)
Child Support and Paternity Program	
Title IV-D (Family Court)	(4,701,000)
Intensive Supervision Program	(9,342,000)
Juvenile Intensive Supervision Program	(1,466,000)
Child Support and Paternity Program	
Title IV-D (Probation)	(16,856,000)
Affirmative Action and Equal	
Employment Opportunity	(288,000)

Additions, Improvements and Equipment . . . (4,071,000)

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

Receipts from charges to the Superior Court Trust Fund, NJ Lawyers Fund for Client Protection, Disciplinary Oversight Committee, Board on Attorney Certification, Bar Admission Financial Committee, Automated Traffic System Fund, Municipal Court Administrator Certification, Comprehensive Enforcement Program, and Courts

Computerized Information Systems Fund are appropriated for services provided to these funds.

The unexpended balances as of June 30, 1998 in these respective accounts are appropriated, provided, however, that an amount not to exceed \$5,000,000 shall lapse, as the Director of the Division of Budget and Accounting shall determine.

The unexpended balances as of June 30, 1998 in the Civil Arbitration Program and the Ten Additional Judgeships accounts are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of the amount hereinabove for the Ten Additional Judgeships account are appropriated for the same purpose subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1998 in the Drug Court Pilot Initiative accounts are appropriated for the same purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, The Judiciary	<u>\$365,249,000</u>
Total Appropriation, Direct State Services	<u>\$4,597,463,000</u>

GRANTS-IN-AID

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

49 Agricultural Resources, Planning, and Regulation -- Grants-In-Aid

03-3330 Resource Development Services	\$2,024,000
---	-------------

06-3360 Marketing Services	475,000
--------------------------------------	---------

Total Appropriation, Agricultural Resources, Planning and Regulation	<u>\$2,499,000</u>
---	--------------------

Grants:

Farm Management and Training Initiative	(\$24,000)
---	------------

Conservation Cost Share Program	(2,000,000)
---	-------------

Promotion/Market Development	(150,000)
--	-----------

New Jersey Museum of Agriculture	(325,000)
--	-----------

The expenditure of funds for the Conservation Cost Share program shall be based upon an expenditure plan subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Agriculture	<u>\$2,499,000</u>
--	--------------------

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development

2800 Division of Economic Development -- Grants-In-Aid

20-2800 Economic Development	<u>\$550,000</u>
--	------------------

Total Appropriation, Economic Planning and Development	<u>\$550,000</u>
---	------------------

Grant:

Prosperity New Jersey, Inc.	(550,000)
-------------------------------------	-----------

The unexpended balance as of June 30, 1998 in the Prosperity New Jersey, Inc. account is appropriated.

Notwithstanding the provisions of any other law to the contrary, an amount not to exceed \$2,000,000 is appropriated to the New Jersey Economic Development Authority, subject to the approval of the Director of the Division of Budget and Accounting, for the purpose of investing such money in an export finance company, pursuant to section 4 of P.L.1995, c.209 (C.34:1B-96). Such amount shall be invested by the authority in the export finance company in accordance with a schedule determined by the State

Treasurer after the Export Finance Company Advisory Council, established pursuant to section 7 of P.L.1995, c.209 (C.34:1B-99), certifies that sufficient funds have been committed from private sources to implement the purposes of the "Export Financing Opportunities Act," P.L.1995, c.209 (C.34:1B-93 et seq.).

50 Economic Planning, Development and Security

51 Economic Planning and Development

2890 New Jersey Commission on Science and Technology -- Grants-In-Aid

20-2890 New Jersey Commission on Science
and Technology \$19,084,000
Total Appropriation, New Jersey Commission
on Science and Technology \$19,084,000

Grants:

Research and Development Programs . (\$11,958,000)
Business Assistance (2,095,000)
Technology Transfer Program (5,031,000)

The unexpended balance as of June 30, 1998 in the Science and Technology grants accounts is appropriated.

Total Appropriation, Department of Commerce and
Economic Development \$19,634,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management -- Grants-In-Aid

01-8010 Housing Code Enforcement \$919,000
02-8020 Housing Services 7,460,000
18-8017 Uniform Fire Code 8,571,000
03-8040 Urban Redevelopment 25,000,000
Total Appropriation, Community
Development Management \$41,950,000

Grants:

Cooperative Housing Inspection (\$919,000)
Supplemental Shelter Support (1,000,000)
Shelter Assistance (2,000,000)
Prevention of Homelessness (4,460,000)
Uniform Fire Code -- Local
Enforcement Agency Rebates (8,425,000)
Redeveloping Abandoned
Urban Properties (25,000,000)
Uniform Fire Code --
Continuing Education (146,000)

The amount hereinabove for the Housing Code Enforcement program classification is payable out of the fees and penalties derived from bureau activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1998 in the Housing Code Enforcement program classification 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 Uniform Fire Code program classification is payable out of the fees and penalties derived from inspection and enforcement activities. If these receipts are less than anticipated, the appropriation shall be reduced proportionately.

The unexpended balance as of June 30, 1998 in the Uniform Fire Code program classification 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 Shelter Assistance 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.
- The unexpended balance as of June 30, 1998 in the Shelter Assistance account is appropriated.
- The Commissioner of the Department of Community Affairs shall report to the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee, not later than March 1, 1999, statistical and financial information on the expenditure of funds from the Shelter Assistance account for fiscal year 1999. Such information shall specifically include the number, types, location and costs of beds made available for occupancy with the funds appropriated herein.
- Upon determination by the Commissioner that all eligible shelter assistance projects have received funding from the amount appropriated for Shelter Assistance from receipts of the portions of the realty transfer tax dedicated to the Neighborhood Preservation Nonlapsing Revolving Fund, any available balance in the Shelter Assistance account may be transferred to the Neighborhood Preservation Fair Housing account, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balance as of June 30, 1998 in the Prevention of Homelessness account is appropriated.
- There is appropriated to the Revolving Housing Development and Demonstration Grant Fund an amount not to exceed 50% of the penalties derived from bureau activities in the Housing Code Enforcement program classification, subject to the approval of the Director of the Division of Budget and Accounting.
- Such amounts necessary for the payment of principal of and interest on outstanding notes of the Hackensack Meadowlands Development Commission are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, if the aggregate balance in the closure and post-closure escrow accounts established by the Hackensack Meadowlands Development Commission for the closure and post-closure monitoring of the sanitary landfill facilities operated by the Hackensack Meadowlands Development Commission is in excess of the amount necessary, as calculated pursuant to the financial plan for the closure and post-closure of the sanitary landfill facilities prepared by the Hackensack Meadowlands Development Commission and approved by the Department of Environmental Protection for the proper closure and post-closure monitoring of the sanitary landfill facilities, an amount equal to the excess amount, or \$3,005,000, whichever is less, shall be withdrawn from the escrow accounts by the Hackensack Meadowlands Development Commission and paid to the State Treasurer for deposit in the General Fund and the amount so deposited shall be appropriated to the Hackensack Meadowlands Development Commission for operational costs. Of the amount so deposited and appropriated to the Hackensack Meadowlands Development Commission, \$110,000 shall be made available to the Hackensack Meadowland Municipal Committee for operational costs.

Notwithstanding the provisions of section 35 of P.L.1975, c.326 (C.13:17-10.1), sections 10 and 11 of P.L.1981, c.306 (C.13:1E-109 and C.13:1E-110), section 8 of P.L.1985, c.368 (C.13:1E-176), or any rules and regulations adopted pursuant thereto, or any order issued by the Board of Public Utilities to the contrary, an amount equal to \$4,200,000 of the calendar year 1997 interest earnings on the aggregate balance in the closure and post-closure escrow accounts established by the Hackensack Meadowlands Development Commission for the closure and post-closure monitoring of the sanitary landfill facilities operated by the commission shall be withdrawn from the escrow accounts by the Hackensack Meadowlands Development Commission and paid to the State Treasurer for deposit in the General Fund for general State use.

The amount hereinabove for Redeveloping Abandoned Urban Properties shall be allocated to the New Jersey Redevelopment Authority for the establishment of a revolving fund to pay site acquisition expenses in specific urban redevelopment projects which have been approved for financing by the authority or by a joint review committee containing authority representation. Site acquisition expenses shall include all costs customarily associated with acquiring title to property, and may also include fund advances for planning and pre-development expenses. Site acquisition moneys provided from the revolving fund will be repaid, in whole or in part, from proceeds realized upon the sale of a redevelopment site to a redeveloper. The New Jersey Redevelopment Authority shall develop project financing and application criteria which are consistent with the provisions and objectives of the "New Jersey Redevelopment Act," P.L.1996, c.62 (C.55:19-20 et al.).

The State Treasurer is authorized to enter into a contract with the New Jersey Redevelopment Authority related to the development and financing of a project by the Authority for the John J. Heldrich Center for Workforce Development at Rutgers, the State University in the city of New Brunswick. Any such contract shall be executed in accordance with, and shall in all respects comply with the provisions of the "New Jersey Urban Redevelopment Act," P.L.1996, c.62 (C.55:19-20 et al.). There are appropriated such amounts, not to exceed \$1,700,000, 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	\$30,270,000
15-8051 Women's Programs	<u>2,796,000</u>
Total Appropriation, Social Services Programs	<u>\$33,066,000</u>

Grants:

Center for Hispanic Policy, Research and Development	(\$1,625,000)
Recreation for the Handicapped	(500,000)
Special Olympics	(375,000)
Trenton Urban Gardening Program	(50,000)
Camden Urban Gardening Project	(50,000)
Faith-Based Community Development Initiative	(5,000,000)
Grant to ASPIRA	(100,000)
Atlantic City YouthBuild	(250,000)
Marine Mammal Stranding Center	(250,000)
West Side Community Center, Asbury Park	(15,000)
Bucky James Community Center, Long Branch	(15,000)

Monmouth Boys and Girls Club, Asbury Park	(25,000)
Hispanic Affairs and Resource Center of Monmouth County, Asbury Park	(10,000)
Mercy Center of Asbury Park	(50,000)
Open Space Improvements, Bordentown City	(40,000)
Fieldsboro Township Police Department ...	(25,000)
Open Space Improvements, Jackson Township	(100,000)
Open Space Improvements, North Hanover Township	(30,000)
Pemberton Borough Discretionary Aid	(175,000)
Restoration of Historic Roebling Steel Mill Gatehouse, Florence Township	(30,000)
Morris 2000 - Rockaway River Watershed Cabinet	(50,000)
Morris 2000 - Ten Towns Great Swamp Watershed Management Committee ..	(50,000)
Beard Hall, Beard School, Morristown - Historic Renovation	(50,000)
Morris Museum - Childrens' Education Programs	(100,000)
Garden State Games	(150,000)
Third River Bank Restoration, Bloomfield .	(85,000)
Washington Township (Gloucester) Park - Program for Children	(200,000)
Highlands Borough - Fire House	(250,000)
Monmouth County Hunt Association	(35,000)
East Rutherford Borough -- Police Computer Upgrade	(13,000)
North Arlington Borough -- Thermal Image Camera	(20,000)
Rutherford Borough -- Thermal Image Camera	(20,000)
Homesharing Program of Somerset County .	(50,000)
Cape May County Zoo - Fire Recovery	(50,000)
Woodland Park Playground Equipment, Hasbrouck Heights	(50,000)
Hasbrouck Heights Board of Education Athletic Field	(50,000)
Battleship New Jersey	(250,000)
Belleville Public Library	(75,000)
Nutley DARE Program	(20,000)
Roselle Park - Gateway Project	(50,000)
Growing Stage Theater, Netcong	(50,000)
Scott Conover Youth Foundation Educational Enrichment Center, Freehold	(50,000)
North Plainfield Borough -- Open Space Acquisition	(75,000)
Green Brook Township -- Law and Public Safety	(75,000)

Little Falls Township -- Town Hall	
ADA Compliance	(70,000)
Totowa Borough -- Recreational	
Equipment ADA Compliance	(40,000)
Sisters of Mercy, Asbury Park	(50,000)
Watchung Borough Land Acquisition	(75,000)
Warren Township Rescue Squad	(75,000)
Chester Township Recreational Fields	(75,000)
Califon Borough Police Vehicle	(25,000)
Nutley Township Fire Department	(40,000)
Bayshore Senior Center	(50,000)
Old Bridge Senior Center	(170,000)
Bordentown City, Department of	
Law and Public Safety	(25,000)
German Valley School House Restoration	(300,000)
Cliffside Park Boro Recreation Department	(10,000)
Lodi Borough Fire Department	
Thermal Imaging Camera	(8,000)
Restoration of Mayhill Street Park,	
Saddle Brook Township	(10,000)
South Hackensack Township	
Emergency Services Equipment	(22,000)
Construction of Field House,	
Oradell Borough	(10,000)
Computer Equipment and Training,	
Ridgefield Borough	(10,000)
Public Safety Equipment,	
Wood-Ridge Borough	(10,000)
Committee on Substance Abuse	
Prevention and Municipal Drug	
Alliance, Paramus Borough	(10,000)
Field House Restoration, Rochelle	
Park Township	(10,000)
Jamesburg Historical Association	(7,000)
Plainsboro Historical Society	(3,000)
South Brunswick YMCA	(10,000)
Hickstown Road Park, Gloucester	
Township	(200,000)
Pitman Borough Downtown Revitalization	(100,000)
Asbury Park Job Training Center	(250,000)
Glassboro Senior Center	(30,000)
Cohanzick Zoo, Bridgeton	(50,000)
Hamilton Township (Mercer)	
Police Department	(30,000)
Woodbury City Redevelopment District --	
Housing Rehabilitation	(500,000)
Cape May Convention Center	(250,000)
Urban League of Hudson County	(75,000)
P.A.C.O., Jersey City	(75,000)
Afro-American Historical Society	
and Museum, Jersey City	(40,000)
Hudson Repertory Dance Theatre	(20,000)

Bayonne Economic Opportunity Foundation	(50,000)
Bayonne YMCA	(25,000)
Newark Day Care Center	(75,000)
The Leaguers, Inc.	(25,000)
Community Access, Hillside/Elizabeth	(30,000)
International Youth Organization, Newark . .	(25,000)
Bergen Street Merchants Association, Inc., Newark	(15,000)
Ironbound Community Corp., Newark	(20,000)
Quest Youth Services at St. Charles, Newark	(20,000)
Boys and Girls Club of Paterson	(25,000)
Boys and Girls Club of Hawthorne	(200,000)
Prospect Park Hose Company No. 1	(20,000)
Borough of Prospect Park Beautification and Recreation Projects	(10,000)
Hispanic Multi-Purpose Service Center, Paterson	(55,000)
West Paterson Municipal Drug Alliance . . .	(25,000)
Revitalization of Business District, Borough of Haledon	(25,000)
Concerned Parents for Head Start, Paterson	(45,000)
Cathedral of St. John the Baptist, Paterson .	(25,000)
West New York Town, Structural Improvements	(100,000)
Municipal Garage Renovations, Union City	(100,000)
Pizzuta Playground, Weehawken	(50,000)
Police Vehicles, Guttenberg	(30,000)
North Park, Hoboken	(50,000)
Drotar Field Playground, Elizabeth	(60,000)
Community Access, Rahway	(30,000)
Union County Arts Center Park	(40,000)
Roselle Midtown Beautification Project . . .	(60,000)
7th Ward Park, Linden	(70,000)
Buchanan St. Park, Linden	(20,000)
Linden Fire Department -- Thermal Imaging Cameras	(40,000)
Elks Club Programs for Handicapped Children and Disabled Veterans, Linden/Elizabeth	(10,000)
Repairs to Roof and HVAC System at Hollowbrook Community Center, Mercer County	(125,000)
Carver Youth Center Facility Improvements -- New Jersey Federation of Colored Women, Trenton	(30,000)
First Call for Help Program, United Way of Greater Mercer County	(40,000)
Trenton Convention and Visitors Bureau . . .	(30,000)

Homeless Childrens Program, Hollowbrook Community Center, Mercer County	(10,000)
Fire Offender Responsive Child Education Program, Trenton Fire Department	(10,000)
African-American Art Project, New Jersey State Museum	(35,000)
Reliance Fire Company, Woodstown Borough	(5,000)
Union County "Save A Life Today"	(100,000)
Monmouth County Water Rescue	(25,000)
Parker/Sickles House Restoration, Little Silver	(125,000)
Count Basie Learning Center, Red Bank . . .	(25,000)
Union Beach Borough Fire Department Equipment	(115,000)
Keansburg Harbor Commission Economic Feasibility Study	(35,000)
Middletown Police Dept Motor Pool	(110,000)
Middletown Police Department -- Public Safety Wing Expansion	(385,000)
Keansburg Recycling Truck	(50,000)
Monmouth Co Sheriffs Office -- Automated Fingerprint Identification System	(80,000)
Bayshore Business Improvement District . .	(100,000)
Two River Theatre Company	(25,000)
Kids Bridge Center, Red Bank	(75,000)
Caldwell Fire Equipment	(35,000)
Literacy Volunteers of America, Mercer County	(60,000)
Marlpit Hall Restoration, Middletown	(135,000)
Monmouth Museum, Lincroft	(75,000)
Urban League, Red Bank	(50,000)
North Ward Center, Newark	(125,000)
Kenilworth Firehouse Renovation	(50,000)
Roxbury Community Center	(50,000)
Mulebridge Pier Restoration, Boonton Township	(30,000)
Lacey Township -- Gille Park Baseball Field	(20,000)
Seaside Heights Economic Development Initiative	(125,000)
Union Township (Union Co.) Fire Equipment	(27,000)
Town Center Design Costs, Washington Township, Mercer Co.	(280,000)
Edison Iron Works Memorial, Sparta	(25,000)
Fire House, Glen Gardner	(300,000)
Lebanon Township Search and Rescue Vehicle	(72,000)
Clifton Boys and Girls Club	(95,000)

Lambert Castle Restoration, Passaic County	(500,000)
Senior Citizen Advisory Committee of Sussex County Community College . . .	(15,000)
YMCA Building, Sussex County	(150,000)
Samaritan Inn Homeless Shelter, Hamburg .	(30,000)
Lakewood Township Recreational Fields	(400,000)
Hatzoleh Emergency Squad, Lakewood Township - Ambulance	(100,000)
Plumsted Township Library	(130,000)
East Brunswick Firing Range	(400,000)
State Theater Renovation, New Brunswick	(500,000)
Focus on Literacy, Inc.	(65,000)
Boys and Girls Clubs of Union County . . .	(15,000)
West Caldwell Police Communications Center	(125,000)
Prince Rogers Park Development, Bridgewater Township	(500,000)
Park Avenue and Monument Area Restorations, Weehawken	(100,000)
Hoboken Historical Museum	(100,000)
Beverly City Police/EMT Vehicle	(31,000)
Offender Aid and Restoration of Essex County, Inc.	(60,000)
Veterans Park and Community Center, Franklin Township (Gloucester) . . .	(1,440,000)
Accountants for the Public Interest	(25,000)
Jamesburg Civic Association/Police Department - Equipment	(210,000)
Hightstown Town Center Revitalization Project	(350,000)
Waldwick Police Department Indoor Rifle Range	(285,000)
Willingboro Township Recreation Program .	(75,000)
Maple Shade Township Park Improvements	(15,000)
Headstart Day Care Educational Program, Mount Holly	(10,000)
Medford Township - EMT Vehicles	(60,000)
Evesham Township Department of Public Safety	(300,000)
Burlington City Recreation Programs	(35,000)
Palmyra Borough Police Department Computers	(100,000)
Hardyston Township Senior Transportation .	(25,000)
Franklin Borough Senior Transportation . . .	(25,000)
Cliffside Park Borough Fire Department Equipment and Renovations	(370,000)
Wood-Ridge Borough Public Safety Equipment	(106,000)
Saddle Brook Township Police Facility Expansion	(375,000)

Ridgefield Borough Public Safety	
Equipment	(155,000)
Rochelle Park Township Public	
Safety Equipment	(140,000)
Moonachie Borough Police Vehicles	(42,000)
Paramus Borough Sports Facility	(484,000)
Count Basie Theater, Red Bank	(90,000)
Hamilton Township (Mercer) Public	
Works/Ecological Facility	(500,000)
Borough of Point Pleasant Property	
Acquisition	(1,666,000)
Bayshore Underwater Search/	
Rescue/Recovery Team	(65,000)
Mount Laurel Police Department,	
Public Safety Vehicles	(80,000)
Hamburg Borough Police Station	
Building Repairs	(74,000)
Wyckoff Township Downtown Streetscape	
Beautification Project	(250,000)
Martin House Community for	
Justice Foundation	(100,000)
SHARE -- Self-Help and Resource	
Exchange	(50,000)
Marlboro Players	(50,000)
Burlington City Police Department	(20,000)
Warren County War Memorial, Belvidere	(25,000)
Eatontown Senior Citizen Center	
Renovations	(125,000)
Middletown Township, Northern	
Monmouth/Middletown Fire	
Academy Equipment and Training	(150,000)
Scotch Plains Library	(50,000)
Fanwood Public Library	(15,000)
Ambulance, Fanwood	(25,000)
Union County Arts Center	(50,000)
St. Barnabas Burn Foundation	(25,000)
King's Daughter Day School	(10,000)
Scotch Plains Downtown Improvements	(200,000)
Center for Non-Profits, North Brunswick	(50,000)
Grants to Hispanic Women's	
Resource Centers	(400,000)
Women's Referral Central	(25,000)
Rape Prevention	(500,000)
Job Training Center for Urban	
Women Act	(315,000)
Grants to Women's Shelters	(25,000)
Women for Women -- Union County	(30,000)
Women's Center, Monmouth	
County -- Establish Hotline	(60,000)
Epiphany House -- Permanent	
Supportive Housing	(50,000)

New Jersey Association of Women Business Owners -- Resources for Women in Business	(75,000)
Displaced Homemakers Network of New Jersey	(135,000)
Passaic County Women in Transition	(90,000)
North Arlington Offset Grant	(120,000)
Bayonne Public Library	(300,000)
Paulsdale Restoration, Burlington County	(106,000)
Gloucester Fire Academy	(150,000)
Wantage Library	(100,000)
Area Network of Shore Water Emergency Responders	(100,000)
Borough of Helmetta Fire House	(200,000)
Grants to Displaced Homemaker Centers ..	(985,000)
Total Appropriation, Department of Community Affairs	<u>\$75,016,000</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>\$61,764,000</u>
Total Appropriation, System-Wide Program Support	<u>\$61,764,000</u>

Grants:

Purchase of Service for Inmates Incarcerated in County Penal Facilities	(\$20,013,000)
Purchase of Service For Inmates Incarcerated in Out-Of-State Facilities	(100,000)
Purchase of Community Services	(39,901,000)
Straight Up Program, North Brunswick. . .	(250,000)
Amer-I-Can Program	(1,500,000)

A portion of the total amount appropriated in the Purchase of Service For Inmates Incarcerated in County Penal Facilities account is available for operational costs of additional State facilities for inmate housing which become ready for occupancy and other programs which reduce the number of State inmates in county facilities, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1998 in the Purchase of Service For Inmates Incarcerated in County Penal Facilities account is appropriated for the same purpose.

Such sums as are necessary to pay prior year claims to counties for housing State inmates in county assistance bedspaces, and for any fiscal year 1999 costs required in addition to the amount hereinabove, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Corrections	<u>\$61,764,000</u>
--	---------------------

34 DEPARTMENT OF EDUCATION***30 Educational, Cultural and Intellectual Development******34 Educational Support Services -- Grants-In-Aid***

30-5063 Academic Program and Standards	<u>\$1,838,000</u>
Total Appropriation, Educational Support Services	<u>\$1,838,000</u>

Grants:

Statewide Systemic Initiative to Reform Mathematics and Science Education .	(\$158,000)
Governor's School	(955,000)
Liberty Science Center -- School Visit Subsidy Program	(250,000)
Arts Programs for Teenagers	(100,000)
Chad Science Academy, Newark	(50,000)
United Academy, Inc., Newark	(25,000)
Special Technology Initiative Grant, St. Peter's Prep. (Jersey City)	(75,000)
Special Technology Initiative Grant, Seton Hall Prep. (Jersey City)	(75,000)
N.J. Business/Industry/Science Education Consortium	(150,000)

The unexpended balance as of June 30, 1998 in the Statewide Systemic Initiative to Reform Mathematics and Science Education program account is appropriated.

The amount appropriated hereinabove for the Governor's School is payable to the four Governor's Schools: The College of New Jersey - Governor's School of the Arts, The Richard Stockton College of New Jersey - Governor's School on the Environment, Monmouth University - Governor's School on Public Issues, and Drew University - Governor's School in the Sciences.

Total Appropriation, Department of Education. \$1,838,000

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 K-40 of the Governor's Budget Recommendation Document dated February 10, 1998 first shall be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**40 Community Development and Environmental Management****42 Natural Resource Management -- Grants-In-Aid**

21-4895 Natural Resources Engineering	<u>\$220,000</u>
Total Appropriation, Natural Resource Management	<u>\$220,000</u>

Grants:

Green Brook Flood Control Commission . .	(\$90,000)
Barnegat Bulkhead Project	(50,000)
Surf City Bulkhead Project	(50,000)
Ocean Gate Bulkhead Project	(30,000)

40 Community Development and Environmental Management**46 Environmental Planning and Administration -- Grants-In-Aid**

99-4800 Management and Administrative Services	<u>\$494,000</u>
Total Appropriation, Environmental Planning and Administration	<u>\$494,000</u>

Grants:

New Jersey Citizens for Environmental Research -- Aircraft Noise Abatement Study	(\$144,000)
Black Fly Treatment -- Delaware River . . .	(350,000)

The unexpended balance as of June 30, 1998 in the Black Fly Treatment - Delaware River account is appropriated.

Total Appropriation, Department of
Environmental Protection

\$714,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES**20 Physical and Mental Health****21 Health Services--Grants-In-Aid**

02-4220	Family Health Services	\$10,154,000
03-4230	Public Health Protection Services	1,599,000
04-4240	Alcoholism, Drug Abuse and Addiction Services	21,735,000
12-4245	AIDS Services	<u>13,199,000</u>
	Total Appropriation, Health Services	<u>\$46,687,000</u>

Grants:

Family Planning Services	(\$2,825,000)
Hemophilia Services	(921,000)
Testing for Specific Hereditary Diseases	(115,000)
Special Health Services for	
Handicapped Children	(1,700,000)
Chronic Renal Disease Services	(368,000)
Pharmaceutical Services for	
Adults with Cystic Fibrosis	(224,000)
Birth Defects Registry	(25,000)
Cost of Living Adjustment, Family	
Health Services	(867,000)
Cost of Living Adjustment, Deferred	
Cost -- Family Health Services	(491,000)
Lead Poisoning Program	(335,000)
Cleft Palate Programs	(550,000)
Newborn Screening Follow-Up and	
Treatment for Hemoglobins	(133,000)
SIDS Assistance Act	(150,000)
Services to Victims of	
Huntington's Disease	(250,000)
Tuberculosis Services	(551,000)
Cost of Living Adjustment,	
Public Health Protection	(270,000)
Cost of Living Adjustment, Deferred	
Cost -- Public Health Protection	(153,000)
AIDS Communicable Disease Control	(359,000)
Worker and Community Right to Know	(266,000)
Substance Abuse Treatment for DYFS/	
WorkFirst Mothers -- Pilot Project	(1,250,000)
Drugs are Ugly and Uncool Campaign	(200,000)
Community Based Substance Abuse	
Treatment and Prevention --	
State Share	(14,621,000)
Vocational Adjustment Centers	(95,000)
Cost of Living Adjustment,	
Addiction Services	(1,192,000)
Cost of Living Adjustment, Deferred	
Cost -- Addiction Services	(797,000)
Compulsive Gambling	(600,000)
Mutual Agreement Parolee Rehabilitation	
Project for Substance Abusers	(620,000)
In-State Juvenile Residential	
Treatment Services	(1,810,000)

Cost of Living Adjustment, AIDS Services	(853,000)
Cost of Living Adjustment, Deferred	
Cost -- AIDS Services	(483,000)
National Council on Alcohol and	
Drug Dependency	(450,000)
Interagency Council on Osteoporosis	(300,000)
Chelsea House Outpatient Services	(100,000)
Evesham Alliance	(65,000)
Birth Haven Inc., Newton	(40,000)
Lyme-Net	(50,000)
Governor's Lyme Disease Advisory	
Council	(5,000)
Interfaith Health Services --	
Urban Health Screening	(50,000)
Somerville Kids Care -- KoolVests	(25,000)
Sexual Assault Nurse Examiner (SANE)	
Program, Cooper Hospital, Camden	(90,000)
Meridian Health System -- Pediatric Asthma	
Education and Resource Center	(150,000)
Family Health Center at Monmouth	
Medical Center, Long Branch	(200,000)
Camden Optometric Eye Center	(100,000)
Best Friends Foundation	(50,000)
Robin's Nest	(50,000)
Greenville Hospital, Jersey City	(25,000)
AIDS Grants	(11,863,000)

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund \$570,000 to fund the Fetal Alcohol Syndrome program.

An amount not to exceed \$1,830,000 is appropriated to the Department of Health and Senior Services from monies deposited in the Health Care Subsidy Fund established pursuant to section 8 of P.L.1992, c.160 (C.26:2H-18.58) to fund the Infant Mortality Reduction Program.

The unexpended balance as of June 30, 1998 in the Pharmaceutical Services for Adults with Cystic Fibrosis account is appropriated.

The unexpended balance of appropriations, as of June 30, 1998, made to the Department of Health and Senior Services 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.

An amount not to exceed \$600,000, collected by the Casino Control Commission is payable to the General Fund pursuant to section 145 of P.L.1977, c.110 (C.5:12-145). The unexpended balance as of June 30, 1998 in the Compulsive Gambling account is appropriated to the Department of Health and Senior Services to provide funds for compulsive gambling grants.

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.1983, c.531 (C.26:2B-32 et al.) or any other law to the contrary, the unexpended balance in the Alcohol, Education, Rehabilitation and Enforcement Fund as of June 30, 1998 is appropriated and shall be distributed to counties for the treatment of alcohol and drug abusers and for educational purposes.

Notwithstanding the provisions of any law to the contrary, there is transferred to the Department of Health and Senior Services from the Drug Enforcement and Demand Reduction Fund \$1,000,000 for drug abuse services for individuals with HIV.

Notwithstanding any law to the contrary, of the amount hereinabove for Community Based Substance Abuse Treatment and Prevention - State Share, \$955,000 is appropriated from the Drug Enforcement and Demand Reduction Fund.

The unexpended balance as of June 30, 1998 in the Advisory Council on Adolescent Pregnancy account is appropriated.

The unexpended balance as of June 30, 1998 in the New Hope Discovery Foundation/Relocation account is appropriated.

The unexpended balance as of June 30, 1998 in the Trenton Detox Center - Drug Rehabilitation and Intensive Aftercare/Transition Facility account is appropriated as a pass through grant to the city of Trenton for up to one-half of the cost of construction of a new facility for the United Progress Inc., Trenton Treatment Center upon satisfactory demonstration by the city of Trenton that matching funds are available. Construction of the new facility shall be completed under the supervision of the Department of the Treasury in such a manner as is agreed upon by the Department of the Treasury and the Department of Health and Senior Services, United Progress Inc., and the City of Trenton.

22 Health Planning and Evaluation -- Grants-In-Aid

06-4260 Long Term Care Systems Development and

Quality Assurance \$483,000

07-4270 Health Care Systems Analysis 65,300,000

Total Appropriation, Health Planning and Evaluation \$65,783,000

Grants:

Cost of Living Adjustment, Long
Term Care Systems Development and
Quality Assurance (\$37,000)

Cost of Living Adjustment,
Deferred Cost--Long Term
Care Systems Development
and Quality Assurance (21,000)

Poison Control Center (425,000)

Charity Care Hospital Payments (44,100,000)

St. Barnabas/Kimball Medical
Center -- Low Income Clinic (200,000)

Southern New Jersey Emergency
Medicine Center (1,000,000)

Pediatric Trauma Education Program ... (1,000,000)

Family Medicine/Preventive
Medicine Center (1,000,000)

New Jersey ACCESS Program (18,000,000)

There are appropriated from the New Jersey Emergency Medical Service Helicopter Response Program Fund established pursuant to section 2 of P.L.1992, c.87 (C.26:2K-36.1) such sums as are necessary to pay the reasonable and necessary expenses of the operation of the New Jersey Emergency Medical Service Helicopter Response Program created pursuant to P.L.1986, c.106 (C.26:2K-35 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amount hereinabove for Charity Care Hospital Payments, there may be appropriated such sums as are determined to be necessary for payment to hospitals on account of the provision of uncompensated health care services, subject to the enactment of enabling legislation. Such sums may include proceeds of any settlement as may be received by the State as a result of State of New Jersey v. R.J. Reynolds Tobacco Company, et al.

Notwithstanding any law to the contrary, no funds appropriated for the New Jersey ACCESS program may be expended for individuals who were not enrolled in the program on July 1, 1998, or for individuals who are eligible for New Jersey KidCare or Title XIX medical coverage.

In addition to the amount hereinabove for the New Jersey ACCESS program, such additional sums as may be required are appropriated from the General Fund to cover health insurance costs of the program, subject to the approval of the Director of the Division of Budget and Accounting.

26 Senior Services -- Grants-In-Aid

22-4275	Medical Services for the Aged	\$556,553,000
24-4275	Pharmaceutical Assistance to the Aged and Disabled .	76,198,000
55-4275	Programs for the Aged	<u>10,132,000</u>
	Total Appropriation, Senior Services	<u>\$642,883,000</u>

Grants:

Payments for Medical Assistance

Recipients -- Nursing Homes . . . (\$531,353,000)

Medical Day Care Services (16,200,000)

Medicaid High Occupancy --

Nursing Homes (9,000,000)

Pharmaceutical Assistance to

the Aged -- Claims (27,263,000)

Pharmaceutical Assistance to

the Aged and Disabled/

Disabled -- Claims (48,935,000)

Purchase of Social Services (7,267,000)

Cost-of-Living Adjustment, Health

Care Service Providers (555,000)

Cost-of-Living Adjustment, Deferred

Cost, Health Care Service Providers . . (995,000)

Alzheimer's Disease Program (615,000)

Adult Protective Services (700,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients - Nursing Homes are available for the payment of obligations applicable to prior fiscal years.

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 in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, 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.

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, 1999 are appropriated for payments to providers in the same program class from which the recovery originated.

Notwithstanding any other law to the contrary, a sufficient portion of receipts generated or savings realized in Medical Services for the Aged Grants-In-Aid accounts from initiatives included in the fiscal year 1999 budget may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

- The Division of Medical Assistance and Health Services and the Department of Health and Senior Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The division and Department of Health and Senior Services shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.
- Funding for community care alternative initiatives is made available from the Payments for Medical Assistance Recipients - Nursing Homes account, subject to both federal waiver approval and approval of the Director of the Division of Budget and Accounting.
- Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Department of Health and Senior Services to fund the costs of enhanced audit recovery efforts of the department within the Medical Services for the Aged program classification, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding the provisions of any law to the contrary, no funds appropriated for Medicaid nursing facility reimbursement shall be expended for administrator or assistant administrator costs or non-food general costs in excess of 100% of the median for those cost centers, subject to the notice provisions of 42 CFR s.477.205.
- Notwithstanding any other law to the contrary, effective July 1, 1996, reimbursement for nursing facility services shall be 90% of the per diem rate when a Medicaid beneficiary is hospitalized. As in the past, these payments shall be limited to be the first 10 days of the hospitalization. Medicaid reimbursement for nursing facility services shall be discontinued beyond the 10th day of the hospitalization.
- The funds appropriated hereinabove for Payments for Medical Assistance Recipients - High Medicaid Occupancy Nursing Homes shall be distributed for patient services among those nursing homes where Medicaid patient day occupancy level is at or above 75%. Each such facility shall receive its distribution through a prospective per diem rate adjustment according to the following formula: $E = A \text{ Medicaid Days} / T \text{ Medicaid Days} \times F$; where E is the entitlement for a specific nursing home resulting from this allocation; A Medicaid Days is an individual nursing home's reported Medicaid days on June 30, 1998; T Medicaid Days is the total reported Medicaid days for all affected nursing homes; and F is the total amount of State and federal funds to be distributed. No nursing home shall receive a total allocation greater than the amount lost, due to adjustments in Medicaid reimbursement methodology, which became effective April 1, 1995. Any balances remaining undistributed from the abovementioned amount, shall be deposited in a reserve account in the General Fund.
- The amounts hereinabove appropriated for payments for "Pharmaceutical Assistance to the Aged and Disabled" program, 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 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 section 3 of P.L.1975, c.194 (C.30:4D-22) to the contrary, the copayment in the "Pharmaceutical Assistance to the Aged and Disabled" program shall be \$5.00.

Notwithstanding the provisions of any law to the contrary, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the Pharmaceutical Assistance to the Aged and Disabled program shall continue throughout fiscal year 1999. All revenues from such rebates during the fiscal year ending June 30, 1999 are appropriated for the Pharmaceutical Assistance to the Aged and Disabled program.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998, each prescription order dispensed in the Pharmaceutical Assistance to the Aged and Disabled program for Maximum Allowable Cost (MAC) drugs shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to the Drug Utilization Review Council approved list of substitutable drugs and all other requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Notwithstanding the provision of any law to the contrary, no funds appropriated for the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.) shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services through the Department of Human Services providing for the payment of rebates to the State.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998 consistent with the notice provisions of 42 CFR s.447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34 day supply.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998 consistent with the notice provisions of 42 C.F.R. s.447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price less a 10% discount, (b) prescription drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply; and (c) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 1998 shall remain in effect through fiscal year 1999, including the current increments for patient consultation, impact allowances, and allowances for 24 hour emergency services.

Notwithstanding any laws to the contrary, payments for Pharmaceutical Assistance for the Aged and the Disabled Programs shall not cover quantities of impotence therapy medication in excess of four treatments per month. Moreover, payment will only be provided if the diagnosis of impotence is written on the prescription form and the treatment is provided to males over the age of 18 years.

Total Appropriation, Department of Health and

Senior Services \$755,353,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health Services -- Grants-In-Aid

08-7700 Community Services \$202,447,000

Total Appropriation, Division of

Mental Health Services \$202,447,000

Grants:

Community Care	(\$180,914,000)
Community Mental Health Center -- University of Medicine and Dentistry, Newark	(6,205,000)
Community Mental Health Center -- University of Medicine and Dentistry, Piscataway	(11,860,000)
Cost of Living Adjustment, Deferred Cost -- Community Services	(1,794,000)
Cost of Living Adjustment -- Community Services	(1,674,000)

With the exception of disproportionate share hospital revenues that may be received, federal and other funds received for the operation of community mental health centers at the New Jersey Medical School and the Robert Wood Johnson Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

The amount appropriated hereinabove for the Community Mental Health Centers and the amount appropriated to the Department of State for the University of Medicine and Dentistry of New Jersey, are first charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid Uncompensated Care.

From the amount appropriated hereinabove for the Community Care grant account, \$1,000,000 shall be allocated to expand on-call and after-hours crisis coverage and to stabilize salary structures for adjustments to staff members compensation. This allocation shall be made on a pro-rata basis to all Community Care mental health contract providers.

24 Special Health Services**7540 Division of Medical Assistance and Health Services -- Grants-In-Aid**

22-7540 General Medical Services	<u>\$1,289,444,000</u>
Total Appropriation, Division of Medical Assistance and Health Services	<u>\$1,289,444,000</u>

Grants:

Payments for Medical Assistance Recipients - Personal Care	(\$88,757,000)
Managed Care Initiative	(307,582,000)
Payments for Medical Assistance Recipients - Waiver Initiatives	(16,641,000)
Payments for Medical Assistance Recipients - Other Treatment Facilities	(5,283,000)
Payments for Medical Assistance Recipients - Inpatient Hospital ...	(212,084,000)
Payments for Medical Assistance Recipients - Prescription Drugs ..	(193,284,000)
Payments for Medical Assistance Recipients - Outpatient Hospital .	(187,520,000)
Payments for Medical Assistance Recipients - Physician	(25,458,000)
Payments for Medical Assistance Recipients - Home Health	(41,306,000)
Payments for Medical Assistance Recipients - Medicare Premiums ..	(60,924,000)

Payments for Medical Assistance	
Recipients - Dental	(9,656,000)
Payments for Medical Assistance	
Recipients - Psychiatric Hospital . . .	(9,701,000)
Payments for Medical Assistance	
Recipients - Medical Supplies	(16,653,000)
Payments for Medical Assistance	
Recipients - Clinic	(63,993,000)
Payments for Medical Assistance	
Recipients - Transportation	(32,833,000)
Payments for Medical Assistance	
Recipients - Other Services	(12,039,000)
Unit Dose Contract Services	(3,490,000)
Consulting Pharmacy Services	(2,240,000)

The amounts hereinabove appropriated for Payments for Medical Assistance Recipients are available for the payment of obligations applicable to prior fiscal years.

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 in the Division of Medical Assistance and Health Services in the Department of Human Services and the Medical Services for the Aged program classification in the Division of Senior Services in the Department of Health and Senior Services, 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.

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.

The State appropriation is based on a federal financial participation rate of 48.70%; 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 for 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.

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, 1999 are appropriated for payments to providers in the same program class from which the recovery originated.

The amount appropriated hereinabove for the Division of Medical Assistance and Health Services first is to be charged to the federal disproportionate share hospital reimbursements anticipated as Medicaid uncompensated care.

Notwithstanding any other law to the contrary, a sufficient portion of receipts generated or savings realized in Medical Assistance Grants-In-Aid accounts from initiatives may be transferred to the Health Services Administration and Management accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any law to the contrary and subject to federal approval, the Commissioner of Human Services is authorized to develop and introduce Optional Service Plan

- Innovations to enhance client choice for users of Medicaid optional services, while containing expenditures.
- Notwithstanding the provision of any other law or regulation to the contrary, and in order to more prudently purchase, the Commissioner of Human Services is authorized to competitively bid managed care contracts, which provide for the medical care of those eligible for the Medical Assistance program, in such manner as the Commissioner, in consultation with the State Treasurer, determines to be in the best interest of the State.
- Additional federal Title XIX revenue generated from the claiming of family planning services payments on behalf of individuals enrolled in the Medicaid managed care program is appropriated subject to the approval of the Director of the Division of Budget and Accounting.
- The Division of Medical Assistance and Health Services, subject to federal approval, shall implement policies that would limit the ability of persons who have the financial ability to provide for their own long-term care needs to manipulate current Medicaid rules to avoid payment for that care. The division shall require, in the case of a married individual requiring long-term care services, that the portion of the couple's resources which are not protected for the needs of the community spouse be used solely for the purchase of long-term care services.
- Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan as shall be submitted by the Commissioner of Human Services.
- The Division of Medical Assistance and Health Services is empowered to competitively bid and contract for performance of federally mandated inpatient hospital utilization reviews, and that the funds necessary for the contracted utilization review of these hospital services is made available from the Payments for Medical Assistance Recipients - Inpatient Hospital account subject to the approval of the Director of the Division of Budget and Accounting.
- Rebates from pharmaceutical manufacturing companies during the fiscal year ending June 30, 1999 for prescription expenditures made to providers on behalf of Medicaid clients are appropriated for the Payments for Medical Assistance Recipients -- Prescription Drugs account.
- Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998, or at the earliest date thereafter consistent with the notice provisions of 42 CFR s.447.205 where applicable, no funds appropriated in the Payments for Medical Assistance Recipients -- Prescription Drugs account shall be expended except under the following conditions: (a) reimbursement for the cost of legend and non-legend drugs shall not exceed their Average Wholesale Price (AWP) less a 10% volume discount, (b) prescription quantities of legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply; and (c) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 1998 shall remain in effect through fiscal year 1999, including the current increments for patient consultation, impact allowances, and allowances for 24 hour emergency services.
- Notwithstanding any law to the contrary, prescription drug benefits provided to eligible beneficiaries in the General Medical Services program shall be subject to computer-based Point-of-Sale review.
- Additional federal Title XIX revenue generated from the claiming of prescription drug payments through the Pharmaceutical Assistance to the Aged and Disabled program on behalf of individuals enrolled in Medicaid is appropriated subject to the approval of the Director of the Division of Budget and Accounting.

- Such sums as may be necessary are appropriated from enhanced audit recoveries obtained by the Division of Medical Assistance and Health Services to fund the costs of enhanced audit recovery efforts of the division within the General Medical Services program classification subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding any law to the contrary and subject to the notice provisions of 42 CFR s.447.205, Personal Care Assistant services shall be limited to no more than 25 hours per week. Additional hours, up to 40 per week, shall be authorized by the Division of Medical Assistance and Health Services prior to the provision of services not provided by clinics under contract with the Division of Mental Health Services. The hourly weekend rate shall not exceed \$16.
- Notwithstanding any law to the contrary, the Commissioner of Human Services shall have the authority to convert individuals enrolled in a State-funded program who are also eligible for a federally matchable program, to the federally matchable program without the need for regulations.
- The amounts hereinabove appropriated for payments for Medical Assistance Recipients are available for the payments of the residual claims from the Garden State Health Plan.
- Notwithstanding any law to the contrary, such sums are appropriated as are necessary for the development and implementation of a Medicaid Disease State Management demonstration project, based on a plan approved in advance by the Director of the Division of Budget and Accounting.
- Premiums received from families enrolled in the NJ KidCare program are appropriated for NJ KidCare payments.
- Notwithstanding any laws or regulations to the contrary, payments from the Medical Assistance Payments -- Prescription Drug account, or the General Assistance drug program, shall not cover quantities of impotency drug therapies, in excess of four treatments per month. Moreover, payments will only be provided if the diagnosis of impotence is written on the prescription form and the treatment is provided to males over the age of 18 years.
- The unexpended balance as of June 30, 1998, not to exceed \$8,000,000, in the General Medical Services accounts is appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- Notwithstanding any laws or regulations to the contrary, Medicaid fee-for-service payments for Graduate Medical Education (GME), including Indirect Medical Education (IME), shall not exceed \$20,000,000 of combined State and federal funds. GME payments shall not be subject to final reconciliation. Allocations to hospitals shall be made based on adopted regulations. Any payments that would have been made prior to the adoption date had the regulations been in place the entire fiscal year shall be made subsequent to the adoption date.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7601 Community Programs -- Grants-In-Aid

01-7601 Purchased Residential Care	\$299,928,000
02-7601 Social Supervision and Consultation	25,166,000
03-7601 Adult Activities	<u>92,908,000</u>
Total State, Federal and All Other Funds Appropriation .	<u>\$418,002,000</u>

Less:

Casino Revenue Fund -- Grants-In-Aid

<i>Purchased Residential Care</i>	<i>\$14,905,000</i>
<i>Social Supervision and Consultation</i>	<i>2,208,000</i>
<i>Adult Activities</i>	<i>7,374,000</i>
<i>Total Casino Revenue Fund -- Grants-In-Aid</i>	<i><u>\$24,487,000</u></i>

Less:**Federal Funds**

Purchased Residential Care	127,243,000
Social Supervision and Consultation	3,097,000
Adult Activities	55,326,000
Total Federal Funds	<u>\$185,666,000</u>

Less:**All Other Funds**

Purchased Residential Care	5,697,000
Total All Other Funds	\$5,697,000
Total Appropriation, Community Programs	<u>\$202,152,000</u>

Grants:

Dental Program for Non-Institutionalized Developmentally Disabled and Handicapped Children	(\$814,000)
Private Institutional Care	(34,031,000)
Skill Development Homes	(8,243,000)
Group Homes	(198,609,000)
Family Care	(1,681,000)
Community Services Waiting List Reduction Initiatives -- FY 1997	(18,800,000)
Community Services Waiting List Reduction Initiatives -- FY 1998 ..	(19,000,000)
Community Services Waiting List Reduction Initiative -- FY 1999 -- Federal Funds	(18,750,000)
Essex ARC -- Expanded Respite Care Services for Families with Autistic Children	(125,000)
Bergen ARC -- Expanded Respite Care Services for Families with Autistic Children	(75,000)
Developmental Disabilities Council	(1,170,000)
Home Assistance	(19,568,000)
Social Services	(3,797,000)
Case Management	(431,000)
LARC School, Inc. -- Special Needs Adult Program	(160,000)
Purchase of Adult Activity Services ...	(86,131,000)
Cost of Living Adjustment, Deferred Cost -- Community Programs	(3,423,000)
Cost of Living Adjustment -- Community Programs	(3,194,000)

Less:**Casino Revenue Fund --**

Grants-In-Aid	24,487,000
Federal Funds	185,666,000
All Other Funds	5,697,000

A portion of the total amount appropriated in the Community Services Waiting List Reduction Initiative - FY 1999 is available for the operational costs of developing community placements, subject to the approval of the Director of the Division of

- Budget and Accounting of a plan as shall be submitted by the Commissioner of Human Services.
- The total amount appropriated in the Community Services Waiting List Reduction Initiatives - FY 1997, FY 1998 and FY 1999 are available for transfer to community and community support programs, subject to the approval of the Director of the Division of Budget and Accounting.
- The Division of Developmental Disabilities is authorized to transfer funds from the Dental Program for Non-Institutionalized Developmentally Disabled and Handicapped Children account to the Division of Medical Assistance and Health Services, in proportion to the number of program participants who are Medicaid eligible.
- Excess State funds realized by federal involvement through Medicaid in the Dental Program for Non-Institutionalized Developmentally Disabled and Handicapped Children are committed for the program's support during the subsequent fiscal year, rather than for expansion.
- Group Home recoveries during the fiscal year ending June 30, 1999, not to exceed \$3,500,000, are appropriated for continued operations of Group Homes, and Group Home recoveries not to exceed \$10,000,000, are appropriated for a Community Services Waiting List Reduction Initiative, subject to the approval of the Director of the Division of Budget and Accounting.
- The unexpended balances in the Community Services Waiting List Reduction Initiatives - FY 1997 account are appropriated for the same purpose.
- Notwithstanding the provisions of Title 30 of the Revised Statutes or any other law or regulation to the contrary, the Director of the Division of Developmental Disabilities is authorized to waive statutory, regulatory, or licensing requirements for the implementation of a self determination pilot program included in the Community Services Waiting List Reduction Initiatives - FY 1997, FY 1998, and FY 1999 accounts, subject to the approval of a plan by the Director of the Division of Developmental Disabilities, which will allow an individual to be removed from the waiting list.
- Skill development homes recoveries during the fiscal year ending June 30, 1999, not to exceed \$12,500,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.
- 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.
- 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.
- The unexpended balance as of June 30, 1998, in the Home Assistance account is appropriated for the same purpose.
- Notwithstanding any law to the contrary, the State Treasurer, in consultation with the Commissioner of Human Services, may transfer pursuant to the terms and conditions the State Treasurer deems to be in the best interest of the State, the operation, care, custody, maintenance and control of State-owned buses utilized for transportation of clients of the Adult Activity Centers funded from appropriations in the Adult Activities program classification within the Division of Developmental Disabilities to any party under contract with the Department of Human Services to operate an Adult Activity Center. That transfer shall be for a time to run concurrent with the contract for the operation of the Adult Activity Center. That transfer as a non-cash award, and in conjunction with a cash appropriation shall complete the terms of any contract with the

Department of Human Services for the operation of the Adult Activity Center. Upon termination of any contract for the operation of an Adult Activity Center, the operation, care, custody, maintenance and control of the State-owned buses shall revert to the State. The State Treasurer shall execute any agreements necessary to effectuate the purpose of this provision.

Such sums as may be necessary are appropriated from the General Fund for the payment of any provider assessments to Intermediate Care Facilities/Mental Retardation facilities, subject to the approval of the Director of the Division of Budget and Accounting of a plan as shall be submitted by the Commissioner of Human Services. From the amount appropriated for the Purchased Residential Care program classification, \$100,000 shall be allocated for a grant to the Union County ARC.

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired -- Grants-In-Aid

11-7560	Habilitation and Rehabilitation	\$1,783,000
12-7560	Instruction, Community Programs and Prevention	<u>2,334,000</u>
	Total Appropriation, Commission for the Blind	
	and Visually Impaired	<u>\$4,117,000</u>

Grants:

Services to Rehabilitation Clients	(\$1,706,000)
Cost of Living Adjustment --	
Habilitation and Rehabilitation	(37,000)
Deferred Cost of Living Adjustment --	
Habilitation and Rehabilitation	(40,000)
Camp Marcella	(50,000)
Psychological Counseling Services	(148,000)
Recording for the Blind, Inc.	(50,000)
Educational Services for Children	(2,086,000)

The unexpended balances as of June 30, 1998 in the Camp Marcella grant-in-aid account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1998 in the Technology for the Blind and Visually Impaired - Talking Machine and Large Print Equipment account are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Family Development -- Grants-In-Aid

15-7550	Income Maintenance Management	<u>\$360,243,000</u>
	Total Appropriation, State and Federal Funds	<u>\$360,243,000</u>

Less:

Federal Funds

Income Maintenance

Management	<u>\$192,875,000</u>
Total Federal Funds	<u>\$192,875,000</u>
Total Appropriation, Division of	
Family Development	<u>\$167,368,000</u>

Grants:

Restricted Grants	(\$1,060,000)
Work First New Jersey --	
Training Related Expenses	(20,049,000)
Work First New Jersey --	
Work Activities	(86,552,000)

Work First New Jersey --	
Community Housing for Teens	(400,000)
Work First New Jersey --	
Breaking the Cycle Pilots	(11,300,000)
Work First New Jersey -- Child Care . .	(201,777,000)
Minority Male Initiative	(100,000)
Social Services for the Homeless	(7,778,000)
Cost of Living Adjustment	(231,000)
Deferred Cost of Living	(248,000)
Mini Child Care Center Project Grants	(316,000)
Second Year Medicaid Expansion	(11,076,000)
Substance Abuse Initiatives	(18,750,000)
Family Day Care Provider	
Registration Act	(481,000)
Project Self Sufficiency, Sparta	(125,000)

Less:

Federal Funds 192,875,000

In order to permit flexibility, amounts may be transferred between various items of appropriation within the Income Maintenance Management 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.

The Commissioner shall provide the Director of the Division of Budget and Accounting, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or the successor committees thereto, with quarterly reports, due within 60 days after the end of each quarter, containing written statistical and financial information on the Work First New Jersey program and any subsequent welfare reform program the State may undertake.

In addition to the amounts hereinabove for the Work First New Jersey - Work Activity and Work First New Jersey - Training Related Expenses accounts, an amount not to exceed \$8,000,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9).

Notwithstanding any law to the contrary, of the amount hereinabove for Work First New Jersey - Work Activity and Work First New Jersey - Training Related Expenses accounts, \$25,400,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9).

The unexpended balances as of June 30, 1998 in the Income Maintenance Management program classification grants-in-aid accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

55 Social Services Programs

7570 Division of Youth and Family Services -- Grants-In-Aid

16-7570 Initial Response/Case Management	\$5,451,000
17-7570 Substitute Care	172,220,000
18-7570 General Social Services	94,588,000
99-7570 Management and Administrative Services	<u>802,000</u>
Total Appropriation, State, Federal and	
All Other Funds	<u>\$273,061,000</u>

Less:

Casino Revenue Fund -- Grants-In-Aid

General Social Services	\$3,734,000
Total Casino Revenue Fund -- Grants-In-Aid	<u>\$3,734,000</u>

Less:**Federal Funds**

Initial Response/Case Management . . . \$3,951,000
Substitute Care 42,276,000
General Social Services 23,708,000
Management and Administrative Services 802,000
Total Federal Funds \$70,737,000

Less:**All Other Funds**

Substitute Care \$3,254,000
Total Casino Revenue Fund -- Grants-In-Aid \$3,254,000
 Total Appropriation, Division of Youth and Family Services \$195,336,000

Grants:

Initial Response/Case Management (\$620,000)
Restricted Grants (3,331,000)
 Certified Drug and Alcohol Counselors Model (1,500,000)
Substitute Care (573,000)
 Group Homes (18,446,000)
 Treatment Homes (12,151,000)
 Other Residential Placements (9,122,000)
 Residential Placements (43,032,000)
 Foster Care (48,715,000)
 Subsidized Adoption (32,675,000)
 Cost of Living Adjustment --
 Substitute Care (1,386,000)
 Deferred Cost of Living Adjustment --
 Substitute Care (1,502,000)
 Recruitment of Adoptive Parents (600,000)
 Domestic Violence Program (3,838,000)
 Purchase of Social Services (14,247,000)
 Public Awareness for Child Abuse Prevention Programs (247,000)
 Cost of Living Adjustment --
 General Social Services (1,264,000)
 Deferred Cost of Living Adjustment --
 General Social Services (1,338,000)
 School Based Youth Services Program . . (7,685,000)
 Family Support Services (40,733,000)
 Child Abuse Prevention (10,182,000)
 Morris/Sussex Sexual Abuse Victims' Program (315,000)
 Office of Refugee Resettlement --
 Social Services (3,147,000)
 County Human Services Advisory Boards -- Formula Funding (6,973,000)
 Children and Families Initiative (1,163,000)
 Personal Assistance Services Program . . (6,144,000)
 Management and Administrative Services (57,000)

Children's Justice Act	(240,000)
National Center for Child Abuse and Neglect	(505,000)
Amanda Easel Project	(75,000)
Domestic Violence Assessment Center of Sussex County	(180,000)
Victims of Violent Crime Counseling -- Catholic Charities, Trenton	(30,000)
Freedom House, Glen Gardner	(200,000)
Hudson Cradle	(20,000)
Monmouth County Day Care Center	(25,000)
DYFS Southern Regional Advisory Board -- Transportation Initiative	(300,000)
Traumatic Loss Coalition -- Juvenile Suicide Prevention Program, Mercer County	(500,000)

Less:**Casino Revenue Fund --**

Grants-In-Aid 3,734,000

Federal Funds 70,737,000

All Other Funds 3,254,000

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.

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.

Receipts in the Marriage License Fee Fund in excess of the amount anticipated are appropriated.

Of the amount hereinabove appropriated for the Domestic Violence Program account, \$1,309,000 is payable out of the Marriage License Fee Fund. If receipts to that fund are less than anticipated, the appropriation shall be reduced proportionately.

The Department of Human Services shall provide a list of the County Human Services Advisory Boards contracts to the Director of the Division of Budget and Accounting on or before September 30, 1998. The listing shall segregate out the administrative costs of such contracts.

Funds recovered under P.L. 1951, c.138 (C.30:4C-1 et seq.) during the fiscal year ending June 30, 1999, are appropriated.

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 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.

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.

There is appropriated \$500,000 from the Catastrophic Illness in Children Relief Fund to the Division of Youth and Family Services for additional services for boarder babies.

70 Government Direction, Management and Control**76 Management and Administration****7500 Division of Management and Budget -- Grants-In-Aid**

87-7500 Research, Policy and Planning \$7,052,000
 Total Appropriation, Division of Management
 and Budget \$7,052,000

Grants:

Office for Prevention of Mental Retardation
 and Developmental Disabilities. (\$648,000)

Childhood Lead Poisoning
 Prevention, UMDNJ (250,000)

Salary Supplement for Direct
 Service Workers (3,200,000)

New Jersey Youth Corps (2,954,000)

Notwithstanding any law to the contrary, of the amount hereinabove for New Jersey Youth Corps, \$1,850,000 is appropriated from the Workforce Development Partnership Fund, section 9 of P.L.1992, c.43 (C.34:15D-9).

The amount hereinabove for Salary Supplement for Direct Service Workers shall be allocated by the Commissioner of the Department of Human Services to grantees for the sole purpose of enhancing wages paid to direct service workers.

Total Appropriation, Department of
 Human Services \$2,067,916,000

62 DEPARTMENT OF LABOR**50 Economic Planning, Development and Security****54 Manpower and Employment Services -- Grants-In-Aid**

07-4535 Vocational Rehabilitation Services. \$18,634,000
 Total Appropriation, Manpower and
 Employment Services \$18,634,000

Grants:

Services to Clients (State Share) (\$3,891,000)

Supported Employment Services (450,000)

Sheltered Workshop Support (12,142,000)

Sheltered Workshop Employment
 Placement Incentive Program (1,250,000)

Cost of Living Adjustment --
 Sheltered Workshops (94,000)

Deferred Cost of Living Adjustment --
 Sheltered Workshops (118,000)

Services for Deaf Individuals (170,000)

Independent Living Centers (515,000)

Training (State Share) (4,000)

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

Of the amount hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed \$8,715,602 is appropriated from the Unemployment Compensation Auxiliary Fund.

The unexpended balances in the Sheltered Workshop Employment Placement Incentive Program account and the Sheltered Workshop Support account, as of June 30, 1998, are appropriated for Sheltered Workshop Support.

Total Appropriation, Department of Labor \$18,634,000

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 \$265,000

Grants:

Nuclear Emergency Response Program . . (\$265,000)

*10 Public Safety and Criminal Justice**18 Juvenile Services -- Grants-In-Aid*34-1500 Juvenile Community Programs \$14,709,000Total Appropriation, Juvenile Services \$14,709,000

Grants:

Alternatives to Juvenile

Incarceration Programs (\$2,280,000)

Crisis Intervention Program (3,688,000)

State/Community Partnership Grants . . . (6,900,000)

Purchase of Services for Juvenile

Offenders (1,300,000)

Cost of Living Adjustment -- Alternatives

to Juvenile Incarceration Programs (18,000)

Expansion of Delinquency Programs, Boys

and Girls Clubs of New Jersey (500,000)

Deferred Cost of Living Adjustment --

Alternatives to Juvenile Incarceration . . (23,000)

A portion of the total amount appropriated in the Purchase of Services for Juvenile Offenders account is available for costs of additional State facilities for juvenile offender and other programs to provide services for juvenile offenders, as determined to be appropriate by the Juvenile Justice Commission, subject to the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1998 in the Purchase of Services for Juvenile Offenders account is appropriated for the same purposes, and of the balance, an amount not to exceed \$50,000 shall be allocated for the establishment of an historic monument for and by the New Jersey Manual Training and Industrial School "Ironsides" Centennial Foundation, Inc., as the Attorney General shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of

Law and Public Safety \$14,974,000**67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS***10 Public Safety and Criminal Justice**14 Military Services -- Grants-In-Aid*40-3620 New Jersey National Guard Support Services \$25,000Total Appropriation, Military Services \$25,000

Grants:

Civil Air Patrol (\$25,000)

*80 Special Government Services**83 Services to Veterans**3610 Veterans' Program Support -- Grants-In-Aid*50-3610 Veterans' Outreach and Assistance \$979,000Total Appropriation, Veterans' Program Support \$979,000

Grants:

Veterans' Tuition Credit Program	(\$38,000)
POW/MIA Tuition Assistance	(11,000)
Vietnam Veterans' Tuition Aid	(7,000)
Veterans Transportation	(300,000)
Veterans' Orphan Fund -- Education Grants	(5,000)
Blind Veterans' Allowances	(46,000)
Paraplegic and Hemiplegic Veterans' Allowance	(237,000)
Veterans Homeless Shelter, Burlington County	(35,000)
Post-Traumatic Stress Disorder	(300,000)

The sums provided hereinabove and the unexpended balances as of June 30, 1998 in the Veterans' Tuition Credit, POW/ MIA Tuition Assistance, and the Vietnam Veterans' Tuition Aid accounts are appropriated and available for payment of liabilities applicable to prior fiscal years.

Total Appropriation, Department of Military and Veterans' Affairs	<u>\$1,004,000</u>
--	--------------------

74 DEPARTMENT OF STATE***30 Educational, Cultural and Intellectual Development******36 Higher Educational Services -- Grants-In-Aid***

80-2400 Statewide Planning and Coordination for Higher Education	\$4,500,000
81-2401 Educational Opportunity Fund Programs.	<u>32,597,000</u>
Total Appropriation, Higher Educational Services	<u>\$37,097,000</u>

Grants:

College Bound	(\$2,900,000)
Higher Education for Special Needs Students	(750,000)
Program for the Education of Language Minority Students	(400,000)
Urban Revitalization Incentive Grants	(450,000)
Opportunity Program Grants	(20,410,000)
Supplementary Education Program Grants	(11,385,000)
Martin Luther King Physician - Dentist Scholarship Act of 1986	(602,000)
Ferguson Law Scholarships	(200,000)

An amount not to exceed 5% of the total of Higher Education for Special Needs Students, Program for the Education of Language Minority Students, and the Urban Revitalization Incentive Grants accounts is available for the administrative expenses of these programs.

An amount not to exceed \$50,000 of the College Bound account is available for the administrative expenses of this program.

Refunds from prior years to the Educational Opportunity Fund program accounts are appropriated to those accounts.

Notwithstanding the provisions of any other law to the contrary, any funds appropriated as Grants-in-Aid and payable to any senior public college or university which requests approval from the Educational Facilities Authority and the Director of the Division of Budget and Accounting may be pledged as a guarantee for payment of principal and interest on any bonds issued by the Education Facilities Authority or by the college or university. Such funds, if so pledged, shall be made available by the State Treasurer

upon receipt of written notification by the Educational Facilities Authority or the Director of the Division of Budget and Accounting that the college or university does not have sufficient funds available for prompt payment of principal and interest on such bonds, and shall be paid by the State Treasurer directly to the holders of such bonds at such time and in such amounts as specified by the bond indenture, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services -- Grants-In-Aid

05-2530 Support of the Arts	\$15,100,000
07-2540 Development of Historical Resources	<u>2,032,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$17,132,000</u>

Grants:

Cultural Projects	(\$14,675,000)
Grants in New Jersey History	(189,000)
New Jersey Historical Society Relocation . . .	(1,200,000)
South Jersey Performing Arts Center	(25,000)
Humanities Council	(100,000)
Encyclopedia of New Jersey, Rutgers University Press	(100,000)
Waterloo Foundation for the Arts	(100,000)
American Labor Museum -- Botto House . . .	(90,000)
Hunterdon County Cultural and Heritage Commission	(200,000)
Hardwick Historical Society	(40,000)
Neptune Performing Arts Center	(100,000)
New Jersey State Opera	(300,000)
Grants in Afro-American History	(13,000)

The State Council on the Arts may require of recipient groups, and in the case of those receiving over \$100,000 shall require, that those groups must demonstrate a Statewide benefit as a result of the grants.

Of the amount hereinabove for cultural projects, an amount not to exceed \$75,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for cultural projects, an amount not to exceed \$125,000 may be used for the assessment and oversight of cultural projects, including administrative costs attendant to this function, in compliance with all pertinent State and federal laws and regulations, including the Single Audit Act, subject to the approval of the Director of the Division of Budget and Accounting.

Of the amount hereinabove for Cultural Projects, funds may be used for the purpose of matching federal grants.

Notwithstanding the provision of any other law to the contrary, of the amount appropriated for Cultural Projects 25% shall be awarded to cultural projects within the eight southernmost counties (Cape May, Salem, Cumberland, Gloucester, Camden, Ocean, Atlantic, and Burlington), provided however, that the total amount available for the granting of awards for cultural projects in the remaining counties shall not be reduced from the total amount available during fiscal year 1997 for cultural projects in those remaining counties. The value of project grants awarded within each county shall total not less than \$50,000.

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 grants for the development of cultural centers, subject to the approval of the Director of the Division of Budget and Accounting.

The amount appropriated hereinabove for the Hunterdon County Cultural and Heritage Commission shall be for a 50/50 matching grant with the matching funds provided by Hunterdon County, which may include in-kind contributions from the county.

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2410 Rutgers, The State University -- Grants-In-Aid

82-2410 Institutional Support	<u>\$1,006,179,000</u>
Subtotal General Operations	<u>\$1,006,179,000</u>

Less:

<i>General Services Income</i>	<i>\$234,494,000</i>
<i>Auxiliary Funds Income</i>	<i>142,747,000</i>
<i>Special Funds Income</i>	<i>350,320,000</i>
<i>Total Income Deductions</i>	<u><i>\$727,561,000</i></u>
Total Appropriation, Rutgers, The State University	<u>\$278,618,000</u>

Special Purpose:

General Institutional Operations . . .	(\$1,005,979,000)
Transportation Policy Institute	(200,000)

Less:

<i>Income Deductions</i>	<u><i>\$727,561,000</i></u>
--------------------------------	-----------------------------

Of the sums hereinabove appropriated for Rutgers University, there is \$180,000 for the Masters in Government Accounting Program, \$105,000 for the Tomato Technology Transfer Program, \$60,000 for the Statewide Privatization (Contracting Out) Survey, Newark, \$95,000 for the Haskin Shellfish Research Laboratory, \$200,000 for the Camden Law School Clinical Legal Programs for the Poor, \$200,000 for the Newark Law School Clinical Legal Programs for the Poor, \$740,000 for the Civic-Square Project-Debt Service, and \$700,000 for In Lieu of Taxes to New Brunswick. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

Receipts in excess of the amount hereinabove for the Clinical Legal Programs for the Poor are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at Rutgers, The State University shall be 6,217.

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2415 Agricultural Experiment Station -- Grants-In-Aid

82-2415 Institutional Support	<u>\$54,450,000</u>
Subtotal General Operations	<u>\$54,450,000</u>

Less:

<i>Special Funds Income</i>	<i>\$23,540,000</i>
<i>Federal Research and Extension Funds Income</i>	<i>6,700,000</i>
<i>Total Income Deductions</i>	<u><i>\$30,240,000</i></u>
Total Appropriation, Agricultural Experiment Station	<u>\$24,210,000</u>

Special Purpose:

General Institutional Operations	(\$54,095,000)
--	----------------

Rutgers Cooperative Extension --
 Stock Assessment Study (50,000)
 Irrigation System and Food Safety
 Program, Upper Deerfield (255,000)
 Integrated Pest Management --
 Agricultural Research and
 Extension, Upper Deerfield (50,000)

Less:

Income Deductions \$30,240,000

Of the sums hereinabove appropriated for the New Jersey Agricultural Experiment Station, there is \$900,000 for Pari-mutuel Programs, \$243,000 for Blueberry and Cranberry Research, \$695,000 for the Snyder Farm Planning and Operation, and \$500,000 for Fruit Research, \$200,000 for Irrigation System and Equipment Repair and Replacement, Upper Deerfield, and \$55,000 for Food Safety Program, Upper Deerfield. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at the Agricultural Experiment Station shall be 414.

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2420 University of Medicine and Dentistry of New Jersey -- Grants-In-Aid

82-2420 Institutional Support \$609,521,000
 Subtotal General Operations \$609,521,000

Less:

Hospital Services Income \$248,111,000
Core Affiliates Income 5,969,000
General Services Income 55,098,000
Auxiliary Funds Income 5,044,000
Special Funds Income 124,023,000
Total Income Deductions \$438,245,000
 Total Appropriation, University of
 Medicine and Dentistry \$171,276,000

Special Purpose:

General Institutional Operations (\$609,521,000)

Less:

Income Deductions \$438,245,000

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 unexpended balances as of June 30, 1998 in the accounts hereinabove are appropriated for the purposes of the University of Medicine and Dentistry of New Jersey.

The appropriations for the University are made to Support Units, Educational Units, and University Hospital.

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.

From the amount hereinabove for the University of Medicine and Dentistry of New Jersey, the Director of the Division of Budget and Accounting may transfer such amounts as deemed necessary to the Division of Medical Assistance and Health Services to maximize Federal Medicaid funds.

Of the sums hereinabove appropriated for the University of Medicine and Dentistry of New Jersey, there is \$100,000 for the Inflammatory Bowel Disease Center, \$800,000 for

Emergency Medical Service-Camden, \$975,000 for the Regional Health Education Center-Physical Plant, \$750,000 for the Violence Institute of N.J. at UMDNJ, \$525,000 for the Regional Health Education Center-Educational Units, and \$2,700,000 for Debt Service-School of Osteopathic Medicine Academic Center, Stratford. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at the University of Medicine and Dentistry of New Jersey shall be 5,545.

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2430 New Jersey Institute of Technology -- Grants-In-Aid

82-2430 Institutional Support \$149,462,000
Subtotal General Operations \$149,462,000

Less:

General Services Income \$46,859,000
Auxiliary Funds Income 6,240,000
Special Funds Income 48,320,000
Total Income Deductions \$101,419,000

Total Appropriation, New Jersey Institute
of Technology \$48,043,000

Special Purpose:

General Institutional Operations (\$149,442,000)
Center for Pre-College Programs (20,000)

Less:

Income Deductions \$101,419,000

Of the sums hereinabove appropriated for the New Jersey Institute of Technology, there is \$100,000 for the NJIT/Burlington County College Engineering Program. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at the New Jersey Institute of Technology shall be 805.

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2440 Thomas A. Edison State College -- Grants-In-Aid

82-2440 Institutional Support \$14,573,000
Subtotal General Operations \$14,573,000

Less:

Fee Increase \$257,000
Self Sustaining Increase 2,037,000
General Services Income 6,418,000
Total Income Deductions \$8,712,000

Total Appropriation, Thomas A. Edison
State College \$5,861,000

Special Purpose:

John S. Watson Institute for Public Policy (\$250,000)
General Institutional Operations (14,323,000)

Less:

Income Deductions \$8,712,000

Of the sums hereinabove appropriated for Thomas A. Edison State College, there is \$250,000 for the New Jersey Inter-Campus Network. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at the Thomas A. Edison State College shall be 171.

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2445 Rowan University -- Grants-In-Aid

82-2445 Institutional Support	<u>\$90,066,000</u>
Subtotal General Operations	<u>\$90,066,000</u>

Less:

General Services Income \$31,169,000

Auxiliary Funds Income 18,898,000

Special Funds Income 5,011,000

Total Income Deductions \$55,078,000

Total Appropriation, Rowan University \$34,988,000

Special Purpose:

General Institutional Operations (\$90,066,000)

Less:

Income Deductions \$55,078,000

Of the sums hereinabove appropriated for Rowan University, there is \$500,000 for the School of Engineering and \$215,000 for the Camden Urban Center. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at Rowan University shall be 865.

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2450 New Jersey City University -- Grants-In-Aid

82-2450 Institutional Support	<u>\$61,079,000</u>
Subtotal General Operations	<u>\$61,079,000</u>

Less:

General Services Income \$13,105,000

A.H. Moore Program Receipts 3,288,000

Auxiliary Funds Income 10,950,000

Special Funds Income 4,225,000

Total Income Deductions \$31,568,000

Total Appropriation, New Jersey City University \$29,511,000

Special Purpose:

General Institutional Operations (\$61,079,000)

Less:

Income Deductions \$31,568,000

Of the sums hereinabove appropriated for New Jersey City University, there is \$1,078,000 for the A. Harry Moore Laboratory School, and \$145,000 for Tidelands Athletic Fields. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at New Jersey City University shall be 777.

30 Educational, Cultural and Intellectual Development**36 Higher Educational Services****2455 Kean University -- Grants-In-Aid**

82-2455 Institutional Support \$77,363,000
 Subtotal General Operations \$77,363,000

Less:

General Services Income **\$24,466,000**
Auxiliary Funds Income **9,501,000**
Special Funds Income **9,760,000**
Total Income Deductions **\$43,727,000**
 Total Appropriation, Kean University \$33,636,000

Special Purpose:

General Institutional Operations (\$77,238,000)
 New Jersey Gateway Institute
 for Regional Development (125,000)

Less:

Income Deductions **\$43,727,000**

Of the sums hereinabove appropriated for Kean University, there is \$180,000 for Emerging Needs/Academic Initiatives. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at Kean University shall be 875.

30 Educational, Cultural and Intellectual Development**36 Higher Educational Services****2460 William Paterson University of New Jersey -- Grants-In-Aid**

82-2460 Institutional Support \$78,862,000
 Subtotal General Operations \$78,862,000

Less:

General Services Income **\$23,485,000**
Auxiliary Funds Income **14,559,000**
Special Funds Income **3,662,000**
Total Income Deductions **\$41,706,000**
 Total Appropriation, William Paterson
 University of New Jersey \$37,156,000

Special Purpose:

General Institutional Operations (\$78,862,000)

Less:

Income Deductions **\$41,706,000**

Of the sums hereinabove appropriated for William Paterson University of New Jersey, there is \$100,000 for the New Jersey Project and \$65,000 for Outcomes Assessment. These accounts shall be considered special purpose appropriations for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at William Paterson University of New Jersey shall be 943.

30 Educational, Cultural and Intellectual Development**36 Higher Educational Services****2465 Montclair State University -- Grants-In-Aid**

82-2465 Institutional Support \$100,409,000
 Subtotal General Operations \$100,409,000

Less:

General Services Income **\$30,136,000**

<i>Conservation School Receipts</i>	976,000
<i>Auxiliary Funds Income</i>	15,739,000
<i>Special Funds Income</i>	11,209,000
<i>Total Income Deductions</i>	<u>\$58,060,000</u>
Total Appropriation, Montclair State University	<u>\$42,349,000</u>

Special Purpose:

General Institutional Operations (\$100,409,000)

Less:*Income Deductions* \$58,060,000

In addition to the sums hereinabove appropriated for Montclair State University, all revenues from lease agreements between Montclair State University and corporations operating satellite relay stations are appropriated.

Of the sums hereinabove appropriated for Montclair State University, there is \$1,432,000 for the New Jersey State School of Conservation. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at Montclair State University shall be 1,095.

30 Educational, Cultural and Intellectual Development**36 Higher Educational Services****2470 The College of New Jersey -- Grants-In-Aid**

82-2470 Institutional Support	<u>\$109,576,000</u>
Subtotal General Operations	<u>\$109,576,000</u>

Less:*General Services Income* \$27,142,000*Auxiliary Funds Income* 31,170,000*Special Funds Income* 16,832,000*Total Income Deductions* \$75,144,000Total Appropriation, The College of New Jersey \$34,432,000

Special Purpose:

General Institutional Operations (\$109,576,000)

Less:*Income Deductions* \$75,144,000

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at The College of New Jersey shall be 820.

30 Educational, Cultural and Intellectual Development**36 Higher Educational Services****2475 Ramapo College of New Jersey -- Grants-In-Aid**

82-2475 Institutional Support	<u>\$41,927,000</u>
Subtotal General Operations	<u>\$41,927,000</u>

Less:*General Services Income* \$11,278,000*Auxiliary Funds Income* 9,946,000*Special Funds Income* 2,293,000*Total Income Deductions* \$23,517,000Total Appropriation, Ramapo College of New Jersey \$18,410,000

Special Purpose:

General Institutional Operations (\$41,927,000)

Less:**Income Deductions \$23,517,000**

Of the sums hereinabove appropriated for Ramapo College of New Jersey, there is \$200,000 for the Governor William T. Cahill Recognition Programs. This account shall be considered a special purpose appropriation for accounting and reporting purposes.

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at Ramapo College of New Jersey shall be 481.

30 Educational, Cultural and Intellectual Development**36 Higher Educational Services****2480 The Richard Stockton College of New Jersey -- Grants-In-Aid**

82-2480 Institutional Support \$50,329,000
 Subtotal General Operations \$50,329,000

Less:**General Services Income \$16,293,000****Auxiliary Funds Income 11,071,000****Special Funds Income 2,877,000****Total Income Deductions \$30,241,000**

Total Appropriation, The Richard Stockton

College of New Jersey \$20,088,000

Special Purpose:

General Institutional Operations (\$50,329,000)

Less:**Income Deductions \$30,241,000**

For the purpose of implementing the fiscal year 1999 appropriations act, the number of State-funded positions at The Richard Stockton College of New Jersey shall be 620.

Total Appropriation, Department of State \$832,807,000**Higher Educational Services**

Of the amount hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 first shall be charged to the State Lottery Fund.

Public colleges and universities are authorized to provide a voluntary employee furlough program.

78 DEPARTMENT OF TRANSPORTATION**60 Transportation Programs****62 Public Transportation -- Grants-In-Aid**

04-6051 Bus Operations \$326,000,000
 04-6052 Rail Operations 333,950,000
 04-6053 Corporate Operations 141,300,000
 04-6056 Purchased Transportation 76,700,000
 Total General Operations \$877,950,000

Less:**Farebox Revenue 425,300,000****Other Resources 258,400,000****Total Income Deductions \$683,700,000**Total Appropriation, Public Transportation \$194,250,000

Personal Services:

Salaries and Wages (\$533,250,000)

Materials and Supplies (139,400,000)

Services Other Than Personal (51,000,000)

Special Purpose:

Leases and Rentals (900,000)
 Purchased Transportation (76,700,000)
 Insurance and Claims (24,100,000)
 Tolls, Taxes and Other
 Operating Expenses (52,600,000)

Less:

Income Deductions 683,700,000

64 Regulation and General Management -- Grants-In-Aid

The unexpended balance as of June 30, 1998 in the Airport Safety Fund account together with any receipts in excess of the amount anticipated are appropriated.

Total Appropriation, Department of Transportation \$194,250,000

82 DEPARTMENT OF THE TREASURY

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services -- Grants-In-Aid

46-2150 Student Assistance Programs \$151,695,000
 47-2155 Support to Independent Institutions 23,207,000
 49-2155 Miscellaneous Higher Educational Programs 53,823,000
 Total Appropriation, Higher Educational Services \$228,725,000

Grants:

Veterinary Medicine
 Education Program (\$1,337,000)
 Tuition Aid Grants (141,661,000)
 Public Tuition Benefits Grants (65,000)
 Coordinated Garden State
 Scholarship Programs (7,562,000)
 Part-Time Tuition Aid Grants --
 EOF Students (620,000)
 Minority Academic Careers Program (450,000)
 Aid to Independent Colleges and
 Universities (21,245,000)
 Clinical Legal Programs for the Poor --
 Seton Hall University (P.L. 1996, c.52) .(200,000)
 Einstein Chair for Scholarly Studies at the
 Institute for Advanced Study (65,000)
 Discrete Mathematics and Computer Science
 Center -- Institute for Advanced Study (100,000)
 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, F.D.U. (65,000)
 Laurie Chair in Women's Studies at
 Douglass College (75,000)
 Will and Ariel Durant Chair in the
 Humanities at St. Peters College (65,000)
 Small Business and Entrepreneurship
 Chair at Rutgers University (65,000)

Raoul Wallenberg Visiting Professorship in Human Rights -- Rutgers University	(100,000)
Millicent Fenwick Research Professorship in Education at Monmouth University	(75,000)
Research Under Contract with the Institute of Medical Research, Camden	(787,000)
Equipment Leasing Fund -- Debt Service	(19,290,000)
Higher Education Facilities Trust Fund -- Debt Service	(21,015,000)
Higher Education Technology Bond -- Debt Service	(7,002,000)
Marine Sciences Consortium	(376,000)
Program for Acceleration in Computer Science for Minority Students, Monmouth University	(5,000)
Ocean County Community College -- Camp Viking	(40,000)
Chair in Educational Leadership, Rowan University	(100,000)
Institute of Law and Mental Health of Seton Hall University	(95,000)
Health Law and Policy Institute of Seton Hall University	(150,000)
Renovations to Sister Joseph Residence Hall, Caldwell College	(50,000)
Outstanding Scholar Recruitment Program	(6,000,000)

For the purpose of implementing the "Independent College and University Assistance Act," P.L. 1979, c. 132 (C.18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at the eight State Colleges is 46,537 for fiscal year 1998.

Receipts in excess of the amount hereinabove for Clinical Legal Programs for the Poor-Seton Hall are appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting.

The sums provided hereinabove for Research under Contract with the Institute of Medical Research, Camden (Coriell Institute) shall be expended on support for research activities, and the Institute shall submit an annual audited financial statement to the Department of the Treasury which shall include a schedule showing the use of these funds.

The sums provided hereinabove and the unexpended balances as of June 30, 1998, in Student Assistance Programs are appropriated and available for payment of liabilities applicable to prior fiscal years.

Amounts from the unexpended balance as of June 30, 1998, including refunds recognized after July 31, 1997, in the Tuition Aid Grants account are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any law to the contrary, the Student Assistance Board shall provide to all qualified applicants increases to award values, not to exceed tuition, at a level that is fundable within the amount hereinabove provided for Tuition Aid Grants plus funding from the Part-time Tuition Aid Grants-EOF Students program and available federal State Student Incentive Grant funds. Award increases so provided shall not exceed the percentage increase provided for the maximum award. Reappropriated balances shall be held as a contingency for unanticipated increases in the number

of applicants qualifying for Student Assistance Programs awards or to fund shifts in the distribution of awards that result in an increase in total program costs.

From the sums provided hereinabove for Student Assistance Programs, such amounts as may be necessary to fund merit scholarship awards shall be available for transfer to the Coordinated Garden State Scholarship Programs and to the Miss New Jersey Educational Scholarship Program, P.L.1997, c.118 (C.18A:71-102 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1998 in the Institutional Alliance / Seton Hall University and Sussex County Community College account is appropriated for the same purpose.

Higher Educational Services

Of the amount hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 first shall be charged to the State Lottery Fund.

80 Special Government Services

82 Protection of Citizens' Rights

57-2048 Trial Services to Indigents and
 Special Programs \$10,500,000
 Total Appropriation, Protection of Citizens' Rights \$10,500,000

Grants:
 State Legal Services Office (\$2,500,000)
 Legal Services of New Jersey -- Legal
 Assistance in Civil Matters,
 P.L.1996, c.52 (8,000,000)

Receipts in excess of the amount hereinabove for Legal Services of New Jersey -- Legal
 Assistance in Civil Matters, P.L.1996, c.52, are appropriated for the same purposes,
 subject to the approval of the Director of the Division of Budget and Accounting.
 Total Appropriation, Department of the Treasury \$239,225,000
 Total Appropriation, Grants-In-Aid \$4,285,628,000

STATE AID

10 DEPARTMENT OF AGRICULTURE

40 Community Development and Environmental Management

49 Agricultural Resources, Planning, and Regulation -- State Aid

06-3360 Marketing Services \$7,004,000
 Total Appropriation, Agricultural Resources,
 Planning, and Regulation \$7,004,000

State Aid:
 Non-Public Nutrition Aid (\$439,000)
 School Lunch Aid (6,565,000)
 Total Appropriation, Department of Agriculture \$7,004,000

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management -- State Aid

02-8020 Housing Services \$16,675,000
 04-8030 Local Government Services 35,815,000
 06-8015 Uniform Construction Code 46,000
 Total Appropriation, Community
 Development Management \$52,536,000

State Aid:

Neighborhood Preservation (P.L.1975, c.248 and c.249)	(\$2,750,000)
Neighborhood Preservation -- Fair Housing (P.L.1985, c.222)	(13,925,000)
Joint Services Incentive Aid	(500,000)
County Prosecutors Salary Increase (P.L. 1996, c.99)	(315,000)
Legislative Initiative Municipal Block Grant Program	(33,000,000)
Watershed Moratorium Offset Aid	(2,000,000)
Municipal Memberships in Building Codes Association	(46,000)

Of the sum hereinabove for Neighborhood Preservation-Fair Housing, a sum not to exceed \$300,000 may be used for matching on a 50/50 basis for the administrative costs of the Federal Small Cities Block Grant.

Any receipts in excess of the amount anticipated in the Neighborhood Preservation-Fair Housing account are appropriated.

The unexpended balance as of June 30, 1998 in the Relocation Assistance account is 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 \$1,500,000 may be used to provide technical assistance grants to non-profit housing organizations and authorities for creating and supporting affordable housing opportunities.

The unexpended balance as of June 30, 1998 in the Neighborhood Preservation-Fair Housing account is appropriated.

Notwithstanding any law to the contrary, funds appropriated for Neighborhood Preservation-Fair Housing may be provided directly to the housing project being assisted; provided however, that any such project have the support by resolution of the governing body of the municipality in which it is located.

The amount hereinabove for Joint Services Incentive Aid shall be expended to promote and encourage interlocal service activities and consolidation efforts among local governments, in accordance with guidelines established by the Commissioner of the Department of Community Affairs.

The unexpended balance as of June 30, 1998 in the Joint Services Incentive Aid account is appropriated.

The unexpended balance as of June 30, 1998 in the Safe and Clean: Expanded Police Services account is appropriated.

The unexpended balance as of June 30, 1998 in the Aid for GAAP Accounting Implementation account is appropriated. Any training from Aid for GAAP Accounting Implementation shall be through purely voluntary local interest and nothing provided in this act shall require any municipality to adopt GAAP accounting or to participate in a program to encourage GAAP accounting.

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 the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), 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. Notwithstanding any provision of law to the contrary, municipal appropriations for "Reserve for Tax Appeals" may be made in exception to spending limitations pursuant to section 3 of P.L.1976, c.68 (C.40A:4-45.3).

In addition to the sum hereinabove appropriated for Relocation Assistance, such amounts as may be required to fund relocation costs of boarding home residents are appropriated from the Boarding Home Rental Assistance Fund.

In addition to any other powers conferred by law, the Local Finance Board is hereby authorized to create, by resolution, a financial review board to approve, implement and enforce a financial plan for the City of Camden for which the Director of the Division of Local Government Services in the Department of Community Affairs has determined that conditions exist that create extreme difficulty in adopting a budget in compliance with Local Budget Law, in issuing indebtedness as permitted by law, or in funding capital improvements essential to the protection of the public health, safety and welfare. Any financial review board so created shall consist of seven members appointed by the Governor, and shall exercise its powers and duties under rules and regulations adopted by the Local Finance Board. The City of Camden shall establish a financial plan, subject to the board's approval, to address the budgetary, operational, capital and economic development needs of the municipality. The financial review board shall have the power to approve: the annual budget of the municipality, the issuance of debt, labor contracts entered into during the time of supervision of the financial review board and municipal expenditures if so directed by the Local Finance Board, to the extent that the Board shall specify.

The amount appropriated hereinabove for Watershed Moratorium Offset Aid shall be distributed among the same municipalities in the same amounts as were distributed from this aid program during fiscal year 1998. Any municipality receiving Watershed Moratorium Offset Aid this fiscal year shall abide by the provisions of the moratorium in effect on July 1, 1998 throughout this fiscal year.

Total Appropriation, Department of Community Affairs	<u>\$52,536,000</u>
--	---------------------

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance -- State Aid

01-5120 General Formula Aid	\$408,532,000
02-5120 Nonpublic School Aid	82,695,000
03-5120 Miscellaneous Grants-In-Aid	69,739,000
04-5064 Adult and Continuing Education	<u>2,448,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$563,464,000</u>

State Aid:

Core Curriculum Standards Aid	(\$398,521,000)
Rewards and Recognition	(10,011,000)
Nonpublic Textbook Aid	(8,973,000)
Nonpublic Handicapped Aid	(24,280,000)
Nonpublic Auxiliary Services Aid	(30,856,000)
Nonpublic Auxiliary/Handicapped Transportation Aid	(2,084,000)
Nonpublic Nursing Services Aid	(12,502,000)
Emergency Fund	(100,000)

Payments for Institutionalized Children --	
Unknown District of Residence . . .	(10,056,000)
Distance Learning Network Aid	(52,225,000)
Evening School for the Foreign Born	(211,000)
High School Equivalency	(1,213,000)
Educational Information and	
Resource Center	(400,000)
United Brothers of Long Branch,	
Long Branch Board of Education	(8,000)
Hardwick School District --	
Pahaquarry Township Impact	(7,000)
Freehold Borough High School	
Spanish Club Program	(7,000)
Sussex-Wantage Regional School District --	
Elevator for ADA Compliance	(75,000)
Vanderveer School Safety	
Improvements, Somerville	(300,000)
Bethlehem Township School	
District Computer Purchase	(20,000)
Wildwood School District --	
Education Impact Aid	(950,000)
Maurice River School District --	
Supplemental Aid	(437,000)
Mansfield Township Board of	
Education (Burlington County)	
Technology Grant	(50,000)
New Hanover Board of Education	
Technology Grant	(50,000)
Toms River School District Extraordinary	
Enrollment Increase Aid	(1,300,000)
Total Language Immersion --	
Wallington School District	(50,000)
Woodbury School District Impact Aid . . .	(300,000)
Safety Improvements Ridewood	
Avenue Elementary School,	
Glen Ridge School District	(80,000)
Folsom Borough Impact Aid	(267,000)
Bloomfield Board of Education	
Track and Field Improvements	(60,000)
High Bridge Middle School	
Asbestos Abatement Program	(500,000)
New Brunswick Health Sciences	
and Technology High School	(500,000)
Kearny Program Retention	(300,000)
Delran School District/Impact Aid	(100,000)
Cinnaminson School District/Impact Aid .	(100,000)
Medford Lakes Impact Aid	(84,000)
Southampton Impact Aid	(173,000)
Waterford Township Impact Aid	(429,000)
Chesilhurst Borough Impact Aid	(90,000)
Somerset County Vocational and	
Technical School Technology	
Equipment Upgrade	(75,000)

- Pompton Lakes Computer System
 Integration Pilot Program (151,000)
- Hackettstown School District
 Transition Aid (200,000)
- Non-Public School Technology
 Initiative (4,000,000)
- North Wildwood Impact Aid (86,000)
- Woodland School District (259,000)
- Adult Literacy (1,024,000)
- Of the amount hereinabove for Core Curriculum Standards Aid, an amount equal to the total earnings of investments of the School Fund shall first be charged to such fund.
- Notwithstanding the provisions of section 8 of P.L. 1991, c.226 (C.18A:40-30), the amount appropriated hereinabove for Nonpublic Nursing Services Aid shall be made available to local school districts based upon the number of pupils enrolled in each nonpublic school on the last day prior to October 16, 1997.
- Notwithstanding the provision of 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 these children in such private schools.
- Notwithstanding any other law to the contrary, special education aid for pupils classified as eligible for day training shall be paid directly to the resident school district; provided however, that for pupils under contract for service in a regional day school operated by or under contract with the Department of Human Services, tuition shall be withheld and paid to the Department of Human Services.
- 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.
- Notwithstanding the provisions of section 29 of P.L. 1996, c.138 (C.18A:7F-29), the amount appropriated hereinabove for Rewards and Recognition shall be made available to qualifying schools based upon a per pupil amount for the projected number of pupils enrolled in qualifying schools for the budget year in the grade levels eligible to take the most recent eighth grade early warning test and the high school proficiency test.
- Notwithstanding the provisions of section 9 of P.L. 1977, c.192 (C.18A:46A-9), the per pupil amount for compensatory education for the 1998-99 school year for the purposes of computing nonpublic auxiliary services aid shall equal \$730.73.
- Notwithstanding any other provision of P.L. 1996, c.138 (C.18A:7F-1 et seq.) the County Special Services School Districts' tuition losses provided for in subsection b. of section 3 of P.L. 1971, c.271 (C.18A:46-31) as amended by section 77 P.L. 1996, c.138 shall be calculated by using the enrollment counts taken on October 15 in order to compare the budget to the pre-budget year.
- In addition to the aid provided hereinabove, there is appropriated an amount not to exceed \$1,200,000 to enable the department to distribute supplementary State aid to any Abbott District in which a charter school will operate during the 1998-1999 school year in an amount to provide that the district shall receive no less total State aid, excluding debt service aid, in the 1998-1999 school year than the total State aid, including any supplementary State aid received pursuant to the appropriations act for the fiscal year ending June 30, 1998, P.L. 1997, c.131, and excluding debt service aid, it received in the 1997-1998 school year. The additional aid received shall be an adjustment to the district's spending growth limitation for the 1998-99 school year. A district receiving aid pursuant to this provision may apply some or all of the additional funds to its originally certified General Fund tax levy for 1998-99 and shall file a

revised certificate and report of school taxes form A4F with its county board of taxation.

Nonpublic School Technology Initiative Aid shall be paid to school districts and allocated for nonpublic school pupils at the rate of \$20 per pupil in a manner that is consistent with the provisions of the federal and State constitutions.

Notwithstanding the provisions of section 14 of P.L.1977, c.193 (C.18A:46-19.8) for the purpose of computing Nonpublic Handicapped Aid for pupils requiring the following services, the per pupil amounts shall be: \$1,135.24 for an initial evaluation or reevaluation for examination and classification; \$340.39 for an annual review for examination and classification; and \$862.76 for speech correction.

33 Supplemental Education and Training Programs -- State Aid

20-5062 General Vocational Education	\$6,321,000
Total Appropriation, Supplemental Education and Training Programs	<u>\$6,321,000</u>

State Aid:

District and Regional Vocational Education	(\$861,000)
Vocational Education	(5,460,000)

34 Educational Support Services -- State Aid

36-5120 Pupil Transportation	\$1,000,000
38-5120 Facilities Planning and School Building Aid	57,655,000
39-5095 Teachers' Pension and Annuity Assistance	<u>17,006,000</u>
Total Appropriation, Educational Support Services	<u>\$75,661,000</u>

State Aid:

School Bus Crossing Arms	(\$1,000,000)
School Building Aid Debt Service	(7,655,000)
School Construction and Renovation Fund	(50,000,000)
Minimum Pension for Pre-1955 Retirees	(6,000)
Additional Health Benefits	(17,000,000)

Any school district that was previously a constituent of a regional school district which was dissolved beginning in the 1997-98 school year and in which the equalized school tax rate for the 1997-98 school year was more than 120 percent of the district's combined local and regional equalized school tax rate for 1996-97 shall be paid \$844,000 from the School Construction and Renovation Fund to meet additional capital requirements incurred as a result of the dissolution of the regional school district. The first \$1,784,000 in surplus funds received by such a school district as a result of the dissolution of a regional school district shall be returned to the State and \$844,000 of the returned funds shall be deposited in the School Construction and Renovation Fund. Any surplus funds received by another school district as a result of the dissolution of a regional school district shall be retained by the district and shall not be included in the calculation of the district's excess undesignated general fund balances as of June 30, 1998 as required pursuant to section 7 of P.L.1996, c.318 (C.18A:7F-7).

From the amount hereinabove for the School Construction and Renovation Fund sufficient funds are transferred to the Property Tax Relief Fund to pay School Building Aid in accordance with the provisions of this act. These funds are in addition to the funds appropriated for this purpose as School Building Aid.

In addition to the amount appropriated hereinabove for Pupil Transportation, there is appropriated an amount determined by the Commissioner of Education to be necessary, subject to the approval of the Director of the Division of Budget and Accounting, to reimburse school districts for payments made for the expanded

eligibility for transportation costs as provided as follows: Notwithstanding the provisions of N.J.S.18A:39-1 to the contrary, if a school district is located in a county of the third class or a county of the second class with a population of less than 235,000, according to the most recent federal decennial census, transportation shall be provided to school pupils residing in this school district in going to and from any remote school other than a public school, not operated for profit in whole or in part, located within the State not more than 25 miles from the residence of the pupil.

Total Appropriation, Department of Education \$645,446,000

The unexpended balances as of June 30, 1998 in the State Aid accounts, not to exceed \$650,000, are appropriated.

Of the amount appropriated hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 first shall be charged to the State Lottery Fund.

In the event that sufficient funds are not appropriated to fully fund any State Aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State aid each district would have been apportioned had the full amount of State aid been appropriated.

Notwithstanding any law to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund balances into the Property Tax Relief Fund, providing unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

The Commissioner of Education shall audit any district with significant increases or other discrepancies in the enrollments reported at October 15, 1997 on the Application for State School Aid for 1998-99. Each district shall be provided 30 days from receipt of the audit to respond to the findings or provide any documentation necessary to dispute the audit exceptions. Upon receipt of the response, the commissioner shall recalculate the district's State aid, as warranted, and shall immediately adjust the district's State aid payment schedule for 1998-99.

Notwithstanding any other provision of law to the contrary, the repayment by the Hudson Association for Retarded Citizens to the Department of Education of the unexpended balance of a Special Education Programs grant from federal funds received from a fiscal year 1990 appropriation made pursuant to the early intervention program, Part H, under a grant agreement for an AIDS infant-parent pilot program, and of any other funds remaining to be paid to the department from unexpended balances from fiscal year 1990 state appropriations shall be deferred during fiscal year 1999.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management -- State Aid

12-4875 Parks Management \$50,000,000

Total Appropriation, Natural Resource Management \$50,000,000

State Aid:

Open Space -- Local Match (\$50,000,000)

Of the amount hereinabove for the Open Space -- Local Match program, the portion determined to be attributable to open space acquisition shall be allocated to the Green Acres Program, Local Acquisition and Development, based on existing eligibility and ranking criteria and the portion determined to be attributable to the preservation of farmland shall be transferred to the State Agriculture Development Committee, subject to the approval of the Director of the Division of Budget and Accounting.

40 Community Development and Environmental Management**46 Environmental Planning and Administration -- State Aid**99-4800 Management and Administrative Services \$5,609,000Total Appropriation, Environmental Planning
and Administration \$5,609,000

State Aid:

Mosquito Control, Research,
Administration and Operations. (\$470,000)

Payment in Lieu of Taxes (2,320,000)

Administration, Planning and
Development Activities of
the Pinelands Commission (2,654,000)Grants to Local Environmental
Commissions (165,000)

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; P.L.1983, c.354; P.L.1989, c.183; P.L.1992, c.88; and P.L.1995, c.204, and the unexpended balance as of June 30, 1998 of such receipts, not to exceed \$100,000, are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

Receipts derived from permit fees issued by the Pinelands Commission on behalf of the Department of Environmental Protection, pursuant to a memorandum of agreement between the Pinelands Commission and the Department of Environmental Protection, are appropriated to the Pinelands Commission.

47 Enforcement Policy -- State Aid08-4855 Water Pollution Control \$2,453,000Total Appropriation, Enforcement Policy \$2,453,000

State Aid:

County Environmental Health Act (\$2,453,000)

The funds transferred from the Operation Clean Shores direct state services account are appropriated for state and local costs attributable to the Cooperative Coastal Monitoring Program, Sewerage Infrastructure Improvement Act monitoring of stormwater systems, and integrated Geographical Information System watershed baseline mapping.

Total Appropriation, Department of
Environmental Protection \$58,062,000**46 DEPARTMENT OF HEALTH AND SENIOR SERVICES****20 Physical and Mental Health****21 Health Services -- State Aid**02-4220 Family Health Services \$22,912,000Total Appropriation, Health Services \$22,912,000

State Aid:

Public Health Priority Funding (\$4,165,000)

Early Childhood Intervention Program (18,747,000)

The capitation is set not to exceed 40 cents for the year ending June 30, 1999 for the purposes prescribed in P.L.1966, c.36 (C.26:2F-1 et seq.).

In addition to the amount hereinabove, receipts from the federal Medicaid (Title XIX) program for handicapped infants are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of subsection (k) of section 3 of P.L.1966, c.36 (C.26:2F-3) to the contrary, the "minimum population" necessary for a local health agency to

receive Public Health Priority Funding from the amount appropriated hereinabove shall be reduced from 25,000 to 20,000.

20 Physical and Mental Health

26 Senior Services -- State Aid

55-4275 Programs for the Aged \$2,545,000
 Total Appropriation, Senior Services \$2,545,000

State Aid:

County Offices on Aging (\$1,140,000)
 Older Americans Act -- State Share (1,405,000)
 Total Appropriation, Department of Health and
 Senior Services \$25,457,000

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

23 Mental Health Services -- State Aid

7700 Division of Mental Health Services

08-7700 Community Services \$80,300,000
 Total Appropriation, Division of Mental Health Services . \$80,300,000

State Aid:

Support of Patients in County
 Psychiatric Hospitals (\$80,300,000)

The unexpended balance as of June 30, 1998, in the Support of Patients in County Psychiatric Hospitals account is appropriated.

The appropriation for the Support of Patients in County Psychiatric Hospitals account is available to pay liabilities applicable to prior fiscal years, subject to the approval of the Director of the Division of Budget and Accounting.

With the exception of all past, present, and future revenues representing federal financial participation received by the State from the United States and that are based on payments to hospitals that serve a disproportionate share of low-income patients, which shall be retained by the State, the sharing of revenues received to defray the costs of maintaining patients in State and county psychiatric hospitals and facilities for developmentally disabled shall be based on the same percent as costs are shared.

State aid reimbursement payments for maintenance of patients in county psychiatric facilities shall be limited to inpatient services only, except that such reimbursement shall be paid to a county for outpatient and partial hospitalization services as defined by the Department of Human Services, if outpatient and / or partial hospitalization services had been previously provided at the county psychiatric facility prior to January 1, 1998. These outpatient and partial hospitalization payments shall not exceed the amount of State Aid funds paid to reimburse outpatient and partial hospitalization services provided during calendar year 1997.

50 Economic Planning, Development and Security

53 Economic Assistance and Security -- State Aid

7550 Division of Family Development

15-7550 Income Maintenance Management \$746,179,000
 Total State and Federal Funds Appropriation \$746,179,000

Less:

Federal Funds -- State Aid

Income Maintenance Management . . \$493,464,000

Total Federal Funds -- State-Aid \$493,464,000

Total Appropriation, Division of
 Family Development \$252,715,000

State Aid:

Miscellaneous State Aid	(\$4,907,000)
County Administration Funding	(192,926,000)
Work First New Jersey --	
Client Benefits	(288,227,000)
Federal Energy Assistance Program	(23,123,000)
Title XX Urban Empowerment Zone	(10,418,000)
Cost of Living Adjustment	(182,000)
General Assistance Emergency	
Assistance Program	(33,492,000)
Payments to Municipalities for	
Cost of General Assistance	(74,169,000)
Work First New Jersey --	
Emergency Assistance	(31,323,000)
Payments for Supplemental	
Security Income	(58,823,000)
State Supplemental Security Income	
Administrative Fee to SSA	(12,043,000)
General Assistance County	
Administration	(4,863,000)
Food Stamps for Legal Aliens	(6,683,000)
Fair Labor Standards Act -- Minimum	
Wage Requirements (TANF)	(5,000,000)

Less:

Federal Funds 493,464,000

The net State share of reimbursements and the net balances remaining after full payment of sums due the federal government of all funds recovered under R.S.44:7-14, P.L.1959, c.86 (C.44:10-1 et seq.), P.L.1950, c.166 (C.30:4B-1 et seq.), and P.L.1971, c.209 (C.44:13-1 et seq.), during the fiscal year ending June 30, 1998 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1998 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.

In order to permit flexibility and ensure the timely payment of benefits to welfare recipients, amounts may be transferred between the various items of appropriation within the Income Maintenance Management 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.

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.

In addition to the provisions of section 3 of P.L.1973, c.256 (C.44:7-87), 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 (C.44:10-5), for payments that are not eligible for federal financial participation, payment of the State share of expenditures by the county welfare agency for Work First New Jersey shall be at the rate of 115% during the period July 1 through December 31 of each year and at the 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%.

Notwithstanding any law to the contrary, the Director of the Division of Budget and Accounting is authorized to withhold State Aid payments to municipalities to satisfy any obligation due and owing from audits of the municipality's General Assistance program.

Notwithstanding the provisions of subsection a. of section 4 of P.L.1997, c.37 (C.44:10-74), for cash assistance benefits to recipients with dependent children, the State and federal governments' share shall be at the rate of 87.5% for the period of January 1 through June 30 of each year and at a rate of 102.5% for the period July 1 through December 31 of each year; except that the total payment of the State and federal share of expenditures during January 1 through December 31 of each year shall not exceed 95%.

Of the amount appropriated for Payments to Municipalities for Cost of General Assistance Emergency Assistance Program, \$750,000 is made available to implement a General Assistance home visits program.

The unexpended balances as of June 30, 1998 in the Income Maintenance Management program classification State Aid accounts are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998, or at the earliest date thereafter consistent with the notice provisions of 42 C.F.R. §447.205 where applicable, no funds appropriated for the General Assistance (GA) program for pharmaceutical services shall be expended except under the following conditions: (a) reimbursement for the cost of legend and non-legend drugs shall not exceed their Average Wholesale Price (AWP) less a 10% discount; (b) prescription quantities of legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34 day supply; (c) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 1998 shall remain in effect through fiscal year 1999, including the current increments for patient consultation, impact allowances, and allowances for 24 hour emergency services.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998, the following provisions shall apply to the dispensing of prescription drugs through the Payments to Municipalities for Cost of General Assistance account: All Maximum Allowable Cost (MAC) drugs dispensed shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L.1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to the Drug Utilization Review Council approved list of substitutable drugs and all other requirements pertaining to drug substitution and federal upper limits for MAC drugs administered by the State Medicaid Program.

There is created within the General Fund a restricted fund to be known as the Work First New Jersey Contingency Fund into which the first \$46,000,000 of the unexpended balances as of June 30, 1998 in the Income Maintenance Management program classification State Aid and Grants-In-Aid accounts shall be credited, representing savings from lower public assistance caseloads and other Work First New Jersey

initiatives, and may be appropriated by the Legislature for the Work First New Jersey program.

In addition to the amounts appropriated hereinabove for the General Assistance Emergency Assistance Program, Payments to Municipalities for Cost of General Assistance, and General Assistance County Administration accounts, an amount not to exceed \$20,000,000 is appropriated for the purposes of those accounts subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of
Human Services \$333,015,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement -- State Aid

09-1020 Criminal Justice \$3,600,000
Total Appropriation, Law Enforcement \$3,600,000

State Aid:

Safe and Secure Neighborhoods
Program (\$3,600,000)

The amount hereinabove for the Safe and Secure Neighborhoods Program, together with amounts deposited in the "Safe Neighborhoods Services Fund," shall be allocated notwithstanding P.L.1993, c.220.

Total Appropriation, Department of
Law and Public Safety \$3,600,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services -- State Aid

06-2535 Museum Services \$2,700,000
Total Appropriation, Cultural and Intellectual
Development Services \$2,700,000

State Aid:

Operational Grant for
Newark Museum (\$2,700,000)

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

2451 Division of State Library -- State Aid

51-2451 Library Services \$14,112,000
Total Appropriation, Division of State Library \$14,112,000

State Aid:

Per Capita Library Aid (\$8,665,000)
Emergency Aid/Incentive Grants (100,000)
Library Network (4,777,000)
Library Development Aid (570,000)
Total Appropriation, Department of State \$16,812,000

82 DEPARTMENT OF THE TREASURY

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services -- State Aid

48-2155 Aid to County Colleges \$159,799,000
Total Appropriation, Higher Educational Services \$159,799,000

State Aid:

Operational Costs (\$120,186,000)

Debt Service, N.J.S.18A:64A-22 (21,376,000)

Employer Contributions --

Alternate Benefit Program (15,910,000)

Employer Contributions -- Teachers'

Pension and Annuity Fund (391,000)

Additional Health Benefits (1,417,000)

Employer Contributions -- FICA for

County College Members of Teachers'

Pension and Annuity Fund (450,000)

Debt Service on Pension Obligation Bonds . . (69,000)

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.

In addition to the sum hereinabove appropriated to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L.1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

Of the amount appropriated hereinabove for Higher Educational Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule at page K-40 in the Governor's Budget Recommendation Document dated February 10, 1998 first shall be charged to the State Lottery Fund.

70 Government Direction, Management and Control

75 State Subsidies and Financial Aid -- State Aid

28-2078 County Boards of Taxation \$1,049,000

29-2078 Locally Provided Services 775,000

35-2078 Consolidated Police and Firemen's Pension Fund 9,252,000

Total Appropriation, State Subsidies and Financial Aid . . . \$11,076,000

Personal Services:

County Tax Board Members (75) (\$1,049,000)

State Aid:

Debt Service on Pension

Obligation Bonds (3,103,000)

Pinelands Area Municipality Aid (675,000)

Palisades Interstate Park PILOT Aid (100,000)

Police and Fireman's Retirement

System, Health Benefits (6,149,000)

Notwithstanding the provisions of the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), 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.1945, c.162 (C.54:10A-1 et seq.), the amounts collected from banking corporations pursuant to the "Corporation Business Tax Act (1945)" shall not be distributed to the counties and municipalities and shall be anticipated as revenue for general State purposes.

The unexpended balance as of June 30, 1998 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.

There is appropriated \$745,000,000 from the "Energy Tax Receipts Property Tax Relief Fund" pursuant to P.L.1997, c.167 (C.52:27D-438 et seq.).

There is appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payments to counties pursuant to P.L.1945, c.132 (C.54:18A-1 et seq.).

The Director of the Division of Budget and Accounting shall reduce amounts provided to any municipality from the appropriations hereinabove by the difference, if any, between pension contribution savings, and the amount of Consolidated Municipal Property Tax Relief Aid payable to such municipality.

In addition to the sum hereinabove appropriated to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L. 1997, c.114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

From the amount appropriated hereinabove for Pinelands Area Municipality Aid there shall be allocated to municipalities with at least 50% of their land areas in one or more land conservation designations the following amounts: Estelle Manor City, \$84,524; Mullica Township, \$91,030; Weymouth Township, \$71,037; Bass River Township, \$100,197; Washington Township, \$118,652; Woodland Township, \$115,168; Maurice River Township, \$94,392.

From the amount appropriated hereinabove for Palisades Interstate Park PILOT Aid there is allocated for payment in lieu of municipal taxes the following amounts for properties under the jurisdiction of the Palisades Interstate Park Commission: Borough of Alpine, \$34,000; Borough of Englewood Cliffs, \$38,000; Borough of Fort Lee, \$28,000.

In addition to the amount appropriated hereinabove for Police and Firemen's Retirement System, Health Benefits, there is appropriated an amount not to exceed \$5,000,000 as shall be determined pursuant to the Director of the Division of Budget and Accounting in order to implement the benefits intended by the Legislature to be provided to qualified retirees and their dependents pursuant to P.L. 1997, c.330 (C.52:14-17.32i et seq.).

Notwithstanding the provisions of any other law to the contrary, such sums as are necessary, but not to exceed \$20,000,000, in addition to unexpended balances as of June 30, 1998, are appropriated to subsidize county and county authority debt service payments for environmental investments incurred as of June 30, 1997, pursuant to the "Solid Waste Management Act," P.L. 1970, c.39 (C.13:1E-1 et seq.) and the "Solid Waste Utility Control Act," P.L. 1970, c.40 (C.48:13A-1 et seq.) in accordance with the criteria and program guidelines established by the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Community Affairs and the State Treasurer, subject to the approval of the Director of the Division of Budget and Accounting. Expenditure of such funds are conditioned upon the State Treasurer having conducted or contracted for an operational audit of such county or county authority, and such county or county authority having implemented the audit recommendations to the satisfaction of the State Treasurer. Prior to the distribution of any amounts to a county or county authority, the State Treasurer shall notify the Joint Budget Oversight Committee of the amount and recipient of each distribution and the progress of each county and county authority in implementing the audit recommendations.

Total Appropriation, Department of the Treasury \$170,875,000

Total Appropriation, State Aid \$1,312,807,000

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 the expenditure.

CAPITAL CONSTRUCTION**01 LEGISLATURE*****70 Government Direction, Management and Control******71 Legislative Activities***

The unexpended balance as of June 30, 1998 in the Legislature is appropriated.

10 DEPARTMENT OF AGRICULTURE***40 Community Development and Environmental Management******49 Agricultural Resources, Planning, and Regulation*****Capital Project:**

Division of Plant Industry

Beneficial Insect Laboratory --

Upgrade HVAC System (\$156,000)

Total Appropriation, Department of Agriculture \$156,000

The unexpended balance as of June 30, 1998 in this department is appropriated.

20 DEPARTMENT OF COMMERCE AND ECONOMIC**DEVELOPMENT*****30 Educational, Cultural and Intellectual Development******37 Cultural and Intellectual Development Services*****Capital Projects:**

New Jersey Public Broadcasting

Authority Electrical and UPS

System Upgrades (\$81,000)

Repair Access Road to Channel 52

Transmitter (60,000)

Replace Emergency Standby Generators . . (200,000)

Upgrade HVAC Systems (55,000)

Upgrade Plumbing Systems at

Transmitter Sites (50,000)

Total Appropriation, Department of

Commerce and Economic Development \$446,000

The unexpended balance as of June 30, 1998 in this department is appropriated.

26 DEPARTMENT OF CORRECTIONS***10 Public Safety and Criminal Justice******16 Detention and Rehabilitation*****Capital Projects:**

New Jersey State Prison Plumbing

Fixture Replacement (\$1,097,000)

Bayside State Prison

Kitchen Refurbishing (665,000)

Upgrade Heating System, Steam

Lines and Heat Exchange (1,304,000)

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

Division of Management and General

Support Critical Repairs (\$1,000,000)

Emergency Generators (1,000,000)

Roof Replacements/Repairs (1,000,000)

Security Enhancements,
 Various Facilities (5,758,000)
 Total Appropriation, Department of Corrections \$11,824,000
 The unexpended balance as of June 30, 1998 in this department is appropriated.

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

5011 Marie H. Katzenbach School for the Deaf

Capital Projects:

Marie H. Katzenbach School for the Deaf
 Bathroom Renovations (\$212,000)
 Fire Protection (158,000)
 Re-Roofing of Various Buildings (325,000)
 Various Buildings Attic Insulation . . . (108,000)

35 Education Administration and Management

5095 Division of Administration

Capital Projects:

Electrical Systems Upgrade,
 Regional Day Schools (\$50,000)
 Roof Replacement and HVAC
 Repairs, Regional Day Schools (957,000)
 Total Appropriation, Department of Education \$1,810,000

The unexpended balance as of June 30, 1998 in this department is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

Capital Projects:

Bureau of Parks

Administrative/Maintenance Facilities --
 Renovation, Rehabilitation and
 Maintenance (\$350,000)
 Buildings -- Rehabilitation
 and Renovation (400,000)
 Overnight Facilities -- Development,
 Rehabilitation, Improvement
 and Repair (150,000)
 Picnic Area Rehabilitation -- Various
 State Parks and Forests (475,000)
 Sanitary Facilities (500,000)
 Site Areas/Facilities -- Development,
 Rehabilitation and Repair (150,000)
 Design and Construction of Delaware
 and Raritan Canal State Park
 Memorial to Irish Immigrant
 Canal Workers (50,000)
 Delaware River Recreational Path,
 Frenchtown to Milford (150,000)
 Palisades Interstate Park Commission
 Sanitary Facilities -- Various Locations . . (875,000)

Underground Storage Tank Remediation . . (100,000)
 Natural Resource Engineering Shore
 Protection Fund Projects (15,000,000)
 Notwithstanding the provisions of P.L.1954, c.48 (C.52:34-6 et seq.), the Department of
 Environmental Protection may enter into a contract with the Waterloo Foundation for
 the Arts for improvements to existing State-owned structures or for the construction of
 new facilities at Waterloo Village.
 The amount hereinabove for Shore Protection Fund Projects is payable from the receipts
 of the portion of the realty transfer tax directed to be credited to the Shore Protection
 Fund pursuant to section 1 of P.L.1992, c.148 (C.13:19-16.1).

40 Community Development and Environmental Management
44 Site Remediation

Capital Projects:

Office of Hazardous Substance
 Control Hazardous Substance
 Remediation -- Constitutional
 Dedication (\$28,100,000)
 Private Underground Tank
 Remediation -- Constitu-
 tional Dedication (19,100,000)

The amounts hereinabove for Hazardous Substance Remediation -- Constitutional
 Dedication and Private Underground Tank Remediation -- Constitutional Dedication
 shall be provided from revenue received from the Corporation Business Tax, pursuant
 to the "Corporation Business Tax Act (1945)," P.L. 1945, c.162 (C.54:10A-1 et seq.),
 as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.
 Of the amount hereinabove appropriated for Hazardous Substance Remediation --
 Constitutional Dedication, such sums as are necessary, as determined by the Director
 of the Division of Budget and Accounting, shall be made available for site remediation
 costs associated with State-owned underground storage tanks.

40 Community Development and Environmental Management
45 Environmental Regulation

Capital Project:

Water Supply and Flood Plain
 Management Flood Control
 HR6 Projects (\$1,144,000)
 Total Appropriation, Department of Environmental
 Protection \$66,544,000

The unexpended balance as of June 30, 1998 in this department is appropriated.

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
21 Health Services

Capital Project:

Division of Public Health and
 Environmental Laboratories
 Improvements to Laboratories
 and Installed Equipment (\$500,000)
 Laboratory Equipment (769,000)
 Total Appropriation, Department of Health
 and Senior Services \$1,269,000

The unexpended balance as of June 30, 1998 in this department is appropriated.

54 DEPARTMENT OF HUMAN SERVICES***20 Physical and Mental Health******23 Mental Health Services***

Capital Projects:

Greystone Park Psychiatric Hospital

Renovate Residential Cottages (\$400,000)

Upgrade Security Systems (750,000)

Arthur Brisbane Child Treatment Center

Boiler Replacement, Main House (182,000)

70 Government Direction, Management and Control***76 Management and Administration***

Capital Projects:

Division of Management and Budget

Fire Safety Code Compliance Projects . . (\$6,064,000)

HVAC Improvements (300,000)

Preservation Improvements, Institutions

and Community Facilities (100,000)

Roof Repair/Replacements Various

Facilities (3,603,000)

Total Appropriation, Department of

Human Services \$11,399,000

The unexpended balance as of June 30, 1998 in this department is appropriated.

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

Capital Projects:

Division of State Police

Buildings #2 and #6 Renovations (\$210,000)

Computer Aided Dispatch and

Records Management System (2,414,000)

Critical Repairs/Rehabilitation,

Division wide (661,000)

Emergency Generator Replacements (600,000)

Roof Replacements, Various Facilities . . . (382,000)

State Police Radio Replacements (1,000,000)

Forensic Laboratory Equipment (2,158,000)

From the amount appropriated hereinabove for Forensic Laboratory Equipment, \$75,000 may be transferred for expenditure on related staff training.

10 Public Safety and Criminal Justice***18 Juvenile Services******1500 Division of Juvenile Services***

Capital Projects:

Division of Juvenile Services

Critical Repairs, Juvenile

Services Facilities (\$500,000)

Develop Master Plan, Site,

Buildings and Utility Systems (378,000)

Electrical Service Upgrade -- NJTSB . . . (2,380,000)

Facility Renovations, Juvenile

Residential Centers (500,000)

Fire, Health and Safety Projects,
 Various Sites (1,000,000)
 Infrastructure Improvements for 144
 Bed Facility, Bordentown (3,586,000)
 Install Video Monitoring System,
 Statewide (250,000)
 NJTSB Stabilization Repairs (2,325,000)
 Replace Windows and HVAC,
 Bordentown. (540,000)
 Roof Replacements, Statewide (500,000)
 Upgrade Telecommunication
 System, Statewide (500,000)
 Total Appropriation, Department of Law
 and Public Safety \$19,884,000
 The unexpended balance as of June 30, 1998 in this department is appropriated.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

10 Public Safety and Criminal Justice

14 Military Services

Capital Projects:
 Central Operations
 Fire and Life Safety, Statewide (\$1,000,000)
 Headquarters -- Replace
 Electrical Transformers (450,000)
 Preservation of Existing Structures (500,000)
 Renovations and Improvements,
 Statewide (500,000)
 Total Appropriation, Department of
 Military and Veterans' Affairs \$2,450,000
 The unexpended balance as of June 30, 1998 in this department is appropriated.

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

2410 Rutgers, The State University

Capital Project:
 Rutgers, The State University
 Preservation Projects (\$750,000)
 Athletic Facilities (3,500,000)

2430 New Jersey Institute of Technology

Capital Project:
 New Jersey Institute of Technology
 Preservation Projects (\$750,000)

2445 Rowan University

Capital Project:
 Rowan University Preservation Projects . . (\$750,000)

2450 New Jersey City University

Capital Project:
 New Jersey City University
 Preservation Projects (\$750,000)

2455 Kean University

Capital Project:
Kean University Preservation Projects . . (\$750,000)

2460 William Paterson University of New Jersey

Capital Project:
William Paterson University
of New Jersey
Preservation Projects (\$750,000)

2465 Montclair State University

Capital Project:
Montclair State University
Preservation Projects (\$750,000)

2470 The College of New Jersey

Capital Project:
The College of New Jersey
Preservation Projects (\$750,000)

2475 Ramapo College of New Jersey

Capital Project:
Ramapo College of New Jersey
Preservation Projects (\$750,000)

2480 The Richard Stockton College of New Jersey

Capital Project:
The Richard Stockton College of New
Jersey Preservation Projects (\$750,000)

2420 University of Medicine and Dentistry of New Jersey

Capital Project:
University of Medicine and
Dentistry of New Jersey
Preservation Projects (\$750,000)

2541 Division of State Library

Capital Project:
Division of State Library
Computerized Research System
for Users and Staff (\$450,000)
Total Appropriation, Department of State \$12,200,000
The unexpended balance as of June 30, 1998 in this department is appropriated.

78 DEPARTMENT OF TRANSPORTATION**10 Public Safety and Criminal Justice****11 Vehicular Safety**

Notwithstanding the provisions of P.L.1995, c.112 (C.39:8-41 et al.), if the increase in operating and capital costs for the implementation of the Enhanced Inspection and Maintenance program exceeds the available funding from federal Congestion Mitigation and Air Quality Improvement funds, there are appropriated such sums as are necessary for the capital or debt service costs of the Enhanced Inspection and Maintenance program, subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee. It is anticipated that

federal Congestion Mitigation and Air Quality Improvement funds to be received in State fiscal years 1999 and 2000 will be more than sufficient to offset any State funded appropriation made herein.

**60 Transportation Programs
61 State Highway Facilities**

Capital Project:

Transportation Trust Fund Account . . (\$463,700,000)

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1998 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 first be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, and from funds received or receivable from the various transportation-oriented authorities pursuant to contracts between the authorities and the State, together with such additional sums pursuant to P.L.1984, c.73 (C.27:1B-1 et al.) and R.S.54:39-27 as amended, as may be necessary to satisfy all fiscal year 1999 debt service, bond reserve requirements, and other fiscal obligations of the New Jersey Transportation Trust Fund Authority.

Notwithstanding any other requirements of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the capital city without local participation.

Notwithstanding the provisions of subsection d. of section 21 of P.L. 1984, c.73 (C.27:1B-21), in order to provide the department with the flexibility in administering the appropriations identified, the Commissioner of Transportation may transfer funds, subject to the approval of the Director of the Division of Budget and Accounting, from projects included in the approved program to the Hudson-Bergen Light Rail Transit System project in an amount sufficient to satisfy the New Jersey Transportation Trust Fund Authority's obligation to pay debt service on the grant anticipation notes issued or to be issued by the New Jersey Transit Corporation but only to the extent that monies are not otherwise available for the payment of debt service from non-State funds received for the Hudson-Bergen Light Rail Transit System.

Any unexpended funds appropriated pursuant to the provisions of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P.L.1983, c.363, which were reserved pursuant to subsection a. of section 4 of the act for rehabilitation and improvement of bridges carrying State highways, are reappropriated to the Department of Transportation for allocation and use at the discretion of the department, subject to the approval of the Joint Budget Oversight Committee or its successor, for the rehabilitation and improvement of bridges carrying State highways, as defined and permitted under the provisions of that act.

Any unexpended funds appropriated pursuant to the provisions of the "New Jersey Bridge Rehabilitation and Improvement Bond Act of 1983," P.L.1983, c.363, which were reserved pursuant to subsection a. of section 4 of the act for rehabilitation and improvement of bridges carrying county and municipal roads, are reappropriated to the Department of Transportation for allocation and use at the discretion of the department, subject to the approval of the Joint Budget Oversight Committee or its successor, for the rehabilitation and improvement of bridges carrying county and municipal roads, as defined and permitted under the provisions of that act.

Any unobligated funds appropriated pursuant to the provisions of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Bond Act of 1989," P.L.1989, c.180, which were reserved pursuant to subsection a. of section 4 of the act for rehabilitation and improvement of bridges carrying State highways, are reappropriated to the Department of Transportation for allocation and use at the discretion of the

department, subject to the approval of the Joint Budget Oversight Committee or its successor, for the rehabilitation and improvement of bridges carrying State highways, as defined and permitted under the provisions of that act.

Any unobligated funds appropriated pursuant to the provisions of the "New Jersey Bridge Rehabilitation and Improvement and Railroad Right-of-Way Bond Act of 1989," P.L.1989, c.180, which were reserved pursuant to subsection a. of section 4 of the act for rehabilitation and improvement of bridges carrying county and municipal roads, are reappropriated to the Department of Transportation for allocation and use at the discretion of the department, subject to the approval of the Joint Budget Oversight Committee or its successor, for the rehabilitation and improvement of bridges carrying county and municipal roads, as defined and permitted under the provisions of that act.

Total Appropriation, Department of Transportation \$463,700,000

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.) to the contrary, there is appropriated the sum of \$412,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified under the six general program headings as follows:

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Amount</u>
1.	CONSTRUCTION			
		Access management	Various	(\$500,000)
		Access permit		
		application review	Various	(200,000)
		Adopt-A-Highway		
		program	Various	(100,000)
		Airport Safety Fund	Various	(3,000,000)
		Automated systems,		
		acquisition and develop-		
		ment	Various	(1,000,000)
		Betterments, bridge		
		preservation	Various	(1,000,000)
		Betterments, roadway		
		preservation	Various	(1,000,000)
		Betterments, safety	Various	(1,000,000)
		Bridge deck repair	Various	(1,000,000)
		Construction inspection	Various	(1,000,000)
		Drainage rehabilitation		
		and maintenance	Various	(1,000,000)
		Early action highway		
		signs project	Various	(1,000,000)
		Economic Development		
		Program	Various	(1,000,000)
		Electrical facilities	Various	(600,000)
		Electrical and signal		
		safety engineering program	Various	(200,000)
		Emergency response		
		operations	Various	(500,000)
		Environmental		
		investigations	Various	(1,000,000)
		Equipment: vehicles and		
		construction equipment	Various	(5,000,000)
		Equipment fleet repair:		
		capitalized maintenance	Various	(3,100,000)

	Freight program	Various	(2,000,000)
	Good Neighbor		
	Landscaping	Various	(500,000)
	Guiderail upgrade	Various	(5,000,000)
	Hackettstown		
	remediation	Warren	(500,000)
	High-mast light poles	Various	(150,000)
	Interstate highway		
	service facilities	Various	(500,000)
	Legal costs for right-of-		
	way condemnation and		
	capital project litigation		
	work	Various	(1,300,000)
	Local aid for Centers		
	of Place	Various	(1,250,000)
	Movable bridge		
	maintenance	Various	(700,000)
	Physical plant	Various	(3,000,000)
	Professional auditing		
	services	Various	(450,000)
	Program implementation		
	and indirect capital		
	program costs	Various	(71,986,000)
	Raritan Center, roadway		
	improvements	Middlesex	(4,000,000)
	Restriping program	Various	(1,000,000)
	Resurfacing program	Various	(10,000,000)
	Signs program	Various	(1,000,000)
	Solid and hazardous waste		
	cleanup, reduction and		
	disposal	Various	(1,000,000)
	State Police enforcement		
	and safety services	Various	(2,000,000)
	TRANSCOM member-		
	ship	Various	(400,000)
	Traffic signal relamping	Various	(1,000,000)
	Traffic signal replacement	Various	(1,000,000)
	Training and development	Various	(250,000)
	Transportation Demand		
	Management program	Various	(250,000)
	Unanticipated design,		
	right-of-way, and		
	construction expenses	Various	(3,984,000)
	Underground exploration		
	for utility facilities	Various	(150,000)
	University Transportation		
	Research Technology	Various	(500,000)
	Utility reconnaissance		
	and relocation	Various	(500,000)
1	Meadow Road, grade-		
	separated interchange	Mercer	(1,000,000)
1&9T	Hackensack River bridge,		
	interim repairs	Hudson	(1,750,000)

1&9T	Passaic River bridge,	Essex	
18	interim repairs	Hudson	(2,050,000)
21 6L	Outlet locks	Middlesex	(1,300,000)
	Dayton Avenue to north		
	of Ackerman Avenue,		
	new alignment	Passaic	(29,000,000)
29 10C	Ferry Street to		
11B	Lamberton Road,		
	system connectivity	Mercer	(48,730,000)
31 6B7E	Stanton Station Road to		
	Payne Road, widening	Hunterdon	(6,000,000)
46 10H	Beverwyck Road, inter-		
	section improvement	Morris	(1,000,000)
70 (5)	Jack Martin Boulevard to	Monmouth	
	Brielle Circle, widening	Ocean	(4,000,000)
76 3N2V	Walt Whitman Bridge to	Camden	
295 11G	Route 73, noise barriers	Burlington	(4,000,000)
78 (23)	Route I-78 connector		
	over Routes 1&9 and		
	Route I-78	Essex	(14,000,000)
80	West of Route 15 inter-		
	change to I-287, safety		
	improvements	Morris	(2,400,000)
133 1A	Route 33 to County		
	Route 571, Hightstown		
	Bypass	Mercer	(6,800,000)
295	Vicinity of Exit 19,		
	Mantua Grove Road,		
	noise barriers	Gloucester	(2,100,000)
2. DESIGN			
	Emerging projects	Various	(500,000)
46 (34)	Interchange improve-		
	ments at Passaic Avenue		
	and Two Bridges Road	Essex	(600,000)
280	Route I-280 westbound		
	from north of Prospect		
	Avenue to Mount Pleasant		
	Avenue, noise barriers	Essex	(300,000)
3. RIGHT-OF-WAY ACQUISITION			
	Advance acquisition of		
	right-of-way for		
	transportation corridors		
	and facilities	Various	(1,000,000)
1	Grade-separated inter-		
	change at Meadow Road	Mercer	(5,000,000)
33	Freehold Bypass, Halls		
	Mill Road to Route 33		
	at Fairfield Road	Monmouth	(4,200,000)
4. PROJECT DEVELOPMENT			
	Eisenhower Parkway,		
	Route I-280 to Route 46;		
	proposed roadway	Essex	
	extension	Morris	(500,000)

15	Project development, preliminary engineering Route 181 to Route 94 (Morris Farm Road), widening	Various	(6,000,000)
202 10	Intersection improvements at Route 10 and Littleton Road	Sussex	(100,000)
5.	PLANNING	Morris	(100,000)
6.	LOCAL AID		
	Planning, and technology development	Various	(2,000,000)
	County Aid	Various	(58,500,000)
	Municipal aid	Various	(58,500,000)
	Discretionary aid: County and municipal	Various	(13,000,000)

Notwithstanding the provisions of subsection d. of section 21 of P.L.1984, c.73 (C.27:1B-21), in order to provide the department with flexibility in administering the appropriations identified, the Commissioner may transfer funds among projects within the same general program heading subject to the approval of the Director of the Division of Budget and Accounting. The Commissioner shall apply to the Director of the Division of Budget and Accounting for permission to transfer funds among projects within different program headings. If the Director of the Division of Budget and Accounting shall consent thereto, the request to transfer funds among projects within different program headings shall be transmitted to the Legislative Budget and Finance Officer for approval or disapproval then returned to the Director of the Division of Budget and Accounting. The Joint Budget Oversight Committee or its successor shall be 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.

From funds authorized by the Legislature to be appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the Fiscal Year 1999 transportation capital construction program, the Commissioner of Transportation shall allocate and transfer from a part or all of any item or items to a new item the sum necessary for the repavement of lanes in both directions of Route 24, traversing Millburn Township, Essex County and the City of Summit, Union County, with noise-reducing open graded asphalt. Specifically paving westbound from 590 feet east of New Jersey Transit Railroad bridge on Route 24 through exit 7A on Route 24 (eastbound side of J.F.K. Parkway overpass); and eastbound: exit 7 on Route 24 through 490 feet east of New Jersey Transit Railroad bridge on Route 24.

From funds authorized by the Legislature to be appropriated from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the Fiscal Year 1999 transportation capital construction program, the Commissioner of Transportation shall allocate and transfer from a part or all of any item or items the amount of \$1,000,000 for design, engineering and site work to fund the replacement of the Bridge Street bridge over Trenton Line in the Borough of Manville, Somerset County.

Notwithstanding the provisions of P.L.1984, c.73 (C.27:1B-1 et al.) to the contrary, there is appropriated the sum of \$288,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for the specific projects identified as follows:

NEW JERSEY TRANSIT CORPORATION

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>	<u>Estimated Cost</u>
		Accessibility for people with disabilities; vans for paratransit services	Various	(\$2,640,000)
		Access to Region's Core Accessibility for people with disabilities; platforms/stations	Various	(1,000,000)
		Automatic passenger transportation systems	Various	(23,460,000)
		Building capital leases	Various	(2,520,000)
		Bus replacement program	Various	(20,000)
		Bus passenger facilities	Various	(690,000)
		Bus support facilities and equipment	Various	(2,000,000)
		Bus vehicle and facility maintenance/capital maintenance	Various	(9,400,000)
		Capital program implementation and indirect capital program costs	Various	(28,000,000)
		Claims support	Various	(17,460,000)
		Clean Air Program	Various	(2,000,000)
		Hoboken Terminal/Yard rehabilitation	Various	(3,230,000)
		Hudson Bergen Light Rail Transit System bridges	Hudson	(10,000,000)
		Customer information systems/technology	Hudson	(45,850,000)
		Immediate action program	Various	(21,020,000)
		Locomotive overhaul	Various	(10,440,000)
		Miscellaneous	Various	(3,000,000)
		Montclair Connection	Various	(800,000)
			Essex	
			Morris	
			Passaic	(1,170,000)
		Other rail station/terminal improvements	Various	(11,850,000)
		Penn Station, New York improvements	New York	(4,800,000)
		Physical plant	Various	(2,460,000)
		Private carrier equipment program	Various	(810,000)
		Rail capital maintenance	Various	(46,840,000)
		Rail park and ride	Various	(5,000,000)
		Rail support facilities and equipment	Various	(2,000,000)
		Railroad associated capital maintenance	Various	(5,880,000)
		Replace Federal operating assistance	Various	(8,800,000)

Signals and communications	Various	(10,660,000)
Southern New Jersey Light Rail Transit System	Mercer Burlington Camden Gloucester	(48,000,000)
Study and development	Various	(2,000,000)
Track program	Various	(4,200,000)

The total expenditure of the Department of Transportation, under the New Jersey Transit Corporation general program heading with an "Estimated Cost" exceeding \$288,000,000 by \$50,000,000, shall not exceed \$288,000,000 and shall be subject to the following conditions:

(a) On or before the 180th day after the effective date of this act, the Commissioner of Transportation shall transmit to the Senate Transportation Committee and the Assembly Transportation and Communications Committee a list of the specific projects identified hereinabove with the amounts of allotments for each project.

(b) The total allotments for all projects shall not exceed \$288,000,000 and the maximum allotment allowed for each project shall not exceed 110% of the amount of "Estimated Cost" for each project listed hereinabove.

(c) Any change to the allotment amount listed for a project as transmitted to the committees, which results in an allotment amount for that project not greater than or equal to 110% of the "Estimated Cost" for the project, may be made by the commissioner upon written notice thereof to the committees.

(d) Any change to the allotment amount listed for a project as transmitted to the committees, which results in an allotment amount for that project greater than 110% of the "Estimated Cost" for the project, shall be subject to the approval of the Director of the Division of Budget and Accounting and the Joint Budget Oversight Committee.

The unexpended balances as of June 30, 1998 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Notwithstanding the provisions of subsection r. of section 3 of P.L.1984, c.73 (C.27:1B-3), sums from the Transportation Trust Fund shall be available, subject to the approval of the Director of the Division of Budget and Accounting, for work necessary for preserving or maintaining the useful life of transportation projects that ensures the useful life of the project for not less than two years.

Notwithstanding any other provision of law, the Department of Transportation may transfer Transportation Trust Fund monies to federal projects contracted in federal fiscal years 1998 and 1999 until such time as federal funds become available for the projects. These transfers shall be subject to the approval of the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer. Subject to the receipt of federal funds, the Transportation Trust Fund shall be reimbursed for all monies that were transferred to advance federally funded projects.

DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
74 General Government Services

Capital Projects:

Office of Telecommunications and

Information Systems

Data Center Upgrades and

Consolidation (\$4,896,000)

Disaster Recovery -- Electronic Vaulting . (1,000,000)

Preservation Projects --

Information Processing (625,000)

Radio Communications Network Study . . . (1,000,000)
 Total Appropriation, Department of the Treasury \$7,521,000
 The unexpended balance as of June 30, 1998 in this department is appropriated.

90 MISCELLANEOUS COMMISSIONS

40 Community Development and Environmental Management

43 Science and Technical Programs

9140 Delaware River Basin Commission

Capital Project:

Delaware River Basin Commission

Amortization Costs of

Multipurpose Dams (\$2,000)

Total Appropriation, Miscellaneous Commissions \$2,000

The unexpended balance as of June 30, 1998 in this commission is appropriated.

94 INTER-DEPARTMENTAL ACCOUNTS

70 Government Direction, Management and Control

74 General Government Services

9450 Statewide Capital Projects

Capital Projects:

Statewide Capital Projects

Americans with Disabilities Act

Compliance Projects -- Statewide . . . (\$1,000,000)

Fire Detection/Central Station Upgrade . . . (2,415,000)

Fuel Distribution Systems/

Underground Storage Tank

Replacements -- Statewide (10,000,000)

Hazardous Materials Removal

Projects -- Statewide (3,000,000)

Total Appropriation, Inter-Departmental

Accounts \$16,415,000

The unexpended balance as of June 30, 1998 in this department is appropriated.

98 THE JUDICIARY

10 Public Safety and Criminal Justice

15 Judicial Services

The unexpended balance as of June 30, 1998 in the Judiciary is appropriated.

Total Appropriation, Capital Construction \$615,620,000

Notwithstanding any other provision of law, funds derived from the sale or conveyance 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 subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1998 in the Capital Construction accounts for all departments are appropriated.

DEBT SERVICE

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 Economic Planning, Development and Security

51 Economic Planning and Development

99-2910 Interest on Bonds \$2,652,000

99-2910 Bond Redemption 2,306,000
 Total Appropriation, Department of Commerce
 and Economic Development \$4,958,000

Special Purpose:

Interest:

Community Development
 Bonds (P.L.1981, c.486) (\$2,652,000)

Redemption:

Community Development Bonds
 (P.L.1981, c.486) (2,306,000)
 Total Appropriation, Department of
 Commerce and Economic Development \$4,958,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

46 Environmental Planning and Administration

99-4800 Interest on Bonds \$24,055,000

99-4800 Bond Redemption \$4,642,000

Total Appropriation, Department of
 Environmental Protection \$78,697,000

Special Purpose:

Interest:

Water Conservation Bonds
 (P.L.1969, c.127) (\$685,000)

State Recreation and Conservation

Land Acquisition Bonds
 (P.L.1971, c.165) (42,000)

State Recreation and Conservation

Land Acquisition and Development
 Bonds (P.L.1974, c.102) (1,611,000)

Clean Waters Bonds (P.L.1976, c.92) (1,454,000)

Beaches and Harbors Bonds
 (P.L.1977, c.208) (232,000)

State Land Acquisition and Development
 Bonds (P.L.1978, c.118) (1,005,000)

Emergency Flood Control Bonds
 (P.L.1978, c.78) (240,000)

Natural Resources Bonds
 (P.L.1980, c.70) (512,000)

Water Supply Bonds (P.L.1981, c.261) ... (1,532,000)

Hazardous Discharge Bonds
 (P.L.1981, c.275) (611,000)

1983 New Jersey Green Acres
 Bonds (P.L.1983, c.354) (522,000)

Shore Protection Bonds
 (P.L.1983, c.356) (259,000)

Resource Recovery and Solid Waste
 Disposal Facility Bonds
 (P.L.1985, c.330) (2,369,000)

Pinelands Infrastructure Trust
 Bonds (P.L.1985, c.302) (202,000)

Wastewater Treatment Bonds
 (P.L.1985 c.329) (1,105,000)

Hazardous Discharge Bonds (P.L.1986 c.113)	(1,765,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(1,012,000)
1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(5,523,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(162,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88)	(3,212,000)
Redemption:	
Water Conservation Bonds (P.L.1969, c.127)	(3,440,000)
State Recreation and Conservation Land Acquisition Bonds (P.L.1971, c.165)	(200,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P.L.1974, c.102)	(4,907,000)
Clean Waters Bonds (P.L.1976, c.92)	(5,034,000)
Beaches and Harbors Bonds (P.L.1977, c.208)	(550,000)
State Land Acquisition and Development Bonds (P.L.1978, c.118)	(2,673,000)
Emergency Flood Control Bonds (P.L.1978, c.78)	(1,000,000)
Natural Resources Bonds (P.L.1980, c.70)	(1,212,000)
Water Supply Bonds (P.L.1981, c.261)	(5,550,000)
Hazardous Discharge Bonds (P.L.1981, c.275)	(2,247,000)
1983 New Jersey Green Acres Bonds (P.L.1983, c.354)	(3,275,000)
Shore Protection Bonds (P.L.1983, c.356) ..	(582,000)
Resource Recovery and Solid Waste Disposal Facility Bonds (P.L.1985, c.330)	(2,515,000)
Pinelands Infrastructure Trust Bonds (P.L.1985, c.302)	(1,100,000)
Wastewater Treatment Bonds (P.L.1985 c.329)	(5,350,000)
Hazardous Discharge Bonds (P.L.1986, c.113)	(971,000)
1987 Green Acres, Cultural Centers and Historic Preservation Bonds (P.L.1987, c.265)	(3,825,000)

1989 New Jersey Open Space Preservation Bonds (P.L.1989, c.183)	(7,714,000)
Stormwater Management and Combined Sewer Overflow Abatement Bonds (P.L.1989, c.181)	(750,000)
Green Acres, Clean Water, Farmland and Historic Preservation Bonds (P.L.1992, c.88)	(1,747,000)
Total Appropriation, Department of Environmental Protection	<u>\$78,697,000</u>

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

76 *Management and Administration*

99-2000 Interest on Bonds	\$177,530,000
99-2000 Bond Redemption	<u>239,957,000</u>
Total Appropriation, Department of the Treasury	<u>\$417,487,000</u>

Special Purpose:

Interest:

Public Buildings Construction Bonds (P.L.1968, c.128)	(\$1,195,000)
State Transportation Bonds (P.L.1968, c.126)	(1,536,000)
Higher Education Construction Bonds (P.L.1971, c.164)	(327,000)
State Mortgage Assistance Bonds (P.L.1976, c.94)	(302,000)
Institutions Construction Bonds (P.L.1976, c.93)	(958,000)
Medical Education Facilities Bonds (P.L.1977, c.235)	(1,740,000)
Institutional Construction Bonds (P.L.1978, c.79)	(609,000)
Transportation Rehabilitation and Improvement Bonds (P.L.1979, c.165)	(2,997,000)
Energy Conservation Bonds (P.L.1980, c.68)	(265,000)
Public Purpose Buildings Construction Bonds (P.L.1980, c.119)	(438,000)
Farmland Preservation Bonds (P.L.1981, c.276)	(235,000)
Correctional Facilities Construction Bonds (P.L.1982, c.120)	(33,000)
Bridge Rehabilitation and Improvement Bonds (P.L.1983, c.363)	(210,000)
Jobs, Science and Technology Bonds (P.L.1984, c.99)	(357,000)
Human Services Facilities Construction Bonds (P.L.1984, c.157)	(688,000)
Refunding Bonds (P.L.1985, c.74, as amended by P.L.1992, c.182)	(125,762,000)

Correctional Facilities Construction	
Bonds (P.L.1987, c.178)	(1,829,000)
Jobs, Education and Competitiveness	
Bonds (P.L.1988, c.78)	(7,348,000)
Public Purpose Buildings and Community-	
Based Facilities Construction Bonds	
(P.L.1989, c.184)	(1,587,000)
1989 Bridge Rehabilitation and	
Improvement and Railroad	
Right-of-way Preservation	
Bonds (P.L.1989, c.180)	(1,032,000)
Developmental Disabilities' Waiting List	
Reduction and Human Services	
Facilities Construction Bonds	
(P.L.1994, c.108)	(582,000)
Payments on Future Bond Sales	(27,500,000)
Redemption:	
Public Buildings Construction	
Bonds (P.L.1968, c.128)	(8,550,000)
State Transportation Bonds	
(P.L.1968, c.126)	(8,700,000)
Higher Education Construction	
Bonds (P.L.1971, c.164)	(1,400,000)
State Mortgage Assistance Bonds	
(P.L.1976, c.94)	(980,000)
Institutions Construction Bonds	
(P.L.1976, c.93)	(2,740,000)
Medical Education Facilities	
Bonds (P.L.1977, c.235)	(6,800,000)
Institutional Construction Bonds	
(P.L.1978, c.79)	(1,700,000)
Transportation Rehabilitation and	
Improvement Bonds	
(P.L.1979, c.165)	(5,237,000)
Energy Conservation Bonds	
(P.L.1980, c.68)	(1,550,000)
Public Purpose Buildings Construction	
Bonds (P.L.1980, c.119)	(1,450,000)
Farmland Preservation Bonds	
(P.L.1981, c.276)	(2,000,000)
Bridge Rehabilitation and Improvement	
Bonds (P.L.1983, c.363)	(2,000,000)
Jobs, Science and Technology	
Bonds (P.L.1984, c.99)	(2,050,000)
Human Services Facilities Construction	
Bonds (P.L.1984, c.157)	(2,021,000)
Refunding Bonds (P.L.1985, c.74, as	
amended by P.L.1992, c.182)	(150,795,000)
Correctional Facilities Construction	
Bonds (P.L.1987, c.178)	(9,900,000)
Jobs, Education and Competitiveness	
Bonds (P.L.1988, c.78)	(14,283,000)

Public Purpose Buildings and Community- Based Facilities Construction Bonds (P.L.1989, c.184)	(4,350,000)
1989 Bridge Rehabilitation and Improvement and Railroad Right-of-way Preservation Bonds (P.L.1989, c.180)	(2,174,000)
Developmental Disabilities' Waiting List Reduction and Human Services Facilities Construction Bonds (P.L.1994, c.108)	(357,000)
Payments on Future Bond Sales	(10,920,000)
Total Appropriation, Department of the Treasury	<u>\$417,487,000</u>
Total Appropriation, Debt Service	<u>\$501,142,000</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.	
Total Appropriation, General Fund	<u>\$11,312,660,000</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

33-2078 Homestead Rebates	<u>\$323,600,000</u>
Total Appropriation, State Subsidies and Financial Aid	<u>\$323,600,000</u>

Grants:

Homestead Property Tax Rebates
for Homeowners and Tenants
(P.L.1990, c.61) (\$323,600,000)

A homestead property tax rebate to be paid from the amount appropriated hereinabove during fiscal year 1999 for a tax year 1997 claim for a claimant who is 65 years of age or older at the close of the tax year, or who is allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, or who is a joint claimant with such an individual, shall be calculated by the Division of Taxation pursuant to the provisions of the "Homestead Property Tax Rebate Act of 1990," P.L.1990, c.61 (C.54:4-8.57 et seq.).

Notwithstanding the provisions of P.L.1990, c.61 (C.54:4-8.57 et seq.) to the contrary, if the claimant or joint claimant is not 65 years of age or older at the close of the 1997 tax year or is not allowed to claim a personal deduction as a blind or disabled taxpayer pursuant to subsection b. of N.J.S.54A:3-1, a homestead property tax rebate shall be paid from the amount appropriated hereinabove during fiscal year 1999 for a tax year 1997 claim only for a claimant or joint claimants with "gross income," as defined pursuant to section 2 of P.L.1990, c.61 (C.54:4-8.58), not in excess of \$40,000 for the tax year, and shall be calculated by the Division of Taxation and paid based upon a maximum rebate of \$30 for a claimant whose status is a tenant whose homestead is a unit of residential rental property and a maximum rebate of \$90 for a claimant whose status is an owner of a homestead. Such rebates shall be calculated without regard to

the amount of property taxes paid, property taxes paid through rent or rent constituting property taxes paid and without regard to the amount of gross income not in excess of \$40,000 and shall be calculated subject to such proportionate reductions in and aggregations of such maximum rebate amounts as relate to the number of days as a tenant of a homestead or as an owner of a homestead during the tax year and the share of property owned or share of rent paid during the tax year.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments to homeowners and tenants qualifying for homestead property tax rebates, subject to the limitations and conditions provided in this act.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for payments of property tax credits to homeowners and tenants pursuant to the "Property Tax Deduction Act," P.L. 1996, c.60 (C.54A:3A-15 et seq.).

Total Appropriation, Department of the Treasury	<u>\$323,600,000</u>
Total Appropriation, Grants-In-Aid -- Property Tax Relief Fund	<u>\$323,600,000</u>

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management

04-8030 Local Government Services	<u>\$786,054,000</u>
Total Appropriation, Community Development Management	<u>\$786,054,000</u>

Grants:

Supplemental Municipal Property Tax Relief Act -- Discretionary Aid ...	(\$30,000,000)
Consolidated Municipal Property Tax Relief Aid	(756,054,000)

Notwithstanding any law to the contrary, the amount hereinabove for Consolidated Municipal Property Tax Relief Aid shall be distributed in the same amounts, and to the same municipalities which received funding pursuant to the fiscal year 1998 annual appropriations act, P.L.1997, c.131.

The amount hereinabove for Consolidated Municipal Property Tax Relief Aid shall be distributed on the following schedule: on or before July 15, 35% of the total amount due; August 1, 10% of the total amount due; September 1, 30% of the total amount due; October 1, 15% of the total amount due; November 1, 5% of the total amount due; and December 1, 5% of the total amount due.

Notwithstanding any law to the contrary, from the amount received from the Consolidated Municipal Property Tax Relief Aid program, each municipality shall be required to distribute to each fire district within its boundaries the amount received by the fire district from the Supplementary Aid for Fire Services program pursuant to the provisions of the fiscal year 1995 annual appropriations act, P.L.1994, c.67.

Municipalities that received Municipal Revitalization Program aid in fiscal year 1995 pursuant to the provisions of P.L.1994, c.67 shall continue to be subject to the provisions of the "Special Municipal Aid Act," P.L.1987, c.75 (C.52:27D-118.24 et seq.), and the Director of the Division of Local Government Services may withhold aid payments or portions thereof from any municipality that fails to comply with those provisions, until such time as the director determines the municipality to be in compliance.

Notwithstanding the provisions of sections 5 and 9 of P.L.1991, c.63 (C.52:27D-118.36 and 52:27D-118.40) to the contrary, the amount appropriated for Supplemental Municipal Property Tax Relief Act - Discretionary Aid may be used for payments to eligible municipalities for costs associated with activities which improve operations and provide short and long term property tax savings, including but not limited to shared and regionalized services, enhanced tax and revenue collection efforts, and other activity which can be demonstrated to meet the above requirements.

Notwithstanding any law to the contrary, whenever funds are appropriated as State aid and payable to any municipality, which municipality requests and receives the approval of the Local Finance Board, such funds 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.

Total Appropriation, Department of
Community Affairs \$786,054,000

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance -- State Aid

01-5120	General Formula Aid	\$3,077,218,000
03-5120	Miscellaneous Grants-In-Aid	25,727,000
05-5120	Bilingual Education and Equity Issues	53,178,000
06-5120	Programs for Disadvantaged Youths	187,328,000
07-5120	Special Education	<u>647,941,000</u>
Total Appropriation, Direct Educational Services and Assistance		<u>\$3,991,392,000</u>

State Aid:

Core Curriculum Standards Aid	(\$2,349,080,000)
<u>Abbott v. Burke</u> Parity Remedy	(249,834,000)
Supplemental Core Curriculum Standards Aid	(157,296,000)
Additional Supplemental Core Curriculum Standards Aid	(32,952,000)
Early Childhood Aid	(302,527,000)
Instructional Supplement	(17,417,000)
Stabilization Aid	(47,781,000)
Stabilization Aid II	(30,249,000)
County Special Services Tuition Stabilization	(2,500,000)
Supplemental Stabilization Aid	(56,175,000)
Large Efficient District Aid	(6,000,000)
Supplemental School Tax Reduction Aid	(15,926,000)
Aid for Districts with High Senior Citizen Populations	(921,000)
Adult and Postsecondary Education Grants	(25,007,000)

Distance Learning Network Grants --	
County Special Services School	
Districts	(120,000)
Consolidation of Services Grants	(600,000)
Bilingual Education Aid	(53,178,000)
Demonstrably Effective Program Aid ..	(187,328,000)
Special Education Aid	(637,941,000)
Extraordinary Special Education	
Costs Aid	(10,000,000)

Less:

Stabilization Growth Limitation 181,397,000

Abbott District Excess Surplus

Reduction 10,043,000

Notwithstanding any other law to the contrary, the amount of State Aid made available to the Department of Human Services pursuant to "The State Facilities Education Act of 1979," P.L.1979, c.207 (C.18A:7B-1 et al.), to defray the costs of educating eligible children in approved private schools under contract with the Department of Human Services shall not exceed the actual costs of the education of those children in such private schools.

Notwithstanding any other law to the contrary, Special Education Aid for pupils classified as eligible for day training shall be paid directly to the resident school district; provided however, that for pupils under contract for service in a regional day school operated by or under contract with the Department of Human Services, tuition shall be withheld and paid to the Department of Human Services.

The Commissioner of Education shall not authorize the disbursement of funds to any "Abbott district" until the commissioner is satisfied that all educational expenditures in the district will be spent effectively and efficiently in order to enable those students to achieve the Core Curriculum Content Standards. The commissioner shall be authorized to take any necessary action to fulfill this responsibility. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1 et seq.) to the contrary, the commissioner may adopt, immediately upon filing with the Office of Administrative Law, such regulations as the commissioner deems necessary to implement the order of the Supreme Court of New Jersey in Abbott v. Burke. The commissioner may deduct from the State aid of any "Abbott district" the expenses required to manage, control and supervise the implementation of that State aid. In order to expeditiously fulfill the responsibilities of the commissioner under the Abbott order, determinations by the commissioner hereunder shall be considered to be final agency action and appeal of that action shall be directly to the Appellate Division of the Superior Court.

The unexpended balances as of June 30, 1998, in the Abbott v. Burke Parity Remedy account resulting from the underexpenditure of Abbott v. Burke Parity Remedy Aid by the "Abbott districts" shall be held in escrow and the commissioner shall disburse the funds in such amounts as the commissioner deems necessary for the purpose of implementing whole school reform initiatives in the "Abbott districts." Provided however, that of the unexpended balances, as of June 30, 1998, in this account, \$6,000,000 shall be allocated to Abbott districts and paid on their behalf to the Liberty Science Center for the provision of educational services to students in the Abbott districts to achieve comprehensive core curriculum standards as established by law.

The unexpended balances due to enrollment adjustments made pursuant to the fiscal year 1998 appropriations act, as of June 30, 1998 in the Abbott v. Burke Parity Remedy account is appropriated for the same purpose and with the same conditions as are applied to the fiscal year 1999 appropriation for this purpose.

Notwithstanding any other law to the contrary, "district income" for the purposes of section 14 of P.L.1996, c.138 (C.18A:7F-14) shall mean the aggregate of total income

reported on NJ-1040 for 1995 and all public assistance including Aid for Families with Dependent Children for 1995 of the residents of the taxing district or taxing districts. Notwithstanding any other law to the contrary, State aid for each "Abbott district" whose per pupil regular education expenditure for 1998-99 under P.L.1996, c.138 is below the estimated per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1998-99 shall be increased. The amount of increase shall be appropriated as Abbott v. Burke Parity Remedy Aid and shall be determined as follows: funds shall be allocated in the amount of the difference between each Abbott district's per pupil regular education expenditure for 1998-99 and the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1997-98 indexed by three percent. In calculating the per pupil regular education expenditure of each Abbott district for 1998-99, regular education expenditure shall equal the sum of the general fund tax levy for 1997-98, Core Curriculum Standards Aid prior to the reduction for excess surplus at June 30, 1997, Supplemental Core Curriculum Standards Aid and all forms of Stabilization Aid pursuant to section 10 of P.L.1996, c.138 (C.18A:7F-10); enrollments shall initially be those resident enrollments for preschool through grade 12 contained on the Application for State School Aid for 1998-99 indexed by the annual growth rates used to determine the estimated enrollments of October 1998 for calculation of Core Curriculum Standards Aid and T& E budgets for 1998-99; enrollments shall be calculated at their full-time equivalent and reduced by preschool and one half of full-day kindergarten enrollments. State aid shall be adjusted upon receipt of resident enrollment for the Abbott districts as of October 15, 1998 as reflected on the Application for State School Aid for 1999-2000. State aid shall also be adjusted based on the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1998-99. In calculating the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1998-99, regular education expenditure shall equal the sum of the general fund tax levy for 1998-99, Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid and all forms of Stabilization Aid pursuant to section 10 of P.L.1996, c.138 (C.18A:7F-10); enrollments shall be the resident enrollment for preschool through grade 12 as of October 15, 1998 as reflected on the Application for State School Aid for 1999-2000; enrollments shall be calculated at their full-time equivalent and reduced by preschool and one half of full-day kindergarten enrollments in districts receiving Early Childhood program aid.

The expenditures associated with the amounts appropriated herein for Abbott v. Burke Parity Remedy Aid shall not be included in the calculation of the actual cost per pupil for tuition purposes, pursuant to a sending/receiving agreement.

Notwithstanding any other law to the contrary, as a condition of receiving Abbott v. Burke Parity Remedy Aid, an Abbott district shall raise a general fund tax levy which shall be no less than the difference between the product of the actual per pupil average regular education expenditure of districts in District Factor Groups "I" and "J" for 1997-98 indexed by three percent multiplied by each Abbott district's estimated "resident enrollment" for October 15, 1998 less one half of kindergarten enrollments and the sum of Core Curriculum Standards Aid prior to the reduction for excess surplus at June 30, 1997, Supplemental Core Curriculum Standards Aid, all forms of Stabilization Aid pursuant to section 10 of P.L.1996, c.138 (C.18A:7F-10) and Abbott v. Burke Parity Remedy Aid.

Notwithstanding any other law to the contrary, an Abbott district shall have its Core Curriculum Standards Aid, after the application of provisions contained in subsection a. or b. of section 10 of P.L.1996, c.138 (C.18A:7F-10), reduced by any surplus at

- June 30, 1997 in excess of that permitted by section 7 of P.L.1996, c.138 (C.18A:7F-7) or N.J.A.C. 6:19-2.5(b).
- Notwithstanding any other law to the contrary, Special Education Aid shall be calculated using definitions and cost factors for Tiers I through IV contained in section 19 of P.L.1996, c.138 (C.18A:7F-19) for the 1997-98 school year. The determination of intensive service criteria for Tier IV and the appropriate per pupil cost factor for universal application to all service settings called for in P.L.1996, c.138 shall be made in the March 15, 1998 Biennial Report on the Cost of Providing a Thorough and Efficient Education.
- Pursuant to subsections c. and h. of section 10 of P.L.1996, c.138 (C.18A:7F-10), any district which received Supplemental Stabilization Aid in 1997-98 shall receive an amount equal to that received in 1997-98.
- Pursuant to subsection b. of section 5 of P.L.1996, c.138 (C.18A:7F-5), any district which received Supplemental Core Curriculum Standards Aid pursuant to subsection b. of section 5 of P.L.1996, c.138 (C.18A:7F-5) in 1997-98 shall receive an amount equal to that received in 1997-98.
- Notwithstanding the requirements of section 3 of P.L.1996, c.138 (C.18A:7F-3) or section 18 of P.L.1996, c.138, (C.18A:7F-18), in the 1998-99 school year, the sum of school enrollments for the purpose of calculating the concentration of low-income pupils shall exclude preschool pupils, evening school pupils, post-graduate pupils and post secondary pupils and the sum of school enrollments used for the purposes of calculating demonstrably effective program aid shall include these same categories of pupils.
- Notwithstanding any other law to the contrary, districts which did not experience a projected decline in enrollment between October 15, 1997 and October 15, 1998 shall receive Stabilization Aid II in the amount of any decrease between the sum of Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, Abbott v. Burke Parity Remedy Aid, Stabilization Aid, additional Supplemental Stabilization Aid, Supplemental School Tax Reduction Aid, Distance Learning Network Aid, categorical aids for Special Education programs, Bilingual Education programs, and County Vocational Programs, Early Childhood Program Aid, Demonstrably Effective Program Aid, Instructional Supplement Aid, Transportation Aid, Aid for Adult, Postgraduate and Postsecondary Programs, and Academic Achievement rewards received in the 1997-98 school year and the sum of the same categories to be received in 1998-99 including additional Supplemental Stabilization Aid for districts which had pupils placed in a county special services school district.
- Notwithstanding any other law to the contrary, districts shall receive additional Supplemental Stabilization Aid for districts which had pupils placed in county special services school districts in the same amount as that received in the 1997-98 school year when the sum of Core Curriculum Standards Aid, Supplemental Core Curriculum Standards Aid, Abbott v. Burke Parity Remedy Aid, Stabilization Aid, Additional Supplemental Stabilization Aid, Supplemental School Tax Reduction Aid, Distance Learning Network Aid, categorical aids for Special Education Programs, Bilingual Education Programs, and County Vocational Programs, Early Childhood Program Aid, Demonstrably Effective Program Aid, Instructional Supplement Aid, Transportation Aid, Aid for Adult, Postgraduate and Postsecondary programs, and Academic Achievement rewards received in the 1997-98 school year is greater than the sum of the same categories to be received in the 1998-99 school year.
- Notwithstanding any other law to the contrary, corrections made after March 3, 1998 to Core Curriculum Standards Aid resulting from a change in district income or any other discrepancy shall be calculated using the multipliers and county shares established on March 3, 1998 pursuant to subsection a. of section 14 of P.L.1996, c.138(C.18A:7F-

14). Adjustments to districts' aid notices shall only be made if they result in an increase in overall State aid. All changes whether they required an adjustment or not shall be considered in the final calculation of debt service aid allocations.

Any school district that was previously a constituent of a regional school district which was dissolved beginning in the 1997-98 school year and in which the equalized school tax rate for the 1997-98 school year was more than 120 percent of the district's combined local and regional equalized school tax rate for 1996-97 shall be paid Stabilization Aid of \$940,000 to offset costs incurred as a result of the dissolution of the regional school district.

Notwithstanding any other provision of P.L.1996, c.138 (C.18A:7F-1 et seq.) the County Special Services School Districts' tuition losses provided for in subsection b. of section 3 of P.L.1971, c.271 (C.18A:46-31) as amended by section 77 P.L.1996, c.138 shall be calculated by using the enrollment counts taken on October 15 in order to compare the budget to the pre-budget year.

Notwithstanding the provisions of subsection d. of section 10 of P.L.1996, c.138 (C.18A:7F-10), each school district which receives State aid pursuant to the provisions of that subsection shall be entitled to receive aid in the amount of \$1,000,000 per school district. Any district receiving additional aid pursuant to this provision is required to apply the additional funds to its originally certified General Fund tax levy for 1998-99 and shall file a revised certificate and report of school taxes form A4F with its county board of taxation. Notwithstanding the provisions of any other law to the contrary, as a condition to receive aid pursuant to this provision, a board of education shall waive its right to appeal the revision of the originally certified General Fund tax levy for 1998-99.

Notwithstanding the provisions of subsection f. of section 10 of P.L.1996, c.138 (C.18A:7F-10f), a school district shall be entitled to receive a maximum of \$600,000 in supplemental school tax reduction aid as calculated pursuant to the supplemental school tax reduction aid formula. Any school district receiving additional aid pursuant to this provision is required to apply the additional funds to its originally certified General Fund tax levy for 1998-99 and shall file a revised certificate and report of school taxes form A4F with its county board of taxation. Notwithstanding the provisions of any other law to the contrary, as a condition to receive aid pursuant to this provision, a board of education shall waive its right to appeal the revision of the originally certified General Fund tax levy for 1998-99.

33 Supplemental Education and Training Programs -- State Aid

20-5120 General Vocational Education	<u>\$32,151,000</u>
Total Appropriation, Supplemental Education and Training Programs	<u>\$32,151,000</u>
State Aid:	
County Vocational Program Aid	(\$32,151,000)

34 Educational Support Services -- State Aid

36-5120 Pupil Transportation	\$261,078,000
38-5120 Facilities Planning and School Building Aid	95,141,000
39-5095 Teachers' Pension and Annuity Assistance	<u>900,352,000</u>
Total Appropriation, Educational Support Services	<u>\$1,256,571,000</u>
State Aid:	
Transportation Aid	(\$261,078,000)
School Building Aid	(95,141,000)
Teachers' Pension and Annuity Fund ..	(371,487,000)
Social Security Tax	(460,568,000)

Debt Service on Pension

Obligation Bonds (68,297,000)

In addition to the sum hereinabove appropriated to make payments under the State Treasurer's contracts authorized pursuant to section 6 of P.L. 1997, c. 114 (C.34:1B-7.50), there are appropriated such other sums as the Director of the Division of Budget and Accounting shall determine are required to pay all amounts due from the State pursuant to such contracts.

In addition to the amounts hereinabove for Social Security Tax, there are appropriated such sums as are required for payment of Social Security Tax on behalf of members of the Teachers' Pension and Annuity Fund.

Each district shall be entitled to School Building Aid for school bond and lease purchase agreement payments for interest and principal payable during the 1998-99 school year using the greater of 85 percent of the district State share percentage of the district's Core Curriculum Standards Aid amount determined pursuant to subsection d. of section 15 of P.L. 1996, c. 138 (C.18A:7F-15) to its T & E budget, determined pursuant to subsection d. of section 13 of P.L. 1996, 138 (C.18A:7F-13) or the combined debt service State share percentage payable during the 1997-98 school year. Debt service shall also be adjusted for corrections to the 1996-97 principal and interest amounts.

Notwithstanding any other law to the contrary, the Commissioner of the Commissioner of Education, other State officials, the Director of the Division of Taxation in the Department of the Treasury and county boards of taxation are authorized to take appropriate measures to ensure that the School Building Aid provided hereinabove, in addition to that previously anticipated shall be reflected in local school tax levies.

Total Appropriation, Department of Education \$5,280,114,000

In the event that sufficient funds are not appropriated to fully fund any State Aid item, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the State Aid each district would have been apportioned had the full amount of State Aid been appropriated.

Notwithstanding any law to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund revenues into the Property Tax Relief Fund, providing unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

The Commissioner of Education shall audit any district with significant increases or other discrepancies in the enrollments reported at October 15, 1997 on the Application for State School Aid for 1998-99. Each district shall be provided 30 days from receipt of the audit to respond to the findings or provide any documentation necessary to dispute the audit exceptions. Upon receipt of the response, the commissioner shall recalculate the district's State aid, as warranted, and shall immediately adjust the district's State aid payment schedule for 1998-99.

The Director of the Division of Budget and Accounting may transfer from one account in the appropriations for the Department of Education in the Property Tax Relief Fund to another account in the same department and fund such funds as are necessary to effect the intent of the provisions of the appropriations act governing the allocation of State Aid to local school districts and provided that sufficient funds are available in the appropriations for that department.

82 DEPARTMENT OF THE TREASURY***70 Government Direction, Management and Control******75 State Subsidies and Financial Aid -- State Aid***34-2078 Reimbursement-Senior Citizens and Veterans \$36,415,000

Total Appropriation, State Subsidies

and Financial Aid \$36,415,000

State Aid:

Reimbursement to Municipalities --

Senior and Disabled Citizens'

Property Tax Exemptions (\$18,395,000)

State Reimbursements for Veterans'

Property Tax Exemptions (18,020,000)

In addition to the amount hereinabove, there is appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for senior and disabled citizens' and veterans' property tax exemptions.

The unexpended balance as of June 30, 1998 in the Refund of Veterans' Property Tax Payments account is appropriated.

Total Appropriation, Department of the Treasury \$36,415,000

Total Appropriation, State Aid -- Property Tax

Relief Fund \$6,102,583,000

Total Appropriation, Property Tax

Relief Fund \$6,426,183,000

Notwithstanding any law to the contrary, should appropriations in the Property Tax Relief Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund balances into the Property Tax Relief Fund, providing unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

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

30-1460 Gaming Enforcement \$32,251,000Total Appropriation, Law Enforcement \$32,251,000

Personal Services:

Salaries and Wages (\$20,135,000)

Cash in Lieu of Maintenance (751,000)

Employee Benefits (5,063,000)

Materials and Supplies (405,000)

Services Other Than Personal (1,841,000)

Maintenance and Fixed Charges (2,440,000)

Special Purpose:

Gaming Enforcement (1,185,000)

Additions, Improvements and Equipment (431,000)

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 \$32,251,000

82 DEPARTMENT OF THE TREASURY
70 Government Direction, Management and Control
73 Financial Administration

25-2095 Administration of Casino Gambling \$22,510,000Total Appropriation, Financial Administration \$22,510,000

Personal Services:

Chairman and Commissioners (\$455,000)

Salaries and Wages	(15,617,000)
Employee Benefits	(3,760,000)
Materials and Supplies	(289,000)
Services Other Than Personal	(837,000)
Maintenance and Fixed Charges	(1,244,000)
Special Purpose:	
Other Special Purpose	(105,000)
Additions, Improvements and Equipment	(203,000)
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.	
Notwithstanding the provisions of any law to the contrary, expenditures billed to the Casino Control Fund resulting from pre-fiscal year 1996 encumbrances shall not be considered as operating expenses for the purposes of calculating the amount due and payable to the Atlantic City Fund for fiscal year 1999 pursuant to subsection a. of section 45 of P.L.1995, c.18 (C.5:12-161.2).	
Total Appropriation, Department of the Treasury	<u>\$22,510,000</u>
Total Appropriation, Direct State Services --	
Casino Control Fund	<u>\$54,761,000</u>
Total Appropriation, Casino Control Fund	<u>\$54,761,000</u>

CASINO REVENUE FUND
DIRECT STATE SERVICES
46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
26 Senior Services

55-4275 Programs for the Aged	<u>\$871,000</u>
Total Appropriation, Senior Services	<u>\$871,000</u>
Personal Services:	
Salaries and Wages	(\$658,000)
Employee Benefits	(138,000)
Materials and Supplies	(14,000)
Services Other Than Personal	(47,000)
Maintenance and Fixed Charges	(2,000)
Additions, Improvements and Equipment	(12,000)
Total Appropriation, Department of Health and Senior Services	<u>\$871,000</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	(\$66,000)
Employee Benefits	(16,000)
Materials and Supplies	(2,000)
Services Other Than Personal	(7,000)

Additions, Improvements and Equipment (1,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of	
Law and Public Safety	<u>\$92,000</u>
Total Appropriation, Direct State Services --	
Casino Revenue Fund	<u>\$963,000</u>

GRANTS-IN-AID

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES

20 Physical and Mental Health

21 Health Services -- Grants-In-Aid

02-4220 Family Health Services	<u>\$500,000</u>
Total Appropriation, Health Services	<u>\$500,000</u>

Grants:

Statewide Birth Defects Registry (\$500,000)

20 Physical and Mental Health

26 Senior Services -- Grants-In-Aid

22-4275 Medical Services for the Aged	\$44,459,000
24-4275 Pharmaceutical Assistance	
to the Aged and Disabled	130,385,000
28-4275 Lifeline	70,840,000
55-4275 Programs for the Aged	<u>12,671,000</u>
Total Appropriation, Senior Services	<u>\$258,355,000</u>

Grants:

Community Care Alternatives	(\$27,700,000)
Medicaid Expansion -- SOBRA	(15,482,000)
Home Care Expansion	(1,027,000)
Hearing Aid Assistance for the	
Aged and Disabled	(250,000)
Pharmaceutical Assistance to the Aged	
and Disabled -- Claims	(130,385,000)
Payments for Lifeline Credits	(34,669,000)
Payments for Tenants Assistance Rebates	(36,171,000)
Demonstration Adult Day Care Center	
Program -- Alzheimer's Disease	(1,662,000)
Adult Protective Services	(1,718,000)
Senior Citizen Housing -- Safe	
Housing and Transportation	(1,630,000)
Respite Care for the Elderly	(4,841,000)
Congregate Housing Support Services	(1,870,000)
Home Delivered Meals Expansion	(950,000)

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, credits and rebates, 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, 1999, are appropriated for payments to providers in the same program class from which the recovery originated.

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 Medical Services for the Aged 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.
- For the purposes of account balance maintenance, all object accounts in the Medical Services for the Aged 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.
- Notwithstanding the provisions of P.L. 1988, c.92 (C.30:4E-5 et seq.), funds appropriated for the Home Care Expansion (HCE) program shall be paid only for individuals enrolled in the program as of June 30, 1996 who are not eligible for the Community Care Program for the Elderly and Disabled or alternative programs, and only for so long as those individuals require services covered by the HCE program. Individuals enrolled in the HCE program as of June 30, 1996, and eligible for the Community Care Program for the Elderly and Disabled may apply to be enrolled in that program.
- Notwithstanding the provisions of P.L. 1979, c.197 (C.48:2-29.15 et seq.), or the provisions of P.L. 1981, c.210 (C.48:2-29.30 et seq.), or any other law to the contrary, the benefits of the Lifeline Credit Program and the Tenants' Lifeline Assistance Program may be distributed throughout the entire year from July through June, and are not limited to an October to March heating season, and therefore, applications for Lifeline benefits and benefits from the "Pharmaceutical Assistance to the Aged and Disabled" program may be combined.
- Notwithstanding any other law to the contrary, a sufficient portion of receipts generated or savings realized in Casino Revenue Fund Medical Services for the Aged or Pharmaceutical Assistance to the Aged and Disabled Grants-In-Aid accounts from initiatives included in the fiscal year 1999 budget may be transferred to administration accounts to fund costs incurred in realizing these additional receipts or savings, subject to the approval of the Director of the Division of Budget and Accounting.
- The amounts hereinabove appropriated for payments in the Pharmaceutical Assistance to the Aged and Disabled program, 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 provision contained in contracts, wills, agreements or other instruments. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual because of that individual's eligibility for or receipt of PAAD benefits shall be void, and no PAAD payments shall be made as a result of any such provision.
- Notwithstanding the provisions of section 3 of P.L. 1975, c.194 (C.30:4D-22) to the contrary, the copayment in the Pharmaceutical Assistance to the Aged and Disabled program shall be \$5.00.
- Notwithstanding the provisions of any law to the contrary, rebates from pharmaceutical manufacturing companies for prescriptions purchased by the Pharmaceutical Assistance to the Aged and Disabled program shall continue throughout fiscal year 1999. All revenues from such rebates during the fiscal year ending June 30, 1999 shall be appropriated for the cost of the Pharmaceutical Assistance to the Aged and Disabled program.
- Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1997, each prescription order dispensed in the Pharmaceutical Assistance to the Aged and Disabled program for Maximum Allowable Cost (MAC) drugs shall state "Brand Medically Necessary" in the prescriber's own handwriting if the prescriber determines that it is necessary to override generic substitution of drugs, and each prescription order shall follow the requirements of P.L. 1977, c.240 (C.24:6E-1 et seq.). The list of drugs substituted shall conform to the Drug Utilization Review Council

approved list of substitutable drugs and all other requirements pertaining to drug substitution and federal upper limits for MAC drugs as administered by the State Medicaid Program.

Notwithstanding the provisions of any law to the contrary, no funds appropriated in the Pharmaceutical Assistance for the Aged and Disabled program pursuant to P.L. 1975, c.146 (C.30:4D-20 et seq.) shall be expended unless participating pharmaceutical manufacturing companies execute contracts with the Department of Health and Senior Services through the Department of Human Services providing for the payment of rebates to the State.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998 consistent with the notice provisions of 42 C.F.R. §447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34 day supply.

Notwithstanding the provisions of section 2 of P.L.1988, c.114 (C.26:2M-10) to the contrary, private for profit agencies shall be eligible grantees for funding from the Demonstration Adult Day Care Center Program -- Alzheimer's Disease account.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998 consistent with the notice provisions of 42 C.F.R. s.447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price less a 10% discount, (b) prescription drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply; and (c) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 1998 shall remain in effect through fiscal year 1999, including the current increments for patient consultation, impact allowances, and allowances for 24 hour emergency services.

Notwithstanding any law to the contrary, of the amount appropriated hereinabove for the Respite Care for the Elderly account, \$165,000 shall be charged to the Casino Simulcasting Fund.

The amounts hereinabove for payments for the Lifeline Credit Program and payments for Tenants Lifeline Assistance Rebates are available for the payment of obligations applicable to prior fiscal years.

In order to permit flexibility in the handling of appropriations and ensure the timely payment of Lifeline claims, amounts may be transferred from the various items of appropriation within the Lifeline program classification, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any laws to the contrary, payments for Pharmaceutical Assistance for the Aged and the Disabled Programs shall not cover quantities of impotence therapy medication in excess of four treatments per month. Moreover, payment will only be provided if the diagnosis of impotence is written on the prescription form and the treatment is provided to males over the age of 18 years.

Total Appropriation, Department of Health
and Senior Services \$258,855,000

54 DEPARTMENT OF HUMAN SERVICES

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 2,208,000

03-7601 Adult Activities 7,374,000
 Total Appropriation, Community Programs. \$24,487,000

Grants:

Private Institutional Care (\$1,311,000)
 Skill Development Homes (1,141,000)
 Group Homes (12,325,000)
 Family Care (128,000)
 Home Assistance (2,208,000)
 Purchase of Adult Activity Services (7,374,000)

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.

Skill development home recoveries during the fiscal year ending June 30, 1999, not to exceed \$12,500,000, are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Group home maintenance recoveries during the fiscal year ending June 30, 1999, not to exceed \$3,500,000, are appropriated for continued operations of Group Homes, and Group Home recoveries not to exceed \$10,000,000 are appropriated for a Community Services Waiting List Reduction Initiative, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Social Services Programs

7570 Division of Youth and Family Services -- Grants-In-Aid

18-7570 General Social Services \$3,734,000
 Total Appropriation, Division of Youth
 and Family Services \$3,734,000

Grants:

Personal Assistance Services
 Program (\$3,734,000)
 Total Appropriation, Department of
 Human Services \$28,221,000

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

54 Manpower and Employment Services -- Grants-In-Aid

07-4535 Vocational Rehabilitation Services \$2,440,000
 Total Appropriation, Manpower and
 Employment Services \$2,440,000

Grants:

Sheltered Workshop Transportation ... (\$2,440,000)
 Total Appropriation, Department of Labor \$2,440,000
 Total Appropriation, Grants-In-Aid --
 Casino Revenue Fund \$289,516,000

STATE AID

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation -- State Aid

04-6050 Railroad and Bus Operations \$22,506,000
 Total Appropriation, Public Transportation \$22,506,000

State Aid:

Transportation Assistance for Senior

Citizens and Disabled Residents . . . (\$22,506,000)

The unexpended balance as of June 30, 1998 in this account is appropriated.

Counties which provide para-transit services for sheltered workshop clients may seek reimbursement for such services pursuant to P.L.1987, c.455 (C.34:16-51 et seq.).

Total Appropriation, Department of Transportation \$22,506,000**82 DEPARTMENT OF THE TREASURY****70 Government Direction, Management and Control****75 State Subsidies and Financial Aid --State Aid**34-2078 Reimbursement -- Senior Citizens and Veterans \$17,180,000Total Appropriation, State Subsidies and Financial Aid . . . \$17,180,000

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 \$17,180,000

Total Appropriation, State Aid --

Casino Revenue Fund \$39,686,000Total Appropriation, Casino Revenue Fund \$330,165,000

Notwithstanding any law to the contrary, should appropriations in the Casino Revenue Fund exceed available revenues, the Director of the Division of Budget and Accounting is authorized to transfer General Fund balances into the Casino Revenue Fund, providing unrestricted balances are available from the General Fund, as determined by the Director of the Division of Budget and Accounting.

GUBERNATORIAL ELECTIONS FUND**66 DEPARTMENT OF LAW AND PUBLIC SAFETY****10 Public Safety and Criminal Justice****13 Special Law Enforcement Activities**

There are appropriated from the Gubernatorial Elections Fund such sums as may be required for payments to persons qualifying for additional public funds; provided however, that should the amount available in the Gubernatorial Elections Fund be insufficient to support such an appropriation, there are appropriated from the General Fund to the Gubernatorial Elections Fund such sums as may be required.

Total Appropriation, All State Funds \$18,123,769,000**FEDERAL FUNDS****10 DEPARTMENT OF AGRICULTURE****40 Community Development and Environmental Management****49 Agricultural Resources, Planning, and Regulation**

01-3310 Animal Disease Control \$18,000

02-3320 Plant Pest and Disease Control 179,000

04-3340 Dairy and Commodity Regulation 207,000

06-3360 Marketing Services 192,508,000

07-3360 Commodity Distribution 1,265,000

Total Appropriation, Agricultural Resources,

Planning, and Regulation \$194,177,000

Personal Services:

Salaries and Wages	(\$2,239,000)
Employee Benefits	(854,000)
Materials and Supplies	(261,000)
Services Other Than Personal	(352,000)
Maintenance and Fixed Charges	(204,000)

Special Purpose:

Cooperative Gypsy Moth Suppression	(25,000)
Plant Pest Survey and Detection Program	(2,000)
Hemlock Woolly Adelgid	(1,000)
Lab Reared Hemlock Woolly Adelgid Predator	(2,000)
Fish Inspection Services	(20,000)
Child Nutrition - Administration	(75,000)

State Aid and Grants:

Child Nutrition - School Lunch	(121,000,000)
Child Nutrition - Special Milk	(1,300,000)
School Breakfast	(20,000,000)
Child Care Food	(35,000,000)
Child Care Sponsor Administration	(1,500,000)
Child Care - Cash for Commodities	(1,600,000)
Summer Food	(7,350,000)
Summer Sponsor Administration	(630,000)
School Breakfast - Administration	(150,000)
Nutrition Education and Training -- NET	(75,000)

State Aid and Grants

Additions, Improvements and Equipment

Total Appropriation, Department of Agriculture \$194,177,000**20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT****30 Educational, Cultural and Intellectual Development****37 Cultural and Intellectual Development Services**10-2920 Public Broadcasting Services \$125,000

Total Appropriation, Cultural and Intellectual

Development Services \$125,000

Special Purpose:

National Telecommunications

Information Agency (\$125,000)

Total Appropriation, Department of Commerce

and Economic Development \$125,000**22 DEPARTMENT OF COMMUNITY AFFAIRS****40 Community Development and Environmental Management****41 Community Development Management**

02-8020 Housing Services \$150,519,000

06-8015 Uniform Construction Code 50,000

Total Appropriation, Community

Development Management \$150,569,000

Personal Services:

Salaries and Wages	(\$9,999,000)
Employee Benefits	(2,103,000)
Materials and Supplies	(164,000)
Services Other Than Personal	(1,350,000)

Maintenance and Fixed Charges (1,036,000)

Special Purpose:

Shelter Plus Care Program (40,000)
 Section 8 Community Investment (2,000)
 Moderate Rehabilitation Housing Assistance . . (80,000)
 Section 8 Existing Housing Rental Assistance (466,000)
 Section 8 Housing Voucher Program (380,000)
 Transitional Housing -- Homeless (10,000)
 Housing Opportunities for Persons with AIDS . (3,000)
 Supplemental Assistance for Facilities
 to Assist the Homeless (2,000)
 Small Cities Block Grant Program (37,000)
 National Affordable Housing-HOME
 Investment Partnerships (58,000)
 Lead Abatement Certification (4,000)
 State Aid and Grants (134,793,000)
 Additions, Improvements and Equipment (42,000)

50 Economic Planning, Development and Security

55 Social Services Programs

05-8050 Community Resources \$32,747,000

15-8051 Women's Programs 1,287,000

Total Appropriation, Social Services Programs \$34,034,000

Personal Services:

Salaries and Wages (\$1,515,000)
 Employee Benefits (317,000)
 Materials and Supplies (26,000)
 Services Other Than Personal (173,000)
 Maintenance and Fixed Charges (25,000)

Special Purpose:

Weatherization Assistance Program (20,000)
 Low Income Home Energy Assistance
 Program (69,000)
 Community Services Block Grant - HHS (55,000)
 Rape Prevention (98,000)
 State Aid and Grants (31,736,000)

Total Appropriation, Department of
 Community Affairs \$184,603,000

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

09-7080 Institutional Treatment Program \$98,000
 10-7040 Education Program 84,000
 10-7050 Education Program 275,000
 10-7055 Education Program 46,000
 10-7060 Education Program 132,000
 10-7065 Education Program 79,000
 10-7070 Education Program 49,000
 10-7075 Education Program 121,000
 10-7080 Education Program 195,000
 10-7085 Education Program 73,000
 10-7090 Education Program 59,000

10-7110 Education Program	345,000
10-7120 Education Program	137,000
10-7130 Education Program	241,000
13-7025 Institutional Program Support	<u>10,550,000</u>
Total Appropriation, Detention and Rehabilitation	<u>\$12,484,000</u>

Personal Services:

Salaries and Wages	(\$12,058,000)
Employee Benefits	(338,000)

Special Purpose:

Chapter I ECIA	(1,000)
ECIA -- Chapter I	(4,000)
Title I - Part D, Neglected & Delinquent	(3,000)
Title I - Part D, Neglected & Delinquent	(10,000)
Elementary & Secondary Education Title I	(3,000)
Title I - Part D, Neglected & Delinquent	(6,000)
ESEA, Title I, State Institutions -- Delinquent	(4,000)
ESSIA Chapter 1 Handicapped Grant	(7,000)
SSA Incentive Payments	(50,000)

19 Central Planning, Direction and Management

02-7000 Program Operations Support	<u>\$242,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$242,000</u>

Personal Services:

Salaries and Wages	(\$59,000)
Employee Benefits	(13,000)

Special Purpose:

Adult Basic Education Grant	(27,000)
Vocational Education Grant	(143,000)
Total Appropriation, Department of Corrections	<u>\$12,726,000</u>

34 DEPARTMENT OF EDUCATION**30 Educational, Cultural and Intellectual Development****31 Direct Educational Services and Assistance**

03-5060 Miscellaneous Grants-In-Aid	\$8,489,000
04-5060 Adult and Continuing Education	8,097,000
04-5064 Adult and Continuing Education	1,069,000
05-5060 Bilingual Education and Equity Issues.	4,887,000
05-5064 Bilingual Education and Equity Issues	415,000
06-5060 Programs for Disadvantaged Youth	172,219,000
06-5064 Programs for Disadvantaged Youth	3,653,000
07-5060 Special Education	136,033,000
07-5065 Special Education	<u>7,584,000</u>
Total Appropriation, Direct Educational Services and Assistance	<u>\$342,446,000</u>

Personal Services:

Salaries and Wages	(\$4,909,000)
Employee Benefits	(1,132,000)
Materials and Supplies	(551,000)
Services Other Than Personal	(1,726,000)
Maintenance and Fixed Charges	(514,000)

Special Purpose:

Adult Basic Education --	
Administration/Discretionary	(23,000)
Adult Basic Education -- Evaluation	
and Training, Ancillary	(38,000)
Vocational Education - Basic Grants	(15,000)
Bilingual Education, SEA Project --	
Coordinating Technical Assistance	(12,000)
Emergency Immigrants Education	
Assistance -- Administration	(6,000)
Migrant Education -- Administration/	
Discretionary	(16,000)
Comprehensive School Reform	
Title I -- Administration	(11,000)
Comprehensive School Reform --	
FEI Administration	(3,000)
Bilingual and Compensatory Education --	
Homeless Children and Youth	(18,000)
IDEA -- Handicapped Discretionary	(231,000)
Pre-School Incentive Grant --	
Administration/Discretionary	(30,000)
IDEA Part B -- LRC North	(211,000)
Deaf/Blind Children Services --	
Administration/Discretionary	(15,000)
Pre-School Regional T.A. Project	
LRC -- Central	(38,000)
Comprehensive System of Personnel	
Development (CSPD)	(13,000)
Early Intervention -- Child Find Outreach	(5,000)
New Jersey Partnership for Transition	(25,000)

State Aid and Grants:

Adult Basic Education --	
Administration/Discretionary	(6,900,000)
State Aid and Grants	(325,968,000)
Additions, Improvements and Equipment	(36,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	<u>\$1,090,000</u>
Total Appropriation, Operation and Support	
of Educational Institutions	<u>\$1,090,000</u>

Personal Services:

Salaries and Wages	(\$701,000)
Employee Benefits	(160,000)
Materials and Supplies	(5,000)
Services Other Than Personal	(51,000)
Maintenance and Fixed Charges	(65,000)

Special Purpose:

IDEA (State Institutions), Handicapped	(33,000)
IDEA, Handicapped/Katzenbach/	
deaf/blind & CSPD	(12,000)
Halfway Home Project	(18,000)
Drug Use/ Violence Prevention Data	
Collection	(11,000)

State Aid and Grants (30,000)
 Additions, Improvements, and Equipment (4,000)

33 Supplemental Educational and Training Programs

20-5060 General Vocational Education \$26,521,000
 20-5062 General Vocational Education 3,303,000
 Total Appropriation, Supplemental Education
 and Training Programs \$29,824,000
 Personal Services:
 Salaries and Wages (\$1,492,000)
 Employee Benefits (341,000)
 Materials and Supplies (175,000)
 Services Other Than Personal (814,000)
 Special Purpose:
 Vocational Education -- Basic Grants,
 Administration (39,000)
 Vocational Education -- Title II B
 Leadership Activities (102,000)
 Vocational Curriculum Library --
 Administration (6,000)
 Vocational Education Technical
 Preparation Title III-E (9,000)
 Job Training Partnership Act Title II --
 Youth (130,000)
 School to Work Opportunities (45,000)
 State Aid and Grants (26,671,000)

34 Educational Support Services

29-5029 Educational Technology \$522,000
 29-5060 Educational Technology 9,933,000
 30-5060 Academic Programs and Standards 21,553,000
 30-5063 Academic Programs and Standards 3,424,000
 31-5060 Grants Management and Development 1,680,000
 32-5061 Professional Development and Licensure 40,000
 33-5060 Service to Local Districts 6,702,000
 33-5067 Service to Local Districts 3,212,000
 40-5060 Health, Safety and Community Services 10,856,000
 40-5064 Health, Safety and Community Services 2,644,000
 Total Appropriation, Educational Support Services \$60,566,000
 Personal Services:
 Salaries and Wages (\$5,503,000)
 Employee Benefits (1,180,000)
 Materials and Supplies (436,000)
 Services Other Than Personal (1,657,000)
 Special Purpose:
 Technology Literacy Challenge Fund (39,000)
 Vocational Education --Administration (14,000)
 Title VI -- Innovative Program Strategies (39,000)
 Vocational Education -- Leadership (15,000)
 EESA, Title II -- Math/Science
 Training, Exemplary (29,000)
 Vocational Education -- Occupational
 Competencies (8,000)

Goals 2000	(60,000)
Public Charter Schools	(9,000)
Adult Basic Education -- Administration	(6,000)
Vocational Education -- Basic Grants, Administration	(9,000)
IDEA Part B -- Handicapped, Administration .	(42,000)
Pre-School Incentive Grant -- Administration .	(24,000)
National Community Service -- Americorps . .	(14,000)
Goals 2000 -- Administration	(16,000)
Troops-to-Teachers Program	(2,000)
IDEA, Part B -- Child Study Supervisors, Administration	(117,000)
Learn and Serve Community Based	(3,000)
Title VI -- Innovative Program Strategies . . .	(14,000)
IDEA, Part B -- Child Study Supervisors . . .	(28,000)
NCS -- Urban School Services Corp.	(17,000)
NCS -- Learn and Serve America (K-12) . . .	(11,000)
NCS -- State Commission	(9,000)
NCS -- Program Development Assistance and Training	(17,000)
NCS -- Disability Funds	(12,000)
Vocational Education -- Administration	(5,000)
Title VI -- Innovative Program Strategies . . .	(19,000)
Drug-Free Schools and Communities -- Discretionary	(29,000)
AIDS Prevention Education	(57,000)
SDFSCA -- Governor's Portion -- Program Expenses	(24,000)
SDFSCA -- Governor's Portion -- Administration	(9,000)
Character Education Partnership	(7,000)
Other Special Purpose	(28,000)
State Aid and Grants	(50,661,000)
Additions, Improvements and Equipment	(397,000)

35 Education Administration and Management

42-5120 School Finance	\$221,000
43-5092 Compliance and Auditing	303,000
99-5095 Management and Administrative Services	<u>5,281,000</u>
Total Appropriation, Education Administration and Management	<u>\$5,805,000</u>
Personal Services:	
Salaries and Wages	(\$3,738,000)
Employee Benefits	(861,000)
Materials and Supplies	(252,000)
Services Other Than Personal	(533,000)
Maintenance and Fixed Charges	(3,000)
Special Purpose:	
DEA Part B -- Handicapped, Finance	(18,000)
Adult Basic Education -- Audit	(6,000)
Vocational Education -- State Admin. -- Compliance	(5,000)

IDEA Part B -- Handicapped, Compliance . . (13,000)
 IASA Consolidated Administration (376,000)
 Total Appropriation, Department of Education \$439,731,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management

11-4870 Forest Resource Management \$1,239,000
 12-4875 Parks Management 24,425,000
 13-4880 Hunters' and Anglers' License Fund 8,230,000
 14-4885 Shellfish and Marine Fisheries Management 2,630,000
 21-4895 Natural Resources Engineering 200,000
 Total Appropriation, Natural Resource Management \$36,724,000

Personal Services:

Salaries and Wages (\$2,566,000)
 Employee Benefits (689,000)
 Materials and Supplies (911,000)
 Services Other Than Personal (2,394,000)
 Maintenance and Fixed Charges (160,000)

Special Purpose:

Rural Community Fire Protection Program . . (24,000)
 Forest Resource Management --
 Cooperative Forest Fire Control (63,000)
 Gypsy Moth Suppression (8,000)
 Nursery - Cm - 4 (19,000)
 Consolidated Forest Management (468,000)
 Forest Legacy (5,000)
 Community Forestry Assessment (20,000)
 Rural Forestry Assistance (10,000)
 Stewardship Land Type Association (10,000)
 Conservation Education (10,000)
 Incentives Program (7,000)
 Forest Legacy Administration (5,000)
 Forest Health Monitoring (20,000)
 Pinelands Grant -- Acquisition (3,236,000)
 Historic Preservation Survey and Planning . . (340,000)
 Endangered Plant Species
 Supplemental Funding (33,000)
 National Recreational Trails (323,000)
 National Coastal Wetlands Conservation . . . (500,000)
 Island Beach State Park Bikeway
 Extension (ISTEA) (53,000)
 Archaeological & History/GIS
 Inventory (ISTEA) (110,000)
 D&R Canal Rt. #1 Crossing (ISTEA) (75,000)
 Sussex Branch Trail Bridges (ISTEA) (102,000)
 State Wetlands Conservation Plan (36,000)
 Hunters' and Anglers' License Fund (925,000)
 Hunter Safety Training (285,000)
 Endangered Species E-1-6 (10,000)
 Hunters' & Anglers' License Fund/N.J.
 Statewide Fisheries Development (446,000)
 Boat Access (Fish and Game) (400,000)

Fish & Wildlife Input to Activities --	
Projects of Others	(225,000)
NJ Fish, Wildlife and Anadromous	
Fishery Coordination	(20,000)
Research In Freshwater Fisheries	
Management	(50,000)
Wildlife Health Project	(34,000)
Fish Culture and Stocking Project	(120,000)
Aquatic Recreational Resource	
Awareness & Education Project	(30,000)
Development of a Computerized Fish &	
Wildlife Information System	(75,000)
Landscape Model For Rare Species	
Protection	(17,000)
Approach for Rare Species	(20,000)
Wildlife Research and Management	(275,000)
Marine Fisheries Investigation and	
Management	(75,000)
Fisheries Management Council	(5,000)
Atlantic Coastal Fisheries	(14,000)
Inventory of New Jersey Surf	
Clam Resources	(26,000)
Marine Fisheries Field Office	
Improvements	(60,000)
Artificial Reef Program	(67,000)
Clean Vessels	(1,000,000)
Community Assistance Program	(65,000)
Other Special Purpose	(800,000)
State Aid and Grants:	
Consolidated Forest Management	(70,000)
State Aid and Grants	(59,000)
Additions, Improvements and Equipment . . .	(19,354,000)

43 Science and Technical Programs

01-4820 Radiation Protection	\$667,000
02-4801 Air Pollution Control	5,210,000
07-4850 Water Monitoring and Planning	5,650,000
15-4801 Land Use Regulation	2,353,000
18-4810 Science and Research	3,290,000
22-4861 Water Quality Management	350,000
90-4801 Environmental Policy and Planning . . .	<u>5,935,000</u>
Total Appropriation, Science and Technical Programs . . .	<u>\$23,455,000</u>
Personal Services:	
Salaries and Wages	(\$4,241,000)
Employee Benefits	(1,120,000)
Materials and Supplies	(238,000)
Services Other Than Personal	(1,464,000)
Maintenance and Fixed Charges	(34,000)
Special Purpose:	
Environmental Monitoring Program	(14,000)
Radon Program	(314,000)
Air Pollution Maintenance Program	(1,027,000)
Greenhouse Gas Emission Bank	(100,000)

Particulate Monitoring Grant	(1,000,000)
Climate Change	(100,000)
Water Pollution Control Program	(638,000)
Lake Hopatcong, Phase I Study	(400,000)
Clean Lakes Program	(3,250,000)
Coastal Zone Management Implementation	(157,000)
Coastal Zone Management Grant --	
Section 309	(76,000)
Coastal Zone Management -- 310	(1,000,000)
Delaware Bay Estuary Program	(22,000)
New York/New Jersey Harbor	
Estuary Program	(363,000)
U.S. Department of Energy/	
Inventory of Greenhouse Gases	(400,000)
Inventory of Greenhouse Gas	(100,000)
Comparative Risk Project	(50,000)
Barneget Bay Estuary Nomination	(299,000)
Multi-Media	(25,000)
Watershed Indicators	(300,000)
Air Deposition	(700,000)
Offshore Beach Replenishment	(60,000)
National Geologic Mapping Program	(70,000)
Earthquake Hazard Reduction	(35,000)
Water Pollution Control	(125,000)
Tilton Point Land Acquisition -- National	
Coastal Wetlands Conservation	(275,000)
Forked River Annex Land Acquisition	(330,000)
Good Luck Point Land Acquisition	(480,000)
Climate Change Action Plan	
(Recycling of Landfill Gases)	(200,000)
Water Monitoring and Planning	(1,343,000)
Non-Point Source Implementation (319H)	(342,000)
Whippany River Watershed	
Management Project (104B3)	(113,000)
Other Special Purpose	(448,000)
State Aid and Grants	(1,552,000)
Additions, Improvements and Equipment	(650,000)

44 Site Remediation

19-4815 Publicly-Funded Site Remediation	\$25,525,000
23-4815 Hazardous Waste Management	360,000
27-4815 Responsible Party Site Remediation	<u>5,105,000</u>
Total Appropriation, Site Remediation	<u>\$30,990,000</u>
Personal Services:	
Salaries and Wages	(\$1,878,000)
Employee Benefits	(507,000)
Materials and Supplies	(46,000)
Services Other Than Personal	(24,654,000)
Maintenance and Fixed Charges	(82,000)
Special Purpose:	
Brownfields Preliminary	
Assessment/Site Investigation	(58,000)

Environmental Monitoring for Public	
Access and Community Tracking	(350,000)
Hazardous Waste -- Resource	
Conservation Recovery Act	(48,000)
Preliminary Assessments/Site Inspections	(1,850,000)
CERCLA Grants	(138,000)
Underground Storage Tanks	(549,000)
Underground Storage Tanks	(63,000)
Other Special Purpose	(656,000)
Additions, Improvements and Equipment	(111,000)

45 Environmental Regulation

02-4892 Air Pollution Control	\$1,007,000
05-4840 Water Supply and Watershed Management	48,200,000
09-4860 Public Wastewater Facilities	64,000,000
15-4890 Land Use Regulation	1,657,000
16-4891 Water Monitoring and Planning	765,000
23-4910 Hazardous Waste Management.	<u>2,135,000</u>
Total Appropriation, Environmental Regulation	<u>\$117,764,000</u>

Personal Services:

Salaries and Wages	(\$3,563,000)
Employee Benefits	(959,000)
Materials and Supplies	(115,000)
Services Other Than Personal	(1,205,000)
Maintenance and Fixed Charges	(20,000)

Special Purpose:

Air Pollution Maintenance Program	(130,000)
Safe Drinking Water Act	(237,000)
Drinking Water State Revolving Fund	(46,000,000)
Construction Grants Program	(1,122,000)
Coastal Zone Management Implementation	(183,000)
State Wetlands Conservation Plan	(350,000)
Municipal Water Pollution	
Prevention (104B3)	(50,000)
Publicly Owned Treatment Works	
Diagnostic	(5,000)
Underground Injection Control	(15,000)
NPDES Implementation Support Program	(300,000)
Hazardous Waste -- Resource	
Conservation Recovery Act	(264,000)
Pollution Prevention Incentive	(100,000)
Other Special Purpose	(1,003,000)
State Aid and Grants	(62,100,000)
Additions, Improvements and Equipment	(43,000)

46 Environmental Planning and Administration

26-4805 Regulatory and Governmental Affairs	\$30,000
99-4800 Management and Administrative Services	<u>750,000</u>
Total Appropriation, Environmental Planning and	
Administration	<u>\$780,000</u>
Special Purpose:	
New Jersey Classroom Reform Grant	(\$30,000)
Environmental Justice	(250,000)

State/EPA Data Management Grant (500,000)

47 Enforcement Policy

02-4855 Air Pollution Control \$1,802,000
 04-4835 Pesticide Control 660,000
 15-4855 Land Use Regulation 457,000
 23-4855 Hazardous Waste Management 1,886,000
 Total Appropriation, Enforcement Policy \$4,805,000

Personal Services:

Salaries and Wages (\$2,181,000)
 Employee Benefits (588,000)
 Materials and Supplies (27,000)
 Services Other Than Personal (329,000)
 Maintenance and Fixed Charges (13,000)

Special Purpose:

Air Pollution Maintenance Program (532,000)
 Pesticide Technology (10,000)
 Pesticide Control Consolidated (82,000)
 Coastal Zone Management
 Implementation (132,000)
 Hazardous Waste -- Resource
 Conservation Recovery Act (339,000)
 Other Special Purpose (430,000)
 Additions, Improvements and Equipment (142,000)
 Total Appropriation, Department of
 Environmental Protection \$214,518,000

46 DEPARTMENT OF HEALTH AND SENIOR SERVICES

20 Physical and Mental Health

21 Health Services

01-4215 Vital Statistics \$674,000
 02-4220 Family Health Services 143,448,000
 03-4230 Public Health Protection Services 29,616,000
 04-4240 Alcoholism, Drug Abuse and Addiction Services 48,173,000
 08-4280 Laboratory Services 1,727,000
 12-4245 AIDS Services 59,601,000
 Total Appropriation, Health Services \$283,239,000

Personal Services:

Salaries and Wages (\$28,472,000)
 Employee Benefits (6,371,000)
 Materials and Supplies (1,688,000)
 Services Other Than Personal (12,924,000)
 Maintenance and Fixed Charges (405,000)

Special Purpose:

Vital Statistics Component (54,000)
 Supplemental Food Program - W.I.C. . . . (71,663,000)
 WIC Farmer's Market Nutrition Program . . (170,000)
 Census of Fatal Occupational Injuries BLS . . . (4,000)
 Evaluating Client-Centered
 HIV Prevention Counseling (227,000)
 Other Special Purpose (3,488,000)
 State Aid and Grants (156,517,000)
 Additions, Improvements and Equipment (1,256,000)

22 Health Planning and Evaluation

06-4260 Long Term Care Systems Development and Quality Assurance	\$7,615,000
07-4270 Health Care Systems Analysis	<u>1,795,000</u>
Total Appropriation, Health Planning and Evaluation	<u>\$9,410,000</u>

Personal Services:

Salaries and Wages	(\$5,558,000)
Employee Benefits	(1,162,000)
Materials and Supplies	(176,000)
Services Other Than Personal	(483,000)
Maintenance and Fixed Charges	(102,000)

Special Purpose:

Medicare/Medicaid Inspections of Nursing Facilities	(1,068,000)
Other Special Purpose	(603,000)
State Aid and Grants	(108,000)
Additions, Improvements and Equipment	(150,000)

25 Health Administration

99-4210 Management and Administrative Services	\$300,000
Total Appropriation, Health Administration	<u>\$300,000</u>
State Aid and Grants	(\$300,000)

26 Senior Services

22-4275 Medical Services for the Aged	\$756,846,000
55-4275 Programs for the Aged	38,872,000
56-4275 Office of the Ombudsman	<u>420,000</u>
Total Appropriation, Health Administration	<u>\$796,138,000</u>

Personal Services:

Salaries and Wages	(\$8,139,000)
Employee Benefits	(1,758,000)
Materials and Supplies	(158,000)
Services Other Than Personal	(826,000)
Maintenance and Fixed Charges	(196,000)

Special Purpose:

Administration of U.S. Department of Health and Human Services Programs .	(376,000)
Special Purpose -- Community Choice/Acuity Audits	(817,000)
Counseling on Health Insurance for Medicare Enrollees	(11,000)
Older Americans Act -- Title III	(85,000)
National Council on Aging -- Senior Employment Services Project	(15,000)
Ombudsman for the Institutionalized Elderly: Medicaid Reimbursement	(70,000)
Other Special Purpose	(366,000)
State Aid and Grants	(783,002,000)
Additions, Improvements and Equipment	(319,000)
Total Appropriation, Department of Health and Senior Services	<u>\$1,089,087,000</u>

54 DEPARTMENT OF HUMAN SERVICES*20 Physical and Mental Health**23 Mental Health Services**7700 Division of Mental Health Services*08-7700 Community Services \$9,010,000Total Appropriation, Division of Mental Health Services . . . \$9,010,000

Personal Services:

Salaries and Wages (\$405,000)

State Aid and Grants:

Substance Abuse Block Grant (200,000)

Performance Measures and Outcomes (100,000)

Block Grant Mental Health Services (7,685,000)

State Aid and Grants (620,000)

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

21-7540 Health Services Administration and

Management \$64,223,000

22-7540 General Medical Services 1,462,117,000

Total Appropriation, Division of Medical

Assistance and Health Services \$1,526,340,000

Personal Services:

Salaries and Wages (\$15,024,000)

Employee Benefits (78,000)

Materials and Supplies (148,000)

Services Other Than Personal (4,254,000)

Maintenance and Fixed Charges (1,604,000)

Special Purpose:

Payments to Fiscal Agents (13,418,000)

Eligibility Determination (14,300,000)

Master Lease Debt Service Payments (23,000)

Professional Standards Review

Organization -- Utilization

Review (3,078,000)

Medicaid Managed Care Initiative

(Health Benefits Coordinator) (3,239,000)

KidCare Childrens Health Insurance

Initiative -- Administration (8,840,000)

State Aid and Grants:

Payments for Medical Assistance

Recipients -- Personal Care (84,258,000)

Managed Care Initiative (301,486,000)

Hospital Health Care Subsidy (101,500,000)

Payments for Medical Assistance

Recipients --

Waiver Initiatives (15,798,000)

Other Treatment Facilities (5,016,000)

Inpatient Hospital (208,930,000)

Prescription Drugs (183,525,000)

Outpatient Hospital (181,384,000)

Physician (24,167,000)

Home Health (39,212,000)

Medicare Premiums (76,081,000)

Dental	(9,167,000)
Psychiatric Hospital	(9,210,000)
Medical Supplies	(15,809,000)
Clinic	(60,750,000)
Transportation	(31,169,000)
Other Services	(11,429,000)
Unit Dose Contract Services	(1,291,000)
Consulting Pharmacy Services	(828,000)
Medicaid Expansion for Pregnant Women and Infants Under One Year	(21,547,000)
State Aid and Grants	(79,560,000)
Additions, Improvements and Equipment	(217,000)

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

01-7601 Purchased Residential Care	\$128,869,000
02-7601 Social Supervision and Consultation	13,907,000
03-7601 Adult Activities	56,221,000
04-7601 Education and Day Training	1,142,000
05-7610 Residential Care and Habilitation Services	4,877,000
05-7620 Residential Care and Habilitation Services	19,046,000
05-7630 Residential Care and Habilitation Services	12,037,000
05-7640 Residential Care and Habilitation Services	10,745,000
05-7650 Residential Care and Habilitation Services	22,043,000
05-7660 Residential Care and Habilitation Services	13,800,000
05-7670 Residential Care and Habilitation Services	10,214,000
98-7610 Physical Plant and Support Services	1,121,000
98-7620 Physical Plant and Support Services	1,477,000
98-7630 Physical Plant and Support Services	760,000
98-7640 Physical Plant and Support Services	1,568,000
98-7650 Physical Plant and Support Services	2,470,000
98-7660 Physical Plant and Support Services	524,000
98-7670 Physical Plant and Support Services	1,944,000
99-7600 Management and Administrative Services	5,596,000
99-7610 Management and Administrative Services	763,000
99-7620 Management and Administrative Services	479,000
99-7630 Management and Administrative Services	723,000
99-7640 Management and Administrative Services	950,000
99-7650 Management and Administrative Services	1,032,000
99-7660 Management and Administrative Services	1,136,000
99-7670 Management and Administrative Services	<u>899,000</u>
Total Appropriation, Operation and Support of Educational Institutions	<u>\$314,343,000</u>
Personal Services:	
Salaries and Wages	(\$128,057,000)
Materials and Supplies	(34,000)
Services Other Than Personal	(34,000)
Maintenance and Fixed Charges	(2,000)
Special Purpose:	
Medicaid -- Child Study Group	(400,000)
Medicaid -- Student Counseling Services	(150,000)
State Aid and Grants	(185,666,000)

33 Supplemental Education and Training Programs

11-7560	Habilitation and Rehabilitation	\$6,748,000
12-7560	Instruction, Community Programs and Prevention	577,000
99-7560	Management and Administrative Services	<u>1,857,000</u>
	Total Appropriation, Supplemental Education and Training Programs	<u>\$9,182,000</u>
Personal Services:		
	Salaries and Wages	(\$4,136,000)
	Employee Benefits	(67,000)
	Materials and Supplies	(116,000)
	Services Other Than Personal	(646,000)
	Maintenance and Fixed Charges	(354,000)
	State Aid and Grants	(3,757,000)
	Additions, Improvements and Equipment	(106,000)

50 Economic Planning, Development and Security**53 Economic Assistance and Security**

15-7550	Income Maintenance Management	<u>\$759,111,000</u>
	Total Appropriation, Economic Assistance and Security	<u>\$759,111,000</u>
Personal Services:		
	Salaries and Wages	(\$10,221,000)
	Materials and Supplies	(278,000)
	Services Other Than Personal	(13,007,000)
	Maintenance and Fixed Charges	(1,148,000)
Special Purpose:		
	Electronic Benefit Transfer, Evaluation and Development, Food Stamps	(390,000)
	Work First New Jersey -- Electronic Benefits Transfer -- Design and Development	(165,000)
	Finger Imaging	(1,480,000)
	Work First New Jersey Technology Investment -- Food Stamps	(3,870,000)
	EBT -- Operational Food Stamp Match for CWA's	(2,546,000)
	Work First New Jersey -- Benefits Transfer Operational	(1,080,000)
	Work First New Jersey -- Technology Investments	(4,103,000)
	Non Public Assistance Legal Services, Child Support	(291,000)
	Work First New Jersey -- Child Care Block Grant	(302,000)
	Work First New Jersey -- Technology Investments -- Title XIX	(365,000)
	Hospital Paternity Program	(1,064,000)
	Work First New Jersey -- Implementation -- Title IV-D	(854,000)
	Electronic Benefits Transfer -- Title IV-D	(2,313,000)
	Work First New Jersey -- Implementation -- Food Stamps	(647,000)

Work First New Jersey -- Technology	
Investment -- Title IV-D	(2,900,000)
Work First New Jersey -- Child Support --	
Program Legislative Initiatives	(10,993,000)
WFNJ Developmental Fund -- Title XIX .	(1,523,000)
WFNJ Developmental Fund -- TANF . . .	(1,975,000)
Child Support Consolidation --	
Title IV-D	(19,835,000)
WFNJ Developmental Fund -- CCDF	(228,000)
WFNJ Technology -- CCDF	(143,000)
WFNJ Technology -- HEA	(102,000)
Child Support Initiatives--New Hires--	
TANF	(195,000)
State Aid and Grants	(677,083,000)
Additions, Improvements and Equipment	(10,000)

55 Social Services Programs

16-7570 Initial Response/Case Management	\$61,788,000
17-7570 Substitute Care	50,015,000
18-7570 General Social Services	24,028,000
23-7580 Services for the Deaf	50,000
99-7570 Management and Administrative Services	<u>15,620,000</u>
Total Appropriation, Division of Youth and	
Family Services	<u>\$151,501,000</u>
Personal Services:	
Salaries and Wages	(\$51,016,000)
Materials and Supplies	(1,924,000)
Services Other Than Personal	(8,363,000)
Maintenance and Fixed Charges	(9,354,000)
State Aid and Grants:	
Title IV-E Special Home Services	
Provider Foster Care	(3,674,000)
Title XIX Special Home Services	
Provider -- Foster Care	(2,574,000)
Treatment Homes -- Title XIX	(486,000)
Treatment Homes -- Title IV-E	(7,100,000)
State Aid and Grants	(58,910,000)
Additions, Improvements and Equipment	(8,100,000)

70 Government Direction, Management and Control

76 Management and Administration

7500 Division of Management and Budget

87-7500 Research, Policy and Planning	\$3,198,000
99-7500 Management and Administrative Services	<u>26,690,000</u>
Total Appropriation, Division of Management	
and Budget	<u>\$29,888,000</u>
Personal Services:	
Salaries and Wages	(\$172,000)
Special Purpose:	
Community Based Residential	
Program Grant	(1,000,000)
Safe School Initiative	(970,000)

Head Start State Collaboration Project	(145,000)
Title XIX, ICF/MR	(1,028,000)
DHS Adult Basic Education Program	(211,000)
IDEA (State Institutions), Human Services .	(202,000)
Title I -- Part D Neglected and Delinquent .	(576,000)
Deaf Blind Grant VI-C PL 94-142	(170,000)
Federal Cost Recoveries	(14,701,000)
Child Support Enforcement Program	(299,000)
Title IV-B Child Welfare Services	(134,000)
Title IV-E Foster Care	(288,000)
Low Income Energy Assistance	
Block Grant	(170,000)
Title XIX, ICF/MR	(3,627,000)
Title XIX, Medical Assistance	(2,600,000)
Refugee Resettlement Program	(18,000)
Social Service Block Grant	(2,326,000)
Vocational Rehabilitation Act --	
Section 120	(100,000)
Food Stamp Program	(447,000)
Temporary Assistance to Needy	
Families Block Grant	(604,000)
State Aid and Grants	(100,000)
Total Appropriation, Department of	
Human Services	<u>\$2,799,375,000</u>

62 DEPARTMENT OF LABOR**50 Economic Planning, Development and Security****51 Economic Planning and Development**

18-4570 Planning and Analysis	<u>\$7,441,000</u>
Total Appropriation, Economic Planning	
and Development	<u>\$7,441,000</u>
Personal Services:	
Salaries and Wages	(\$4,714,000)
Employee Benefits	(1,258,000)
Materials and Supplies	(109,000)
Services Other Than Personal	(791,000)
Maintenance and Fixed Charges	(135,000)
Special Purpose:	
Reports and Analysis --	
Unemployment Insurance	(20,000)
Occupational Informational	
Coordinating Program	(10,000)
ES 202 Covered Employment and Wages . . .	(40,000)
Current Employment Statistics	(26,000)
Local Area Unemployment Statistics	(10,000)
Occupational Employment Statistics	(5,000)
Labor Market Information - ES	(11,000)
ES Cost Reimbursable Grant --	
State and Local Planning	(11,000)
ES Cost Reimbursable Grants -- Alien	
Labor Certification	(4,000)
Permanent Mass Layoff Plant Closings	(12,000)

New Jersey State Library

Current Employment Statistics Additional to Maintain Current Issue	(10,000)
ES 202 RELATED	(5,000)
Redesigned Occupational Safety and Health (ROSH)	(33,000)
One Stop LMI	(42,000)
OSHA Data Collection Survey	(7,000)
JTPA Title III LMI	(65,000)
JTPA Title III CIDS	(17,000)
Occupational Wage Survey-Alien Certification	(18,000)
Occupational Wage Survey -- LMI	(18,000)
Additions, Improvements and Equipment	(70,000)

52 Economic Regulation

12-4550 Workplace Standards	<u>\$1,632,000</u>
Total Appropriation, Economic Regulation	<u>\$1,632,000</u>
Personal Services:	
Salaries and Wages	(\$1,042,000)
Employee Benefits	(265,000)
Materials and Supplies	(15,000)
Services Other Than Personal	(77,000)
Maintenance and Fixed Charges	(84,000)
Special Purpose:	
OSHA On-Site Consultation	(128,000)
Mine Safety Educational Program	(1,000)
Additions, Improvements and Equipment	(20,000)

53 Economic Assistance and Security

01-4510 Unemployment Insurance	\$93,562,000
02-4515 Disability Determination	<u>40,050,000</u>
Total Appropriation, Economic Assistance and Security	<u>\$133,612,000</u>
Personal Services:	
Salaries and Wages	(\$74,239,000)
Employee Benefits	(16,765,000)
Materials and Supplies	(1,350,000)
Services Other Than Personal	(11,328,000)
Maintenance and Fixed Charges	(9,450,000)
Special Purpose:	
Unemployment Insurance	(7,800,000)
Employment Security Revenue	(30,000)
Old Age and Survivors' Insurance -- Disability Determination	(2,600,000)
State Aid and Grants	(8,700,000)
Additions, Improvements and Equipment	(1,350,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services	\$44,730,000
09-4545 Employment Services	37,788,000
10-4545 Employment and Training Services	<u>131,176,000</u>
Total Appropriation, Manpower and Employment Services	<u>\$213,694,000</u>

Personal Services:

Salaries and Wages	(\$39,150,000)
Employee Benefits	(10,004,000)
Materials and Supplies	(566,000)
Services Other Than Personal	(5,131,000)
Maintenance and Fixed Charges	(5,624,000)

Special Purpose:

Vocational Rehabilitation Act of 1973	(1,855,000)
Employment Services	(1,144,000)
Employment Service Intermittents	(10,000)
Disabled Veterans' Outreach Program	(200,000)
Local Veterans' Employment	
Representatives	(115,000)
Employment Services Grant	
Incentive Program	(70,000)
Trade Adjustment Assistance Project	(69,000)
Employment Services Grants -- Alien	
Labor Certification	(125,000)
Work Opportunity Tax Credit	(79,000)
Employment Services Cost Reimbursable	
Grants -- Migrant Housing	(4,000)
Agricultural Wage Surveys	(2,000)
NAFTA Transitional Adjustment	
Assistance	(6,000)
Job Training Partnership Act	(30,000)
JTPA Title III Dislocated Workers	(132,000)
Job Search Assistance	(1,074,000)
New Jersey Commission on	
Employment and Training	(4,000)
Employment Services Rapid Response Team	(50,000)
JTPA Title II 5% Older Individuals	(1,327,000)
JTPA Title II 8% Education	(542,000)
JTPA Title IIID Discretionary Funding	(75,000)
State Aid and Grants	(145,583,000)
Additions, Improvements and Equipment	(723,000)
Total Appropriation, Department of Labor	<u>\$356,379,000</u>

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

06-1200 Patrol Activities and Crime Control	\$7,402,000
07-1200 Police Services and Public Order	1,373,000
08-1200 Emergency Services	8,732,000
09-1020 Criminal Justice	42,574,000
24-1200 Marine Police Operations	<u>2,000,000</u>
Total Appropriation, Law Enforcement	<u>\$62,081,000</u>

Personal Services:

Salaries and Wages	(\$5,512,000)
Employee Benefits	(934,000)
Materials and Supplies	(250,000)
Services Other Than Personal	(1,355,000)
Maintenance and Fixed Charges	(92,000)

Special Purpose:

Federal Highway Hazardous Materials	
Transportation Regulation	(25,000)
Occupant Protection Usage	(105,000)
D.W.I. Training	(156,000)
Drunk Driver Fund Program	(224,000)
Breathalyser Training OHTS	(42,000)
Northern New Jersey Heroin and	
Money Laundering	(200,000)
State Police Narcotics Unit -- Super	
Grant Funding	(700,000)
Cops MORE Grant	(2,300,000)
Forensic DNA Lab	(1,200,000)
State Identification System	(173,000)
State of New Jersey Improvement Grant	(8,000)
Hazardous Materials Transportation	
Uniform Safety Act	(275,000)
State and Local Assistance	(352,000)
SARA Title III, Section 126 Funding	(125,000)
Comprehensive Environmental Response	
Compliance and Liability Act	(30,000)
Incident Command (ISTEA)	(500,000)
Flood Mitigation Assistance	(1,500,000)
Medicaid Fraud Unit	(593,000)
Community Prosecutors Block Grant	(1,500,000)
State Aid and Grants	(43,020,000)
Additions, Improvements and Equipment	(910,000)

13 Special Law Enforcement Activities

03-1160 Office of Highway Traffic Safety	\$5,633,000
21-1400 Regulation of Alcoholic Beverages	360,000
Total Appropriation, Special Law Enforcement Activities	<u>\$5,993,000</u>

Personal Services:

Salaries and Wages	(\$1,111,000)
Employee Benefits	(233,000)
Materials and Supplies	(84,000)
Services Other Than Personal	(581,000)
Maintenance and Fixed Charges	(48,000)

Special Purpose:

Fatal Accident Reporting System -- Control	(5,000)
Highway Safety -- Traffic Records	(46,000)
Emergency Services	(1,000)
FHWA Program Management	(2,000)
Selective Enforcement Management	(37,000)
Drunk Driver Prevention	(5,000)
Combating Underage Drinking	(360,000)
State Aid and Grants	(3,463,000)
Additions, Improvements and Equipment	(17,000)

18 Juvenile Services

34-1500 Juvenile Community Programs	\$10,232,000
38-1505 Education Programs	355,000
38-1510 Education Programs	271,000

99-1500 Management and Administrative Services	4,444,000
99-1505 Management and Administrative Services	<u>100,000</u>
Total Appropriation, Juvenile Services	<u>\$15,402,000</u>
Personal Services:	
Salaries and Wages	(\$1,046,000)
Employee Benefits	(221,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(112,000)
Maintenance and Fixed Charges	(1,000)
Special Purpose:	
Chapter 1 -- Handicapped	(23,000)
Private Industry Council --	
JTPA Funds (MSW)	(250,000)
Title I -- Part D, Neglected and	
Delinquent	(388,000)
Juvenile Accountability Incentive	
Block Grant	(6,000,000)
Youth Violence/Gangs/At-Risk Youth	(3,000,000)
Title I, ESEA -- Jamesburg	(27,000)
ESEA, Title 1, State Institutions --	
Delinquent	(271,000)
Challenge Grant	(296,000)
Title V Funding	(540,000)
Juvenile Boot Camp Renovation Grant ...	(1,000,000)
Juvenile Monitoring Unit	(43,000)
State Aid and Grants	(2,170,000)
Additions, Improvements and Equipment	(3,000)

19 Central Planning, Direction and Management

99-1000 Management and Administrative Services	<u>\$28,900,000</u>
Total Appropriation, Central Planning,	
Direction and Management	<u>\$28,900,000</u>
Special Purpose	(\$700,000)
Special Purpose	
National Criminal History	
Program -- OAG	(7,000,000)
Drug Testing Prevention	(2,600,000)
Truth In Sentencing Incentive Grant	(18,600,000)

80 Special Government Services

82 Protection of Citizens' Rights

16-1350 Protection of Civil Rights	\$617,000
19-1440 Victims of Crime Compensation	<u>2,200,000</u>
Total Appropriation, Protection of Citizens' Rights	<u>\$2,817,000</u>
Personal Services:	
Salaries and Wages	(\$480,000)
Employee Benefits	(58,000)
Materials and Supplies	(29,000)
Services Other Than Personal	(25,000)
Maintenance and Fixed Charges	(25,000)
State Aid and Grants	(2,200,000)
Total Appropriation, Department of Law	
and Public Safety	<u>\$115,193,000</u>

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS***10 Public Safety and Criminal Justice******14 Military Services***

30-3620 Physical Plant and Support Services	\$11,050,000
40-3620 New Jersey National Guard Support Services	<u>3,820,000</u>
Total Appropriation, Military Services	<u>\$14,870,000</u>

Personal Services:

Salaries and Wages	(\$4,733,000)
Employee Benefits	(959,000)
Materials and Supplies	(2,959,000)
Services Other Than Personal	(1,080,000)
Maintenance and Fixed Charges	(480,000)

Special Purpose:

Army Training and Technology Lab	(290,000)
New Jersey National Guard	
Challenge Youth Program	(190,000)
Additions, Improvements and Equipment	(4,179,000)

80 Special Government Services***83 Services to Veterans***

20-3630 Domiciliary and Treatment Services	\$30,000
20-3640 Domiciliary and Treatment Services	143,000
50-3610 Veterans' Outreach and Assistance	<u>507,000</u>
Total Appropriation, Services to Veterans	<u>\$680,000</u>

Personal Services:

Salaries and Wages	(\$315,000)
Employee Benefits	(102,000)
Materials and Supplies	(5,000)
Services Other Than Personal	(39,000)

Special Purpose:

Medicare Part A and Part B Receipts	
for Resident Care and Operations	(173,000)
Veterans' Education Monitoring	(26,000)
Additions, Improvements and Equipment	(20,000)

Total Appropriation, Department of Military and Veterans' Affairs	<u>\$15,550,000</u>
---	---------------------

74 DEPARTMENT OF STATE***30 Educational, Cultural and Intellectual Development******37 Cultural and Intellectual Development Services***

05-2530 Support of the Arts	\$666,000
06-2535 Museum Services	<u>197,000</u>
Total Appropriation, Cultural and Intellectual Development Services	<u>\$863,000</u>

Personal Services:

Salaries and Wages	(\$350,000)
--------------------------	-------------

Special Purpose:

National Endowment for the Arts	
Partnership	(266,000)
Delaware Water Gap National	
Recreational Area	(147,000)
National Endowment for the Arts --	
Museum Exhibition	(50,000)

State Aid and Grants
 Folk Art (50,000)
 Total Appropriation, Department of State \$863,000

78 DEPARTMENT OF TRANSPORTATION***10 Public Safety and Criminal Justice******11 Vehicular Safety***

01-6400 Motor Vehicle Services \$4,000,000
 Total Appropriation, Vehicular Safety \$4,000,000

Special Purpose:

Motor Carrier Safety
 Assistance Program (\$4,000,000)

60 Transportation Programs***61 State Highway Facilities***

02-6200 Transportation Systems Improvements --Planning ... \$27,500,000
 09-6300 Construction of State Highway Facilities 675,000,000
 65-6200 Rail Freight Lines. 2,000,000
 71-6200 Supportive Services Program 500,000
 Total Appropriation, State Highway Facilities \$705,000,000

Special Purpose:

Highway Planning and Research (\$13,000,000)
 Metropolitan Planning Funds (11,000,000)
 New Jersey Transportation
 Planning Assistance (3,500,000)
 Rail Freight Capital Projects (2,000,000)
 Support Services Highway
 Construction Training Program (500,000)

Notwithstanding any other provision of law, all federal funds appropriated to the Department of Transportation for Construction of State Highway Facilities are allocated for use on any of the following projects:

<u>Route</u>	<u>Section</u>	<u>Description</u>	<u>County</u>
Special Purpose:		Accident reduction program, night and wet weather	Various
		Advance acquisition of right-of-way for transportation corridors and facilities, federal	Various
		Airport circle elimination, intersection of Tilton Road (CR 563) and Delilah Road (CR 646)	Atlantic
		Almond Road, 700 feet east of CR 553 (Buck Road) to County Line	Salem
		Amwell Road Bridge over Neshanic River, replacement	Somerset
		Ark Road and Marne Highway, intersection improvements	Burlington
		Arnot Street Bridge over Saddle River, replacement	Bergen

CR 561 north of Route 30, drainage improvements	Camden
Baldwin Avenue, Weehawken, upgrade	Hudson
Betterments, federal	Various
Bicycle and pedestrian facilities and accommodations	Various
Bridge deck repair	Various
Bridge inspection, local	Various
Bridge inspection, State	Various
Bridge management system	Various
Bridge painting	Various
CR 607 Broad Street, resurfacing from borough line to Route 130	Salem
CR 551 Broadway, resurfac- ing in Gloucester City	Camden
Burlington computerized signal control, Phase III	Burlington
Burlington traffic sign management	Burlington
Calhoun Street bridge replacement, Spring Street to Bellevue Avenue	Mercer
Camden City signal upgrade at intersections	Camden
Camden City traffic sign management program	Camden
Camden County pedestrian/ bicycle extensions	Camden
Camden County traffic sign management program	Camden
Catalytic converters for diesel trucks	Various
Chestnut Avenue, resurfac- ing between Main Road and Brewster Road	Cumberland
Clove Road bridges, replace bridges over tributary of Mill Brook and Clove Brook	Sussex
Coles Mill Road bridge over Scotland Run, rehabilitate or replace	Gloucester
Coles Mill Road over Hospitality Branch, rehabilitate or replace	Gloucester
Colonial Road bridge over tributary to Pond Brook, replacement	Bergen
Cookstown-New Egypt Road over tributary of North Run, replacement	Burlington

Cooper Hospital Medical Center helipad, relocate and construct	Camden
Daniel Road bridge over Manalapan Brook, replacement	Middlesex
Disadvantaged Business Enterprise supportive services program	Various
Delaware Valley Regional Planning Commission, metropolitan planning	Various
Delaware Valley Regional Planning Commission, project development	Various
Delaware Valley Regional Planning Commission, future projects to be selected	Various
Design, emerging projects	Various
Doremus Avenue bridge over Oak Island Yards, replacement	Essex
Doty Road bridge over Ramapo River, replacement	Bergen
Drainage rehabilitation and maintenance	Various
East Atlantic Avenue bridge over abandoned railroad, replacement	Camden
Egg Harbor-Greenbank Road bridge over Mullica River, rehabilitation	Atlantic Burlington
Ellis Island pedestrian bridge from Liberty State Park	Hudson
Emergency service patrol	Various
Enhanced vehicle inspection and maintenance program	Various
Fanny Road bridge over NJ Transit Boonton Line, replacement	Morris
Federal Street bridge over Cooper River, rehabilitation	Camden
Fixed object removal	Various
George Street bikeway, connection between Cook and Douglas Campus/access to Lynch bridge	Middlesex
Gloucester County, various routes to be resurfaced	Gloucester
Groveville-Allentown Road bridge over Doctors Creek, replacement	Mercer
Hanover Street over Rancocas Creek, replacement	Burlington

Hartford Road, rehabilitate between Route 38 and NJIT entrance	Burlington
Incident and congestion management, operational support	Various
Industrial Road, upgrade	Middlesex
Intermodal transportation facility on Bergenline Avenue, Union City, reconstruct	Hudson
Iron Bridge Road bridge over Crosswicks Creek, replacement	Mercer Burlington
Kelly-Saw Mill bridge over Alloway Creek, replacement	Salem
Kennedy Avenue bridge over Wallkill River, replacement	Sussex
Kinnaman Avenue bridge over Pohatcong Creek, replacement	Warren
Lamington Road bridge, replacement	Somerset
Landis Avenue, resurface between 22nd Street and 42nd Street	Cape May
Locke Avenue bridge over Raccoon Creek, replacement	Gloucester
Lumberton-Vincentown Road bridge over South Branch of Rancocas Creek, replacement	Burlington
MAGIC, Phase I operations (Routes 80, 46, 4, 3, and 280)	Various
Madison Avenue bridges over Green Brook, replacement	Somerset
Maintenance, preventive	Various
Maple Avenue bridge over NJ Transit Atlantic City Line	Camden
Maple Grange Road bridge over Pochuck Creek, replacement	Sussex
Market Street, Essex Street, Rochelle Avenue, Main Street, upgrade	Bergen
Market Street, Route 129, Barlow Street intersection, install sidewalks	Mercer
Marlton Pike bridge over southwest branch of Rancocas Creek, replacement	Burlington
Mays Landing Road, resurface between Wade Boulevard and Menantico Creek	Cumberland
Motor vehicle accident record processing	Various

Mount Pleasant Place bridge over west branch of Rahway River, replacement	Essex
NJ Counties/Cities highway planning	Various
North Jersey Transportation Planning Authority, metropolitan planning	Various
North Jersey Transportation Planning Authority, project development	Various
North Jersey Transportation Planning Authority, future projects to be selected	Various
New Bridge Road bridge over Alloway Creek, replacement	Salem
Ocean City-Longport bridge, replacement	Cape May Atlantic
Ocean Heights Avenue, resurface between Zion Road and Patong Creek	Atlantic
Old Texas Road bridge, replacement	Middlesex
Old Tilton Road, resurface between Route 40 and Route 9	Atlantic
Pavement management system	Various
Planning and research	Various
Pre-apprenticeship training for minorities and females	Various
Project development, preliminary engineering	Various
Public/private partnerships	Various
Quinton-Alloway Road, resurface between Route 49 and Elkington Road	Salem
Rail-highway grade crossing program	Various
Restriping program	Various
Resurfacing program	Various
Riverdale Road bridge over Holdrum Brook, replacement	Bergen
Rumble strips	Various
South Jersey Transportation Planning Organization, metropolitan planning	Various
Safety management system	Various
Salem City cluster, resurface parts of CR 657, CR 658, and CR625	Salem
Sherman Avenue, resurface between Route 47 and Mays Landing Road	Cumberland
Signs program	Various

Silver Grove Road bridge over New York, Susquehanna, and Western Railroad, replacement	Sussex
Smithville Road bridge over Rancocas Creek, replacement	Burlington
South Pemberton Road, reconstruct between Route 206 and Hanover Street	Burlington
Sparta Munson Corner Road from Beardslee Hill Drive to 1600 feet north, realignment	Sussex
State Police enforcement and safety services	Various
State Street bridge over Cooper River, replacement	Camden
Statewide Operations Center	Various
Straight Street bridge over Passaic River, replacement	Passaic
Sussex Turnpike, reconstruct between Route 10 and West Hanover Avenue	Morris
Transportation Management Association support	Various
Tilton Road (CR 563) at Route 9, operational improvements	Atlantic
Tomlin Station Road bridges over Nehonsey Brook and White Sluice Race, replacement	Gloucester
Traffic monitoring systems	Various
Traffic operation centers	Various
Traffic signal contract #16; Routes 70,30,38 & 73	Burlington
Traffic signal replacement	Camden
Transportation Demand Management/ Smart Moves Program	Various
Transportation enhancements	Various
Transportation grants	Various
Tuckahoe Road, resurface between Route 40 and Landis Avenue	Atlantic
Tuckahoe Road, reconstruct between Route 40 and 500 feet north of Marsh Lake Branch	Atlantic Gloucester
USS New Jersey, port facility	Hudson
Urban University Heights Connector, upgrade	Essex
Utility reconnaissance and relocation	Various
Value engineering	Various

		Vernon-Glenwood Road, realign between Carol Drive and Ann Place; Glenwood- Martin Station Road inter- section improvements with CR 667 and CR 565	Sussex
		Vincentown-Retreat Road bridge over south branch of Rancocas Creek, replacement	Burlington
		Wading River bridge (CR 542 over Wading River), replace pilings and bulkhead	Burlington
		Warren Glen/ Bloomsbury Road bridge, elimination	Warren
		Washington Avenue bridge over Furnace Brook, replacement	Warren
		Washington Crossing- Pennington Road bridge over Woolsey's Brook, replacement	Mercer
		Washington Crossing- Pennington Road bridge over Conrail, replacement	Mercer
		West Avenue, resurface between 34th Street and 42nd Street	Cape May
		Willow Grove Road bridge over Pohatcong Creek, replacement	Warren
		Wilson Avenue bridge over Bell's Lake Stream, replacement	Gloucester
		Youth employment and TRAC programs	Various
1	5H	Vicinity of Oakey's Brook to vicinity of South Brunswick/ North Brunswick municipal line, drainage improvements	Middlesex
	1, 6T 130 16E, 171 1B	Interchange improvements at Routes 1 & 130	Middlesex
	1 7L	Pierson Avenue to south of Green Street, widening	Middlesex
	1 2S,3J	Improve Route 1 and CR 571 between Washington Road and Harrison Street	Mercer
	1&9 Merge	Green Street to Route 35, widening and bridge replacement	Middlesex
	1&9, 1K 46	Eastbound bridge over Route 4, replacement	Bergen
	1&9 1K,3M	Production Way to East Lincoln Avenue, widening	Middlesex Union
	1&9 (6)	Magnolia Avenue bridge over Route 1&9, elimination	Union

1&9, 3	(24)	Routes 1&9, Route 3, Amtrak bridge replacement	Hudson
1&9	(27)	Ridgefield Circle elimination	Bergen
1&9	(28)	Signalized entrance to Grand City Container to north of Rott Avenue, rehabilitation	Hudson Bergen
1&9		Bridge over Rahway River, replacement	Union
1& 9T	(25)	Bridge over St. Paul's Avenue and Conrail, replacement	Hudson
1& 9T	(26)	Charlotte Circle elimination and Tonnele Circle improvements	Hudson
4 1L, 2W, 208 3T		Virginia Drive to Garden State Parkway, rehabilitation and operational improvements	Bergen
4 2AC		Fairview Avenue to Johnson Avenue, rehabilitation and operational improvements	Bergen
4 2AE, 17 2P, 3G		Garden State Parkway to Farview Avenue, Route 4 and Route 17 interchange replacement	Bergen
7 1AG		Bridge over Passaic River, replacement	Bergen Hudson
9 1M		Rehabilitation of existing Route 9 bridge (Edison Bridge)	Middlesex
9 3Q		Bridge over North Branch of Forked River, replacement	Ocean
9 4M, 6C 34		South of Perrine Road to Poor Farm Road, operational improvements	Middlesex Ocean
9 (30)		Lake Carasaljo dam	
9 (32)		Martin Terrace Road to North Shore Road, rehabilitation	Atlantic
9 15D		Bridge over Nacote Creek, replacement	Atlantic
9 17B		Bridge over Bass River, replacement	Burlington
9 23 E		Bridge over CR 522 and Conrail, replacement	Monmouth
9 25C, 35 25L		Grade separated interchange at Routes 9 & 35, Victory Circle elimination	Middlesex
9 25K, 1F		New structure over Raritan River	Middlesex
9 50		Intersection of Route 50 and Route 9, operational improvements	Cape May
9W		Vicinity of Montammy Drive to New York State Line, rehabilitation	Bergen
10 4L		Intersection improvement at Ridgedale Avenue, operational improvements	Morris

15	Route I-80 to CR 517, roadside rehabilitation	Morris Sussex
17 (3)	Essex Street over Route 17, bridge replacement	Bergen
17 3H, 5AE	East Ridgewood Avenue over Route 17, rehabilitation	Bergen
17	Vicinity of Essex Street (northbound only), drainage improvement	Bergen
18 2F, 7E, 11H	Vicinity of Route 1 to vicinity of New Street, rehabilitation and operational improvements	Middlesex
18 4E, 6E	North of Hillsdale Avenue to south of CR. 516, roadway improvements	Middlesex
18 2A Ext.	River Road to Hoes Lane extension along Metlars Lane, Ext.new alignment	Middlesex
18 3A Ext.	Hoes Lane extension to Route I-287 at Possumtown Road, new alignment	Middlesex
21 2M	Green Street to Orange Street, widening	Essex
21, 2N, 15K, 22, 1&9 2AN	Bridge over Route I-78 and Amtrak, replacement	Essex
21 (6)	NJ Transit bridge over Route 21, replacement	Essex
21 TSM 4	Clay Street to Passaic Street, widening	Essex
23 7D, 8C 94	Intersection improvements at Route 23 and Route 94	Sussex
23	Route I-80 west to Route 23 north, flyovers	Passaic
23	South of Lower Unionville Road to south of Spring Street, operational improvements	Sussex
27 6M	Amtrak structure over Evergreen Street, replacement	Middlesex
29	South of Lalor Street to vicinity of Cass Street, landscape improvements	Mercer
29	Landing Street to Marine Terminal, pedestrian/bike path	Mercer
29	Interchange improvements at Parkside Avenue	Mercer
30 1J, 13D 130	Collingswood Circle elimination	Camden
30 5G	Vicinity of Chester Avenue to Shore Road, rehabilitation and operational improvements	Atlantic
30 (17)	West of Oak Avenue to east of Jefferson Avenue, rehabilitation	Camden

30 11A	Bridges over Atlantic City Rail Line and Albertson's Branch, replacement	Camden
30 73	Berlin Circle, improvements	Camden
31 8P	Bridge over Raritan Valley Rail Line, replacement	Hunterdon
31 202	South Main Street to Voorhees Corner Road, improvements	Hunterdon
33 9A	Route 35 to Route 71 (Corlies Avenue), widening	Monmouth
34	Intersection improvements at CR 537	Monmouth
35 5H	Hollowbrook culvert and channel improvement	Monmouth
35 12T	Victory Bridge, structure over Raritan River, replacement	Middlesex
40 2F	Cardiff Circle elimination	Atlantic
322		
40 (2)	Malaga Lake dam over Scotland Run, replacement	Gloucester
40 12 E	Bridge over Babcock Creek, replacement	Atlantic
40 50	Intersection improvements at Routes 40/50 and Mill Street	Atlantic
41 1A, 2A,	Singley Avenue to Cooper Street, operational	Gloucester
42F 14M	improvements	Camden
42	Atlantic City Expressway to Route I-295, roadside rehabilitation	Camden
46 7L, 8K	Two bridges over Rockaway River, Route 15, NJ Transit Boonton Line, and M&E Line, replacement	Morris
46 (34)	Interchange improvements at Passaic Avenue and Two Bridges Road	Essex
46 (46)	Interchange improvements at Browerton Road (CR635)	Passaic
46 (52)	Intersection improvements at Plymouth Street (CR 627) and Clinton Road (Route 159)	Essex
159		Morris
46 12H	Interchange improvements at Riverview Drive (CR 640)	Passaic
46	Route 3 to Garden State Parkway, roadside rehabilitation	Passaic
46 (47)	Interchange improvements at Van Houten Avenue and Grove Street	Passaic
46 12K,	Interchange improvements at Union Boulevard	Passaic
13E		

47 1C	Garden State Parkway to Railroad Avenue, operational improvements	Cape May
47 4D, 5E	Bridge over Dennis Creek, replacement	Cape May
47 (2) 40	New Street to Marshall Mill Drive, intersection improvements; High Street to Focer Street, highway operational improvements; Columbia Avenue to north of West Holly Avenue, intersection improvements	Gloucester
47 16C	Intersection improvements at Deptford Avenue/Turkey Hill Road	Gloucester
47	Intersection improvements at Cattell Road (CR665)	Gloucester
47 55F	Interchange at Route 47 and Route 55, operational and safety improvements	Cumberland
49 2A	Bridge over Salem River, replacement	Salem
49 3J, 4C	Bridge over Alloway Creek, replacement	Salem
49	Salem River to Route 55, bicycle path improvements	Salem Cumberland
50 2E, 3B	Bridge over Tuckahoe River, replacement; intersection improvements at Route 49	Cape May Atlantic
52 (1)	Bridges over Beach Thorofare, Rainbow Channel, Elbow Thorofare, and Ship Channel, replacement	Cape May Atlantic
52	Somers Point Circle, elimination	Atlantic
71	Intersection improvements at Wall Street	Monmouth
73 3P	Route I-295 to Commerce Parkway, operational improvements	Burlington
73 (5) 70	Marlton Circle, elimination	Burlington
73	Taunton Avenue and Chestnut Avenue, drainage improvements	Camden
78 5CD	West Peddie Street ramps	Essex
78 (24)	East of Route 124 bridge to NJ Turnpike toll plaza, rehabilitation	Union Essex
78 80	Route I-78 from Delaware River to Route 31; Route I-80 from Delaware Water Gap to vicinity of CR 517, roadside improvements	Warren Hunterdon

80 5AW, 10L	Saddle River Road to South Summit Avenue, eastbound local lanes, rehabilitation and operational improvements	Bergen
80 E&J 95	Palisades Avenue to Route I-95, rehabilitation and operational improvements	Bergen
80 G	Garden State Parkway to Route 17, rehabilitation and operational improvements	Bergen
80 I	Westbound local lanes from Route 17 to vicinity of Kennedy Avenue off-ramp, rehabilitation and operational improvements	Bergen
80 (20)	Eastbound local lanes from Route 17 to vicinity of Vreeland Avenue off-ramp, rehabilitation and operational improvements	Bergen
88	Intersection improvements at Clifton Avenue	Ocean
95 31	Interchange improvements at Route 31	Mercer
95	Interchange improvements at Scotch Road	Mercer
130 (16)	Intersection improvements between Renaissance Boulevard and Adams Lane	Middlesex
130	Vicinity of Federal Street, drainage improvements	Camden
130	Vicinity of Puchack Run Culvert, drainage improvements	Camden
139 (1)A	Conrail Viaduct, 12th Street Viaduct, 14th Street Viaduct, bridge rehabilitation-	
139 (1)B	Contract 1 12th Street Viaduct, 14th Street Viaduct, bridge rehabilitation- Contract 2	Hudson
139 (1)C	Hoboken Viaduct, bridge replacement; Conrail Viaduct, bridge rehabilitation-Contract 3	Hudson
166	Highland Parkway to Old Freehold Road, operational improvements	Ocean
168 (1)	Route I-295 to Haddon Avenue/ Sixth Avenue, rehabilitation	Camden
202 31	Route 31 to Wertsville Road, operational improvements	Hunterdon
206 (39)	Old York Road and Rising Sun Road, Route I-295 to Route 68, operational improvements	Burlington

206 10C	Bridge over Little Shabakunk Creek, replacement	Mercer
206 15J	Brown Avenue to Frelinghuysen Avenue, widening	Somerset
206 15N	Old Somerville Road to Brown Avenue, widening	Somerset
206 15	Intersection improvements at Routes 15 and 206 (Ross's Corner)	Sussex
206 14A, 15A	Belle Mead-Griggstown Road to Old Somerville Road, new alignment	Somerset
287 80	Route I-287 and Route I-80 flyovers	Morris
287 10	Interchange modification at Route 10	Morris
295 (5) 42	Route I-295/42/I-76 interchange, improvements (Study B)	Camden
295 42	Ramps between Route I- 295 and Route 42 (Study A)	Camden
322 (7)	Intersection improvements at County Routes 536/610/654	Gloucester
322	Route 322 from Commodore Barry Bridge to Route 55 and local roads, operational improvements	Gloucester
322 50	Interchange improvements at Route 322 and Route 50	Atlantic
440	Vicinity of I-287 to Outerbridge Crossing, roadside rehabilitation	Middlesex
The unexpended balances of federal appropriations as of June 30, 1998 in this department are appropriated for expenditure on previously and currently authorized projects.		

62 Public Transportation

96-6310 Construction of Public Transportation Facilities	<u>\$300,000,000</u>
Total Appropriation, Public Transportation	<u>\$300,000,000</u>

Special Purpose:

Notwithstanding any other provision of law, all federal funds appropriated to the Department of Transportation for Construction of Public Transportation Facilities are allocated for use on any of the following projects:

Accessibility for people with disabilities, platform and stations	Various
Amtrak - Northeast Corridor	Various
Joint Benefit Agreement	Various
Automatic passenger transportation systems	Various
Building capital leases	Various
Bus replacement program	Various
Bus support facilities and equipment	Various
Clean Air programs	Various
Comet I coach replacement	Various

Comet II coach overhaul	Various
Commuter rail rolling stock	Various
Emission control/ rebuilt engines	Various
Environmental compliance	Various
Hoboken Terminal/Yard rehabilitation	Hudson
Hudson/ Bergen Light Rail	Hudson
Transit System	Bergen
Hudson/ Bergen Light Rail	
Transit System bridges (Route 1&9-6J and 7E)	Hudson
Information systems/technology, customer	Various
Information systems/technology, infrastructure	Various
Main/Bergen/Pascack Valley	Bergen
Lines upgrade	Passaic
Montclair Connection	Essex
	Morris
	Passaic
New York, Susquehanna and Western Rail Line restoration	Sussex, Passaic
Newark-Elizabeth rail link, maintenance facility	Bergen
Rail station/ terminal improvements	Essex
Penn Station New York improvements	Union
Physical plant	Various
Private carrier equipment program	New York City
Rail support facilities and equipment	Various
Signals and communications	Various
Study and development	Various
Track program	Various
Tunnel and bridge rehabilitation	Various
Vehicle overhaul - bus	Bergen
Vehicle overhaul - rail	Various

64 Regulation and General Management

05-6070 Access and Use Management	.....	<u>\$20,000,000</u>
Total Appropriation, Regulation and General Management	.....	<u>\$20,000,000</u>
Special Purpose:		
Airport Fund	..... (\$20,000,000)	
Total Appropriation, Department of Transportation	.....	<u>\$1,029,000,000</u>

82 DEPARTMENT OF THE TREASURY

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

46-2150 Student Assistance Programs	.....	<u>\$14,813,000</u>
Total Appropriation, Higher Educational Services	.....	<u>\$14,813,000</u>
Personal Services:		
Salaries and Wages	..... (\$7,594,000)	
Employee Benefits	..... (1,591,000)	
Materials and Supplies	..... (440,000)	

Services Other Than Personal	(3,176,000)
Maintenance and Fixed Charges	(968,000)
Special Purpose:	
Student Loan Administrative Cost	
Deduction and Allowance	(207,000)
State Aid and Grants	(837,000)

50 Economic Planning, Development and Security**52 Economic Regulation**

54-2007 Utility Regulation	\$600,000
56-2014 Energy Resource Management	<u>2,225,000</u>
Total Appropriation, Economic Regulation	<u>\$2,825,000</u>
Personal Services:	
Salaries and Wages	(\$1,242,000)
Employee Benefits	(256,000)
Materials and Supplies	(26,000)
Services Other Than Personal	(205,000)
Special Purpose:	
Division of Gas Expansion	(600,000)
State Energy Conservation Program	(406,000)
Additions, Improvements and Equipment	(90,000)

50 Economic Planning, Development and Security**53 Economic Assistance and Security**

80-2046 Unemployment Insurance.	<u>\$2,108,000</u>
Total Appropriation, Economic Assistance	
and Security	<u>\$2,108,000</u>
Special Purpose	(\$2,108,000)

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

57-2048 Trial Services to Indigents and Special Programs	\$1,228,000
58-2022 Mental Health Screening Services	<u>223,000</u>
Total Appropriation, Economic Regulation	<u>\$1,451,000</u>
Personal Services:	
Salaries and Wages	(\$288,000)
Employee Benefits	(17,000)
Materials and Supplies	(1,000)
Special Purpose:	
State Legal Services Office	(7,000)
State Aid and Grants	(1,138,000)
Total Appropriation, Department of the Treasury	<u>\$21,197,000</u>

98 THE JUDICIARY**10 Public Safety and Criminal Justice****15 Judicial Services**

05-9730 Family Courts	\$2,269,000
05-9813 Family Courts	662,000
05-9823 Family Courts	998,000
05-9833 Family Courts	369,000
05-9843 Family Courts	390,000
05-9853 Family Courts	819,000
05-9863 Family Courts	593,000

05-9873	Family Courts	686,000
05-9883	Family Courts	708,000
05-9893	Family Courts	299,000
05-9903	Family Courts	260,000
05-9913	Family Courts	505,000
05-9923	Family Courts	913,000
05-9933	Family Courts	439,000
05-9943	Family Courts	510,000
05-9953	Family Courts	987,000
07-9740	Probation Services	7,101,000
07-9814	Probation Services	1,730,000
07-9824	Probation Services	2,003,000
07-9834	Probation Services	1,563,000
07-9844	Probation Services	3,345,000
07-9854	Probation Services	4,910,000
07-9864	Probation Services	2,741,000
07-9874	Probation Services	1,804,000
07-9884	Probation Services	1,704,000
07-9894	Probation Services	1,884,000
07-9904	Probation Services	1,169,000
07-9914	Probation Services	2,085,000
07-9924	Probation Services	1,953,000
07-9934	Probation Services	1,541,000
07-9944	Probation Services	1,278,000
07-9954	Probation Services	<u>2,426,000</u>
Total Appropriation, Judicial Services		<u>\$50,644,000</u>
Personal Services:		
Salaries and Wages	(\$31,949,000)	
Employee Benefits	(8,609,000)	
Materials and Supplies	(560,000)	
Services Other Than Personal	(2,541,000)	
Maintenance and Other Fixed Charges	(366,000)	
Special Purpose		
NJ State Court Improvement Grant	(150,000)	
State Access and Visitation Program	(222,000)	
State Aid and Grants	(5,865,000)	
Additions, Improvements and Equipment	(382,000)	

Total Appropriation, Judiciary \$50,644,000

Total Appropriation, Federal Funds \$6,523,167,000

Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated by the Legislature or otherwise provided in this act.

In addition to the federal funds appropriated in this act, there are appropriated the following federal funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required; the first 25 percent of unanticipated grant awards, and up to 25 percent of increases in previously anticipated grant awards for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; 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 \$500,000 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 unexpended balances of federal funds as of June 30, 1998 are continued for the same purposes. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 1998 of any unexpended balances which are continued.
- The appropriate executive agencies shall prepare and submit to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their successors, by March 1, 1999, reports on proposed expenditures during fiscal year 1999 for the following federal programs: the alcohol, drug abuse and mental health block grant; the education block grant; the community services block grant; the jobs training partnership block grant; the low 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 services under the block grants.
- 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 recommendations of any department head or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the director deems improper.
- The sum herein appropriated to the Department of Transportation for the Hudson-Bergen Light Rail Transit System is hereby appropriated, to the extent necessary, to pay the principal of and interest on the grant anticipation notes issued by the New Jersey Transit Corporation.
- To the extent that federal funds are received in fiscal year 1999 pursuant to the full funding grant agreement for the Hudson-Bergen Light Rail Transit System subsequent to the payment by the New Jersey Transportation Trust Fund Authority of its obligations under a Standby Deficiency Agreement, such federal funds are hereby appropriated to the New Jersey Transportation Trust Fund Authority to be allotted to projects as shall be determined by the Commissioner of Transportation.
- 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, and within the federal matching funding, in the Division of Medical Assistance and Health Services in the Department of Human Services, and within the Medical Services for the Aged program classification, and within the federal matching funding, in the Division of Senior Services in the Department of Health and Senior Services, 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.

Grand Total Appropriation, All Funds \$24,646,936,000

2. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate detail the facts thereof, and reasons therefor, attested by the signature of the Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursement and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of the ruling.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received, receivable or estimated to be received 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, 1998 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, 1998 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 to pay interest liabilities to the federal government as required by the Treasury/State agreement pursuant to the provisions of the Cash Management Improvement Act of 1990, Pub.L.101-453 (31 U.S.C. s.6501 et seq.), subject to the approval of the Director of the Division of Budget and Accounting.

8. No funds shall be expended by any State Department in the Executive Branch in connection with a contract for the production of films, videotapes, video conferences, video-assisted training or multi-media projects that include video images unless the New Jersey Public Broadcasting Authority (PBA) has the opportunity to match any successful bid as part of any formal or informal contract award process. This is not a requirement to award a contract to PBA since the decision to award a contract may also be based on non-cost considerations.

9. The unexpended balances as of June 30, 1998 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.

10. Unless otherwise provided, balances remaining as of June 30, 1998 in accounts of appropriations enacted subsequent to April 1, 1998 are appropriated.

11. 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, appropriation source, 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 and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose account as defined by major object 5, or Grant account, as defined by major object 6, within an item of appropriation, from or to a different item of appropriation;

(3) Requests for the transfer of State and other nonfederal funds, in amounts greater than \$50,000, to or from any Special Purpose or Grant account in which the identifying organization code, appropriation source, and program code, remain the same, provided that the transfer would effect a change in the legislative intent of the appropriations;

(4) Requests for the transfer of State funds, in amounts greater than \$50,000, between items of appropriation in different departments or between items of appropriation in different appropriation classifications herein entitled as Direct State Services, Grants-In-Aid, State Aid, Capital Construction and Debt Service;

(5) Requests for the transfer of federal funds, in amounts greater than \$300,000, 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, as defined by the program class;

(6) 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 (4) 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 subject to the approval of the Director of the Division of Budget and Accounting. 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 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 or 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.

12. 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 the director 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 that officer's duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

13. The Director of the Division of Budget and Accounting is empowered and it shall be the director's duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, 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 shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

14. 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.

15. 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.

16. 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.

17. 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.

18. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in the State Treasurer's custody, deposited with the State Treasurer 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 established pursuant to statutes that provide for interest earnings to accrue to those funds, all such transfers shall be without interest. If 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.

19. 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.

20. 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 as if it were a State government agency pursuant to subsection (a) of section 5 of P.L.1954, c.48 (C.52:34-10).

21. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$2,000 due and owing to the State.

22. 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 \$4,000 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 \$4,000, 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.

23. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any

unrecorded liabilities for materials delivered or services rendered in prior fiscal years, upon the written recommendation of any department head, or the department head's designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which the director deems improper.

24. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by the director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from the fund. The director shall make regulations governing disbursement from petty cash funds.

25. The Legislative Budget and Finance Officer with the cooperation and assistance of the Director of the Division of Budget and Accounting is authorized to adjust this appropriations bill to reflect any reorganizations which have been implemented since the presentation of the Governor's Budget Recommendation Document dated February 10, 1998.

26. State agencies shall prepare and submit a copy of their agency or departmental budget requests for fiscal year 2000 by October 1, 1998 to the Director of the Division of Budget and Accounting and a copy of their spending plans involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by November 1, 1998, and updated spending plans on February 1, and May 1, 1999. 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.

27. 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.

28. 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, which require a State match and that may commit or require State support after the grant's expiration.

29. 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.

30. Notwithstanding any other provisions in this act, no unexpended balances as of June 30, 1998 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. The Director of the Division of Budget and Accounting shall notify the Legislative Budget and Finance Officer of those instances in which unexpended balances are not appropriated pursuant to this section.

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. s.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 in the implementation of the fiscal year 1999 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 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, 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 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. The State Treasurer shall give consideration to New Jersey-based vendors in entering into such contracts. Whenever the State Treasurer issues such short-term notes, the State Treasurer shall report on each such issuance to the Chairman of the Senate Budget and Appropriations Committee and the Chairman of the Assembly Appropriations Committee.

34. None of the funds appropriated to the Executive Branch of State government for Information Processing, Development, Telecommunications, and Related Services (External), Information Processing-Internal, and Information Processing and Telecommunications Equipment shall be available to pay for any information processing services or equipment without the review of the Office of Telecommunications and Information Systems and compliance with Statewide policies and standards; authorization and approval by the Office of Telecommunications and Information Systems is required for expenditure of amounts in excess of the current Direct Purchase Authorization (DPA) threshold.

35. The unexpended balances as of June 30, 1998 in accounts that are funded by Interfund Transfers are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

36. The unexpended balances as of June 30, 1998 in accounts that are funded by transfers from the Year 2000 Data Processing Initiative special purpose account in the Inter-Departmental Accounts, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

37. Notwithstanding the provisions of P.L.1983, c.303 (C.52:27H-60), each of the municipalities in which an enterprise zone is designated whose separate account in the enterprise zone assistance fund was reduced in fiscal year 1995 shall be entitled to receive such additional sums, not to exceed

100% of the annual sales tax revenue collected by certified vendors in their individual zones, to be distributed in a cumulative amount not to exceed: Elizabeth (\$3,300,000), Jersey City (\$3,870,000), Kearny (\$780,000), and Orange (\$285,000), subject to the approval of the Director of the Division of Budget and Accounting.

38. Whenever any county, municipality, or school district entitled to receive State aid from appropriations made herein withholds funds from State agencies entitled to payment for services, the Director of the Division of Budget and Accounting is authorized to withhold State aid payments to such county, municipality, or school district and transfer the same as payment for funds so withheld.

39. If the sum provided in this act for a State aid payment pursuant to formula is insufficient to meet the full requirements of the formula, all recipients of State aid shall have their allocation proportionately reduced, subject to the approval of the Director of the Division of Budget and Accounting.

40. There is appropriated \$2,500,000 from the Sanitary Landfill Contingency Fund for transfer to the General Fund as State revenue.

41. There is appropriated \$2,000,000 from the Boarding House Rental Assistance Fund for transfer to the Casino Revenue Fund as State revenue.

42. There is appropriated \$22,500,000 from the Health Care Subsidy Fund for transfer to the General Fund as State revenue.

43. There is appropriated \$955,000 from the Drug Enforcement and Demand Reduction Fund for transfer to the General Fund as State revenue.

44. There is appropriated \$11,954,000 from the Legal Services Trust Fund established pursuant to section 6 of P.L.1996, c.52 (C.22A:2-51), for transfer to the General Fund as State revenue to fund the following programs: \$8,000,000 for Legal Services of New Jersey grant, \$3,000,000 for ten additional judgeships in the Judiciary, \$600,000 for Clinical Legal Programs for the Poor at the Rutgers-Camden Law School, the Rutgers-Newark Law School and Seton Hall Law School, and \$354,000 to reimburse the General Fund for expenditures for these purposes in a prior year for which insufficient resources were available in the Legal Services Trust Fund.

45. Notwithstanding any other law to the contrary, each local school district which participates in the Special Education Medicaid Initiative, including the new Early and Periodic Screening, Diagnosis and Treatment (EPSDT) initiative, shall receive a percentage of the federal revenue that the district's participation yields for the current year claims. The percentage share for local school districts shall be 15% of the first \$53,000,000 of federal reimbursements realized. After federal reimbursements are realized in excess of \$53,000,000, local school districts shall receive a percentage of such revenue based on the level of participation they achieve. Each district's reimbursement percentage shall be calculated as the product of its special education enrollment multiplied by the percentage of its enrolled pupils eligible for the federal free lunch program. Districts with a participation rate of 80% or more shall receive 85% of its share of federal revenues in excess of \$53,000,000 in recognition of their successful efforts to maximize participation. Each district with a participation rate of 60% to 79% shall receive 50% of its share of federal revenues in excess of \$53,000,000. Each district with a participation rate of less than 60% shall receive 15% of its share of federal revenues in excess of \$53,000,000.

46. The administrative costs of the Special Education Medicaid Initiative and the Early Periodic Screening, Diagnosis and Treatment (EPSDT) program, including the participation of a consultant, are appropriated and shall be paid from the revenue received, subject to the approval of the Director of the Division of Budget and Accounting.

47. There are appropriated from the General Fund, subject to the approval of the Director of the Division of Budget and Accounting, such sums as are necessary to pay interest, at the average rate of earnings during the fiscal year from the State's general investments, to those bond funds that have borrowed money from the General Fund or other bond funds and that have insufficient resources to accrue and pay the interest expense on such borrowing.

48. In addition to the amounts appropriated hereinabove, such sums as may be necessary are appropriated to fund the costs of the collection of debts, taxes and other fees and charges owed to the State, including but not limited to the services of auditors and attorneys and enhanced compliance programs, subject to the approval of the Director of the Division of Budget and Accounting.

49. Notwithstanding any provision of law to the contrary, any surplus balance remaining in the New Jersey Medical Malpractice Reinsurance

Recovery Fund after all financial obligations of the New Jersey Medical Malpractice Reinsurance Association are funded, as determined by the Director of the Division of Budget and Accounting, is appropriated for transfer to the General Fund as State revenue.

50. All funds representing recoveries under the Set Off of Individual Liabilities (SOIL) program are lapsed, subject to the approval of the Director of the Division of Budget and Accounting.

51. Such sums not to exceed \$350,000, as are necessary to provide for payment of the legal defense of challenges to statutes passed into law by the Legislature in which matters the Attorney General does not provide the legal defense, are appropriated subject to the approval of the Speaker of the General Assembly and the President of the Senate. Such payments may be expended for costs incurred in current and prior fiscal years.

52. There are appropriated, subject to the approval of the Director of the Division of Budget and Accounting, amounts not in excess of the amounts below for each project identified, provided that that project does not receive before April 1, 1999, an appropriation from bond funds established pursuant to State general obligation bond acts.

Roosevelt Pond Clean Up, Edgewater Park . .	\$20,000
Franklin Borough Dam Restoration and Pond Dredging	\$355,000
Paulins Kill Lake Dam Restoration	\$250,000
Lion's Head Lake Dredging, Wayne Township	\$95,000
Lake Carasaljo Restoration, Lakewood Township	\$150,000
Sea Bright Borough Sewer System Study and Rehabilitation	\$1,000,000

53. In addition to the other amounts appropriated hereinabove, there is appropriated from the General Fund to the Department of the Treasury \$125,000 for a grant to Seton Hall University for the renovation of McQuade Hall for the School of Diplomacy.

54. This act shall take effect July 1, 1998.

Approved June 30, 1998.

CHAPTER 46

AN ACT to provide for the conversion of domestic mutual life insurers to domestic stock life insurers.

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

C.17:17C-1 Definitions regarding domestic mutual life insurers.

1. As used in this act:

"Adoption date" means the date as of which the board of directors of the mutual insurer initially approves and adopts the plan of reorganization;

"Closed block" means a block of participating business operated for the exclusive benefit of the policies included therein for policyholder dividend purposes only;

"Effective date" means the date upon which the reorganization of the mutual insurer is effective, as provided in section 9 of this act;

"Eligible policyholder" means a policyholder who owns, or is deemed by the plan of reorganization to own, a policy that is, or that is deemed by the plan of reorganization to be, in force on the adoption date, or a policyholder who is deemed eligible by the plan of reorganization, including as a result of reinstatement in accordance with the terms of the policy or the plan of reorganization, or otherwise;

"Fair and equitable" means that any action undertaken pursuant to this act with respect to a plan of reorganization, provides for full and proper consideration of the aggregate membership interests and corresponding values of eligible policyholders, in no manner discriminates improperly among eligible policyholders and appropriately protects the interests of eligible policyholders before and subsequent to the reorganization;

"Membership interest" means all rights and interests of a policyholder as a member of a mutual insurer arising under the mutual insurer's charter or certificate of incorporation and bylaws, by law or otherwise, which rights include, but are not limited to, the right, if any, to vote and the right, if any, with regard to the surplus of the mutual insurer not apportioned or declared by the board of directors for policyholder dividends;

"Mutual insurance holding company" means a holding company based on a mutual plan which at all times owns, directly or indirectly through one or more intermediate stock holding companies, a majority of the voting securities of a reorganized insurer;

"Mutual insurer" means, in the case of a plan of reorganization under this act, a domestic mutual insurer authorized to write the kind of business defined in N.J.S.17B:17-3 and is reorganizing pursuant to a plan of reorganization;

"Parent corporation" means a stock corporation that is or has been organized for the purpose of acquiring, directly or indirectly, pursuant to the plan of reorganization, all or substantially all of the common shares of the reorganized insurer;

"Person" means an individual, partnership, firm, association, corporation, joint-stock company, limited liability company, limited liability partnership, trust, government or governmental agency, state or political subdivision of a state, board, estate, trustee or fiduciary, or any other legal entity;

"Plan of reorganization" means the plan of reorganization adopted by the mutual insurer in compliance with section 3 of this act;

"Policy" means an individual or group policy of insurance or annuity contract issued, or deemed by the plan of reorganization to have been issued, by the mutual insurer. If a policy is a group policy, the individual certificates or other evidences of interests in the group policy shall not be treated as separate policies; provided, however, that in the case of a policy or contract that was issued to a trust or group established or deemed by the plan of reorganization to have been established by the mutual insurer, the mutual insurer may provide in its plan of reorganization that each certificate or other evidence of interest is deemed to be a policy for the sole purpose of determining the rights, if any, of the holders of those certificates to receive consideration under the plan of reorganization;

"Policyholder" means the owner or deemed owner of a policy, as determined in accordance with the definition of "policyholder" set forth in N.J.S.17B:18-13 or N.J.S.17B:18-23, as applicable, and any additional rules as are set forth in the plan of reorganization;

"Qualified voter" has the meaning set forth in N.J.S.17B:18-13 or N.J.S.17B:18-23, as applicable; and

"Reorganized insurer" means the domestic stock insurer into which a mutual insurer has been reorganized in accordance with this act.

C.17:17C-2 Reorganization into a domestic stock life insurer.

2. A domestic mutual life insurer authorized to write the kind of business defined in N.J.S.17B:17-3, which life insurer may also be authorized to write other kinds of business under Title 17B of the New Jersey Statutes, may pursuant to the provisions of this act reorganize into a domestic stock life insurer that may be or become a subsidiary of another stock corporation that is or has been organized for the purpose of acquiring, directly or indirectly, all or substantially all of the common stock of the reorganized insurer, provided that the use of a mutual insurance holding company shall not be permitted.

C.17:17C-3 Reorganization process.

3. The reorganization of a mutual insurer shall be accomplished pursuant to a plan of reorganization that complies with the following requirements:

a. The plan of reorganization shall have been duly adopted by action of not less than three-fourths of the members of the entire board of directors of the mutual insurer.

b. The plan of reorganization shall: (1) specify the manner in which the proposed reorganization shall occur and the reasons for the proposed reorganization; (2) be fair and equitable to the policyholders of the mutual insurer; (3) promote the best interest of the mutual insurer and its policyholders; (4) provide for the enhancement of the operations of the reorganized insurer; (5) not be contrary to law; and (6) not be detrimental to the public.

c. The plan of reorganization shall provide that all membership interests in the mutual insurer shall be extinguished as of the effective date; shall require the distribution of consideration, in a fair and equitable manner, to all eligible policyholders upon extinguishment of their membership interests; shall specify the manner in which the aggregate value of the consideration shall be determined and the method by which the consideration shall be allocated among eligible policyholders; and shall provide for the reasonable dividend expectations of policyholders.

(1) With respect to that consideration, eligible policyholders shall be allocated in the aggregate one hundred per centum (100%) of the common stock of the reorganized insurer or its parent corporation, provided, however, that the commissioner may approve the sale of additional shares of stock of the reorganized insurer or its parent corporation if the mutual insurer demonstrates: (a) a need for additional capital, or (b) that the sale would not significantly dilute the value of the shares distributed to the policyholders.

(2) The method for allocating consideration among eligible policyholders shall be fair and equitable. The method shall provide for each eligible policyholder to receive (a) a fixed component of consideration or a variable component of consideration, or both; or (b) any other component of consideration acceptable to the commissioner. Any component shall reflect, based upon fair and equitable formulas, methods and assumptions, factors such as estimated proportionate contributions of classes or groupings of policies and contracts to the aggregate component of consideration being distributed to eligible policyholders or other factors the commissioner may approve.

(3) The consideration to be distributed to eligible policyholders shall consist of cash, stock of the reorganized insurer or the parent corporation,

or if appropriate for tax or other reasons, additional life insurance or annuity benefits, any combination of these forms of consideration, or other forms of consideration acceptable to the commissioner. The form or forms of consideration to be distributed to a class or category of eligible policyholders may differ from the form or forms of consideration to be distributed to another class or category of eligible policyholders. The choice of the form or forms of consideration to be distributed to a class or category of eligible policyholders shall take into account such factors as the type of policy with respect to which the consideration is being distributed, the country of residence or tax status of the eligible policyholders or other appropriate factors; provided, however, that, if the consideration to be distributed to one or more classes or categories of eligible policyholders will be in a form other than common stock of a publicly traded company, the plan of reorganization shall include a provision for determining, in a reasonable manner, the value of the consideration by means of reference to (a) the estimated market value of the reorganized insurer based upon an independent evaluation by a qualified expert; (b) the per share public market value of the registered common stock of the reorganized insurer or its parent corporation; or (c) by another method acceptable to the commissioner.

(4) If the plan of reorganization does not provide for registration and public trading of the common stock of the reorganized insurer or the parent corporation as of the effective date, the plan of reorganization shall require the reorganized insurer or the parent corporation, as applicable, to use good faith efforts, to encourage and assist in the establishment of a market for the common stock of the reorganized insurer or the parent corporation as soon as reasonably possible and in any event not later than two years after the effective date of the reorganization, including obtaining a listing for the stock on a national exchange, facilitating coverage by research analysts, conducting management presentations to potential investors and analysts and securing the commitment of at least one market maker, which may be a specialist firm, to make a market in the common stock.

(5) Within two years after the effective date of the reorganization, the reorganized insurer or its parent corporation, as applicable, shall make available to each eligible policyholder who received and retained shares of stock with minimal aggregate value upon reorganization, a procedure to dispose of those shares of stock at market value without brokerage commissions or similar fees under a plan approved by the commissioner. The plan of reorganization shall include a provision for determining, in a reasonable manner, the market value of the shares by means of reference to (a) the estimated market value of the reorganized insurer based upon an independent evaluation by a qualified expert; (b) the per share public market

value of the registered common stock of the reorganized insurer or its parent corporation; or (c) by another method acceptable to the commissioner.

d. (1) The plan of reorganization of a mutual insurer shall provide for the reasonable dividend expectations of policyholders through establishment of a closed block or other method acceptable to the commissioner. The sole purpose of any dividend protection provision shall be to provide for reasonable policyholder dividend expectations, and it is not intended that the provision shall provide in any way for the distribution of consideration to eligible policyholders for the extinguishment of membership interests as set forth in subsection c. of this section. If a closed block is utilized, (a) the closed block shall be operated for the exclusive benefit of policies and contracts included therein, (b) no costs or expenses incurred in connection with the reorganization shall be charged to the closed block, and (c) subject to termination of the closed block pursuant to paragraph (3) of this subsection d., none of the assets, including the revenue therefrom, allocated to the closed block shall revert to the benefit of the stockholders of the reorganized insurer.

(2) Any provision for dividend expectations may be limited to participating individual life insurance policies and participating individual annuity contracts in force or deemed to be in force by the plan of reorganization on the effective date of the plan of reorganization for which the mutual insurer has an experience-based dividend scale due, paid or accrued by action of the board of directors of the mutual insurer in the year in which the plan of reorganization is adopted; provided, however, that (a) policies that would be includible but for the fact that their recent issuance results in no dividends for an initial period, may be included, and (b) policies that are in force as extended term insurance may be included, and (c) other categories of policies and benefits not described in this subparagraph may be included or excluded, subject to the approval of the commissioner.

(3) If a closed block is utilized, the assets allocated therein, together with the revenue from the closed block, shall be reasonably sufficient to support the business in the closed block until the time the last policy in the closed block has terminated, including payment of claims and those expenses and taxes as are specified in the plan of reorganization, and to provide for continuation of dividend scales in effect on the adoption date, if the experience underlying those scales continues, and for appropriate adjustments in the scales if the experience changes. The plan of reorganization shall provide that the assets assigned to a closed block will consist of: (a) a list of designated assets of the mutual insurer's general account or specified segments thereof, which list shall change periodically to reflect the acquisition and disposition of assets, or (b) a designated portion of each and every asset of the mutual insurer's general account or specified segments

thereof, which portion shall change periodically to reflect the cash flows of the closed block, or (c) a combination of both. The plan of operation for any closed block that is established shall specify which of the methods of assignment of closed block assets is being used, and shall set forth the methods by which the designations referred to in subparagraphs (a), (b) and (c) of this paragraph are changed during the course of closed block operations. The plan of reorganization shall: require the reorganized insurer to submit to the commissioner periodic reports, in a form acceptable to the commissioner, that account for and describe the operations of the closed block; and as specified in the plan, provide for periodic reviews of, and reports on, the closed block by an independent actuary in accordance with paragraph (4) of this subsection d. The plan of reorganization may provide for conditions under which the reorganized insurer, with the approval of the commissioner, may cease to maintain the closed block.

(4) Both the mutual insurer and the commissioner shall each appoint one or more qualified and independent actuaries for the purpose of providing actuarial certifications with respect to:

(a) The reasonableness and sufficiency of the assets allocated to the closed block, if a closed block is provided; and

(b) The reasonableness and appropriateness of the methodology and underlying assumptions used to allocate consideration among eligible policyholders.

The actuaries shall be members of the American Academy of Actuaries. The certifications provided shall be in a form satisfactory to the commissioner and shall be made in accordance with professional standards and practices generally accepted by the actuarial profession and those other factors as the actuary in his professional judgment believes are reasonable and appropriate at the time the certification is made. The certification shall be accompanied by a memorandum of the actuary, in a form satisfactory to the commissioner, describing the calculations made in support of the certification and the assumptions used in the calculations. The memoranda shall be and remain confidential and shall not be subject to public inspection or copying pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

C.17:17C-4 Application for reorganization approval.

4. a. Upon the affirmative vote of not less than three-fourths of the members of the entire board of directors of the mutual insurer, the mutual insurer shall file with the commissioner an application for approval of, and permission to reorganize pursuant to, a plan of reorganization. The application shall include the following:

(1) The plan of reorganization and exhibits thereto which shall include:

(a) an explanation of the manner and basis upon which the reorganization shall occur;

(b) the method of allocation of the consideration to be distributed to policyholders, including an actuarial certification of the reasonableness and appropriateness of the methodology used to allocate consideration among eligible policyholders; and

(c) the method by which the dividend expectations of policyholders will be preserved including, if the plan utilizes a closed block, the plan of operation of the closed block and an actuarial certification of the reasonableness and sufficiency of the assets allocated to the closed block;

(2) A fairness opinion addressed to the board of directors of the mutual insurer from a qualified, nationally recognized investment banker that the provision of common stock, cash and policy benefits upon the extinguishment of the policyholders' membership interests pursuant to the plan of reorganization is fair to the eligible policyholders, as a group, from a financial point of view;

(3) A business plan of the reorganized insurer including five-year financial projections;

(4) A certification that the plan of reorganization has been duly adopted by action of not less than three-fourths of the members of the entire board of directors of the mutual insurer;

(5) The actuarial memoranda accompanying the certifications of the independent actuary appointed by the mutual insurer as required by paragraph (4) of subsection d. of section 3 of this act;

(6) Certified copies of the proposed charter or certificate of incorporation and bylaws of the reorganized insurer;

(7) The proposed forms of the notice of hearing to policyholders and for publication required by subsection d. of this section and the notice of the meeting of policyholders required by subsection c. of section 5 of this act, and any other notices required by the plan of reorganization;

(8) Any information provided to the board of directors of the mutual insurer in connection with its review and approval of the plan of reorganization, except materials that are protected by attorney-client privilege;

(9) Any other additional information that the mutual insurer believes is necessary; and

(10) Any other additional information that the commissioner in his sole discretion deems necessary.

b. The commissioner in his sole discretion shall determine, within thirty days of submission of the application, whether the application is complete and whether the forms of notice submitted pursuant to paragraph (7) of subsection a. of this section are adequate and may be provided to policyholders.

c. The application and supporting documents shall be public documents except that the business plan, the financial projections, the actuarial memoranda and any other information that the commissioner determines could result in harm to the mutual insurer, harm to the reorganized insurer, or a reduction of values to eligible policyholders, if disclosed, shall be considered confidential. This confidentiality will not extend to information provided by the mutual insurer that the commissioner deems necessary to be provided to policyholders to evaluate the plan of reorganization.

d. Upon determining that the application is complete and the forms of notice are adequate, the commissioner shall designate a date for a public hearing on the plan of reorganization. The public hearing may be held on one or more days, the first commencing within 90 days after the date on which the commissioner determines the application is complete, unless the mutual insurer requests, and the commissioner agrees to, a longer period for the purpose of preparing and distributing the notices required by this subsection and subsection c. of section 5 of this act. The hearing shall be in the nature of a legislative hearing and shall not constitute or be considered, a contested case under the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The mutual insurer shall provide policyholders with at least 45 days' notice of the hearing, the notice to be in the form, and provided in the manner, that the commissioner approves pursuant to subsection b. of this section. The mutual insurer shall cause notice of the time and place of the public hearing to be published at least two times at intervals of not less than one week, the first publication to be not more than 45 days and the last publication not less than 15 days prior to the public hearing in at least two newspapers of general circulation throughout the United States. The notice of the hearing shall state the purpose thereof and the time and the place where the hearing will occur. The purpose of the hearing shall be to receive comments and information for the purpose of aiding the commissioner in making a decision on the plan of reorganization. Persons wishing to make comments and submit information may submit written statements prior to the public hearing and may appear and be heard at the hearing.

e. The hearing shall be conducted by the commissioner or, at the commissioner's discretion, his designee, who shall report to and advise the commissioner on the matter, and the determination or order issued by the commissioner shall have the same force and effect as if the commissioner had conducted the hearing personally. The commissioner's order or determination shall be issued within 45 days after the closing of the record of the hearing by the commissioner or the hearing officer, as applicable, which record shall not be closed until the time it includes certification of the vote on the plan of reorganization by the mutual insurer's qualified voters as

required by section 5 of this act. The commissioner shall issue a written decision detailing the reasons why the mutual insurer's plan of reorganization is approved or disapproved.

f. The commissioner shall approve the application and permit the reorganization pursuant to the plan of reorganization if he finds, following a public hearing, that: (1) the application conforms to the requirements of this section; (2) the plan is fair and equitable to the policyholders of the mutual insurer; (3) the plan promotes the best interest of the mutual insurer and its policyholders; (4) the plan provides for the enhancement of the operations of the reorganized insurer; (5) the plan is not contrary to law; (6) the plan is not detrimental to the public; and (7) after giving effect to the reorganization, the reorganized insurer will have an amount of capital and surplus the commissioner deems to be reasonably necessary for its future solvency.

g. The commissioner may engage the services of advisors and consultants, which may include, but are not limited to, lawyers, actuaries, accountants, investment bankers, compensation and employee benefit plan consultants or any combination thereof, to advise him on any matters related to the reorganization. All reasonable costs related to the development and examination of, and deliberations concerning, a plan of reorganization and other related matters, including those reasonable costs attributable to the use by the commissioner of advisors and consultants, shall be paid by the mutual insurer that makes the filing or initiates the discussions about a plan of reorganization for services prior to the effective date and by the reorganized insurer for services after the effective date.

h. The commissioner's order approving or disapproving a plan of reorganization shall be a final agency decision subject to appeal in accordance with, and within the time periods specified by, the Rules Governing the Courts of the State of New Jersey.

C.17:17C-5 Approval of reorganization.

5. a. Subject to the provisions of subsection b. of this section, the plan of reorganization shall be approved by a vote of not less than two-thirds of the votes of the mutual insurer's qualified voters voting thereon in person or by attorney or proxy, except in the case of a mutual insurer that holds its elections pursuant to N.J.S. 17B:18-18 to 17B:18-28, inclusive, in which case voting shall be in person or by ballot, at a meeting of policyholders called for that purpose. The meeting of policyholders shall occur after the hearing required pursuant to subsection e. of section 4 of this act. Pursuant to N.J.S. 17B:18-14 or subsection d. of N.J.S. 17B:18-26, as applicable, each qualified voter shall be entitled to cast only one vote, irrespective of the number or value of policies held, unless the mutual insurer's charter or bylaws provide otherwise. The commissioner shall have the power to

supervise and direct and prescribe rules governing the procedure for the conduct of voting on the plan of reorganization to the extent, consistent with the provisions of this section, he deems necessary to insure a fair and accurate vote. These powers shall include, but not be limited to, power to examine, supervise and approve: (1) the determination of qualified voters entitled to notice of and to vote on the plan of reorganization; (2) the giving of notice of the policyholders' meeting; (3) the content of the proxy form or ballot; (4) the receipt, custody, safeguarding, verification and tabulation of proxy forms and ballots; and (5) the resolution of any disputes.

b. The number of qualified voters who vote on the plan of reorganization shall equal or exceed, in the aggregate, (1) one million qualified voters, or (2) that lesser number of qualified voters as the commissioner shall approve.

c. All qualified voters shall be given notice of their opportunity to vote on the plan of reorganization, which notice shall be in a form approved by the commissioner and accompanied by a copy of the plan of reorganization or a summary thereof which shall also be in a form approved by the commissioner, and any other explanatory information that the commissioner approves or requires. The notice shall be mailed, or provided by some other method or methods as may be approved by the commissioner, not less than 45 days before the date of the meeting of policyholders to vote on the plan of reorganization. The notice may be combined with the notice of the hearing described in subsection d. of section 4 of this act.

d. The mutual insurer shall use good faith efforts to encourage qualified voters to vote on the plan of reorganization. These efforts shall be specified in the plan of reorganization and may include, but need not be limited to, establishing a toll-free call center, establishing an Internet site, adding messages to routine policy statements, providing written communications to qualified voters, and advertising in national publications.

C.17:17C-6 Limits on acquisition of beneficial ownership; exceptions.

6. Except as otherwise specifically provided in the plan of reorganization, prior to and for a period of three years following the effective date of the reorganization, no person or persons acting in concert, other than the reorganized insurer or any employee benefit plans or trusts sponsored by the reorganized insurer, shall directly or indirectly offer to acquire or acquire in any manner the beneficial ownership of five percent or more of any class of a voting security of the reorganized insurer or any person that owns or controls a majority or all of the voting securities of the reorganized insurer without the prior approval by the commissioner of an application for acquisition filed by that person with the commissioner. The application for acquisition shall contain the information required by subsection b. of section 2 of P.L.1970, c.22 (C.17:27A-2) and any other information required by the

commissioner. The commissioner shall not approve an application for acquisition unless he finds that the requirements of subsection d. of section 2 of P.L. 1970, c. 22 (C.17:27A-2) will be satisfied and, additionally, that: a. the acquisition would not frustrate the plan of reorganization as approved by the policyholders and the commissioner; b. the board of directors of the reorganized insurer or its parent corporation, as applicable, has approved the acquisition or extraordinary circumstances not contemplated in the plan of reorganization have arisen that would warrant their approval of the acquisition; and c. the acquisition would be in the interest of the policyholders of the reorganized insurer. No security that is the subject of any agreement or arrangement regarding acquisition or that is acquired or to be acquired in contravention of this section or of an order of the commissioner may be voted at any shareholders' meeting, and any action of shareholders requiring the affirmative vote of a percentage of shares may be taken as though the securities were not issued and outstanding; provided, however, that no action taken at a meeting shall be invalidated by the voting of those securities unless the action would materially affect control of the reorganized insurer or a person that owns or controls a majority or all of the voting securities of the reorganized insurer or unless the courts of this State have so ordered.

C.17:17C-7 Financial compensation restricted.

7. No director, officer, agent or employee of the mutual insurer shall receive any fee, commission or other valuable consideration, other than his usual regular salary and compensation, whatsoever, that is contingent upon the plan of reorganization becoming approved or effective or is based upon a director, officer, agent or employee aiding, promoting or assisting in the approval or effectuation of the plan of reorganization. Subject to the approval of the commissioner, the mutual insurer may provide in its plan of reorganization for employee benefit and compensation arrangements, including arrangements involving the use of the stock of the reorganized insurer or stock of its parent corporation, which are to become effective simultaneously with the plan of reorganization; provided, however, that no member of the board of directors may be included in any such arrangement that becomes effective at that time.

C.17:17C-8 Compliance; nonimpairment.

8. If the mutual insurer complies substantially and in good faith with the requirements of this act with respect to any required notice to policyholders, its failure in any case to give the notice to any person or persons entitled thereto shall not impair the validity of the actions and proceedings taken under this act or entitle a person to any injunctive or other relief with respect thereto.

C.17:17C-9 Effective date of reorganization.

9. The reorganization shall be effective upon the date when the specified requirements within the plan of reorganization are satisfied. On or prior to the effective date of the reorganization, the mutual insurer shall file with the commissioner a certificate stating that: a. all of the conditions set forth in the plan of reorganization, including a final order by the commissioner granting permission to reorganize in accordance with the plan pursuant to subsection f. of section 4 of this act and approval by policyholders pursuant to section 5 of this act, have been satisfied and b. the board of directors of the mutual insurer has not abandoned or amended the plan of reorganization pursuant to section 11 of this act.

C.17:17C-10 Status of stock insurer after reorganization.

10. Upon the effective date, the mutual insurer shall immediately become a stock insurer, all membership interests shall be extinguished, and the reorganized insurer will act in good faith to convey consideration to policyholders eligible to receive consideration under the plan of reorganization within 45 days, pursuant to the terms of the plan of reorganization. The reorganized insurer shall be a continuation of the original mutual insurer, and the reorganization in no way shall annul, modify or change any of the original mutual insurer's existing suits, rights, contracts or liabilities, except as provided in the plan of reorganization. After reorganization, the reorganized insurer shall exercise all the rights and powers and perform all the duties conferred or imposed by law upon insurers writing the classes of insurance written by it, and shall be vested in all the rights, franchises and interests of the mutual insurer in and to every species of property without any deed or transfer and the reorganized insurer shall succeed to all the obligations and liabilities of the mutual insurer, and retain all rights and contracts existing prior to conversion, except as provided in the plan.

C.17:17C-11 Reorganization plan amendments.

11. The mutual insurer may, by action of not less than three-fourths of its board of directors, abandon or amend the plan of reorganization at any time before the effective date. No amendment made after the public hearing required by subsection d. of section 4 of this act shall change the plan in a manner which the commissioner determines is materially disadvantageous to any of the policyholders unless a further public hearing is held on the plan as amended.

C.17:17C-12 Commissioner's rules, regulations.

12. The commissioner may, in his discretion, promulgate rules and regulations to implement this act.

C.17:17C-13 Directors, officers retained.

13. The directors and officers of the mutual insurer, unless otherwise specified in the plan of reorganization, shall serve as the directors and officers of the reorganized stock insurer until new directors and officers are duly elected pursuant to the articles of incorporation and bylaws of the reorganized stock insurer.

C.17:17C-14 Notice of intent to demutualize.

14. Within 90 days following the public announcement by a mutual insurer of its intent to demutualize pursuant to this act, the mutual insurer shall provide notice of its intent to demutualize to all former policyholders who are at the time of the notice eligible to reinstate their policies. The notice shall be in a form and distributed in a manner approved by the commissioner.

15. This act shall take effect immediately.

Approved July 1, 1998.

CHAPTER 47

AN ACT clarifying certain powers of State chartered banks and amending P.L.1966, c.272.

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

1. Section 1 of P.L.1966, c.272 (C.17:9A-131.20) is amended to read as follows:

C.17:9A-131.20 Definitions.

1. As used herein, (a) "capital notes" means notes, debentures and other like writings having maturities of more than one year, issued by a bank pursuant to P.L.1966, c.272 (C.17:9A-131.20 et seq.) and included in the bank's capital funds pursuant to section 10 of P.L.1966, c.272 (C.17:9A-131.29) to evidence its obligation to repay money borrowed by it; (b) "Commissioner" means the Commissioner of Banking and Insurance; (c) "bank" means those corporations defined as banks in section 1 of the act to which this act is a supplement and does not include savings banks; and (d) "capital funds" means the aggregate of the unimpaired capital stock, surplus, undivided profits and contingent reserves of a bank.

2. Section 11 of P.L.1966, c.272 (C.17:9A-131.30) is amended to read as follows:

C.17:9A-131.30 Issuance of capital notes, debentures.

11. No bank shall hereafter issue capital notes or debentures except pursuant to P.L.1966, c.272 (C.17:9A-131.20 et seq.), provided, however, that P.L.1966, c.272 (C.17:9A-131.20 et seq.) shall not affect the authority of a bank to issue debt, including notes or debentures, under subsection (3) of section 24 of P.L.1948, c.67 (C.17:9A-24) which debt shall not be included in the bank's capital funds pursuant to section 10 of P.L.1966, c.272 (C.17:9A-131.29).

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

Approved July 1, 1998.

CHAPTER 48

AN ACT concerning agriculture, amending and supplementing P.L.1983, c.31, and amending P.L.1968, c.410.

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

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

C.4:1C-3 Definitions.

3. As used in this act:

"Board" or "county board" means a county agriculture development board established pursuant to section 7 of P.L.1983, c.32 (C.4:1C-14).

"Commercial farm" means (1) a farm management unit of no less than five acres producing agricultural or horticultural products worth \$2,500 or more annually, and satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.), or (2) a farm management unit less than five acres, producing agricultural or horticultural products worth \$50,000 or more annually and otherwise satisfying the eligibility criteria for differential property taxation pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

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

"Farm management unit" means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

"Farm market" means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the sales area shall be devoted to the sale of agricultural output of the commercial farm, and except that if a retail farm market is located on land less than five acres in area, the land on which the farm market is located shall produce annually agricultural or horticultural products worth at least \$2,500.

2. Section 6 of P.L.1983, c.31 (C.4:1C-9) is amended to read as follows:

C.4:1C-9 Commercial farm owners, operators; permissible activities.

6. Notwithstanding the provisions of any municipal or county ordinance, resolution, or regulation to the contrary, the owner or operator of a commercial farm, located in an area in which, as of December 31, 1997 or thereafter, agriculture is a permitted use under the municipal zoning ordinance and is consistent with the municipal master plan, or which commercial farm is in operation as of the effective date of P.L.1998, c.48 (C.4:1C-10.1 et al.), and the operation of which conforms to agricultural management practices recommended by the committee and adopted pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or whose specific operation or practice has been determined by the appropriate county board, or in a county where no county board exists, the committee, to constitute a generally accepted agricultural operation or practice, and all relevant federal or State statutes or rules and regulations adopted pursuant thereto, and which does not pose a direct threat to public health and safety may:

- a. Produce agricultural and horticultural crops, trees and forest products, livestock, and poultry and other commodities as described in the Standard Industrial Classification for agriculture, forestry, fishing and trapping;
- b. Process and package the agricultural output of the commercial farm;
- c. Provide for the operation of a farm market, including the construction of building and parking areas in conformance with municipal standards;
- d. Replenish soil nutrients and improve soil tilth;

- e. Control pests, predators and diseases of plants and animals;
- f. Clear woodlands using open burning and other techniques, install and maintain vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas;
- g. Conduct on-site disposal of organic agricultural wastes;
- h. Conduct agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm; and
- i. Engage in any other agricultural activity as determined by the State Agriculture Development Committee and adopted by rule or regulation pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

3. Section 7 of P.L.1983, c.31 (C.4:1C-10) is amended to read as follows:

C.4:1C-10 Commercial agricultural operation not a nuisance, compliance with practices.

7. In all relevant actions filed subsequent to the effective date of P.L.1998, c.48 (C.4:1C-10.1 et al.), there shall exist an irrebuttable presumption that no commercial agricultural operation, activity or structure which conforms to agricultural management practices recommended by the committee and adopted pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), or whose specific operation or practice has been determined by the appropriate county board, or in a county where no county board exists, the committee, to constitute a generally accepted agricultural operation or practice, and all relevant federal or State statutes or rules and regulations adopted pursuant thereto and which does not pose a direct threat to public health and safety, shall constitute a public or private nuisance, nor shall any such operation, activity or structure be deemed to otherwise invade or interfere with the use and enjoyment of any other land or property.

4. Section 4 of P.L.1968, c.410 (C.52:14B-4) is amended to read as follows:

C.52:14B-4 Adoption, amendment, repeal of rules.

4. (a) Prior to the adoption, amendment, or repeal of any rule, except as may be otherwise provided, the agency shall:

(1) Give at least 30 days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be mailed to all persons who have made

timely requests of the agency for advance notice of its rule-making proceedings and in addition to other public notice required by law shall be published in the New Jersey Register and shall be filed with the President of the Senate and the Speaker of the General Assembly. The notice shall be additionally publicized in such manner as the agency deems most appropriate in order to inform those persons most likely to be affected by or interested in the intended action. Methods that may be employed include publication of the notice in newspapers of general circulation or in trade, industry, governmental or professional publications, distribution of press releases to the news media and posting of notices in appropriate locations;

(2) Prepare for public distribution at the time the notice appears in the Register a statement setting forth a summary of the proposed rule, a clear and concise explanation of the purpose and effect of the rule, the specific legal authority under which its adoption is authorized, a description of the expected socio-economic impact of the rule, a regulatory flexibility analysis, or the statement of finding that a regulatory flexibility analysis is not required, as provided in section 4 of P.L.1986, c.169 (C.52:14B-19), a jobs impact statement which shall include an assessment of the number of jobs to be generated or lost if the proposed rule takes effect, and an agriculture industry impact statement as provided in section 7 of P.L.1998, c.48 (C.4:1C-10.3); and

(3) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule.

The agency shall conduct a public hearing on the proposed rule at the request of a committee of the Legislature, or a governmental agency or subdivision, provided such request is made to the agency within 15 days following publication of the proposed rule in the Register. The agency shall provide at least 15 days' notice of such hearing, which shall be conducted in accordance with the provisions of subsection (g) of this section;

(4) Prepare for public distribution a report listing all parties offering written or oral submissions concerning the rule, summarizing the content of the submissions and providing the agency's response to the data, views and arguments contained in the submissions.

(b) A rule prescribing the organization of an agency may be adopted at any time without prior notice or hearing. Such rules shall be effective upon filing in accordance with section 5 of this act or upon any later date specified by the agency.

(c) If an agency finds that an imminent peril to the public health, safety, or welfare requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, and the Governor concurs in writing that an imminent peril exists, it may proceed without prior notice or

hearing, or upon any abbreviated notice and hearing that it finds practicable, to adopt the rule. The rule shall be effective for a period of not more than 60 days unless each house of the Legislature passes a resolution concurring in its extension for a period of not more than 60 additional days. The rule shall not be effective for more than 120 days unless repromulgated in accordance with normal rule-making procedures.

(d) No rule hereafter adopted is valid unless adopted in substantial compliance with this act. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this act shall be commenced within one year from the effective date of the rule.

(e) An agency may file a notice of intent with respect to a proposed rule-making proceeding with the Office of Administrative Law, for publication in the New Jersey Register at any time prior to the formal notice of action required in subsection (a) of this section. The notice shall be for the purpose of eliciting the views of interested parties on an action prior to the filing of a formal rule proposal. An agency may use informal conferences and consultations as means of obtaining the viewpoints and advice of interested persons with respect to contemplated rule-making. An agency may also appoint committees of experts or interested persons or representatives of the general public to advise it with respect to any contemplated rule-making.

(f) An interested person may petition an agency to promulgate, amend or repeal any rule. Each agency shall prescribe the form for the petition and the procedure for the submission, consideration and disposition of the petition. The petition shall state clearly and concisely:

- (1) The substance or nature of the rule-making which is requested;
- (2) The reasons for the request and the petitioner's interest in the request;
- (3) References to the authority of the agency to take the requested action.

Within 30 days following receipt of any such petition, the agency shall either deny the petition, giving a written statement of its reasons, or shall proceed to act on the petition, which action may include the initiation of a formal rule-making proceeding. Upon the receipt of the petition, the agency shall file a notice stating the name of the petitioner and the nature of the request with the Office of Administrative Law for publication in the New Jersey Register. Notice of formal agency action on such petition shall also be filed with the division for publication in the Register.

(g) All public hearings shall be conducted by a hearing officer, who may be an official of the agency, a member of its staff, a person on assignment from another agency, a person from the Office of Administrative Law assigned pursuant to subsection o. of section 5 of P.L.1978, c.67 (C.52:14F-5)

or an independent contractor. The hearing officer shall have the responsibility to make recommendations to the agency regarding the adoption, amendment or repeal of a rule. These recommendations shall be made public. At the beginning of each hearing, or series of hearings, the agency, if it has made a proposal, shall present a summary of the factual information on which its proposal is based, and shall respond to questions posed by any interested party. Hearings shall be conducted at such times and in locations which shall afford interested parties the opportunity to attend. A verbatim transcript of each hearing shall be maintained, and copies of the transcript shall be available to the public at no more than the actual cost.

C.4:1C-10.1 Filing of complaint; process.

5. a. Any person aggrieved by the operation of a commercial farm shall file a complaint with the applicable county agriculture development board or the State Agriculture Development Committee in counties where no county board exists prior to filing an action in court.

b. In the event the dispute concerns activities that are addressed by an agricultural management practice recommended by the committee and adopted pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the county board shall hold a public hearing and issue findings and recommendations within 60 days of the receipt of the complaint.

c. In the event the committee has not recommended an agricultural management practice concerning activities addressed by a complaint, the county board shall forward the complaint to the committee for a determination of whether the disputed agricultural operation constitutes a generally accepted agricultural operation or practice. Upon receipt of the complaint, the committee shall hold a public hearing and issue its decision, in writing, to the county board. The county board shall hold a public hearing and issue its findings and recommendations within 60 days of the receipt of the committee's decision.

d. Any person aggrieved by the decision of the county board shall appeal the decision to the committee within 10 days. The committee shall schedule a hearing and make a determination within 90 days of receipt of the petition for review.

e. The decision of the State Agriculture Development Committee shall be binding, subject to the right of appeal to the Appellate Division of the Superior Court. Any decision of a county agriculture development board that is not appealed shall be binding.

C.4:1C-10.2 Appeal of decision.

6. Any person aggrieved by any decision of a county board regarding specific agricultural management practices or conflict resolution, may appeal

the decision to the State Agriculture Development Committee in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The decision of the State Agriculture Development Committee shall be considered a final administrative agency decision.

C.4:1C-10.3 New rule adoption process.

7. a. In proposing a rule for adoption, the agency involved shall issue an agriculture industry impact statement setting forth the nature and extent of the impact of the proposed rule on the agricultural industry that shall be included in the notice of a proposed rule as required by subsection (a) of section 4 of P.L.1968, c.410 (C.52:14B-4).

b. During the public comment period on the proposed rule, the State Agriculture Development Committee shall review the rule proposal to determine its impact on the agriculture industry of the State.

c. If the State Agriculture Development Committee determines that the proposed rule may have a significant adverse impact on the agricultural industry of the State and notifies the relevant agency of that determination during the public comment period on the proposed rule, the agency shall consult with the State Agriculture Development Committee prior to the adoption of the rule.

C.4:1C-10.4 Rules, regulations, standards.

8. a. The State Agriculture Development Committee shall adopt, in consultation with the Attorney General and pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), standards determining what constitutes a direct threat to public safety pursuant to section 6 and section 7 of P.L.1983, c.31 (C.4:1C-9 and C.4:1C-10).

b. The State Agriculture Development Committee shall adopt, in consultation with the Department of Health and Senior Services and pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), standards determining what constitutes a direct threat to public health pursuant to section 6 and section 7 of P.L.1983, c.31 (C.4:1C-9 and C.4:1C-10).

c. The State Agriculture Development Committee shall adopt, pursuant to the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the provisions of P.L.1998, c.48 (C.4:1C-10.1 et al.) and P.L.1983, c.31 (C.4:1C-1 et al.).

9. This act shall take effect immediately.

Approved July 2, 1998.

CHAPTER 49

AN ACT concerning the qualification of certain persons as veterans for certain purposes and amending N.J.S.11A:5-1 and P.L.1963, c.171.

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

1. N.J.S.11A:5-1 is amended to read as follows:

Definitions.

11A:5-1. Definitions. As used in this chapter:

a. "Disabled veteran" means any veteran who is eligible to be compensated for a service-connected disability from war service by the United States Veterans Administration or who receives or is entitled to receive equivalent compensation for a service-connected disability which arises out of military or naval service as set forth in this chapter and who has submitted sufficient evidence of the record of disability incurred in the line of duty to the commissioner on or before the closing date for filing an application for an examination;

b. "Veteran" means any honorably discharged soldier, sailor, marine or nurse who served in any army or navy of the allies of the United States in World War I, between July 14, 1914 and November 11, 1918, or who served in any army or navy of the allies of the United States in World War II, between September 1, 1939 and September 2, 1945 and who was inducted into that service through voluntary enlistment, and was a citizen of the United States at the time of the enlistment, and who did not renounce or lose his or her United States citizenship; or any soldier, sailor, marine, airman, nurse or army field clerk, who has served in the active military or naval service of the United States and has been discharged or released under other than dishonorable conditions from that service in any of the following wars or conflicts and who has presented to the commissioner sufficient evidence of the record of service on or before the closing date for filing an application for an examination:

- (1) World War I, between April 6, 1917 and November 11, 1918;
- (2) World War II, on or after September 16, 1940, who shall have served at least 90 days beginning on or before December 31, 1946 in such active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies; except that any person receiving an actual

service-incurred injury or disability shall be classed a veteran whether or not that person has completed the 90-day service;

(3) Korean conflict, on or after June 23, 1950, who shall have served at least 90 days beginning on or before January 31, 1955, in active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies; except that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service;

(4) Vietnam conflict, on or after December 31, 1960, who shall have served at least 90 days beginning on or before May 7, 1975, in active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued to completion, or as a cadet or midshipman at one of the service academies, and exclusive of any service performed pursuant to the provisions of section 511(d) of Title 10, United States Code, or exclusive of any service performed pursuant to enlistment in the National Guard or the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve; except that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not that person has completed the 90-day service as provided;

(5) Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before December 1, 1987 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(6) Grenada peacekeeping mission, on or after October 23, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 21, 1983 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(7) Panama peacekeeping mission, on or after December 20, 1989 or the date of inception of that mission, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before January 31, 1990 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(8) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or the date of inception of that operation, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(9) Operation "Restore Hope" in Somalia, commencing on or after December 5, 1992, or the date of inception of that operation as proclaimed by the President of the United States or the Congress, whichever date is earliest, and terminating on March 31, 1994, or the date of termination as proclaimed by the President of the United States or the Congress, whichever date is latest, who served for at least 14 days, continuously or in the aggregate, in Somalia or on board any ship actively engaged in patrolling the territorial waters of that nation during the specified period; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14-day service as herein provided; and

(10) Operations "Joint Endeavor" and "Joint Guard" in the Republic of Bosnia and Herzegovina, commencing on or after November 20, 1995 or December 20, 1996, as the case may be, and terminating on December 20, 1996 or on such date as the United States Secretary of Defense may designate, as the case may be, who served in direct support of one or both of the operations for at least 14 days, continuously or in the aggregate, and (1) was deployed in that nation or in another area in the region, or (2) was on board a United States naval vessel operating in the Adriatic Sea, or (3)

operated in airspace above the Republic of Bosnia and Herzegovina; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person completed the 14-day service requirement;

c. "War service" means service by a veteran in any war or conflict described in this chapter during the periods specified.

2. Section 1 of P.L.1963, c.171 (C.54:4-8.10) is amended to read as follows:

C.54:4-8.10 Definitions.

1. (a) "Active service in time of war" means active service at some time during one of the following periods:

Operation "Restore Hope" in Somalia, commencing on or after December 5, 1992, or the date of inception of that operation as proclaimed by the President of the United States or the Congress, whichever date is earliest, and terminating on March 31, 1994, or the date of termination as proclaimed by the President of the United States or the Congress, whichever date is latest, who served for at least 14 days, continuously or in the aggregate, in Somalia or on board any ship actively engaged in patrolling the territorial waters of that nation during the specified period; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14-day service as herein provided;

Operations "Joint Endeavor" and "Joint Guard" in the Republic of Bosnia and Herzegovina, commencing on or after November 20, 1995 or December 20, 1996, as the case may be, and terminating on December 20, 1996 or on such date as the United States Secretary of Defense may designate, as the case may be, who served in direct support of one or both of the operations for at least 14 days, continuously or in the aggregate, and (1) was deployed in that nation or in another area in the region, or (2) was on board a United States naval vessel operating in the Adriatic Sea, or (3) operated in airspace above the Republic of Bosnia and Herzegovina; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person completed the 14-day service requirement;

Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or the date of inception of that operation, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf for a period, continuous or in the aggregate, of at least 14

days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

The Panama peacekeeping mission, on or after December 20, 1989 or the date of inception of that mission, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before January 31, 1990 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

The Grenada peacekeeping mission, on or after October 23, 1983, who has served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before November 21, 1983 or the date of termination of that mission as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

The Lebanon peacekeeping mission, on or after September 26, 1982, who has served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before December 1, 1987 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

The Vietnam conflict, December 31, 1960, to May 7, 1975;

The Korean conflict, June 23, 1950 to January 31, 1955;

World War II, September 16, 1940 to December 31, 1946;

World War I, April 6, 1917 to November 11, 1918, and in the case of service with the United States military forces in Russia, April 6, 1917 to April 1, 1920;

Spanish-American War, April 21, 1898 to August 13, 1898;

Civil War, April 15, 1861 to May 26, 1865; or, as to any subsequent war, during the period from the date of declaration of war to the date on which actual hostilities shall cease.

(b) "Assessor" means the assessor, board of assessors or any other official or body of a taxing district charged with the duty of assessing real and personal property for the purpose of general taxation.

(c) "Collector" means the collector or receiver of taxes of a taxing district.

(d) "Honorably discharged or released under honorable circumstances from active service in time of war," means and includes every form of separation from active, full-time duty with military or naval pay and allowances in some branch of the Armed Forces of the United States in time of war, other than those marked "dishonorable," "undesirable," "bad conduct," "by sentence of general court martial," "by sentence of summary court martial" or similar expression indicating that the discharge or release was not under honorable circumstances. A disenrollment certificate or other form of release terminating temporary service in a military or naval branch of the armed forces rendered on a voluntary and part-time basis without pay, or a release from or deferment of induction into the active military or naval service shall not be deemed to be included in the aforementioned phrase.

(e) "Pre-tax year" means the particular calendar year immediately preceding the "tax year."

(f) "Resident" means one legally domiciled within the State of New Jersey. Mere seasonal or temporary residence within the State, of whatever duration, shall not constitute domicile within the State for the purposes of this act. Absence from this State for a period of 12 months shall be prima facie evidence of abandonment of domicile in this State. The burden of establishing legal domicile within the State shall be upon the claimant.

(g) "Tax year" means the particular calendar year in which the general property tax is due and payable.

(h) "Veteran" means any citizen and resident of this State honorably discharged or released under honorable circumstances from active service in time of war in any branch of the Armed Forces of the United States.

(i) "Veteran's deduction" means the deduction against the taxes payable by any person, allowable pursuant to this act.

(j) "Surviving spouse" means the surviving wife or husband of any of the following, while he or she is a resident of this State, during widowhood or widowerhood:

1. A citizen and resident of this State who has died or shall die while on active duty in time of war in any branch of the Armed Forces of the United States; or

2. A citizen and resident of this State who has had or shall hereafter have active service in time of war in any branch of the Armed Forces of the United States and who died or shall die while on active duty in a branch of the Armed Forces of the United States; or

3. A citizen and resident of this State who has been or may hereafter be honorably discharged or released under honorable circumstances from active service in time of war in any branch of the Armed Forces of the United States.

(k) "Cooperative" means a housing corporation or association incorporated or organized under the laws of New Jersey which entitles a shareholder thereof to possess and occupy for dwelling purposes a house, apartment or other structure owned or leased by the corporation or association.

(l) "Mutual housing corporation" means a corporation not-for-profit incorporated under the laws of New Jersey on a mutual or cooperative basis within the scope of section 607 of the "National Defense Housing Act," Pub.L.76-849 (42 U.S.C.s.1521 et seq.), which acquired a National Defense Housing Project pursuant to that act.

3. This act shall take effect immediately.

Approved July 4, 1998.

CHAPTER 50

AN ACT concerning the effect of seasonal population on crime reporting, amending P.L.1966, c.37 and supplementing Title 34 of the Revised Statutes.

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

1. Section 4 of P.L.1966, c.37 (C.52:17B-5.4) is amended to read as follows:

C.52:17B-5.4 Compilation, analysis, classification of crime statistics.

4. a. Upon receipt of such information the Attorney General shall have such data collated and formulated and shall compile such statistics as he may deem necessary in order to present a proper classification and analysis of the volume and nature of crime and the administration of criminal justice within this State.

b. The classification and analysis presented in accordance with subsection a. shall include a section on the per capita crime statistics for a resort municipality as defined in section 3 of P.L.1998, c.50 (C.34:1-5.2). That section shall contain data based on both the population of the resort municipality and the annual mean population of that municipality as estimated by the Department of Labor pursuant to section 2 of P.L.1998, c.50 (C.34:1-5.1).

C.34:1-5.1 Annual determination of resort municipalities.

2. The Department of Labor shall annually determine which municipalities qualify as resort municipalities and determine and certify the annual mean population of resort municipalities. This information shall be transmitted to the Office of the Attorney General by March 31 following the end of the reporting year for use in the preparation of per capita crime statistics pursuant to section 4 of P.L.1966, c.37 (C.52:17B-5.4). The first determination shall be made as soon as practicable, but no later than one year after the effective date of this act.

C.34:1-5.2 Annual mean population of resort municipalities.

3. As used in this act:

"Annual mean population" means for each resort municipality the following:

$$\text{AMP} = \frac{12P + 3SP}{12}$$

where AMP equals Annual Mean Population

P equals Population

SP equals Seasonal Population.

"Population" means the year-round population of the resort municipality shown in the most recent State population estimates published by the Department of Labor, except that in the year of promulgation of a federal decennial census, the census figures shall be used.

"Resort municipality" means a municipality which, because of its recreational, entertainment or amusement characteristics or facilities or its close proximity to such characteristics or facilities, experiences a total increase during the seasonal period in the number of persons temporarily resident therein of 25 percent or more of its population.

"Seasonal population" means the average of the estimated number of persons temporarily resident in the municipality during the three consecutive months when the temporary population is greatest.

"Temporarily resident" means the occupying for any period of time during the seasonal period by any person not counted as a resident of the municipality for population purposes of an accommodation in a rented residential unit or vacation home.

C.34:1-5.3 Estimated seasonal population of resort municipalities.

4. a. The seasonal population of each resort municipality shall be estimated by the Department of Labor by taking into account such factors as it deems advisable and appropriate to determine such estimates.

b. The department may call for and obtain any records and assistance of the several departments and divisions of the State and the respective municipalities as it deems necessary or helpful in carrying out the purposes of this act.

C.34:1-5.4 Rules, regulations.

5. The Commissioner of Labor may adopt and promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations to effectuate the purposes of this act as he shall deem necessary.

6. This act shall take effect immediately.

Approved July 10, 1998.

CHAPTER 51

AN ACT eliminating certain penalties for the late filing of motor fuels use tax returns, amending P.L.1963, c.44.

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

1. Section 11 of P.L.1963, c.44 (C.54:39A-11) is amended to read as follows:

C.54:39A-11 Examination of returns, assessment of additional taxes, etc.

11. a. The examination of returns and the assessment of additional taxes, penalties and interest shall be as provided by the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., except as specifically provided pursuant to P.L.1963, c.44 (C.54:39A-1 et seq.).

b. Notwithstanding the provisions of R.S.54:49-1 to the contrary, for the taxes imposed or collected pursuant to P.L.1963, c.44 (C.54:39A-1 et

seq.), no assessment of a deficiency in tax and no levy or proceeding in court for its collection shall be made or begun, except as otherwise provided in R.S.54:49-5 and R.S.54:49-7, until 30 days after a notice of deficiency has been mailed to the user and the time for the filing of a protest with the director has expired, or, if a protest with respect to the taxable period has been filed with the director, until the decision of the director has become final.

c. Notwithstanding the provisions of subsection a. of R.S.54:49-18 to the contrary, a user may appeal a finding or assessment of the director within 30 days after the giving of the notice of finding or assessment.

d. (1) Notwithstanding the provisions of R.S.54:49-4 or R.S.54:49-9 to the contrary, there shall be assessed a penalty of \$50 or 10% of the taxes due, whichever is greater, for the failure to file a report, for the filing of a late report or for the underpayment of taxes due.

(2) Notwithstanding the provisions of R.S.54:49-11 to the contrary, the director: (a) shall waive the penalties imposed pursuant to paragraph (1) of this subsection if the user is not licensed under the International Fuel Tax Agreement and is not liable for tax with respect to that period; and (b) may waive those penalties in any other case if the director determines there is reasonable cause for the failure to file a report, for the filing of a late report or for the underpayment of taxes due.

e. (1) Notwithstanding the provisions of R.S.54:49-3 or R.S.54:49-6 to the contrary, the director shall assess interest at the rate of 1% per month or part thereof, from the date the tax was due until the tax is paid.

(2) The director shall waive the payment of any part of any interest attributable to the user's reasonable reliance on erroneous advice furnished to the user in writing by an employee of the Division of Motor Vehicles acting in the employee's official capacity, provided that the interest did not result from a failure of the user to provide adequate or accurate information.

2. This act shall take effect immediately and apply to returns due after the thirtieth day following enactment.

Approved July 10, 1998.

CHAPTER 52

AN ACT concerning certain county pension funds and amending P.L.1956, c.169.

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

1. Section 1 of P.L.1956, c.169 (C.43:15A-111) is amended to read as follows:

C.43:15A-111 Extension of Public Employees' Retirement System to members of another pension; date operative.

1. This act shall become operative with regard to a pension fund, other than the Public Employees' Retirement System, the Teachers' Pension and Annuity Fund, a county pension fund established pursuant to R.S.43:10-1 et seq. for employees of a county of the first class having a population of less than 800,000 according to the 1980 federal decennial census, or a county pension fund established pursuant to P.L.1948, c.310 (C.43:10-18.50 et seq.) for employees of a county having a population of from 300,000 to 325,000 inhabitants according to the federal census of 1940, supported in whole or in part by the State or by one or more counties, municipalities, or school districts, 60 days after a majority of the members of such pension fund qualified to vote in a referendum as required by 218(d)(3) of the Social Security Act shall have voted to be covered under the terms of that act, provided that the conditions for holding such referendum as set forth in P.L.1951, c.253, as amended and supplemented have been met.

2. This act shall take effect immediately.

Approved July 10, 1998.

CHAPTER 53

AN ACT concerning the annexation of certain territory from the Township of Washington in the County of Gloucester, to the Township of Gloucester in the County of Camden, changing the boundaries between Camden county and Gloucester county, and supplementing Title 40 of the Revised Statutes.

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

1. a. ALL that certain tract, piece or parcel of land situate in the Township of Washington, County of Gloucester, State of New Jersey being Tax Map Lot 3, Block 2 on the official Tax Maps of Washington Township

and being more particularly described according to a Plan of Survey thereof made by Atkinson & Walton, Inc., Engineers and Surveyors of Medford, New Jersey dated February 10, 1997 as follows, to wit:

BEGINNING at a point for a corner to Tax Map Lot 2, Block 2, lands now or formerly of Pauli & Robi, Inc. as recorded in Deed Book 2035 at page 273 & c. and extends thence;

From said point of beginning along the said Tax Map Lot 2, North 20o 26' 00" East, a distance of 235 feet more or less to a point for a corner in the edge of stream for the North Branch Big Timber Creek; Thence extending along the edge of stream and approximate former edge of stream of the North Branch Big Timber Creek in a general south-south-easterly direction and crossing a Pond Area on the herein described lands and extending beyond, a distance of 186 feet more or less to a point for a corner in the edge of the stream; Thence extending still along the edge of the stream of the North Branch Big Timber Creek in a general southwesterly and southerly direction, a distance of 257 feet more or less to a point for a corner in the aforementioned northerly line of Lower Landing Road; Thence extending along the northerly line of Lower Landing Road, North 48o 44' 00" West, a distance of 139 feet more or less to the first mentioned point and place of beginning;

CONTAINING within said bounds, Thirty-five Thousand Two Hundred Fifty (35,250) square feet of land, be the same more or less;

SUBJECT TO a Water Main Easement, granted to Consumers New Jersey Water Company beginning at the point of beginning of the above described parcel and extending thence; Along Tax Map Lot 2, Block 2 North 20o 26' 00" East, a distance of 36.32 feet to a point for a corner; Thence passing through the above described parcel, from which this is taken, the Nine (9) following courses and distances:

1. South 48o 44' 00" East, a distance of 31.07 feet; Thence
2. South 41o 16' 00" West, a distance of 23.87 feet; Thence
3. South 48o 44' 00" East, a distance of 105.33 feet; Thence
4. North 19o 35' 10" East, a distance of 19.05 feet; Thence
5. North 09o 56' 40" West, a distance of 51.51 feet; Thence
6. North 33o 11' 14" East, a distance of 54.56 feet; Thence
7. North 36o 29' 23" East, a distance of 50.86 feet; Thence
8. North 50o 48' 02" East, a distance of 57.64 feet; Thence
9. North 82o 37' 35" East, a distance of 28.78 feet more or less to a point in the edge of stream of the North Branch Big Timber Creek; Thence

along the edge of the stream of the North Branch Big Timber Creek in a general southwesterly and southerly direction, a distance of 260 feet more or less to a point for a corner in the aforementioned northerly line of Lower Landing road, North 48° 44' 00" West, a distance of 139 feet more or less to the point and place of beginning;

said above described tract of land containing within the aforementioned bounds 0.809 acres more or less, is hereby set off from the Township of Washington in the County of Gloucester and annexed to and made a part of the Township of Gloucester in the County of Camden.

b. The boundary line between the County of Gloucester and the County of Camden at this place is made and established as the courses set forth in subsection a. of this section.

2. Upon passage of this act the territory annexed to the Township of Gloucester pursuant to section 1 of this act shall be subject to the jurisdiction of the governing body of the County of Camden; which shall be evidenced by the filing of a copy of this act, duly certified by the Secretary of State of the State of New Jersey, in the office of the county clerks of the Counties of Camden and Gloucester respectively.

3. The governing body of the Township of Gloucester shall, upon the enactment of this act into law, forthwith cause the annexed land to be plotted upon the official maps of the municipality.

4. The provisions of sections N.J.S.40A:7-17 through 40A:7-23 concerning the apportionment of indebtedness shall be adhered to by the governing bodies of the respective townships.

5. This act shall take effect immediately.

Approved July 10, 1998.

CHAPTER 54

AN ACT concerning certain theft and vandalism, amending N.J.S.2C:17-3 and P.L.1991 c.335, supplementing Title 2C of the New Jersey Statutes and repealing section 6 of P.L.1941, c.345 and section 30 of P.L.1938, c.48.

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

1. N.J.S.2C:17-3 is amended to read as follows:

Criminal mischief.

2C:17-3. Criminal Mischief. a. Offense defined. A person is guilty of criminal mischief if he:

- (1) Purposely or knowingly damages tangible property of another or damages tangible property of another recklessly or negligently in the employment of fire, explosives or other dangerous means listed in subsection a. of N.J.S.2C:17-2; or

- (2) Purposely, knowingly or recklessly tampers with tangible property of another so as to endanger person or property.

- b. Grading. (1) Criminal mischief is a crime of the third degree if the actor purposely or knowingly causes pecuniary loss of \$2,000.00 or more, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service.

- (2) Criminal mischief is a crime of the fourth degree if the actor causes pecuniary loss in excess of \$500.00. It is a disorderly persons offense if the actor causes pecuniary loss of \$500.00 or less.

- (3) Criminal mischief is a crime of the third degree if the actor damages, defaces, eradicates, alters, receives, releases or causes the loss of any research property used by the research facility, or otherwise causes physical disruption to the functioning of the research facility. The term "physical disruption" does not include any lawful activity that results from public, governmental, or research facility employee reaction to the disclosure of information about the research facility.

- (4) Criminal mischief is a crime of the fourth degree if the actor damages, removes or impairs the operation of any device, including, but not limited to, a sign, signal, light or other equipment, which serves to regulate or ensure the safety of air traffic at any airport, landing field, landing strip, heliport, helistop or any other aviation facility; however, if the damage, removal or impediment of the device recklessly causes bodily injury or damage to property, the actor is guilty of a crime of the third degree, or if it recklessly causes a death, the actor is guilty of a crime of the second degree.

- (5) Criminal mischief is a crime of the fourth degree if the actor interferes or tampers with any airport, landing field, landing strip, heliport, helistop or any other aviation facility; however if the interference or tampering with the airport, landing field, landing strip, heliport, helistop or other aviation facility recklessly causes bodily injury or damage to property,

the actor is guilty of a crime of the third degree, or if it recklessly causes a death, the actor is guilty of a crime of the second degree.

c. A person convicted of an offense of criminal mischief that involves an act of graffiti may, in addition to any other penalty imposed by the court, be required to pay to the owner of the damaged property monetary restitution in the amount of the pecuniary damage caused by the act of graffiti and to perform community service, which shall include removing the graffiti from the property, if appropriate. If community service is ordered, it shall be for either not less than 20 days or not less than the number of days necessary to remove the graffiti from the property.

d. As used in this section:

(1) "Act of graffiti" means the drawing, painting or making of any mark or inscription on public or private real or personal property without the permission of the owner.

(2) "Spray paint" means any paint or pigmented substance that is in an aerosol or similar spray container.

2. Section 1 of P.L.1991, c.335 (C.2C:33-14.1) is amended to read as follows:

C.2C:33-14.1 Vandalizing railroad crossing devices; grading of offenses.

1. Any person who purposely, knowingly or recklessly defaces, damages, obstructs or otherwise impairs the operation of any railroad crossing warning signal or protection device, including, but not limited to safety gates, electric bell, electric sign or any other alarm or protection system authorized by the Commissioner of Transportation, which is required under the provisions of R.S.48:12-54 or R.S.48:2-29, shall, for a first offense, be guilty of a crime of the fourth degree; however, if the defacement, damage, obstruction or impediment of the crossing warning signal or protection device recklessly causes bodily injury or damage to property, the actor is guilty of a crime of the third degree, or if it recklessly causes a death, the actor is guilty of a crime of the second degree.

C.2C:17-3.1 Traffic sign, signal damage, removal, violation.

3. A person who purposely, knowingly, recklessly or negligently defaces, injures or removes an official traffic sign or signal described in Title 39 of the Revised Statutes is guilty of a disorderly persons offense.

If a juvenile who is adjudicated delinquent for an act which, if committed by an adult, would constitute a violation of this section is assessed a fine and the court determines that the juvenile is unable to pay the fine, the juvenile's parents or legal guardian shall be responsible for the imposed fine.

Repealer.

4. Section 6 of P.L.1941, c.345 (C.39:4-183.5) and section 30 of P.L.1938, c.48 (C.6:1-49) are hereby repealed.

5. This act shall take effect immediately.

Approved July 10, 1998.

CHAPTER 55

AN ACT concerning certain public school district instructional materials, amending N.J.S.18A:20-4.2 and N.J.S.18A:18A-42, and amending and supplementing P.L.1996, c.138.

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

1. N.J.S.18A:20-4.2 is amended to read as follows:

Powers of boards concerning real property.

18A:20-4.2. The board of education of any school district may, for school purposes:

(a) Purchase, take and condemn lands within the district and lands not exceeding 50 acres in extent without the district but situate in a municipality or municipalities adjoining the district, but no more than 25 acres may be so acquired in any one such municipality, without the district, except with the consent, by ordinance, of such municipality;

(b) Grade, drain and landscape lands owned or to be acquired by it and improve the same in like manner;

(c) Erect, lease for a term not exceeding 50 years, enlarge, improve, repair or furnish buildings;

(d) Borrow money therefor, with or without mortgage; in the case of a type II district without a board of school estimate, when authorized so to do at any annual or special school election; and in the case of a type II district having a board of school estimate, when the amount necessary to be provided therefor shall have been fixed, determined and certified by the board of school estimate; and in the case of a type I district, when an ordinance authorizing expenditures for such purpose is finally adopted by the governing body of a municipality comprised within the district; provided, however, that no such election shall be held nor shall any such resolution of a school estimate board or ordinance of a municipal governing

body be introduced to authorize any lease of any building for a term exceeding one year, until the proposed terms of such lease have been reviewed and approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs;

(e) Construct, purchase, lease or otherwise acquire a building with the federal government, the State, a political subdivision thereof or any other individual or entity properly authorized to do business in the State; provided that: (1) the noneducational uses of the building are compatible with the establishment and operation of a school, as determined by the Commissioner of Education; (2) the portion of the building to be used as a school meets regulations of the Department of Education; (3) the board of education has complied with the provisions of law and regulations relating to the selection and approval of sites; and (4) in the case of a lease, that any lease in excess of five years shall be approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs;

(f) Acquire by lease purchase agreement a site and school building; provided that the site and building meet guidelines and regulations of the Department of Education and that any lease purchase agreement in excess of five years shall be approved by the Commissioner of Education as in the best interest of the school district after determining that the relationship of the proposed lease purchase project to the district's goals and objectives established pursuant to P.L.1975, c.212 (C.18A:7A-1 et seq.) has clearly been established; and provided that for any lease purchase agreement in excess of five years the Local Finance Board in the Department of Community Affairs shall determine within 30 days that the cost and the financial terms and conditions of the agreement are reasonable. As used herein, a "lease purchase agreement" refers to any agreement which gives the board of education as lessee the option of purchasing the leased premises during or upon termination of the lease, with credit toward the purchase price of all or part of rental payments which have been made by the board of education in accordance with the lease. As part of such a transaction approved by the Commissioner of Education, the board of education may transfer or lease land or rights in land, including any building thereon, after publicly advertising for proposals for the transfer for nominal or fair market value, to the party selected by the board of education, by negotiation or otherwise, after determining that the proposal is in the best interest of the taxpayers of the district, to construct or to improve and to lease or to own or to have ownership interests in the site and the school building to be leased pursuant to such lease purchase agreement, notwithstanding the provisions of any other law to the contrary. The land and any building thereon which is described in a lease purchase agreement entered into pursuant to this amendatory act, shall be deemed to be and treated as

property of the school district, used for school purposes pursuant to R.S.54:4-3.3, and shall not be considered or treated as property leased to another whose property is not exempt, and shall not be assessed as real estate pursuant to section 1 of P.L.1949, c.177 (C.54:4-2.3). Any lease purchase agreement authorized by this section shall contain a provision making payments thereunder subject to the annual appropriation of funds sufficient to meet the required payments or shall contain an annual cancellation clause and shall require all construction contracts let by public school districts or let by developers or owners of property used for school purposes to be competitively bid, pursuant to P.L.1977, c.114 (N.J.S.18A:18A-1 et seq.);

(g) Establish with an individual or entity authorized to do business in the State a tenancy in common, condominium, horizontal property regime or other joint ownership arrangement on a site contributed by the school district; provided the following conditions are met:

(1) The individual or entity agrees to construct on the site, or provide for the construction thereon, a building or buildings for use of the board of education separately or jointly with the individual or entity, which shall be subject to the joint ownership arrangement;

(2) The provision of the building shall be at no cost or at a reduced cost to the board of education;

(3) The school district shall not make any payment for use of the building other than its pro rata share of costs of maintenance and improvements;

(4) The noneducational uses of the building are compatible with the establishment and operation of a school, as determined by the Commissioner of Education;

(5) The portion of the building to be used as a school, and the site, meet regulations of the Department of Education; and

(6) Any such agreement shall be approved by the Commissioner of Education and the Local Finance Board in the Department of Community Affairs;

(h) Acquire through sale and lease-back textbooks and non-consumable instructional materials provided that the sale price and principal amount of the lease-back do not exceed the fair market value of the textbooks and instructional materials and that the interest rate applied in the lease-back is consistent with prevailing market rates or is less.

2. N.J.S.18A:18A-42 is amended to read as follows:

Multiyear contracts.

18A:18A-42. Any board of education may enter into a contract exceeding the fiscal year for the:

a. Supplying of:

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

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

(3) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 20 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam; or

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

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

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

e. Insurance, including the purchase of insurance coverages, insurance consultant or administrative services, and including participation in a joint self-insurance fund, risk management program or related services provided by a school board insurance group, or participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6, or a joint insurance fund established pursuant to P.L.1983, c.372 (C.40A:10-36 et seq.), for any term of not more than three years; or

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

g. Supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, for a term not exceeding five years; or

h. Materials, supplies or services that are required on a recurring basis from year to year, for any term not exceeding in the aggregate, two years; however, such contract may be renewed yearly for a period not exceeding three additional years without any further solicitation for bids or bidding upon a finding by the board that the services are being performed in an effective and efficient manner, or that the materials and supplies continue to meet the original specifications. If a board of education elects to renew an existing contract, the terms and conditions of the existing contract shall remain substantially unchanged and any increase in the contract cost over

the three-year period shall be no greater than a total of 20% over the initial cost; or

i. Driver education instruction conducted by private, licensed driver education schools, for any term not exceeding in the aggregate, three years; or

j. Performance of work or services or the furnishing of materials, supplies or equipment for the purpose of conserving energy in the buildings owned by any local board of education, the entire price of which shall be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; except that these contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the New Jersey Commerce and Economic Growth Commission pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), establishing a methodology for computing energy costs. All multiyear leases and contracts entered into pursuant to this section 18A:18A-42, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts for insurance coverages, insurance consultant or administrative services, participation or membership in a joint self-insurance fund, risk management programs or related services of a school board insurance group, participation in an insurance fund established by a county pursuant to N.J.S.40A:10-6 or contracts for thermal energy authorized pursuant to subsection a. above, and contracts for the performance of work or services or the furnishing of materials, supplies or equipment to promote energy conservation authorized pursuant to subsection j. of this section, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

3. Section 7 of P.L.1996, c.138 (C.18A:7F-7) is amended to read as follows:

C.18A:7F-7 Undesignated general fund balances, use, limits.

7. a. If the amount of the budgeted general fund for the prebudget year is \$100 million or less, an undesignated general fund balance in excess of 6% of that amount or \$75,000, whichever is greater, shall be appropriated by a school district or county vocational school district for the purpose of the budget prepared pursuant to section 5 of this act. If the amount of the budgeted general fund for the prebudget year exceeds \$100 million, an undesignated general fund balance in excess of 6% of the first \$100 million and in excess of 3% of the amount which exceeds \$100 million shall be appropriated by a school district or county vocational school district for the purpose of the budget prepared pursuant to section 5 of this act.

b. Notwithstanding the provisions of subsection a. of this section, if the district has a formal plan to expand, renovate or construct school facilities, join a distance learning network, or make a major replacement or acquisition of instructional equipment within the subsequent five years, the district may, with the approval of the commissioner, transfer the excess undesignated general fund balance to the capital reserve account established pursuant to N.J.S.18A:21-3 for that purpose.

c. If it is determined that the undesignated general fund balances at December 31, 1996 or June 30 of any school year exceed those permitted under subsection a. of this section, the excess undesignated general fund balances shall be reserved and designated in the subsequent year's budget submitted to the commissioner pursuant to subsection c. of section 5 of this act.

d. The commissioner may withhold State aid in an amount not to exceed the excess undesignated general fund balances for failure to comply with subsection c. of this section.

e. Proceeds from the sale and lease-back of textbooks and non-consumable instructional materials shall not be included in the calculation of excess undesignated general fund balance during the budget year in which they are realized.

C.18A:7F-5.2 Sale, lease-back of textbooks; funds classification.

4. a. Proceeds from the sale and lease-back of textbooks and non-consumable instructional materials shall not be considered miscellaneous local general fund revenue for the purpose of calculating the net budget or the spending growth limitation under P.L.1996, c.138 (C.18A:7F-1 et seq.).

b. A board of education may establish a reserve account in the general fund with all or a part of the proceeds from the sale and lease-back of textbooks and non-consumable instructional materials provided that subsequent appropriations from the reserve account shall only be made within the original budget certified for taxes or as approved by the commissioner for good cause.

5. This act shall take effect immediately.

Approved July 10, 1998.

CHAPTER 56

AN ACT authorizing the sale of certain surplus real property owned by the State.

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

1. a. The Department of the Treasury, on behalf of the Department of Human Services, is authorized to sell and convey as surplus real property all of the State's interest in 560+ acres of land improved and used as the North Princeton Developmental Center, located on Belle Mead-Blawenberg Road and Skillman Road in Montgomery Township, Somerset County and designated as part of Block 26001, Lot 1 on the tax map of Montgomery Township. The sale and conveyance shall be in accordance with the terms and conditions approved by the State House Commission.

b. The Department of the Treasury, on behalf of the Department of Human Services, is authorized to convey as surplus real property all of the State's interest in 12.107+ acres of land that is a parcel within the property described in subsection a. of this section improved with a multi-purpose building and the Kay office building to the Montgomery Township Board of Education through a lease purchase arrangement. The conveyance shall be in accordance with the approval granted for this conveyance by the State House Commission on December 15, 1997 and as that approval was amended on April 6, 1998.

c. The proceeds from the sale and conveyance authorized by subsections a. and b. of this section shall be deposited in the General Fund of the State and retained in a special account for allocation in accordance with the provisions of the "Community Mental Health and Developmental Disability Services Investment Act," P.L.1997, c.258 (C.30:4-177.53 et seq.).

2. This act shall take effect immediately.

Approved July 10, 1998.

CHAPTER 57

AN ACT providing gross income tax exclusions for certain savings in Roth IRA's, amending N.J.S.54A:5-1 and supplementing Title 54A of the New Jersey Statutes.

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

1. N.J.S.54A:5-1 is amended to read as follows:

New Jersey gross income defined.

54A:5-1. New Jersey Gross Income Defined. New Jersey gross income shall consist of the following categories of income:

a. Salaries, wages, tips, fees, commissions, bonuses, and other remuneration received for services rendered whether in cash or in property, and amounts paid or distributed, or deemed paid or distributed, out of a medical savings account that are not excluded from gross income pursuant to section 5 of P.L.1997, c.414 (C.54A:6-27).

b. Net profits from business. The net income from the operation of a business, profession or other activity after provision for all costs and expenses incurred in the conduct thereof, determined either on a cash or accrual basis in accordance with the method of accounting allowed for federal income tax purposes but without deduction of the amount of:

(1) taxes based on income;

(2) a civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for a violation of a State or federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order. The provisions of this paragraph shall not apply to a penalty or fine assessed or collected for a violation of a State or federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator; and

(3) treble damages paid to the Department of Environmental Protection pursuant to subsection a. of section 7 of P.L.1976, c.141 (C.58:10-23.11f) for costs incurred by the department in removing, or arranging for the removal of, an unauthorized discharge upon the failure of the discharger to comply with a directive from the department to remove, or arrange for the removal of, a discharge.

c. Net gains or income from disposition of property. Net gains or net income, less net losses, derived from the sale, exchange or other disposition of property, including real or personal, whether tangible or intangible as determined in accordance with the method of accounting allowed for federal income tax purposes. For the purpose of determining gain or loss, the basis of property shall be the adjusted basis used for federal income tax purposes, except as expressly provided for under this act, but without a deduction for

penalties, fines, or economic benefits excepted pursuant to paragraph (2), or for treble damages excepted pursuant to paragraph (3) of subsection b. of this section.

A taxpayer's net gain or loss on the sale, exchange or other disposition of a share of an S corporation shall be calculated by increasing the adjusted basis of the share by an amount equal to the shareholder's net losses and deductions in respect of the share allowed and deducted from income for federal income tax purposes, not including any personal net operating loss deductions, to the extent that such net losses were not offset by the taxpayer's pro rata share of S corporation income otherwise subject to taxation pursuant to subsection p. of this section in respect of another S corporation, subject to rules of priority and assignment determined by the director.

For the tax year 1976, any taxpayer with a tax liability under this subsection, or under the "Tax on Capital Gains and Other Unearned Income Act," P.L.1975, c.172 (C.54:8B-1 et seq.), shall not be subject to payment of an amount greater than the amount he would have paid if either return had covered all capital transactions during the full tax year 1976; provided, however, that the rate which shall apply to any capital gain shall be that in effect on the date of the transaction. To the extent that any loss is used to offset any gain under P.L.1975, c.172, it shall not be used to offset any gain under the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq.

The term "net gains or income" shall not include gains or income derived from obligations which are referred to in clause (1) or (2) of N.J.S.54A:6-14 of this act or from securities which evidence ownership in a qualified investment fund as defined in section 2 of P.L.1987, c.310 (C.54A:6-14.1). The term "net gains or net income" shall not include gains or income from transactions to the extent to which nonrecognition is allowed for federal income tax purposes. The term "sale, exchange or other disposition" shall not include the exchange of stock or securities in a corporation a party to a reorganization in pursuance of a plan of reorganization, solely for stock or securities in such corporation or in another corporation a party to the reorganization and the transfer of property to a corporation by one or more persons solely in exchange for stock or securities in such corporation if immediately after the exchange such person or persons are in control of the corporation. For purposes of this clause, stock or securities issued for services shall not be considered as issued in return for property.

For purposes of this clause, the term "reorganization" means--

- (i) A statutory merger or consolidation;
- (ii) The acquisition by one corporation, in exchange solely for all or part of its voting stock (or in exchange solely for all or a part of the voting stock

of a corporation which is in control of the acquiring corporation) of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

(iii) The acquisition by one corporation, in exchange solely for all or part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;

(iv) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred;

(v) A recapitalization;

(vi) A mere change in identity, form, or place of organization however effected; or

(vii) The acquisition by one corporation, in exchange for stock of a corporation (referred to in this subclause as "controlling corporation") which is in control of the acquiring corporation, of substantially all of the properties of another corporation which in the transaction is merged into the acquiring corporation shall not disqualify a transaction under subclause (i) if such transaction would have qualified under subclause (i) if the merger had been into the controlling corporation, and no stock of the acquiring corporation is used in the transaction;

(viii) A transaction otherwise qualifying under subclause (i) shall not be disqualified by reason of the fact that stock of a corporation (referred to in this subclause as the "controlling corporation") which before the merger was in control of the merged corporation is used in the transaction, if after the transaction, the corporation surviving the merger holds substantially all of its properties and of the properties of the merged corporation (other than stock of the controlling corporation distributed in the transaction); and in the transaction, former shareholders of the surviving corporation exchanged, for an amount of voting stock of the controlling corporation, an amount of stock in the surviving corporation which constitutes control of such corporation.

For purposes of this clause, the term "control" means the ownership of stock possessing at least 80% of the total combined voting power of all classes of stock entitled to vote and at least 80% of the total number of shares of all other classes of stock of the corporation.

For purposes of this clause, the term "a party to a reorganization" includes a corporation resulting from a reorganization, and both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another. In the case of a reorganization qualifying under subclause (i) by reason of subclause (vii) the term "a party to a reorganization" includes the controlling corporation referred to in such subclause (vii).

Notwithstanding any provisions hereof, upon every such exchange or conversion, the taxpayer's basis for the stock or securities received shall be the same as the taxpayer's actual or attributed basis for the stock, securities or property surrendered in exchange therefor.

d. Net gains or net income derived from or in the form of rents, royalties, patents, and copyrights.

e. Interest, except interest referred to in clause (1) or (2) of N.J.S.54A:6-14, or distributions paid by a qualified investment fund as defined in section 2 of P.L.1987, c.310 (C.54A:6-14.1), to the extent provided in that section.

f. Dividends. "Dividends" means any distribution in cash or property made by a corporation, association or business trust that is not an S corporation, (1) out of accumulated earnings and profits, or (2) out of earnings and profits of the year in which such dividend is paid and any distribution in cash or property made by an S corporation, as specifically determined pursuant to section 16 of P.L.1993, c.173 (C.54A:5-14).

The term "dividends" shall not include distributions paid by a qualified investment fund as defined in section 2 of P.L.1987, c.310 (C.54A:6-14.1), to the extent provided in that section.

g. Gambling winnings.

h. Net gains or income derived through estates or trusts.

i. Income in respect of a decedent.

j. Amounts distributed or withdrawn from an employee trust attributable to contributions to the trust which were excluded from gross income under the provisions of chapter 6 of Title 54A of the New Jersey Statutes, amounts rolled over from an IRA, as defined pursuant to subsection (a) of section 408 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.408, that is not a Roth IRA, as defined pursuant to subsection b. of section 2 of P.L.1998,c.57 (C.54A:6-28) to an IRA that is a Roth IRA, and pensions and annuities except to the extent of exclusions in N.J.S.54A:6-10 hereunder, notwithstanding the provisions of N.J.S.18A:66-51, P.L.1973, c.140, s.41 (C.43:6A-41), P.L.1954, c.84, s.53 (C.43:15A-53), P.L.1944, c.255, s.17 (C.43:16A-17), P.L.1965, c.89, s.45 (C.53:5A-45), R.S.43:10-14, P.L.1943, c.160, s.22 (C.43:10-18.22), P.L.1948, c.310, s.22 (C.43:10-18.71), P.L.1954, c.218, s.32 (C.43:13-22.34), P.L.1964, c.275,

s.11 (C.43:13-22.60), R.S.43:10-57, P.L.1938, c.330, s.13 (C.43:10-105), R.S.43:13-44, and P.L.1943, c.189, s.5 (C.43:13-37.5).

k. Distributive share of partnership income.

l. Amounts received as prizes and awards, except as provided in N.J.S.54A:6-8 and N.J.S.54A:6-11 hereunder.

m. Rental value of a residence furnished by an employer or a rental allowance paid by an employer to provide a home.

n. Alimony and separate maintenance payments to the extent that such payments are required to be made under a decree of divorce or separate maintenance but not including payments for support of minor children.

o. Income, gain or profit derived from acts or omissions defined as crimes or offenses under the laws of this State or any other jurisdiction.

p. Net pro rata share of S corporation income.

C.54A:6-28 Roth IRA distributions excluded from gross income.

2. a. Gross income shall not include distributions from a Roth IRA that are qualified distributions or that are rolled over to a Roth IRA.

b. "Roth IRA" means an individual retirement plan, as defined pursuant to section 7701 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.7701, that is designated in the manner prescribed by the federal Secretary of the Treasury pursuant to section 408A of the federal Internal Revenue Code of 1986, 26 U.S.C. s.408A, as a Roth IRA and is subject to the contribution limits of that section.

"Qualified distribution" means any payment or distribution:

(1) made on or after the date on which the individual attains age 59 1/2,

(2) made to a beneficiary (or to the estate of the individual) on or after the death of the individual,

(3) attributable to the individual's being disabled within the meaning of paragraph (7) of subsection (m) of section 72 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.72, or

(4) which is a qualified first time home buyer distribution as defined by, and subject to the limitations of, paragraph (2) of subsection (t) of section 72 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.72;

provided, however, that a payment or distribution shall not be treated as a qualified distribution if it is made within the 5-taxable-year period beginning with the first taxable year for which the individual made a contribution to a Roth IRA (or such individual's spouse made a contribution to a Roth IRA) established for such individual, or in the case of a payment or distribution allocable to a qualified rollover contribution from an individual retirement plan other than a Roth IRA (or income allocable thereto), it is made within the 5-taxable year period beginning with the taxable year in which the rollover contribution was made.

C.54A:5-1.1 Certain IRA roll over amounts protected for 4 years.

3. Notwithstanding the provisions of N.J.S.54A:5-1 or any other law to the contrary, in the case of a distribution before January 1, 1999, any amount required to be included in gross income by reason of the amendments to subsection j. of N.J.S.54A:5-1 enacted pursuant to section 1 of P.L.1998, c.57 shall be so included ratably over the 4-taxable year period beginning with the taxable year in which the payment or distribution is made.

4. This act shall take effect immediately and apply to taxable years beginning after December 31, 1997.

Approved July 24, 1998.

CHAPTER 58

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, 1998 and regulating the disbursement thereof," approved June 27, 1997 (P.L.1997, c.131).

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

1. In addition to the amounts appropriated under P.L.1997, c.131, there is appropriated out of the General Fund the following sum for the purpose specified:

GRANTS-IN-AID
22 DEPARTMENT OF COMMUNITY AFFAIRS
50 *Economic Planning, Development and Security*
55 *Social Services Programs--Grants-In-Aid*

05-8050 Community Resources.....\$25,000

Grants:

Newark Boys Chorus School.....(\$25,000)

2. This act shall take effect immediately.

Approved July 30, 1998.

CHAPTER 59

AN ACT concerning underground storage tanks and amending and supplementing P.L.1986, c.102, and amending P.L.1997, c.235.

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

1. Section 9 of P.L.1986, c.102 (C.58:10A-29) is amended to read as follows:

C.58:10A-29 Requirements to meet standards for underground storage tanks.

9. a. The department shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (52:14B-1 et seq.), requiring the owner or operator of a facility to meet the standards for the construction, installation, and operation of new and existing underground storage tanks, including standards for secondary containment, monitoring systems, release detection systems, corrosion protection, spill prevention, and overfill prevention, and other underground storage tank equipment adopted pursuant to paragraph (2) of subsection a. of section 5 of P.L.1986, c.102 (C.58:10A-25). The deadlines for compliance with the standards shall be identical to those deadlines established by the United States Environmental Protection Agency pursuant to 42 U.S.C. s.6991 et seq. for all underground storage tanks, including those underground storage tanks not regulated pursuant to 42 U.S.C. s.6991 et seq.

b. Notwithstanding the provisions of subsection a. of this section to the contrary, and except as provided in section 2 of P.L.1998, c.59 (C.58:10A-29.1), the deadline for compliance for underground storage tanks with a capacity of over 2,000 gallons used to store heating oil for onsite consumption in a non-residential building shall be five years after the deadline established pursuant to subsection a. of this section.

C.58:10A-29.1 Requirement for contract for leak detection testing.

2. The owner or operator of any underground storage tank with a capacity of over 2,000 gallons used to store heating oil for onsite consumption in a non-residential building who does not meet the deadline for compliance pursuant to subsection a. of section 9 of P.L.1986, c.102 (C.58:10A-29), shall, no later than December 22, 1998, enter into a contract for the provision of leak detection testing on the underground storage tank using a method that is accepted by the Department of Environmental Protection, which testing shall be performed no later than August 31, 1999 and at least once every 36 months thereafter. The owner or operator of the underground storage tank shall provide a copy of the contract to the

Department of Environmental Protection by December 22, 1998 and shall notify the department of the results of the test within 15 days of its performance. If an owner or operator of an underground storage tank fails to comply with the testing and notification requirements specified in this section, then the deadline for compliance shall not be extended as provided in subsection b. of section 9 of P.L. 1986, c. 102 (C.58:10A-29) and the owner or operator who fails to comply with the deadlines established in subsection a. of section 9 of P.L. 1986, c. 102 shall be subject to the penalties as provided in section 10 of P.L. 1977, c. 74 (C.58:10A-10).

3. Section 7 of P.L. 1997, c. 235 (C.58:10A-37.7) is amended to read as follows:

C.58:10A-37.7 Conditions for awarding financial assistance.

7. a. The authority shall award financial assistance to an owner or operator of a facility only if the facility is properly registered with the department pursuant to section 3 of P.L. 1986, c. 102 (C.58:10A-23), where applicable, and if all fees or penalties due and payable on the facility to the department pursuant to P.L. 1986, c. 102 have either been paid or the nature or the amount of the fee or penalty is being contested in accordance with law.

b. The authority may deny an application for financial assistance, and any award of financial assistance may be recoverable by the authority, upon a finding that:

(1) in the case of financial assistance awarded for a remediation, the discharge was proximately caused by the applicant's knowing conduct;

(2) in the case of financial assistance awarded for a remediation, the discharge was proximately caused or exacerbated by knowing conduct by the applicant with regard to any lawful requirement applicable to petroleum underground storage tanks intended to prevent, or to facilitate the early detection of, the discharge;

(3) the applicant failed to commence or complete a remediation, closure, or an upgrade for which an award of financial assistance was made within the time required by the department in accordance with the applicable rules and regulations, within the time prescribed in an administrative order, an administrative consent agreement, a memorandum of agreement, or a court order; or

(4) the applicant provided false information or withheld information on a loan or grant application, or other relevant information required to be submitted to the authority, on any matter that would otherwise render the applicant ineligible for financial assistance from the fund, that would alter the priority of the applicant to receive financial assistance from the fund,

that resulted in the applicant receiving a larger grant or loan award than the applicant would otherwise be eligible, or that resulted in payments from the fund in excess of the actual eligible project costs incurred by the applicant or the amount to which the applicant is legally eligible.

Nothing in this subsection shall be construed to require the authority to undertake an investigation or make any findings concerning the conduct described in this subsection.

c. An application for financial assistance from the fund for an upgrade or closure of a regulated tank shall include all regulated tanks at the facility for which the applicant is seeking financial assistance. Once financial assistance for an upgrade, closure or a remediation is awarded for a facility, no additional award of financial assistance may be made for that facility. However, if an applicant discovers while performing upgrade or closure activities that a remediation is necessary at the site of a facility, and if financial assistance was previously awarded for that site only for an upgrade or closure of a regulated tank, the applicant may amend his application and apply for financial assistance for the required remediation subject to the limitations enumerated in section 5 of this act. An application for financial assistance for an upgrade or closure of a regulated tank shall be conditioned upon the applicant agreeing to perform, at the time of the upgrade or closure, any remediation necessary as a result of a discharge from the regulated tank and commencement of the remediation within the time prescribed and in accordance with the rules and regulations of the department.

d. Except as provided below, no financial assistance for upgrade or closure shall be awarded for any regulated tank required to meet the upgrade or closure requirements pursuant to 42 U.S.C. s.6991 et seq. or P.L.1986, c.102 (C.58:10A-21 et seq.), or for the remediation of a discharge from any such regulated tank except as provided in subsection c. of this section, unless the application is filed with the authority prior to January 1, 1999 and the application is complete and the application fee is received by March 1, 1999. No financial assistance for upgrade or closure shall be awarded for any underground storage tank with a capacity of over 2,000 gallons used to store heating oil for onsite consumption in a nonresidential building required to be upgraded pursuant to P.L.1986, c.102 (C.58:10A-21 et seq.) but not pursuant to 42 U.S.C. s.6991 et seq. or for the remediation of a discharge from any such regulated tank except as provided in subsection c. of this section, unless the application is filed with the authority prior to August 31, 1999 and the application is complete and the application fee is received by October 31, 1999.

e. The date of occurrence of a discharge shall not affect eligibility for financial assistance from the fund. Except for a preliminary assessment or a site investigation performed after the effective date of P.L.1997, c.235 (C.58:10A-37.1

et seq.), and except as provided in subsection g. of this section, no award of financial assistance shall be made from the fund for the otherwise eligible project costs of a remediation, closure, or an upgrade, or parts thereof, completed prior to an award of financial assistance from the fund.

f. No financial assistance may be awarded from the fund for the remediation of a discharge from a petroleum underground storage tank if financial assistance from the Hazardous Discharge Site Remediation Fund established pursuant to section 26 of P.L.1993, c.139 (C.58:10B-4) has previously been made for a remediation at that site as a result of a discharge from that petroleum underground storage tank. No financial assistance may be awarded from the fund for the remediation of a discharge from a petroleum underground storage tank if the discharge began subsequent to the completion of an upgrade of that petroleum underground storage tank, which upgrade was intended to meet all applicable upgrade regulations of the department, no matter when the upgrade was performed.

g. Notwithstanding any provision of P.L.1997, c.235 (C.58:10A-37.1 et seq.), where an eligible owner or operator has filed an application for financial assistance from the fund, and there are either insufficient monies in the fund or the authority has not yet acted upon the application or awarded the financial assistance, the eligible owner or operator may expend its own funds for the upgrade, closure, or remediation, and upon approval of the application, the authority shall award the financial assistance as a reimbursement of the monies expended for eligible project costs.

4. This act shall take effect immediately.

Approved July 30, 1998.

CHAPTER 60

AN ACT concerning the licensing of public movers and warehousemen and amending and supplementing P.L.1981, c.311.

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

1. Section 2 of P.L.1981, c.311 (C.45:14D-2) is amended to read as follows:

C.45:14D-2 Definitions.

2. As used in this act:

a. "Accessorial service" means the preparation of articles for shipment, including, but not limited to, the packing, crating, boxing and servicing of

appliances, the furnishing of containers, unpacking, uncrating and reassembling of articles, placing them at final destination and the moving or shifting of articles from one location to another within a building, or at a single address;

b. "Board" means the State Board of Public Movers and Warehousemen established under this act;

c. (Deleted by amendment, P.L.1993, c.365).

d. "Department" means the Department of Law and Public Safety;

e. "Household goods" means personal effects, fixtures, equipment, stock and supplies or other property usually used in or as part of the stock of a dwelling, when it is put into storage or when it is transported by virtue of its removal, in whole or in part, by a householder from one dwelling to another, or from the dwelling of a householder to the dwelling of another householder, or between the dwelling of a householder and a repair or storage facility, or from the dwelling to an auction house or other place of sale. The term "household goods" shall not apply to property moving from a factory or store, except property which the householder has purchased and which is transported at his request as part of the movement by the householder from one dwelling to another;

f. "Intrastate commerce" means commerce moving wholly between points within the State over all public highways, or at a single location;

g. "License" means a license issued by the board;

h. "Motor vehicle" means any vehicle, machine, tractor, truck or semitrailer, or any combination thereof, propelled, driven or drawn by mechanical power, and used upon the public highways in the transportation of household goods, office goods and special commodities in intrastate commerce;

i. "Mover's services" means all of the services rendered by a public mover;

j. "Storage services" means all of the services rendered by a warehouseman;

k. "Office goods" means personal effects, fixtures, furniture, equipment, stock and supplies or other property usually used in or as part of the stock of any office, or commercial, institutional, professional or other type of establishment, when it is put into storage or when the property is transported by virtue of its removal, in whole or in part, from one location to another, but does not mean or include stock and supplies or other property usually used in or as part of the stock of any office, or commercial, institutional, professional or other type of establishment, when put into storage;

l. "Person" means any individual, copartnership, association, company, or corporation, and includes any trustee, receiver, assignee, lessee, or personal representative of any person herein defined;

m. "Place of business" means a business office located in New Jersey from which the mover or warehouseman conducts his daily business and where records are kept;

n. "Property" means all of the articles in the definition of household goods, office goods or special commodities;

o. "Public highway" or "highway" means any public street, road, thoroughfare, bridge and way in this State open to the use of the public as a matter of right for purposes of motor vehicular travel, including those that impose toll charges;

p. "Public mover" or "mover" means any person who engages in the transportation of household goods, office goods or special commodities by motor vehicle for compensation in intrastate commerce between points in this State, including the moving of household goods, office goods or special commodities from one location to another at a single address, and any person who engages in the performance of accessorial services; except that the term "public mover" or "mover" shall not apply to any person who engages in, or holds himself out to the general public as engaging in, the transportation of special commodities when such commodities are not transported by virtue of a removal, in whole or in part, and who does not engage, nor hold himself out to the general public as engaging in, the transportation of household or office goods;

q. "Special commodities" means uncrated or unboxed works of art, fixtures, appliances, business machines, electronic equipment, displays, exhibits, home, office, store, theatrical or show equipment, musical instruments, or other articles being put into storage or being moved, and which require the use of equipment and personnel usually furnished or employed by warehousemen or public movers, except that the provisions of P.L.1981, c.311 (C.45:14D-1 et seq.) shall not apply to any person engaged in the transportation or storage of special commodities when these commodities are not transported by virtue of a removal, in whole or in part;

r. "Storage" means the safekeeping of property in a depository for compensation;

s. "Tariff" means a schedule of rates and charges for the storage or transportation of property in intrastate commerce on file with the board, which shall be used, except in the use of binding estimates by movers, in computing all charges on the storage or transportation of property as of the date of the time in storage or transportation;

t. "Warehouseman" means a person engaged in the business of storage;

u. "Removal" means the physical relocation, in whole or in part, of either household goods, office goods or special commodities from one

location to another location, including internal relocations within the same room or facility, for compensation.

2. Section 14 of P.L.1981, c.311 (C.45:14D-14) is amended to read as follows:

C.45:14D-14 Tariffs.

14. a. Public movers and warehousemen shall file their tariffs with the board semiannually;

b. Except in the use of binding estimates provided for in section 6 of P.L.1998, c.60 (C.45:14D-29), no public mover or warehouseman shall charge, demand, collect or receive a greater compensation for his service than specified in the tariff.

C.45:14D-26 Notification to BPU of unlicensed mover.

3. The board shall notify the Board of Public Utilities of the business location and telephone number of any public mover that does not have a valid license issued by the board.

C.45:14D-27 Order to disconnect unlicensed mover's telephone.

4. When notified by the State Board of Public Movers and Warehousemen pursuant to section 3 of P.L.1998, c.60 (C.45:14D-26), the Board of Public Utilities shall order the servicing telecommunications company to disconnect that mover's telephone number that is published in any commercial listing.

C.45:14D-28 Disconnection of unlicensed mover's telephone.

5. When ordered by the Board of Public Utilities pursuant to section 4 of P.L.1998, c.60 (C.45:14D-27), the telecommunications company shall disconnect that mover's telephone number that is published in any commercial listing.

C.45:14D-29 Furnishing of binding estimate in writing; violations, penalties.

6. a. If a binding estimate is used for moving, the estimate shall be furnished in writing to the customer or other person responsible for payment of the charges for the mover's services and a copy of the estimate shall be retained by the public mover as an addendum to the bill of lading. A binding estimate shall clearly indicate on its face that the estimate is binding on the public mover and that the charges shown are the charges to be assessed for the services identified in the estimate. A binding estimate shall clearly describe the property to be moved and all services to be provided. If, at the time of the move, additional property is to be moved or additional services are to be provided, or both, that are in excess of that provided in the binding estimate, the mover shall not charge, demand, collect or receive a greater compensation for those services than specified in his filed tariff.

b. (1) No mover shall withhold all or any part of a shipment if the amount due on the moving contract based on a binding estimate in regard to the move is offered to be paid, or is paid, in full to the mover.

(2) No mover shall withhold all or any part of a shipment pursuant to a moving contract not based on a binding estimate unless the mover discloses in the moving contract that the mover may withhold all or a part of the shipment for payment of the freight bill.

c. A mover shall disclose in the moving contract that the mover may not withhold all or any part of a shipment if:

(1) the moving contract is based on a binding estimate and the amount due on a binding estimate for the move is offered to be paid, or is paid, in full to the mover; and

(2) the moving contract is not based on a binding estimate and the mover has not otherwise disclosed in the moving contract that the mover may withhold all or any part of the shipment for payment of the freight bill.

d. A mover which violates any provision of this section shall be liable to a civil penalty of not less than \$1,000 nor more than \$5,000 for a first violation and not less than \$5,000 nor more than \$10,000 for a subsequent violation. The penalty prescribed in this section shall be collected and enforced by summary proceedings pursuant to "the penalty enforcement law" (N.J.S.2A:58-1 et seq.).

7. This act shall take effect 60 days following the date of enactment.

Approved July 30, 1998.

CHAPTER 61

AN ACT concerning fire police and amending R.S.15:8-4.

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

1. R.S.15:8-4 is amended to read as follows:

Appointment o members of volunteer fire company for police duty, certain circumstances.

15:8-4. Any duly organized volunteer fire company may provide for the appointment of certain of its members to perform certain police duties at fires and fire drills, for a term of office not exceeding five years from the date of the appointment. The appointed members shall, before entering upon their duties, qualify by:

(1) Successfully completing a basic fire police training course formulated or approved by the Division of Fire Safety.

(2) Taking and subscribing an oath that they will justly, impartially and faithfully discharge their duties according to the best of their ability and understanding. The oath shall be administered by the municipal clerk and subscribed to in duplicate. The original copy of the oath shall be filed with the municipal clerk and the copy thereof filed with the secretary of the fire company making the appointment.

After appointment, a qualified member shall be eligible as a fire police officer and shall have full power and authority to act as a fire police officer anywhere in the county in which he is appointed or in any other county in which he is called upon to act.

It shall be the duty of a member of the fire police to perform his duties under the supervision of the fire officer in charge of the fire or fire drill, until the arrival of a duly authorized police officer, who shall assume responsibility for the supervision of the performance of traffic duties, preservation of evidence and all other law enforcement duties. Nothing in this paragraph shall diminish the powers of the chief or other superior officer of any volunteer fire company in the exercise of his duties pursuant to section 1 of P.L.1981, c.435 (C.40A:14-54.1).

The duties of said fire police subject to the supervision aforesaid shall be to:

- (1) Protect property and contents.
- (2) Establish and maintain fire lines.
- (3) Perform such traffic duties as necessary, from the fire station to and at the vicinity of the fire, fire drill or other emergency call, until the arrival of a duly authorized police officer or at any public event where fire police services may be requested to protect the public, subject to the approval of and supervision by the chief law enforcement officer of the municipality in which the public event takes place, or the Superintendent of State Police if the municipality does not have a police department.
- (4) In the absence of investigating authorities, fire police shall investigate all causes of fires and preserve all evidence pertaining to questionable fires and turn evidence over to proper investigating authorities.
- (5) Wear the authorized fire police badge on the left breast of the outermost garment while on duty.

Provided, however, nothing herein contained shall give the fire police or any of them the right to supersede a duly authorized police officer.

If any person shall unreasonably refuse to obey the orders of the fire police, a fire police officer may arrest him and keep him under arrest until the fire is extinguished or the drill completed. If the offender is found guilty

by a municipal court or Superior Court, he shall be sentenced to pay a fine not exceeding \$200 and costs.

2. This act shall take effect immediately, but the training requirement shall apply only to fire police officers initially appointed on or after the effective date.

Approved July 30, 1998.

CHAPTER 62

AN ACT concerning the retirement of certain members of the Police and Firemen's Retirement System of New Jersey and supplementing P.L.1944, c.255 (C.43:16A-1 et seq.)

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

C.43:16A-9.6 PFRS members, certain, deemed retired, certain circumstances.

1. Notwithstanding the provisions of paragraph b. of subsection (2) of section 9 of P.L.1944, c.255 (C.43:16A-9) to the contrary, a member of the Police and Firemen's Retirement System with at least 15 years of creditable service who becomes incapacitated as a result of α_1 -antitrypsin deficiency and dies prior to applying for ordinary disability retirement, shall be deemed to be retired as of the date of the member's death if, on or before the 60th day following that date of death or the effective date of this act, whichever is later, the surviving beneficiary makes that request in writing to the board. Upon approval by the board, the request shall become irrevocable, and the survivors of the member shall receive all benefits due to survivors of an ordinary disability retiree of the retirement system; provided, however, that the surviving beneficiary repays to the retirement system the member's aggregate contributions at the time of death which the surviving beneficiary received pursuant to the provisions of subsection (1) of section 9 of P.L.1944, c.255 (C.43:16A-9).

2. This act shall take effect immediately and shall be retroactive to May 1, 1997.

Approved July 30, 1998.

CHAPTER 63

AN ACT concerning application fees for certain examinations and amending
P.L.1992, c.197

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

1. Section 1 of P.L.1992, c.197 (C.11A:4-1.1) is amended to read as follows:

C.11A:4-1.1 Application fee for examinations; additional fee; uses.

1. a. Except as provided in subsection b. of this section concerning law enforcement officer and firefighter examinations, the Commissioner of the Department of Personnel shall establish a \$5 fee for each application for an open competitive or promotional examination. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from application fees established by this subsection shall be appropriated to the department.

b. The commissioner shall establish a fee for each application for an open competitive or promotional examination for a law enforcement officer or firefighter title. The fee shall not exceed the cost of developing, procuring and administering the examination, including the processing of any appeals or reviews associated with the examination. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997 c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from application fees established by this subsection shall be appropriated to the department for use in developing, procuring and administering law enforcement officer and firefighter examinations, including the processing of any appeals or reviews associated with those examinations.

c. In addition to the fees established in subsections a. and b. of this section, the commissioner shall establish a \$5 fee for each application for an open competitive or promotional examination for a position in State service. Persons receiving public assistance benefits pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), P.L.1973, c.256 (C.44:7-85 et seq.), or P.L.1997, c.38 (C.44:10-55 et seq.) shall not be required to pay this fee if they apply for an open competitive examination. Receipts derived from the application fee established pursuant to this subsection shall be appropriated annually to

the department for the costs of the displaced workers pool program. This fee shall not be assessed and collected unless the commissioner implements a displaced workers pool program. If the displaced workers pool program is terminated at any time by the commissioner, the assessment and collection of this additional fee shall also be terminated.

2. This act shall take effect immediately.

Approved July 30, 1998.

CHAPTER 64

AN ACT appropriating from the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the sum of \$2,024,509 and from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, the sum of \$5,869,539, for the purpose of making grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects in northern New Jersey, and the sum of \$31,250 for the purpose of funding the monitoring and enforcement of historic preservation easements, restrictions, or other requirements.

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

1. a. There is appropriated to the New Jersey Historic Trust from the "1992 Historic Preservation Fund" established pursuant to section 25 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," P.L.1992, c.88, the sum of \$2,024,509 and from the "1995 Historic Preservation Fund" established pursuant to section 26 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, the sum of \$5,869,539 for the purpose of making grants, as awarded by the New Jersey Historic Trust, for historic preservation projects listed in this subsection. The following projects are eligible for funding with the monies appropriated pursuant to this subsection:

COUNTY	PROJECT NAME	MUNICIPALITY	NAME OF ORGANIZATION	GRANT AWARD
Bergen	Hardenburgh Avenue Bridge	Demarest Boro	County of Bergen	142,906
Bergen	South Presbyterian Church, Bergenfield	Bergenfield Boro	South Presbyterian Church	53,730

Bergen	New Milford Plant, Hackensack Water Co.	Oradell Boro	County of Bergen	575,000
Essex	Evergreens	Montclair Twp.	The Montclair Historical Society	304,662
Essex	Essex County	Newark City	Essex County Court House Board of Chosen Freeholders	1,181,875
Hudson	Hoboken City Hall	Hoboken City	City of Hoboken	378,600
Hudson	Old Bergen Church of Jersey City	Jersey City	Old Bergen Church of Jersey City	540,620
Hudson	Our Lady of Grace Church, Hoboken	Hoboken City	Our Lady of Grace Church	344,050
Hunterdon	Hunterdon County Courthouse	Flemington Boro	Hunterdon County Board of Chosen Freeholders	522,750
Mercer	Morven	Princeton Boro	New Jersey Department of State	1,078,274
Mercer	Presbyterian Church of Lawrenceville	Lawrence Twp.	Presbyterian Church of Lawrenceville	196,225
Mercer	William Trent House	Trenton City	City of Trenton	683,258
Mercer	Brearley House	Lawrence Twp.	Township of Lawrence	361,643
Morris	Obadiah LaTourette Grist and Saw Mill	Washington Twp.	Washington Township Land Trust of Morris County, Inc.	75,240
Morris	St. Mary's R.C. Church, Wharton	Wharton Boro	St. Mary's Roman Catholic Church	283,275
Somerset	Higginsville Road Bridges	Hillsborough Twp.	County of Somerset	588,750
Union	Plainfield Friends Meeting House	Plainfield City	Rahway & Plainfield Monthly Meeting of the Religious Society of Friends	90,693
Union	Merchants and Drover's Tavern	Rahway City	Rahway Historical Society	177,497
Warren	Shippen Manor and Oxford Furnace	Oxford Twp.	Warren County Cultural and Heritage Commission	315,000

b. Any transfer of any funds to another project, or change in project sponsor, site, or type, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

2. There is appropriated to the New Jersey Historic Trust from the "1995 Historic Preservation Fund" established pursuant to section 26 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, the sum of \$31,250 for the purpose of funding the monitoring and enforcement of historic preservation easements, restrictions, or other requirements associated with the projects funded pursuant to section 1 of this act and pursuant to section 1 of P.L.1998, c.65.

3. To the extent that monies remain available after the projects listed in section 1 of this act are offered funding from the "1992 Historic Preservation Fund" and the "1995 Historic Preservation Fund," the projects listed in P.L.1995, c.420, P.L.1995, c.421, P.L.1997, c.106, P.L.1997, c.107, and P.L.1998, c.65 shall be eligible for additional funding, including administrative costs of the New Jersey Historic Trust in administering this section, in a sequence consistent with the priority system established by the New Jersey Historic Trust, and shall require the approval of the Joint Budget Oversight Committee or its successor.

4. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1992, c.88 and P.L.1995, c.204, as appropriate.

5. Notwithstanding the provisions of any other law to the contrary, the grant award of \$426,834 from the "1992 Historic Preservation Fund" established pursuant to section 25 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" made pursuant to P.L.1995, c.420 to the Union County Parks and Recreation Division for the Deserted Village of Feltville: Masker's Barn project shall not be terminated.

6. This act shall take effect immediately.

Approved July 31, 1998.

CHAPTER 65

AN ACT appropriating from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, the

sum of \$3,599,211 for the purpose of making grants, as awarded by the New Jersey Historic Trust, for certain historic preservation projects in southern New Jersey.

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

1. a. There is appropriated to the New Jersey Historic Trust from the "1995 Historic Preservation Fund" established pursuant to section 26 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204," the sum of \$3,599,211 for the purpose of making grants, as awarded by the New Jersey Historic Trust, for historic preservation projects listed in this subsection. The following projects are eligible for funding with the monies appropriated pursuant to this subsection:

COUNTY	PROJECT NAME	MUNICIPALITY	NAME OF ORGANIZATION	GRANT AWARD
Atlantic	Ventnor City Hall	Ventnor City	City of Ventnor	750,959
Burlington	Paulsdale	Mount Laurel Twp.	Alice Paul Centennial Foundation	477,947
Burlington	Collins-Jones House	Burlington City	Burlington County Historical Society	85,473
Cumberland	Bethel A.M.E. Church, Springtown	Greenwich Twp.	Bethel A.M.E. Church	89,058
Cumberland	Landis Theatre	Vineland City	Landis Theatre Redevelopment Association	455,359
Monmouth	Christ Episcopal Church, Shrewsbury	Shrewsbury Boro	Christ Episcopal Church	315,348
Monmouth	St. Peter's Episcopal Church, Freehold	Freehold Boro	St. Peter's Episcopal Church	313,012
Ocean	Georgian Court Bridge	Lakewood Twp.	County of Ocean	565,672
Ocean	Georgian Court College-Casino & Monumental Fence	Lakewood Twp.	Georgian Court College	265,953
Salem	Salem Municipal Building	Salem City	City of Salem	120,430
Salem	Salem Free Public Library	Salem City	Salem Free Public Library	160,000

b. Any transfer of any funds to another project, or change in project sponsor, site, or type, listed in subsection a. of this section shall require the approval of the Joint Budget Oversight Committee or its successor.

2. To the extent that monies remain available after the projects listed in section 1 of this act are offered funding from the "1995 Historic Preservation Fund," the projects listed in P.L.1995, c.420, P.L.1995, c.421, P.L.1997, c.106, P.L.1997, c.107, and P.L.1998, c.64 shall be eligible for additional funding, including administrative costs of the New Jersey Historic Trust in administering this section, in a sequence consistent with the priority system established by the New Jersey Historic Trust, and shall require the approval of the Joint Budget Oversight Committee or its successor.

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1995, c.204.

4. This act shall take effect immediately.

Approved July 31, 1998.

CHAPTER 66

AN ACT amending the title and body of P.L.1980, c.70 and amending the title and amending and supplementing the body of P.L.1985, c.330 to authorize the Department of Environmental Protection to use bond moneys therefrom to provide grants to assist local government units in the payment of costs incurred for solid waste facilities, including completed, abandoned and canceled facilities and in the payment of debt service costs incurred for such facilities and to forgive loans made from bond fund moneys; providing for the submission of this act to the people at a general election, and making an appropriation.

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

1. The title of P.L.1980, c.70 is amended to read as follows:

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the aggregate principal amount of \$145,000,000.00 for the purpose of State or local projects to plan, test, design, acquire and construct solid waste facilities, including completed, canceled or abandoned solid waste facilities, sewage treatment

facilities, water supply facilities, dam restoration projects and harbor clean up projects; assisting local government units in the payment of costs incurred prior to November 10, 1997 for solid waste facilities, including completed, canceled and abandoned solid waste facilities and in the payment of or security for debt service on bonds, notes, leases and other obligations issued by local government units to finance solid waste facilities; to forgive the repayment of loans from bond fund moneys made to local government units for solid waste facilities; providing the ways and means to pay the interest of such debt and also to pay and discharge the principal thereof; and providing for the submission of this act to the people at a general election; and providing an appropriation therefor.

2. Section 3 of P.L.1980, c.70 is amended to read as follows:

3. As used in this act:

"Bonds" means the bonds authorized to be issued, or issued under this act;

"Commission" means the New Jersey Commission on Capital Budgeting and Planning;

"Commissioner" means the Commissioner of Environmental Protection;

"Construct" and "construction" mean, in addition to the usual meaning thereof, acts of construction, reconstruction, replacement, extension, improvement and betterment;

"Cost" means the cost of acquisition or construction of all or any part of a project and of all or any real or personal property, agreements and franchises deemed by the department to be necessary or useful and convenient thereof or in connection therewith, including interest or discount on bonds, cost of issuance of bonds, cost of geological and hydrological services, administrative costs, interconnection testing, engineering and inspection costs and legal expenses, cost of financial, professional and other estimates and advice, organization, operating and other expenses prior to and during such acquisition or construction, and all such other expenses as may be necessary or incident to the financing, acquisition, construction, completion, the operation and maintenance of such project or part thereof and the placing of the same in operation, and also such provision for a reserve fund, or reserves for working capital, operating, maintenance or replacement expenses and for payment or security of principal of or interest in bonds during or after such acquisition or construction as the State Comptroller may determine, and debt service costs;

"Debt service costs" means any costs incurred by a local government unit in connection with the issuance and payment of debt obligations and includes reserve funds and other security;

"Debt obligations" means any bonds, notes, leases, or other obligations issued by a local government unit prior to November 10, 1997 to finance the costs of a solid waste facility project and includes any bonds, notes, leases or other obligations issued to refund, restructure or refinance debt which was outstanding prior to November 10, 1997;

"Dam restoration" means the demolition, reconstruction, rehabilitation, or restoration of structures that impound water for supply purposes, flood control or recreation;

"Department" means the Department of Environmental Protection;

"Harbor clean up" means the removal of piers, bulkheads, sunken vessels and other derelict structures adjacent to the waterfront that contribute to the source of drift;

"Local government unit" means a county, public authority or any other political subdivision of the State authorized to construct or operate a solid waste facility;

"Person" means any individual or private firm;

"Project" means any work relating to sewage treatment facilities, water supply facilities, dam restoration projects and harbor clean up projects and solid waste facilities; provided that with respect to solid waste facilities, the work shall have been undertaken prior to November 10, 1997, including work relating to solid waste facilities which were not completed, or were abandoned or canceled;

"Public authority" means any municipal or county utilities authority created pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); county improvement authority created pursuant to the "county improvement authorities law," P.L.1960, c.183 (C.40:37A-44 et seq.); pollution control financing authority created pursuant to the "New Jersey Pollution Control Financing Law," P.L.1973, c.376 (C.40:37C-1 et seq.), or any other public body corporate and politic created for solid waste management purposes in any county, pursuant to the provisions of any law;

"Real property" means lands, within or without the State, and improvement thereof or thereon, any and all rights-of-way, water, riparian and other rights, and any and all easements, and privileges in real property, and any right or interest of any kind or description in, relating to or connected with real property;

"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, including a co-composting facility, which is identified and included in a district solid waste

management plan pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.);

"Solid waste facilities" means, and includes, the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by, or on behalf of, any person or local government unit pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) or any other act, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner;

"Water supply facilities" 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 the State, or 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, and any and all appurtenances necessary, useful or convenient for the collecting, storing, improving, treating, filtering 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, and facilitating incidental recreational uses thereof;

"Sewage treatment facilities" means the plants, structures, real and personal property 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 including pumping and ventilating stations, sewage treatment systems, plants and works, connections, outfalls, interceptors, trunk lines, and other personal property, and appurtenances necessary or useful and convenient for the treatment, purification, disposal or recycling and recovery in a sanitary manner of any sewage, liquid or solid wastes, night soil, or industrial wastes to preserve and protect natural water resources and facilities.

3. Section 4 of P.L.1980, c.70 is amended to read as follows:

4. Bonds of the State of New Jersey are authorized to be issued in the aggregate principal amount of \$145,000,000.00 to meet the cost of providing State or local projects for solid waste facilities, sewage treatment facilities, water supply facilities, dam restoration projects and harbor clean up projects.

a. Of the total moneys available under this act, \$50,000,000.00 is allocated for grants to local government units for financing the costs of solid waste facility projects and paying for debt service costs. The solid waste facilities shall be consistent with the Statewide solid waste management plan of the department and of the respective district solid waste management plans adopted pursuant to the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.).

b. Of the total moneys available under this act, \$60,000,000.00 is allocated for matching grants to local governments for planning, designing, acquiring and constructing sewage treatment facilities.

c. Of the total moneys available under this act, \$35,000,000.00 is allocated for the following projects:

(1) \$12,000,000.00 to match federal funds or for State projects for harbor clean up;

(2) \$15,000,000.00 for dam restoration for State projects, for matching grants to local governments or for emergency repairs to local or private dams, subject to repayment by the local government or private owner;

(3) \$8,000,000.00 for State projects and matching grants to local governments for planning, testing, designing, acquiring, and constructing water supply interconnection facilities and for the design of the Manasquan Reservoir project.

4. Section 10 of P.L.1980, c.70 is amended to read as follows:

10. a. The bonds shall recite that they are issued for the purposes set forth in section 4 of P.L.1980, c.70 and that they are issued in pursuance of P.L.1980, c.70 and that P.L.1980, c.70 was submitted to the people of the State at the general election held in the month of November, 1980 and that it received the approval of the majority of votes cast for and against it as such election. The bonds shall also recite, if issued after the effective date of P.L.1998, c.66, that the amendments to P.L.1980, c.70 were submitted to the people of the State at the general election held in the month of November, 1998, and were approved by a majority of the legally qualified voters of the State voting thereon. These recitals shall be conclusive evidence of the authority of the State to issue said bonds and of their validity. Any bonds containing these recitals shall in any suit, action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity therewith and with all other provisions of statutes applicable thereto, and shall be incontestable for any cause.

b. Such bonds shall be issued in such denominations and in such form or forms, whether coupon or registered as to both principal and interest, and

with or without such provisions for interchangeability thereof, as may be determined by the issuing officials.

5. Section 15 of P.L.1980, c.70 is amended to read as follows:

15. a. The moneys in said "Natural Resources Fund" are hereby specifically dedicated and shall be applied to the purposes set forth in section 4 of P.L.1980, c.70, as amended by P.L.1998, c.66, and all such moneys are hereby appropriated for such purposes, and no such moneys shall be expended for such purpose (except as otherwise hereinbelow authorized) without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided notwithstanding that the Legislature shall not have then adopted an act making specific appropriation of any of said moneys. For the purposes of P.L.1980, c.70, any act appropriating moneys from the "Natural Resources Fund" shall identify the particular project or projects to be funded by such moneys.

For the purposes of P.L.1998, c.66 and with respect to moneys to be allocated for the purposes set forth in subsection a. of section 4 of P.L.1980, c.70, as amended by P.L.1998, c.66, all moneys now or hereafter allocated for such purposes are hereby appropriated to the department for the purposes set forth therein, subject to the approval of the Joint Budget Oversight Committee of the specific projects and costs to be funded by the moneys from the "Natural Resources Fund" for the purposes set forth in subsection a. of section 4 of P.L.1980, c.70, as amended by P.L.1998, c.66.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is hereby authorized to transfer from any available moneys in any fund of the Treasury of the State to the credit of the "Natural Resources Fund" such sum as the State Treasurer may deem necessary. The sums so transferred shall be returned to the same fund of the treasury of this State by the State Treasurer from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purpose provided in P.L.1980, c.70, as amended by P.L.1998, c.66, moneys in the "Natural Resources Fund" may be invested and reinvested as other trust funds in the custody of the State Treasurer in the manner provided by law. Net earnings received from the investment or deposit of such fund shall be paid into the General State Fund.

6. The title of P.L.1985, c.330 is amended to read as follows:

AN ACT to authorize the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the aggregate principal amount of \$85,000,000.00 to provide funds for grants to assist local government units in the payment of any and all costs incurred prior to November 10,

1997 for solid waste facilities, including completed, abandoned and canceled solid waste facilities and in the payment of or security for debt service on bonds, notes, leases and other obligations issued by local government units to finance solid waste facilities; to forgive the repayment of loans made from the bond fund moneys to local government units for solid waste facilities; authorizing the issuance of refunding bonds; providing the ways and means to pay the interest on the bonds and refunding bonds and also to pay and discharge the principal thereof; providing for submission of this act to the people at a general election: and providing an appropriation therefor.

7. Section 3 of P.L.1985, c.330 is amended to read as follows:

3. As used in this act:

"Bonds" means the bonds authorized to be issued, or issued, under this act;

"Commission" means the New Jersey Commission on Capital Budgeting and Planning;

"Commissioner" means the Commissioner of the Department of Environmental Protection;

"Construct" and "construction" mean, in addition to the usual meanings thereof, the designing, engineering, financing, extension, repair, remodeling, or rehabilitation, or any combination thereof, of a resource recovery facility or an environmentally sound sanitary landfill facility, or any other type of solid waste facility, or any component part thereof;

"Cost" means the expenses incurred in connection with: the acquisition by purchase, lease or otherwise, the design, development, and the construction of any project authorized by this act; the acquisition by purchase, lease or otherwise, and the development of any real or personal property for use in connection with any project authorized by this act, including any rights or interests therein; the execution of any agreements and franchises deemed by the department to be necessary or useful and convenient in connection with any project authorized by this act; the procurement of engineering, inspection, planning, legal, financial or other professional services, including the services of a bond registrar or an authenticating agent; the issuance of bonds, or any interest or discount thereon; the administrative, organizational, operating or other expenses incident to the financing, completing and placing into service, operating and maintaining of projects authorized by this act; the establishment of a reserve fund or funds for working capital, operating, maintenance or replacement expenses and for the payment or security, principal or interest on bonds, as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys which may have been transferred or advanced therefrom to any fund created by this

act, or of any moneys which may have been expended therefrom for or in connection with any project authorized by this act or for debt service costs;

"Debt service costs" means any costs incurred by a local government unit in connection with the issuance and payment of debt obligations and includes reserve funds and other security;

"Debt obligations" means any bonds, notes, leases, or other obligations issued by a local government unit prior to November 10, 1997 to finance the costs of a solid waste facility project and includes any bonds, notes, leases or other obligations issued to refund, restructure or refinance debt which was outstanding prior to November 10, 1997;

"Department" means the Department of Environmental Protection;

"Environmentally sound sanitary landfill facility" means a sanitary landfill facility which is equipped with a liner or liners, a leachate control and collection system, and a groundwater pollution monitoring system, or any other pollution control or other engineering device required by the department pursuant to law or rule and regulation, and which is identified and included in a district solid waste management plan pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.);

"Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States, including obligations of any federal agency to the extent those obligations are unconditionally guaranteed by the United States of America and any certificates or any other evidences of an ownership interest in those obligations of, or unconditionally guaranteed by, the United States or in specified portions of those obligations, which may consist of the principal of, or the interest on, those obligations;

"Local government unit" means a county, public authority, or any other political subdivision of the State authorized to construct or operate a solid waste facility;

"Person" means any individual or private firm;

"Project" means any work undertaken prior to November 10, 1997 relating to the design, development, or construction by a local government unit of a solid waste facility, including work for solid waste facilities that were not completed, or were abandoned or canceled;

"Public authority" means any municipal or county utilities authority created pursuant to the "municipal and county utilities authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.); county improvement authority created pursuant to the "county improvement authorities law," P.L.1960, c.183 (C.40:37A-44 et seq.); pollution control financing authority created pursuant to the "New Jersey Pollution Control Financing Law," P.L.1973,

c.376 (C.40:37C-1 et seq.), or any other public body corporate and politic created for solid waste management purposes in any county, pursuant to the provisions of any law;

"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, including a co-composting facility, which is identified and included in a district solid waste management plan pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.);

"Sanitary landfill facility" means a solid waste facility at which solid waste is deposited on or in the land as fill for the purpose of permanent disposal or storage for a period exceeding six months;

"Solid waste facilities" means, and includes, the plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by, or on behalf of, any person or local government unit pursuant to the provisions of the "Solid Waste Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.) or any other act, including transfer stations, incinerators, resource recovery facilities, sanitary landfill facilities or other plants for the disposal of solid waste, and all vehicles, equipment and other real and personal property and rights therein and appurtenances necessary or useful and convenient for the collection or disposal of solid waste in a sanitary manner.

8. Section 4 of P.L.1985, c.330 is amended to read as follows:

4. The commissioner shall adopt, pursuant to law, any rules or regulations necessary to implement the provisions of this act, as amended and supplemented by P.L.1998, c.66. The commissioner shall review and consider the findings and recommendations of the commission in implementing the provisions of this act, as amended and supplemented by P.L.1998, c.66.

9. Section 5 of P.L.1985, c.330 is amended to read as follows:

5. a. Bonds of the State of New Jersey are authorized to be issued in the aggregate principal amount of \$85,000,000.00 for the purposes of: (1) making grants to local government units for financing the costs of solid waste facility projects; or (2) making grants to local government units to pay for debt service costs.

b. Payments of principal and interest on loans made from the "Resource Recovery and Solid Waste Disposal Facility Fund" shall be made to the "Resource Recovery and Solid Waste Disposal Facility Fund."

10. Section 10 of P.L.1985, c.330 is amended to read as follows:

10. a. The bonds shall recite that they are issued for the purposes set forth in section 5 of P.L.1985, c.330, that they are issued pursuant to this act, that this act was submitted to the people of the State at the general election held in the month of November, 1985, and that this act was approved by a majority of the legally qualified voters of the State voting thereon at the election. The bonds shall also recite, if issued after the effective date of P.L.1998, c.66, that the amendments and supplements to P.L.1985, c.330 were submitted to the people of the State at the general election held in the month of November, 1998, and were approved by a majority of the legally qualified voters of the State voting thereon. These recitals shall be conclusive evidence of the validity of the bonds and of the authority of the State to issue them. Any bonds containing the recitals shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of laws applicable thereto, and shall be incontestable for any cause.

b. The bonds shall be issued in those denominations and in the form or forms, whether coupon, fully-registered or book-entry, and with or without provisions for the interchangeability thereof, as may be determined by the issuing officials.

11. Section 14 of P.L.1985, c.330 is amended to read as follows:

14. The proceeds from the sale of the bonds authorized pursuant to section 5 of P.L.1985, c.330 as amended by P.L.1998, c.66 shall be paid to the State Treasurer for deposit in a separate fund, which shall be known as the "Resource Recovery and Solid Waste Disposal Facility Fund." The proceeds of this fund shall be deposited in such depositories as may be selected by the State Treasurer to the credit of the fund.

12. Section 15 of P.L.1985, c.330 is amended to read as follows:

15. a. The moneys in the "Resource Recovery and Solid Waste Disposal Facility Fund" are specifically dedicated and shall be applied to the purposes set forth in section 5 of P.L.1985, c.330, as amended by P.L.1998, c.66, and all such moneys now or hereafter on deposit in the "Resource Recovery and Solid Waste Disposal Facility Fund" are appropriated for those purposes to the department, to be allocated by the department for the purposes herein set forth, subject to the approval of the Joint Budget Oversight Committee of the specific projects and costs to be funded by the moneys from the "Resource Recovery and Solid Waste Disposal Facility Fund."

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is authorized to transfer from any available moneys in

any fund of the treasury of the State to the credit of the "Resource Recovery and Solid Waste Disposal Facility Fund" those sums as the State Treasurer may deem necessary. The sums so transferred shall be returned to the same fund of the treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purposes provided in P.L.1985, c.330, as amended by P.L.1998, c.66, the moneys in the "Resource Recovery and Solid Waste Disposal Facility Fund" may be invested and reinvested as are other trust funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment or deposit of moneys in the "Resource Recovery and Solid Waste Disposal Facility Fund" shall be paid into the "Resource Recovery and Solid Waste Disposal Facility Fund."

13. Notwithstanding any other provision of law to the contrary, on and after the effective date of this section, the State Treasurer is authorized to forgive in whole the repayment of any loans made pursuant to the provisions of P.L.1980, c.70, P.L.1985, c.330, P.L.1985, c.332 or P.L.1985, c.335.

14. For the purpose of complying with the provisions of the State Constitution, this amendatory and supplementary act shall be submitted to the people at the general election to be held in the month of November, 1998. To inform the people of the contents of this amendatory and supplementary act, it shall be the duty of the Secretary of State, after this section takes effect, and at least 60 days prior to the election, to cause this amendatory and supplementary act to be published at least once in one or more newspapers of each county, if any newspapers are published therein, and to notify the clerk of each county of this State of the passage of this amendatory and supplementary act; and the clerks respectively, in accordance with the instructions of the Secretary of State, shall have printed on each of the ballots the following:

If you approve of the act entitled below, make a cross (X), plus (+), or check (✓) mark in the square opposite the word "Yes."

If you disapprove of the act entitled below, make a cross (X), plus (+), or check (✓) mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to these markings respectively.

	YES	<p>ALLOWS USE OF 1980 NATURAL RESOURCES BOND MONEYS AND 1985 RESOURCE RECOVERY AND SOLID WASTE DISPOSAL FACILITY BOND MONEYS FOR PAYMENT OF SOLID WASTE FACILITY DEBT AND FORGIVENESS OF LOANS MADE WITH BOND FUND MONEYS</p> <p>Shall the revisions to the "Natural Resources Bond Act of 1980" and the "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985," which authorize the use of bond moneys for grants to assist local government units with the payment of costs, and the payment of or security for the payment of debt service costs, incurred for solid waste facilities, including completed, abandoned or canceled facilities, and provides for the forgiveness of loans made pursuant to the bond acts, be approved?</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This measure would permit changes in existing bond acts previously approved by voter referendum. Approval of this measure would not involve any new State bonded indebtedness. These changes to the "Natural Resources Bond Act of 1980" and the "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985" would allow funds made available by those bond acts to be used to make grants to counties and public authorities to pay for costs incurred prior to November 10, 1997 for completed, abandoned or canceled solid waste facilities, to pay for or provide security for debt obligations issued prior to November 10, 1997 which were issued to finance the costs of solid waste facilities, and would allow the State Treasurer to forgive the repayment of loans which previously had been made pursuant to these bond acts to finance solid waste facilities. The construction of solid waste facilities resulted in significant public investment and debt. When the United States Supreme Court ruled that state and local governments cannot require the use of in-state facilities to dispose of local solid waste, the public investment in these solid waste facilities was put at risk. This measure would help counties and public authorities in improving the financial situation of these facilities while protecting the public funds already invested in them.</p>

The fact and date of the approval or passage of this amendatory and supplementary act, as the case may be, may be inserted in the appropriate place after the title in the ballot. No other requirements of law of any kind or character as to notice or procedure, except as herein provided, need be adhered to.

The votes so cast for and against the approval of this amendatory and supplementary act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of the election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there is a majority of all the votes cast for and against it at the election in favor of the approval of this amendatory and supplementary act, then all the provisions thereof not made effective theretofore shall take effect forthwith.

15. There is appropriated from the General Fund the sum of \$5,000 to the Department of State for the expenses in connection with the publication of the notice pursuant to section 14 of this act.

16. Sections 14 and 15 of this act shall take effect immediately, and the remainder of the act shall take effect as and when provided in section 14 of this act.

Approved August 2, 1998.

CHAPTER 67

AN ACT establishing a project in the Department of Environmental Protection to study pollution problems in the Metedeconk Creek and Toms River watershed management areas, supplementing Title 13 of the Revised Statutes, and making an appropriation therefor.

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

1. a. There is established within the Department of Environmental Protection the Metedeconk Creek and Toms River Watershed Management project as an element of the Barnegat Bay Estuary Program. The project shall meet and commence its duties as soon as practicable.

It shall be the duty of the project to conduct a study of the Metedeconk Creek and Toms River watershed management areas and the groundwater and aquifers located beneath these watershed management areas, which shall include, but need not be limited to, an assessment of: the quality of the water supply, including the groundwater and aquifers located beneath the watershed management areas; the type and quantity of pollutants and hazardous substances identified in both the surface waters and groundwaters; the sources, or suspected sources, of the pollutants and hazardous substances identified; and the risks to human and animal health of the pollutants and hazardous substances identified. The boundaries of the Metedeconk Creek and Toms River watershed management areas shall be defined by the department.

b. The project shall be authorized to employ or contract with consulting engineers, biologists, chemists, epidemiologists, and such other consultants as may be required in the judgment of the department to carry out the purposes of P.L.1998, c.67, and to fix and pay their compensation

from funds available to the project therefor, all without regard to the provisions of Title 11A, Civil Service, of the New Jersey Statutes.

c. The project shall make appropriate use of the information developed by the activities currently being conducted by the department and the Department of Health and Senior Services and the Barnegat Bay Estuary Program.

2. Upon completion of the study conducted pursuant to section 1 of P.L.1998, c.67, the project shall make final recommendations for action to address any problems identified in its findings. A report containing the findings made pursuant to section 1 of P.L.1998, c.67 and the recommendations required pursuant to this section shall be transmitted to the Legislature within three years of the effective date of P.L.1998, c.67. The project shall expire upon transmission of its report to the Legislature.

3. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$100,000 to carry out the purposes of P.L.1998, c.67. This amount shall be provided from revenue received from the corporation business tax pursuant to the "Corporation Business Tax Act (1945)," P.L.1945, c.162 (C.54:10A-1 et seq.), as dedicated by Article VIII, Section II, paragraph 6 of the State Constitution.

4. This act shall take effect immediately.

Approved August 11, 1998.

CHAPTER 68

AN ACT concerning changes in the custody status of certain inmates and supplementing chapter 4 of Title 30 of the Revised Statutes.

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

C.30:4-91.8 Notice of review for community release of certain inmates.

1. a. Whenever an inmate who has been convicted of murder; manslaughter; vehicular homicide; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; robbery; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of

P.L.1993, c.291 (C.2C:13-6); or any crime of the first or second degree involving serious bodily injury is subject to a review by an Institutional Classification Committee which may result in participation in any residential community release program, the Department of Corrections shall provide written notice of that review in accordance with the provisions of subsection b. of this section.

b. (1) Upon the scheduling of a review subject to the notification requirement of this section, the Department of Corrections shall so notify the prosecutor of the county in which the inmate was convicted or, if the matter was prosecuted by the Attorney General, the Attorney General.

Upon receipt of such notice, the county prosecutor or Attorney General, as the case may be, shall have 10 working days in which to submit comments. If the county prosecutor or Attorney General does not provide comments within those 10 working days, the Department of Corrections may presume that the prosecutor or Attorney General, as the case may be, does not wish to submit any comments on the matter. The notice shall include the inmate's name, identifying factors and offense history.

(2) Immediately upon receipt of such notice, the county prosecutor or Attorney General in accordance with the provisions of paragraph (1) of this subsection shall notify the Office of Victim and Witness Advocacy of the county in which the inmate was convicted and that office shall use any reasonable means available to it to give notice within 10 working days to the victim of the crime or the victim's nearest relative if the crime resulted in death.

The notice required under this paragraph shall be given only if a request for such notification has been made by the victim or the victim's nearest relative, as the case may be, to the county prosecutor or Attorney General, as the case may be, at the time the inmate was sentenced.

Upon receipt of such notice, the victim or the victim's nearest relative, as the case may be, shall have 10 working days in which to submit comments. If the victim or the victim's nearest relative, as the case may be, does not provide comments within those 10 working days, the Department of Corrections may presume that the victim or victim's nearest relative, as the case may be, does not wish to submit any comments on the matter.

(3) Any comments provided pursuant to paragraph (1) or (2) of this subsection shall be in writing and shall be delivered to the Department of Corrections.

Comments submitted pursuant to this subsection shall be deemed confidential and shall not be disclosed to any person who is not authorized to receive or review them.

c. Whenever the Department of Corrections receives comments from a prosecutor or the Attorney General, as the case may be, or from a victim or a victim's nearest relative, as the case may be, concerning the participa-

tion of an inmate in accordance with this act, it shall give all due consideration to the information contained in those comments when considering the participation of that inmate.

d. The Commissioner of Corrections, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), may promulgate rules and regulations to effectuate the provisions of this act.

2. The provisions of this act shall take effect on the first day of the seventh month following enactment, except that the Commissioner of Corrections may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved August 12, 1998.

CHAPTER 69

AN ACT appropriating funds to the Department of Corrections from the "Public Purpose Buildings and Community-Based Facilities Construction Fund" for various 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 "Public Purpose Buildings and Community-Based Facilities Construction Fund" created pursuant to the "Public Purpose Buildings and Community-Based Facilities Construction Bond Act of 1989," P.L.1989, c.184, the sum of \$8,926,336 for the following projects:

26 DEPARTMENT OF CORRECTIONS

Jones Farm

Construct 200-bed dormitory unit with support building.....	\$7,020,000
--	-------------

Northern State Prison

Adjusted final contract cost for additional beds.....	\$1,540,659
--	-------------

Emergency security upgrades at Northern and Riverfront State Prisons.....

	<u>\$ 365,677</u>
Total Appropriation.....	<u>\$8,926,336</u>

2. There is also appropriated from the "Public Purpose Buildings and Community-Based Facilities Construction Fund," such amounts as may be necessary to meet any expense incurred by the issuing officials under P.L.1989, c.184 for advertising, engraving, printing, clerical, legal or other services necessary to carry out the duties imposed upon them by the provisions of that act.

3. 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 "Public Purpose Buildings and Community-Based Facilities Construction Fund" account. The transfers shall be made in a manner consistent with section 29 of P.L.1989, c.184.

4. This act shall take effect immediately.

Approved August 12, 1998.

CHAPTER 70

AN ACT appropriating \$994,500 from the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, for the construction, reconstruction, development, extension, improvement and equipment of classrooms, academic buildings, libraries, computer facilities and other higher education buildings at New Jersey's public and private institutions of higher education.

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

1. There is appropriated to the Commission on Higher Education, in, but not of, the Department of State, from the "Jobs, Education and Competitiveness Bond Fund" created pursuant to section 14 of the "Jobs, Education and Competitiveness Bond Act of 1988," P.L.1988, c.78, the sum of \$994,500 for the purpose of constructing, reconstructing, developing, extending, improving and equipping classrooms, academic buildings, libraries, computer facilities and other higher education buildings. The sum shall be allocated to the following institutions of higher education which

shall provide funds to projects which have been approved by the Commission on Higher Education as provided below:

<u>Project</u>	<u>Institution Funds</u>	<u>P.L. 1988, C.78</u>
<u>Construction of Higher Education Buildings at Independent Institutions</u>		
Expansion of Equestrian Center at Centenary College	\$1,041,000	\$450,000
Construction of Business and Technology Center at Centenary College	\$1,694,200	\$350,250
Felician College		\$ 50,250
Saint Peter's College		\$ 64,000
Seton Hall University		\$ 80,000
TOTAL		\$ 994,500

2. This act shall take effect immediately.

Approved August 12, 1998.

CHAPTER 71

AN ACT establishing a civil procedure for the involuntary commitment of sexually violent predators, supplementing Title 30 of the Revised Statutes and amending N.J.S.2C:47-5 and P.L.1994, c.134.

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

C.30:4-27.24 Short title.

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

C.30:4-27.25 Findings, declarations relative to sexually violent predators.

2. The Legislature finds and declares that:

a. Certain individuals who commit sex offenses suffer from mental abnormalities or personality disorders which make them likely to engage in

repeat acts of predatory sexual violence if not treated for their mental conditions.

b. Under the existing involuntary commitment procedure, persons are subject to commitment if they are mentally ill and dangerous to self, others or property. "Mental illness" is a current, substantial disturbance of thought, mood, perception or orientation which significantly impairs judgment, capacity to control behavior or capacity to recognize reality, which causes the person to be dangerous to self, others or property. The nature of the mental condition from which a sexually violent predator may suffer may not always lend itself to characterization under the existing statutory standard, although civil commitment may nonetheless be warranted due to the danger the person may pose to others as a result of the mental condition.

c. Therefore, it is necessary to modify the involuntary civil commitment process in recognition of the need for commitment of those sexually violent predators who pose a danger to others should they be returned to society.

d. Moreover, because of the nature of the mental conditions from which sexually violent predators suffer and the danger they present, it is necessary to house involuntarily committed sexually violent predators in an environment separate from persons committed under P.L.1987, c.116 (C.30:4-27.1 et seq.) or otherwise confined.

C.30:4-27.26 Definitions relative to sexually violent predators.

3. As used in this act:

"Agency with jurisdiction" means the agency which releases upon lawful order or authority a person who is serving a sentence or term of confinement, or is otherwise being detained or maintained in custody. This term includes the Department of Corrections or a county correctional facility, the Juvenile Justice Commission or a county juvenile detention facility, and the Department of Human Services.

"Attorney General" means the Attorney General or a county prosecutor to whom the Attorney General has delegated authority under this act.

"Clinical certificate for a sexually violent predator" means a form prepared by the Division of Mental Health Services in the Department of Human Services and approved by the Administrative Office of the Courts, that is completed by the psychiatrist or other physician who has examined the person who is subject to commitment within three days of presenting the person for admission to a facility for treatment, and which states that the person is a sexually violent predator in need of involuntary commitment. The form shall also state the specific facts upon which the examining physician has based that conclusion and shall be certified in accordance with the Rules Governing the Courts of the State of New Jersey. A clinical certificate for a sexually violent predator may not be executed by an

individual who is a relative by blood or marriage to the person who is being examined.

"Likely to engage in acts of sexual violence" means the propensity of a person to commit acts of sexual violence is of such a degree as to pose a threat to the health and safety of others.

"Mental abnormality" means a mental condition that affects a person's emotional, cognitive or volitional capacity in a manner that predisposes that person to commit acts of sexual violence.

"Person" means an individual 18 years of age or older who is a potential or actual subject of proceedings under this act.

"Psychiatrist" means a physician who has completed the training requirements of the American Board of Psychiatry and Neurology.

"Sexually violent offense" means:

(a) aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to subparagraph (b) of paragraph (2) of subsection c. of N.J.S.2C:13-1; criminal sexual contact; felony murder pursuant to paragraph (3) of N.J.S.2C:11-3 if the underlying crime is sexual assault; an attempt to commit any of these enumerated offenses; or a criminal offense with substantially the same elements as any offense enumerated above, entered or imposed under the laws of the United States, this State or another state; or

(b) any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the person's offense should be considered a sexually violent offense.

"Sexually violent predator" means a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sexually violent offense, or has been charged with a sexually violent offense but found to be incompetent to stand trial, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for control, care and treatment.

"Treatment team" means the individuals, agencies or firms which provide treatment, supervision or other services at a facility designated for the custody, care and treatment of sexually violent predators.

C.30:4-27.27 Written notice to Attorney General of anticipated release, discharge.

4. a. When it appears that a person may meet the criteria of a sexually violent predator as defined in this act, the agency with jurisdiction shall give written notice to the Attorney General 90 days, or as soon as practicable, prior to:

(1) the anticipated release from total confinement of a person who has been convicted of or adjudicated delinquent for a sexually violent offense;

(2) any commitment status review hearing at which the Department of Human Services intends to recommend discharge or believes that discharge may be likely, for a person who has been civilly committed pursuant to N.J.S.2C:4-8 following acquittal by reason of insanity for a sexually violent offense; or

(3) any hearing at which the Department of Human Services intends to recommend discharge or believes that discharge may be likely, for any person civilly committed based upon a determination that the person lacked mental competence to stand trial pursuant to N.J.S.2C:4-6, if the person had been charged with a sexually violent offense.

b. When such notice is given, the agency with jurisdiction shall provide the Attorney General with all information relevant to a determination of whether the person may be a sexually violent predator, including, without regard to classification as confidential pursuant to regulations of the agency with jurisdiction, any preparole report, psychological and medical records, any statement of the reasons for denial of parole and a statement from the agency with jurisdiction of the reasons for its determination that the person may be a sexually violent predator.

c. All information, documents and records concerning the person's mental condition or which are classified as confidential pursuant to statute or regulations of the agency with jurisdiction that are received or provided pursuant to this section shall be deemed confidential. Unless authorized or required by court order or except as required in the course of judicial proceedings relating to the person's commitment or release, disclosure of such information, documents and records shall be limited to a professional evaluating the person's condition pursuant to this section, the Attorney General and a member of the Attorney General's staff as necessary to the performance of duties imposed pursuant to this section and, if the person is committed, to the staff at the institution providing treatment.

d. Any individual acting in good faith who has provided information relevant to a person's need for involuntary commitment under this act or has taken steps in good faith to assess a person's need of involuntary commitment under this act is immune from civil or criminal liability.

e. The provisions of this section are not jurisdictional, and failure to comply with them in no way prevents the Attorney General from initiating a proceeding against a person otherwise subject to the provisions of this act, nor do the provisions of this act in any way foreclose a proceeding under the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.) for the involuntary commitment of any person charged with or convicted of a sexual offense.

C.30:4-27.28 Initiation of court proceeding for involuntary commitment.

5. a. The Attorney General may initiate a court proceeding for involuntary commitment under this act of a person who is currently a patient in a

short-term care facility, State or county psychiatric facility or special psychiatric hospital, by submitting to the court a clinical certificate for a sexually violent predator completed by a psychiatrist at the facility at which the person is a patient and the screening certificate which authorized admission of the person to the facility; but both certificates shall not be signed by the same psychiatrist unless the psychiatrist has made a reasonable but unsuccessful attempt to have another psychiatrist conduct the evaluation and execute the certificate.

b. If civil commitment is not initiated pursuant to subsection a. of this section, the Attorney General may initiate a court proceeding for the involuntary commitment of a person by the submission to the court of two clinical certificates for a sexually violent predator, at least one of which is prepared by a psychiatrist. The person shall not be involuntarily committed pursuant to this act before the court issues a temporary court order. When the Attorney General determines that the public safety requires initiation of a proceeding pursuant to this subsection, the Attorney General may apply to the court for an order compelling the psychiatric evaluation of the person. The court shall grant the Attorney General's application if the court finds that there is reasonable cause to believe that the person named in the petition is a sexually violent predator.

c. The Attorney General may initiate a court proceeding for involuntary commitment under this act of an inmate who is scheduled for release upon expiration of a maximum term of incarceration by submission to the court of two clinical certificates for a sexually violent predator, at least one of which is prepared by a psychiatrist.

d. The Attorney General, in exercise of the State's authority as *parens patriae*, may initiate a court proceeding for the involuntary commitment of any person in accordance with the procedures set forth in this section by filing the required submission with the court in the jurisdiction in which the person whose commitment is sought is located.

e. Any individual who is a relative by blood or marriage of the person being examined who executes a clinical certificate for a sexually violent predator, or any individual who signs such a clinical certificate for any purpose or motive other than for purposes of care, treatment and confinement of a person in need of involuntary commitment, shall be guilty of a crime of the fourth degree.

f. Upon receiving these documents, the court shall immediately review them in order to determine whether there is probable cause to believe that the person is a sexually violent predator.

g. If the court finds that there is probable cause to believe that the person is a sexually violent predator in need of involuntary commitment, it shall issue an order setting a date for a final hearing and authorizing temporary commitment to a secure facility designated for the custody, care and treatment

of sexually violent predators pending the final hearing. In no event shall the person be released from confinement prior to the final hearing.

h. In the case of a person committed to a short-term care facility or special psychiatric hospital, after the facility's treatment team conducts a mental and physical examination, administers appropriate treatment and prepares a discharge assessment, the facility shall transfer the person to a secure facility designated for the custody, care and treatment of sexually violent predators pending the final hearing upon providing the person, the person's guardian if any, the person's next-of-kin and the person's attorney 24 hours' advance notice of the pending transfer. Such transfer is to be accomplished in a manner which will give the receiving facility adequate time to examine the person, become familiar with the person's behavior and condition, and prepare for the hearing.

C.30:4-27.29 Court hearing.

6. a. A person who is involuntarily committed pursuant to section 5 of this act shall receive a court hearing with respect to the issue of continuing need for involuntary commitment as a sexually violent predator within 20 days from the date of the temporary commitment order.

b. The Attorney General is responsible for presenting the case for the person's involuntary commitment as a sexually violent predator to the court.

c. A person subject to involuntary commitment shall have counsel present at the hearing and shall not be permitted to appear at the hearing without counsel.

C.30:4-27.30 Notice of court hearing.

7. a. At least 10 days prior to a court hearing, the Attorney General shall cause notice of the court hearing to be served upon the person, the person's guardian if any, the person's next-of-kin, the person's attorney, the agency with jurisdiction having custody of the person and any other individual specified by the court. The notice shall contain the date, time and location of the court hearing. The person and the person's attorney shall also receive copies of the clinical certificates for a sexually violent predator and supporting documents, the temporary court order and a statement of the person's rights at the court hearing.

b. A psychiatrist on the person's treatment team who has conducted a personal examination of the person as close to the court hearing date as possible, but in no event more than five calendar days prior to the court hearing, shall testify at the hearing to the clinical basis for the need for involuntary commitment as a sexually violent predator. Other members of the person's treatment team and any other witness with relevant information offered by the person or the Attorney General shall also be permitted to testify at the hearing.

c. The person's next-of-kin may attend and, if the court so determines, may testify at the court hearing.

d. The court shall transcribe the court hearing and arrange for the payment of expenses related thereto in the same manner as for other court proceedings.

C.30:4-27.31 Rights at court hearing.

8. A person subject to involuntary commitment as a sexually violent predator has the following rights at a court hearing pursuant to section 7 and any subsequent review court hearing:

a. The right to be represented by counsel or, if indigent, by appointed counsel;

b. The right to be present at the court hearing unless the court determines that because of the person's conduct at the court hearing the proceeding cannot reasonably continue while the person is present;

c. The right to present evidence;

d. The right to cross-examine witnesses; and

e. The right to a hearing in camera.

C.30:4-27.32 Order authorizing continued involuntary commitment.

9. a. If the court finds by clear and convincing evidence that the person needs continued involuntary commitment as a sexually violent predator, it shall issue an order authorizing the involuntary commitment of the person to a facility designated for the custody, care and treatment of sexually violent predators. The court shall also schedule a subsequent court hearing pursuant to section 12 of this act.

b. If the court finds that the person is not a sexually violent predator, the court shall so order. A person who is serving a term of incarceration shall be returned to the appropriate State, county or local authority to complete service of the term of incarceration imposed until released in accordance with law, and any other person shall be discharged by the facility within 48 hours of the court's verbal order or by the end of the next working day, whichever is longer, with a discharge plan prepared pursuant to section 14 of this act.

c. (1) If the Department of Human Services recommends conditional discharge of the person and the court finds that the person will not be likely to engage in acts of sexual violence because the person is amenable to and highly likely to comply with a plan to facilitate the person's adjustment and reintegration into the community so as to render involuntary commitment as a sexually violent predator unnecessary for that person, the court may order that the person be conditionally discharged in accordance with such plan.

(2) Conditions imposed pursuant to this subsection shall include those recommended by the person's treatment team and developed with the participation of the person and shall be approved by the Department of

Human Services. Conditions imposed on the person shall be specific and shall be for the purpose of ensuring that the person participates in necessary treatment and that the person does not represent a risk to public safety. If the court imposes conditions for a period exceeding six months, the court shall provide for a review hearing on a date the court deems appropriate but in no event later than six months from the date of the order. The review hearing shall be conducted in the manner provided in this section, and the court may impose any order authorized pursuant to this section.

(3) A designated staff member on the person's treatment team shall notify the court if the person fails to meet the conditions of the discharge plan, and the court shall issue an order directing that the person be taken to a facility designated for the custody, care and treatment of sexually violent predators for an assessment. The court shall determine, in conjunction with the findings of the assessment, if the person needs to be returned to custody and, if so, the person shall be returned to the designated facility for the custody, care and treatment of sexually violent predators. The court shall hold a hearing within 20 days of the day the person was returned to custody to determine if the order of conditional discharge should be vacated.

d. Notwithstanding the provisions of this section, or any provision of section 12, 13 or 14 of this act to the contrary, no person committed while serving a term of incarceration shall be discharged by the court prior to the date on which the person's maximum term would have expired had he not been committed. If the court determines that the person's mental condition has so changed that the person is safe to be at large, the court shall order that the person be returned to the appropriate State, county or local authority to complete service of the term of incarceration imposed until released in accordance with law, and the person shall be given day for day credit for all time during which the person was committed.

e. Notwithstanding the provisions of this section, or any provision of section 12, 13 or 14 of this act to the contrary, no person committed pursuant to N.J.S.2C:4-8 concerning acquittal of a criminal charge by reason of insanity or pursuant to N.J.S.2C:4-6 concerning lack of mental competence to stand trial shall be discharged by the court unless the prosecuting attorney in the case receives prior notice and an opportunity to be heard.

C.30:4-27.33 Involuntary commitment of person lacking mental competence to stand trial.

10. If a person who has been civilly committed based upon a determination that the person lacked mental competence to stand trial pursuant to N.J.S.2C:4-6 is about to be released, and the person's involuntary commitment is sought pursuant to this act, the court shall first hear evidence and determine whether the person did commit the act charged.

a. The rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to a defendant at a criminal trial, other than the right to a trial by jury and the right not to be tried while incompetent, shall apply.

b. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act charged, the extent to which the person's lack of mental competence affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on the person's own behalf, the extent to which the evidence could be reconstructed without the assistance of the person and the strength of the prosecution's case.

c. If, after the conclusion of the hearing on this issue, the court finds beyond a reasonable doubt that the person did commit the act charged, the court shall enter a final order, appealable by the person, on that issue and may proceed to consider whether the person should be committed pursuant to this act.

C.30:40-27.34 Operation of facility for sexually violent predators.

11. a. The Department of Corrections shall be responsible for the operation of any facility designated for the custody, care and treatment of sexually violent predators, and shall provide or arrange for custodial care of persons committed pursuant to this act. Except as may be provided pursuant to subsection c. of section 9 of this act, a person committed pursuant to this act shall be kept in a secure facility and shall be housed and managed separately from offenders in the custody of the Department of Corrections and, except for occasional instances of supervised incidental contact, shall be segregated from such offenders.

b. The Division of Mental Health Services in the Department of Human Services shall provide or arrange for treatment for a person committed pursuant to this act. Such treatment shall be appropriately tailored to address the specific needs of sexually violent predators.

c. Appropriate representatives of the Department of Corrections and the Department of Human Services shall participate in an interagency oversight board to facilitate the coordination of the policies and procedures of the facility.

C.30:4-27.35 Annual court review hearing.

12. A person committed under this act shall be afforded an annual court review hearing of the need for involuntary commitment as a sexually violent predator. The review hearing shall be conducted in the manner provided in section 7 of this act. If the court determines at a review hearing that involuntary commitment as a sexually violent predator shall be continued, it shall execute a new order. The court shall conduct the first review hearing 12 months from the date of the first hearing, and subsequent review hearings annually thereafter. The court may

schedule additional review hearings but, except in extraordinary circumstances, not more often than once every 30 days.

C.30:4-27.36 Recommendation for discharge.

13. a. At any time during the involuntary commitment of a person under this act, if the person's treatment team determines that the person's mental condition has so changed that the person is not likely to engage in acts of sexual violence if released, the treatment team shall recommend that the Department of Human Services authorize the person to petition the court for discharge from involuntary commitment status. The Department of Human Services shall notify the Attorney General immediately upon providing such authorization. If a discharge plan has not been developed pursuant to section 14 of this act, it shall be developed forthwith.

b. The person shall serve the authorized petition for discharge upon the committing court and the Attorney General. The Attorney General may obtain an independent clinical evaluation of the person, which shall be performed within 15 days of receipt by the Attorney General of the authorized petition for discharge. If, within 15 days of receipt of such authorized petition or upon completion of an independent clinical evaluation, if any, the Attorney General files a request for a hearing on the issue of continuing need for commitment and serves notice of that request, in accordance with the provisions of section 7 of this act, the court shall schedule a hearing on the issue. The hearing shall be conducted in the manner provided in section 9 of this act.

c. If the person committed pursuant to this act had at the time of such commitment been confined pursuant to an order entered under N.J.S.2C:4-8 concerning acquittal of a criminal charge by reason of insanity or under N.J.S.2C:4-6 concerning lack of mental competence to stand trial, the Attorney General shall provide written notice to the prosecutor of the person's authorized petition for discharge from involuntary commitment status. If, within five days of receipt of such notice, the prosecutor files a request for a hearing on the issue of continuing need for commitment and serves notice of that request, in accordance with the provisions of section 7 of this act, the court shall schedule a hearing on the issue. The hearing shall be conducted in the manner provided in section 9 of this act.

d. Nothing in this act shall prohibit a person from filing a petition for discharge from involuntary commitment status without authorization from the Department of Human Services. Upon receipt of such a petition, the court shall review the petition to determine:

(1) whether the petition contains facts upon which the court could find that the condition of the person has so changed from the time of the filing of the person's prior petition that a hearing is warranted, or

(2) whether the petition is supported by a professional expert evaluation or report stating that the person's mental condition has so changed that the person is not likely to engage in acts of sexual violence if released, which evidence had not been provided to the court in its prior annual review.

If the petition fails to satisfy either of these requirements, the court shall deny the petition without a hearing.

C.30:4-27.37 Discharge plan.

14. A person discharged by the court shall have a discharge plan prepared by the treatment team at the facility designated for the custody, care and treatment of sexually violent predators, pursuant to this section. The treatment team shall give the person an opportunity to participate in the formulation of the discharge plan.

C.30:4-27.38 Written notice of release.

15. In addition to any other information required to be released under this act, prior to the release of a person committed under this act, the Department of Corrections shall give written notice of the person's release to the Attorney General or the prosecutor of the county in which the person was prosecuted for the sexually violent offense which rendered the person subject to commitment under this act, depending on which office prosecuted the person for the sexually violent offense. Upon receipt of such notice, the county prosecutor or Attorney General, as the case may be, shall notify the Office of Victim and Witness Advocacy of the county in which the person was prosecuted and that office shall use any reasonable means available to it to give notice of the person's release to the victim of the sexually violent offense or the victim's nearest relative if the sexually violent offense resulted in death, which notice shall be in accordance with the provisions of section 6 of P.L.1985, c.404 (C.52:4B-44). The notice required under this section shall be given only if a request for such notification has been made by the victim or the victim's nearest relative, as the case may be, to the county prosecutor or Attorney General, as the case may be, at the time the person was sentenced or committed. Failure to notify shall not be a reason for postponement of release. Nothing in this subsection shall create a cause of action against the State, county or any employee of the State or county acting within the scope of the employee's employment as a result of the failure to notify under this act.

16. N.J.S.2C:47-5 is amended to read as follows:

Parole.

2C:47-5. a. Any person committed to confinement under the terms of this chapter shall be released under parole supervision when it shall appear to the satisfaction of the State Parole Board, after recommendation by a

special classification review board appointed by the commissioner that such person is capable of making an acceptable social adjustment in the community.

b. The Chief Executive Officer of the Adult Diagnostic and Treatment Center shall report in writing at least semiannually to the special classification review board concerning the physical and psychological condition of such person with a recommendation as to his continued confinement or consideration for release on parole.

c. Any person paroled pursuant to this section shall be subject to the provisions of Title 30 of the Revised Statutes governing parole and the regulations promulgated pursuant thereto.

d. When a person confined under the terms of this chapter has not been paroled in accordance with subsection a. of this section and is scheduled for release, not less than 90 days prior to the date of the person's scheduled release the Chief Executive Officer shall:

(1) Notify the Attorney General and the prosecutor of the county from which the person was committed of the scheduled release;

(2) Provide the Attorney General and the county prosecutor with the officer's opinion as to whether the person may be "in need of involuntary commitment" within the meaning of section 2 of P.L.1987, c.116 (C.30:4-27.2) and as to whether the person may be a "sexually violent predator" within the meaning of section 3 of P.L.1998, c.71 (C.30:4-27.26); and

(3) Without regard to classification as confidential pursuant to regulations of the State Parole Board or the Department of Corrections, provide the Attorney General and county prosecutor with all reports, records and assessments relevant to determining whether the person is "in need of involuntary commitment" and whether the person is a "sexually violent predator". All information received shall be deemed confidential and shall be disclosed only as provided in section 4 of P.L.1994, c.134 (C.30:4-82.4).

e. Upon receipt of the notice, advice and information required by subsection d. of this section, the Attorney General or county prosecutor shall proceed as provided in section 4 of P.L.1994, c.134 (C.30:4-82.4) or section 5 of P.L.1998, c.71 (C.31:4-27.28), as appropriate.

f. Notwithstanding any provisions of this section to the contrary, a person confined for life at the Adult Diagnostic and Treatment Center, for a crime whose circumstances conform to those enumerated in paragraph (3) of subsection b. of N.J.S.2C:11-3, shall not be eligible for parole or a deduction for commutation or work credits.

17. Section 4 of P.L.1994, c.134 (C.30:4-82.4) is amended to read as follows:

C.30:4-82.4 Procedures for inmates "in need of involuntary commitment."

4. a. In order to ensure that adult and juvenile inmates who are dangerous to themselves or others because of mental illness and who are "in need of involuntary commitment" within the meaning of section 2 of P.L.1987, c.116 (C.30:4-27.2) or who are "sexually violent predators" within the meaning of section 3 of P.L.1998, c.71 (C.30:4-27.26), are not released without appropriate supervision and treatment, the board, the Commissioner of the Department of Corrections, the Attorney General, the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) and county prosecutors shall follow the procedures set forth in this section.

b. When an adult or juvenile inmate is scheduled for release due to expiration of the inmate's maximum term, the commissioner or the Juvenile Justice Commission shall notify the Attorney General and the prosecutor of the county from which the person was committed if:

(1) The adult inmate's term includes a sentence imposed for conviction of aggravated sexual assault, sexual assault or aggravated criminal sexual contact and the court imposing sentence found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior;

(2) The parole board or the superintendent of the facility in which the inmate has been confined has advised the commissioner or the Juvenile Justice Commission that the conduct of the inmate during the period of confinement, the inmate's mental condition or the inmate's past history indicates that the inmate may be "in need of involuntary commitment" within the meaning of section 2 of P.L.1987, c.116 (C.30:4-27.2); or

(3) The inmate's term includes a sentence imposed for conviction of a "sexually violent offense" as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26).

c. Notice required by subsection b. shall be given no less than 90 days before the date on which the inmate's maximum term is scheduled to expire.

d. When such notice is given, the board, the Juvenile Justice Commission or the commissioner shall provide the Attorney General and county prosecutor with all information relevant to a determination of whether the inmate may be "in need of involuntary commitment" or may be a "sexually violent predator", including, without regard to classification as confidential pursuant to regulations of the board, of the Department of Corrections or the Juvenile Justice Commission, any preparole report, psychological and medical records, any statement of the reasons for denial of parole and, if applicable, a statement of the reasons for the determination that the inmate may be "in need of involuntary commitment" or may be a "sexually violent predator".

e. If the Attorney General or county prosecutor determines, on the basis of the information provided pursuant to this section or N.J.S.2C:47-5, that the inmate may be "in need of involuntary commitment" or may be a "sexually violent predator", the Commissioner of Corrections or the Juvenile Justice Commission, upon request of the Attorney General or county prosecutor shall:

(1) Permit persons qualified to execute clinical certificates necessary for civil commitment to examine the inmate in the institution in which he is confined; or

(2) Pursuant to section 2 of P.L.1986, c.71 (C.30:4-82.2), arrange for persons qualified to execute clinical certificates necessary for civil commitment to examine the inmate.

f. In the interests of the public safety and the well-being of the inmate, the Attorney General or county prosecutor may exercise discretion to obtain an assessment of the inmate's condition by one or more of the means set forth in subsection e. of this section.

g. The Attorney General or county prosecutor shall provide a psychiatrist or physician assessing or examining an inmate pursuant to this section with all information relevant to the inmate's need of involuntary commitment, including information concerning the inmate's condition, history, recent behavior and any recent act or threat. Any person who assesses or examines an inmate pursuant to this section shall provide the Attorney General and county prosecutor with a written report detailing the person's findings and conclusions.

h. (1) All information, documents and records concerning the inmate's mental condition or classified as confidential pursuant to regulations of the board, of the Department of Corrections or the Juvenile Justice Commission that are received or provided pursuant to this section or N.J.S.2C:47-5 shall be deemed confidential.

(2) Unless authorized or required by court order or except as required in the course of judicial proceedings relating to the inmate's commitment or release, disclosure of such information, documents and records shall be limited to professionals evaluating the inmate's condition pursuant to this section, the Attorney General, county prosecutor and members of their respective staffs as necessary to the performance of duties imposed pursuant to this section.

i. Any person acting in good faith who has provided information relevant to an inmate's need of involuntary commitment or as to whether the inmate is a sexually violent predator or has taken good faith steps to assess an inmate's need of involuntary commitment or whether the inmate is a sexually violent predator is immune from civil and criminal liability.

18. This act shall take effect one year after enactment but, prior to the effective date, the Commissioners of the Departments of Corrections and Human Services may take such anticipatory administrative action and the Attorney General may issue guidelines necessary for the implementation of this act.

Approved August 12, 1998.

CHAPTER 72

AN ACT concerning the Adult Diagnostic and Treatment Center, amending various sections of chapter 47 of Title 2C of the New Jersey Statutes and P.L.1994, c.129, supplementing chapter 47 of Title 2C of the New Jersey Statutes, and repealing N.J.S.2C:47-4.

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

1. N.J.S.2C: 47-1 is amended to read as follows:

Referral to adult diagnostic and treatment center; commitment; examination.

2C:47-1. Referral to Adult Diagnostic and Treatment Center; Commitment; Examination.

Whenever a person is convicted of the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4, or an attempt to commit any such crime, the judge shall order the Department of Corrections to complete a psychological examination of the offender, except the judge shall not require a psychological examination if the offender is to be sentenced to a term of life imprisonment without eligibility for parole. The examination shall include a determination of whether the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and, if it was, a further determination of the offender's amenability to sex offender treatment and willingness to participate in such treatment. The court's order shall contain a determination of the offender's legal settlement in accordance with subdivision D of article 3 of chapter 4 of Title 30 of the Revised Statutes.

2. N.J.S.2C: 47-2 is amended to read as follows:

Report on Examination.**2C:47-2. Report on Examination.**

The Department of Corrections shall conduct the psychological examination required pursuant to N.J.S.2C:47-1 within 30 days after it receives the Presentence Report. Upon completion of the psychological examination, the Department of Corrections shall send to the court a written report of the results of the examination, including a determination of whether the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and, if it was, a further determination of the offender's amenability to sex offender treatment and willingness to participate in such treatment.

3. N.J.S.2C:47-3 is amended to read as follows:**Disposition.****2C:47-3. Disposition.**

a. If the report of the examination reveals that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and further reveals that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the court shall determine whether the offender's conduct was so characterized and whether the offender is amenable to sex offender treatment and is willing to participate in such treatment and shall record its findings on the judgment of conviction.

b. If the court finds that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the court shall, upon the recommendation of the Department of Corrections, sentence the offender to a term of incarceration to be served in the custody of the commissioner at the Adult Diagnostic and Treatment Center for sex offender treatment as provided in subsection h. of this section, or place the offender on probation with the requirement, as a condition of probation, that he receive outpatient psychological or psychiatric treatment as prescribed.

c. A sentence of incarceration or probation imposed pursuant to subsection b. or f. of this section shall be set in accordance with chapters 43, 44 and 45 of this Title.

d. The court shall impose sentence in accordance with chapters 43, 44 and 45 of this Title and not as provided in subsection b. of this section if it shall appear from the report of the examination made of the offender pursuant to section N.J.S.2C:47-1 that the offender's conduct was not characterized by a pattern of repetitive, compulsive behavior or that the offender is not amenable to sex offender treatment. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92 or any other law, a sentence

imposed pursuant to this subsection on an offender who is not amenable to sex offender treatment shall not be reduced by commutation time for good behavior or credits for diligent application to work and other institutional assignments.

e. (Deleted by amendment, P.L.1998, c.72).

f. If the court finds that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and that the offender is amenable to sex offender treatment, but that the offender is not willing to participate in such treatment, the court shall sentence the offender to a term of incarceration to be served in a facility designated by the commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-91.2). The offender shall become primarily eligible for parole in accordance with the provisions of N.J.S.2C:47-5; provided, however, no offender shall become primarily eligible for parole prior to the expiration of any judicial or statutory mandatory minimum term. An offender who meets the criteria of this subsection may, on a biennial basis, request to be transferred to the Adult Diagnostic and Treatment Center. Within 90 days after receiving a request for a transfer, the Department of Corrections shall conduct a psychological examination. If, upon the completion of a psychological examination, the Department of Corrections determines that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the commissioner may order the offender to be transferred to the Adult Diagnostic and Treatment Center.

g. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92 or any other law, a sentence imposed pursuant to subsection f. of this section shall not be reduced by commutation time for good behavior or credits for diligent application to work and other institutional assignments for any year or fractional part of a year that the offender is confined in a facility other than the Adult Diagnostic and Treatment Center; provided, however, if the offender is at any time transferred to the Adult Diagnostic and Treatment Center pursuant to subsection f. of this section, the sentence imposed on the offender shall be reduced by commutation time for good behavior and credits for diligent application to work and other institutional assignments for any year or fractional part of a year that the offender is incarcerated at the Adult Diagnostic and Treatment Center following the date of such transfer.

h. An offender sentenced to a term of incarceration pursuant to subsection b. of this section shall be confined as follows:

(1) If the court imposes a sentence of seven years or less, the Department of Corrections shall confine the offender to the Adult Diagnostic and Treatment Center as soon as practicable after the date of sentence.

(2) If the court imposes a sentence of more than seven years, the Department of Corrections shall confine the offender in a facility designated

by the commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-91.2). At least 30 days prior to the date which precedes the expiration date of the offender's sentence by five years, including any reductions for commutation time for good behavior and credits for diligent application to work and other institutional assignments, the Department of Corrections shall complete a psychological examination of the offender to determine the offender's amenability to sex offender treatment and willingness to participate in such treatment; provided, however, no such examination shall be required if less than two years has elapsed since the Department of Corrections completed a psychological examination pursuant to N.J.S.2C:47-1. If the report of the examination reveals that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the offender shall be transferred to the Adult Diagnostic and Treatment Center as soon as practicable. If the report of the examination reveals that the offender is not amenable to sex offender treatment, the offender shall not be transferred to the Adult Diagnostic and Treatment Center. If the report of the examination reveals that the offender is amenable to sex offender treatment but is not willing to participate in such treatment, the offender shall not be transferred to the Adult Diagnostic and Treatment Center. An offender may, on a biennial basis, request to be transferred to the Adult Diagnostic and Treatment Center. Within 90 days after receiving a request for a transfer, the Department of Corrections shall conduct a psychological examination. If, upon the completion of a psychological examination, the Department of Corrections determines that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the commissioner shall order the offender to be transferred to the Adult Diagnostic and Treatment Center as soon as practicable.

(3) If a sentence is imposed pursuant to section 2 of P.L.1997, c.117 (C.2C:43-7.2) or if any other judicial or statutory mandatory minimum term of more than seven years is imposed, the offender shall be confined in a facility designated by the commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-91.2). At least 30 days prior to the date which precedes the expiration date of the mandatory minimum term by five years, the Department of Corrections shall complete a psychological examination of the offender to determine the offender's amenability to sex offender treatment and willingness to participate in such treatment; provided, however, no such examination shall be required if less than two years has elapsed since the Department of Corrections completed a psychological examination pursuant to N.J.S.2C:47-1. If the report of the examination reveals that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the offender shall be transferred to the Adult Diagnostic and Treatment Center as soon as practicable. If the report of the examination

reveals that the offender is not amenable to sex offender treatment, the offender shall not be transferred to the Adult Diagnostic and Treatment Center. If the report of the examination reveals that the offender is amenable to sex offender treatment, but is not willing to participate in such treatment, the offender shall not be transferred to the Adult Diagnostic and Treatment Center. An offender may, on a biennial basis, request to be transferred to the Adult Diagnostic and Treatment Center. Within 90 days after receiving a request for a transfer, the Department of Corrections shall conduct a psychological examination. If upon completion of a psychological examination the Department of Corrections determines that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the commissioner shall order the offender to be transferred to the Adult Diagnostic and Treatment Center as soon as practicable.

i. Notwithstanding the provisions of R.S. 30:4-140 or R.S. 30:4-92 or any other law, a sentence imposed pursuant to subsection b. of this section shall not be reduced by commutation time for good behavior or credits for diligent application to work and other institutional assignments for any year or fractional part of a year from the date the Department of Corrections determines, as a result of a psychological evaluation conducted pursuant to paragraph (2) or (3) of subsection h. of this section, that the offender is not amenable to sex offender treatment or not willing to participate in such treatment; provided, however, if the offender is subsequently determined by the Department of Corrections to be amenable to sex offender treatment and willing to participate in such treatment and is transferred to the Adult Diagnostic and Treatment Center, the sentence imposed on the offender shall be reduced by commutation time for good behavior and credits for diligent application to work and other institutional assignments for any year or fractional part of a year that the offender is incarcerated at the Adult Diagnostic and Treatment Center following the date of such transfer.

j. An offender who is sentenced to a term of life imprisonment without eligibility for parole shall not be confined in the Adult Diagnostic and Treatment Center but shall be confined in a facility designated by the commissioner pursuant to section 2 of P.L. 1969, c.22 (C.30:4-91.2).

k. The commissioner shall be required to provide for the treatment of a sex offender sentenced pursuant to N.J.S.2C:47-1 et seq. only when the offender is incarcerated in the Adult Diagnostic and Treatment Center. This requirement shall not apply when the offender is incarcerated in another facility.

4. N.J.S.2C:47-7 is amended to read as follows:

Cost of maintenance.

2C:47-7. Cost of Maintenance.

The Commissioner shall determine and fix the per capita cost of examining and maintaining any offender upon order of the court pursuant to N.J.S.2C:47-1 and shall furnish a copy of the order to the county treasurer of the county in which the offender has a legal settlement as determined in that order, and upon certification of the amount due, the governing body of the county shall make provisions for payment of one-half of the cost thereof to the Adult Diagnostic and Treatment Center, the remaining one-half to be borne by the State. If the order contains a determination that the offender has no legal settlement in any county, the entire cost shall be borne by the State.

5. Section 1 of P.L.1994, c.129 (C.2C:47-8) is amended to read as follows:

C.2C:47-8 Adult Diagnostic and Treatment Center, "good time"; conditions.

1. Notwithstanding the provisions of section 7 of P.L.1979, c.441 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any other law, a term of imprisonment imposed on a person confined to the Adult Diagnostic and Treatment Center pursuant to the provisions of chapter 47 of this Title shall not be reduced by progressive time credits or credits for diligent application to work and other institutional assignments for any year or fractional part of a year if the person failed to fully cooperate with all treatment offered to him during that time period. This section shall not prohibit the reduction of a person's term of imprisonment by such credits if the person is entitled to the credits pursuant to the provisions of subsection g. of N.J.S.2C:47-3.

C.2C:47-4.1 Transfer out of Adult Diagnostic and Treatment Center.

6. a. The commissioner shall order the transfer out of the Adult Diagnostic and Treatment Center of any offender serving a life sentence without eligibility for parole and any offender not participating in or cooperating with the sex offender treatment provided in the Adult Diagnostic and Treatment Center and any offender who is determined by the Department of Corrections to be no longer amenable to sex offender treatment.

b. Any offender transferred out of the Adult Diagnostic and Treatment Center for failure to participate in or cooperate with the sex offender treatment provided there or because of a determination by the Department of Corrections that the offender is no longer amenable to sex offender treatment may, on a biennial basis, request to be transferred back to the Adult Diagnostic and Treatment Center. Within 90 days after receiving a request for a transfer, the Department of Corrections shall conduct a psychological examination. If, upon completion of a psychological examination, the Department of Corrections determines that the offender is

amenable to sex offender treatment and is willing to participate in and cooperate with such treatment, the commissioner shall order the offender to be transferred back to the Adult Diagnostic and Treatment Center.

c. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92 or any other law, a sentence imposed on an offender transferred pursuant to subsection a. of this section shall not be reduced by commutation time for good behavior or credits for diligent application to work and other institutional assignments for any year or fractional part of a year following the date of the transfer; provided, however, if the offender is at any time thereafter transferred back to the Adult Diagnostic and Treatment Center pursuant to subsection b. of this section, the sentence imposed on such offender shall be reduced by commutation time for good behavior and credits for diligent application to work and other institutional assignments for any year or fractional part of a year that such offender is incarcerated at the Adult Diagnostic and Treatment Center following the date of such transfer.

C.2C:47-4.2 Confinement of female offenders.

7. An offender sentenced in accordance with the provisions of this chapter who is female shall be confined in a facility designated by the commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-91.2), but otherwise shall be subject to the same statutes and rules and regulations as an offender sentenced in accordance with the provisions of this chapter who is male. All statutory references to the Adult Diagnostic and Treatment Center shall be deemed, when applied to a female sentenced in accordance with the provisions of this chapter, to refer to the sex offender treatment program at the facility designated by the commissioner.

Repealer.

8. N.J.S.2C:47-4 is hereby repealed.

9. This act shall take effect on the first day of the fourth month after enactment.

Approved August 12, 1998.

CHAPTER 73

AN ACT concerning parole from the Adult Diagnostic and Treatment Center, amending N.J.S.2C:47-5 and P.L.1979, c.441 and supplementing Title 2C of the New Jersey Statutes.

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

1. N.J.S.2C:47-5 is amended to read as follows:

Parole.

2C:47-5. Parole.

a. Any offender committed to confinement under the terms of this chapter shall become eligible for parole consideration upon referral to the State Parole Board of the offender's case by a special classification review board appointed by the commissioner. The referral shall be based on the determination by the special classification review board that the offender has achieved a satisfactory level of progress in sex offender treatment. The offender shall be released on parole unless the State Parole Board determines that the information supplied in the report filed pursuant to section 10 of P.L.1979, c.441 (C. 30:4-123.54) or developed or produced at a hearing held pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55) indicates by a preponderance of the evidence that the offender has failed to cooperate in his or her own rehabilitation or that there is a reasonable expectation that the offender will violate conditions of parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) if released on parole at that time.

b. (Deleted by amendment, P.L.1998, c.73.)

c. Any offender paroled pursuant to this section shall be subject to the provisions of Title 30 of the Revised Statutes governing parole and the regulations promulgated pursuant thereto.

d. When an offender confined under the terms of this chapter has not been paroled in accordance with subsection a. of this section and is scheduled for release, not less than 90 days prior to the date of the offender's scheduled release the Chief Executive Officer shall:

(1) Notify the Attorney General and the prosecutor of the county from which the offender was committed of the scheduled release;

(2) Provide the Attorney General and the county prosecutor with the officer's opinion as to whether the offender may be "in need of involuntary commitment" within the meaning of section 2 of P.L. 1987, c. 116 (C. 30:4-27.2) and as to whether the person may be a "sexually violent predator" within the meaning of section 3 of P.L.1998, c.71 (C.30:4-27.26); and

(3) Without regard to classification as confidential pursuant to regulations of the State Parole Board or the Department of Corrections, provide the Attorney General and county prosecutor with all reports, records and assessments relevant to determining whether the offender is "in need of involuntary commitment" and whether the person is a "sexually violent

predator.” All information received shall be deemed confidential and shall be disclosed only as provided in section 4 of P.L.1994, c.134 (C.30:4-82.4).

e. Upon receipt of the notice, advice and information required by subsection d. of this section, the Attorney General or county prosecutor shall proceed as provided in section 4 of P.L.1994,c.134 (C.30:4-82.4) or section 5 of P.L.1998, c.71 (C.30:4-27.28), as appropriate.

f. (Deleted by amendment, P.L.1998, c.73).

2. Section 7 of P.L.1979, c.441 (C.30:4-123.51) is amended to read as follows:

C.30:4-123.51 Eligibility for parole.

7. a. Each adult inmate sentenced to a term of incarceration in a county penal institution, or to a specific term of years at the State Prison or the correctional institution for women shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or one-third of the sentence imposed where no mandatory minimum term has been imposed less commutation time for good behavior pursuant to N.J.S.2A:164-24 or R.S.30:4-140 and credits for diligent application to work and other institutional assignments pursuant to P.L.1972, c.115 (C.30:8-28.1 et seq.) or R.S.30:4-92. Consistent with the provisions of the New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term and such credits accrued shall only be awarded subsequent to the expiration of the term.

b. Each adult inmate sentenced to a term of life imprisonment shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term, or 25 years where no mandatory minimum term has been imposed less commutation time for good behavior and credits for diligent application to work and other institutional assignments. If an inmate sentenced to a specific term or terms of years is eligible for parole on a date later than the date upon which he would be eligible if a life sentence had been imposed, then in such case the inmate shall be eligible for parole after having served 25 years, less commutation time for good behavior and credits for diligent application to work and other institutional assignments. Consistent with the provisions of the New Jersey Code of Criminal Justice (N.J.S.2C:11-3, 2C:14-6, 2C:43-6, 2C:43-7), commutation and work credits shall not in any way reduce any judicial or statutory mandatory minimum term and such credits accrued shall only be awarded subsequent to the expiration of the term.

c. Each inmate sentenced to a specific term of years pursuant to the “Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1

through 45) shall become primarily eligible for parole after having served one-third of the sentence imposed less commutation time for good behavior and credits for diligent application to work and other institutional assignments.

d. Each adult inmate sentenced to an indeterminate term of years as a young adult offender pursuant to N.J.S.2C:43-5 shall become primarily eligible for parole consideration pursuant to a schedule of primary eligibility dates developed by the board, less adjustment for program participation. In no case shall the board schedule require that the primary parole eligibility date for a young adult offender be greater than the primary parole eligibility date required pursuant to this section for the presumptive term for the crime authorized pursuant to N.J.S.2C:44-1(f).

e. Each adult inmate sentenced for an offense specified in N.J.S.2C:47-1 shall become primarily eligible for parole as follows:

(1) If the court finds that the offender's conduct was not characterized by a pattern of repetitive, compulsive behavior or finds that the offender is not amenable to sex offender treatment, or if after sentencing the Department of Corrections in its most recent examination determines that the offender is not amenable to sex offender treatment, the offender shall become primarily eligible for parole after having served any judicial or statutory mandatory minimum term or one-third of the sentence imposed where no mandatory minimum term has been imposed. Neither such term shall be reduced by commutation time for good behavior pursuant to R.S.30:4-140 or credits for diligent application to work and other institutional assignments pursuant to R.S.30:4-92.

(2) All other offenders shall be eligible for parole pursuant to the provisions of N.J.S.2C:47-5, except no offender shall become primarily eligible for parole prior to the expiration of any judicial or statutory mandatory minimum term.

f. Each juvenile inmate committed to an indeterminate term shall be immediately eligible for parole.

g. Each adult inmate of a county jail, workhouse or penitentiary shall become primarily eligible for parole upon service of 60 days of his aggregate sentence or as provided for in subsection a. of this section, whichever is greater. Whenever any such inmate's parole eligibility is within six months of the date of such sentence, the judge shall state such eligibility on the record which shall satisfy all public and inmate notice requirements. The chief executive officer of the institution in which county inmates are held shall generate all reports pursuant to subsection d. of section 10 of P.L.1979, c.441 (C.30:4-123.54). The parole board shall have the authority to promulgate time periods applicable to the parole processing of inmates of county penal institutions, except that no inmate may be

released prior to the primary eligibility date established by this subsection, unless consented to by the sentencing judge. No inmate sentenced to a specific term of years at the State Prison or the correctional institution for women shall become primarily eligible for parole until service of a full nine months of his aggregate sentence.

h. When an inmate is sentenced to more than one term of imprisonment, the primary parole eligibility terms calculated pursuant to this section shall be aggregated by the board for the purpose of determining the primary parole eligibility date, except that no juvenile commitment shall be aggregated with any adult sentence. The board shall promulgate rules and regulations to govern aggregation under this subsection.

i. The primary eligibility date shall be computed by a designated representative of the board and made known to the inmate in writing not later than 90 days following the commencement of the sentence. In the case of an inmate sentenced to a county penal institution such notice shall be made pursuant to subsection g. of this section. Each inmate shall be given the opportunity to acknowledge in writing the receipt of such computation. Failure or refusal by the inmate to acknowledge the receipt of such computation shall be recorded by the board but shall not constitute a violation of this subsection.

j. Except as provided in this subsection, each inmate sentenced pursuant to N.J.S.2A:113-4 for a term of life imprisonment, N.J.S.2A:164-17 for a fixed minimum and maximum term or N.J.S.2C:1-1(b) shall not be primarily eligible for parole on a date computed pursuant to this section, but shall be primarily eligible on a date computed pursuant to P.L.1948, c.84 (C.30:4-123.1 et seq.), which is continued in effect for this purpose. Inmates classified as second, third or fourth offenders pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12) shall become primarily eligible for parole after serving one-third, one-half or two-thirds of the maximum sentence imposed, respectively, less in each instance commutation time for good behavior and credits for diligent application to work and other institutional assignments; provided, however, that if the prosecuting attorney or the sentencing court advises the board that the punitive aspects of the sentence imposed on such inmates will not have been fulfilled by the time of parole eligibility calculated pursuant to this subsection, then the inmate shall not become primarily eligible for parole until serving an additional period which shall be one-half of the difference between the primary parole eligibility date calculated pursuant to this subsection and the parole eligibility date calculated pursuant to section 12 of P.L.1948, c.84 (C.30:4-123.12). If the prosecuting attorney or the sentencing court advises the board that the punitive aspects of the sentence have not been fulfilled, such advice need not be supported by reasons and will be deemed conclusive and

final. Any such decision shall not be subject to judicial review except to the extent mandated by the New Jersey and United States Constitutions. The board shall, reasonably prior to considering any such case, advise the prosecuting attorney and the sentencing court of all information relevant to such inmate's parole eligibility.

k. Notwithstanding any provisions of this section to the contrary, a person sentenced to imprisonment pursuant to paragraph (2) or (3) of subsection b. of N.J.S.2C:11-3 shall not be eligible for parole.

l. Notwithstanding the provisions of subsections a. through j. of this section, the appropriate board panel, as provided in section 1 of P.L.1997, c.214 (C.30:4-123.51c), may release an inmate serving a sentence of imprisonment on medical parole at any time.

C.2C:47-5.1 Revocation of parole.

3. a. Whenever the parole of an offender committed to confinement under the terms of this chapter is revoked by the State Parole Board, the Department of Corrections shall, within 90 days of the date of revocation of parole, complete a psychological examination of the offender to determine whether the violation of the conditions of parole reflects emotional or behavioral problems as a sex offender that cause the offender to be incapable of making any acceptable social adjustment in the community and, if so, to determine further the offender's amenability to sex offender treatment and, if amenable, the offender's willingness to participate in such treatment. Not more than 30 days after the date of the examination, the Department of Corrections shall provide a written report of the results to the State Parole Board.

b. The offender shall be confined in the Adult Diagnostic and Treatment Center if the report of the examination conducted pursuant to subsection a. of this section reveals that the offender's violation of the conditions of parole reflects emotional or behavioral problems as a sex offender that cause the offender to be incapable of making any acceptable social adjustment in the community and further reveals that the offender is amenable to sex offender treatment and is willing to participate in such treatment. The offender shall be eligible for parole pursuant to the provisions of subsection a. of N.J.S.2C:47-5.

c. The offender shall be confined in a facility designated by the commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-91.2) if the report of the examination conducted pursuant to subsection a. of this section reveals that the offender's violation of the conditions of parole reflects emotional or behavioral problems as a sex offender that cause the offender to be incapable of making any acceptable social adjustment in the community and further reveals that the offender is amenable to sex offender

treatment, but is not willing to participate in such treatment. The offender shall be eligible for parole pursuant to the provisions of subsection a. of N.J.S.2C:47-5.

d. (1) The offender shall be confined in a facility designated by the commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-91.2) if the report of the examination conducted pursuant to subsection a. of this section reveals that the offender's violation of the conditions of parole:

- (a) does not reflect emotional or behavioral problems as a sex offender; or
- (b) reflects emotional or behavioral problems as a sex offender that cause the offender to be incapable of making any acceptable social adjustment in the community and further reveals that the offender is not amenable to sex offender treatment.

(2) An offender confined pursuant to the provisions of paragraph (1) of this subsection shall be eligible for parole pursuant to the provisions of Title 30 of the Revised Statutes. However, a parole eligibility date established by the State Parole Board pursuant to section 20 of P.L.1979, c.441 (C.30:4-123.64) or a future parole eligibility date established by the State Parole Board pursuant to section 12 of P.L.1979, c.441 (C.30:4-123.56) shall not be reduced by commutation time for good behavior pursuant to R.S. 30:4-140 or credits for diligent application to work and other institutional assignments pursuant to R.S.30:4-92.

e. Notwithstanding the provisions of R.S.30:4-92, the balance of the sentence of an offender confined pursuant to subsection c. or subparagraph (b) of paragraph (1) of subsection d. of this section shall not be reduced by credits for diligent application to work and other institutional assignments; provided, however, if the offender is at any time transferred to the Adult Diagnostic and Treatment Center pursuant to subsection f. of this section the balance of the sentence shall be reduced by credits for diligent application to work and other institutional assignments earned by the offender during confinement in the Adult Diagnostic and Treatment Center.

f. If an offender is confined pursuant to subsection c. or subparagraph (b) of paragraph (1) of subsection d. of this section, the offender may, on a biennial basis, request to be transferred to the Adult Diagnostic and Treatment Center. Within 90 days after receiving a request for a transfer, the Department of Corrections shall conduct a psychological examination. If, upon the completion of a psychological examination, the Department of Corrections determines that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the commissioner shall order the offender to be transferred to the Adult Diagnostic and Treatment Center as soon as practicable. When an offender previously determined not to be amenable to sex offender treatment is transferred to the

Adult Diagnostic and Treatment Center, the offender shall be eligible for parole pursuant to the provisions of subsection a. of N.J.S.2C:47-5.

4. This act shall take effect on the first day of the fourth month after enactment.

Approved August 12, 1998.

CHAPTER 74

AN ACT concerning workers' compensation fraud and supplementing chapter 15 of Title 34 of the Revised Statutes.

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

C.34:15-57.4 Workers' compensation fraud, crime of fourth degree; civil liability.

1. a. A person shall be guilty of a crime of the fourth degree if the person purposely or knowingly:

(1) Makes, when making a claim for benefits pursuant to R.S.34:15-1 et seq., a false or misleading statement, representation or submission concerning any fact that is material to that claim for the purpose of wrongfully obtaining the benefits;

(2) Makes a false or misleading statement, representation or submission, including a misclassification of employees, or engages in a deceptive leasing practice, for the purpose of evading the full payment of benefits or premiums pursuant to R.S.34:15-1 et seq.; or

(3) Coerces, solicits or encourages, or employs or contracts with a person to coerce, solicit or encourage, any individual to make a false or misleading statement, representation or submission concerning any fact that is material to a claim for benefits, or the payment of benefits or premiums, pursuant to R.S.34:15-1 et seq. for the purpose of wrongfully obtaining the benefits or of evading the full payment of the benefits or premiums.

b. Any person who wrongfully obtains benefits or evades the full payment of benefits or premiums by means of a violation of the provisions of subsection a. of this section shall be civilly liable to any person injured by the violation for damages and all reasonable costs and attorney fees of the injured person.

c. (1) If a person purposely or knowingly makes, when making a claim for benefits pursuant to R.S.34:15-1 et seq., a false or misleading statement, representation or submission concerning any fact which is material to that claim

for the purpose of obtaining the benefits, the division may order the immediate termination or denial of benefits with respect to that claim and a forfeiture of all rights of compensation or payments sought with respect to the claim.

(2) Notwithstanding any other provision of law, and in addition to any other remedy available under law, if that person has received benefits pursuant to R.S.34:15-1 et seq. to which the person is not entitled, he is liable to repay that sum plus simple interest to the employer or the carrier or have the sum plus simple interest deducted from future benefits payable to that person, and the division shall issue an order providing for the repayment or deduction.

(3) Notwithstanding any other provision of law, and in addition to any other remedy available under law, a person who evades the full payment of premiums pursuant to R.S.34:15-1 et seq. or improperly denies or delays benefits pursuant to R.S.34:15-1 et seq. is liable to pay the sum due and owing plus simple interest.

d. Nothing in this section shall preclude, if the evidence so warrants, indictment and conviction for a violation of any provision of chapter 20, 21 or 28 of Title 2C of the New Jersey Statutes or any other law. For the purpose of this section, "purposely," "knowingly" and "purposely or knowingly" have the same meaning as is provided in chapter 2 of Title 2C of the New Jersey Statutes.

2. This act shall take effect immediately.

Approved August 14, 1998.

CHAPTER 75

AN ACT establishing the Sunday after Labor Day as "Grandparents' Day" in New Jersey and amending P.L.1989, Joint Resolution No. 5.

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

1. Section 1 of P.L.1989, Joint Resolution No. 5 (C.36:2-15) is amended to read as follows:

C.36:2-15 Grandparents' Day

1. The Sunday after Labor Day of each year shall be proclaimed as "Grandparents' Day" in New Jersey.

Repealer.

2. P.L.1975, c.161 (C.36:1-7) is repealed.

3. This act shall take effect immediately.

Approved August 14, 1998.

CHAPTER 76

AN ACT concerning the licensing of drivers' schools and supplementing P.L.1951, c.216 (C.39:12-1 et seq.).

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

C.39:12-2.1 Recognition of behind-the-wheel instructional experience for drivers' school license.

1. Notwithstanding any law, rule or regulation to the contrary, a person who is employed as a driving instructor in a public or non-public secondary school shall receive hour-for-hour credit from the Division of Motor Vehicles for the person's behind-the-wheel instructional experience towards the fulfillment of any behind-the-wheel hourly instructional requirement necessary to obtain a drivers' school license. The principal of the high school or superintendent of the school district shall affirm, in the form of an affidavit, the person's total number of hours of behind-the-wheel instructional experience.

For the purposes of this act, behind-the-wheel instructional experience for courses taught only on public highways and streets is applicable to fulfillment of any behind-the-wheel hourly instructional requirement. Instructional experience using simulator devices and driving ranges shall not be applicable to the provisions of this act.

2. This act shall take effect immediately and shall apply to instructional experience heretofore or hereafter acquired.

Approved August 14, 1998.

CHAPTER 77

AN ACT concerning the representation of indigent defendants in criminal cases, amending P.L.1987, c.170 and repealing section 15 of P.L.1967, c.43.

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

1. Section 4 of P.L.1987, c.170 (C.2A:158A-15.1) is amended to read as follows:

C.2A:158A-15.1 Investigation of finances of indigent defendants.

4. In each county, the Assignment Judge shall designate a judge or court support office who shall make an investigation of the financial status of each defendant requesting the services of the Office of the Public Defender and make a determination whether to grant the request for an appointed attorney. A determination to grant or deny the services of the Public Defender shall be subject to final review by the Assignment Judge or his designated judge. The court, or a designated court support office shall make an investigation of the financial status of each defendant requesting an appointed attorney, which investigation shall include the factors enumerated in section 14 of P.L. 1967, c. 43 (C. 2A:158A-14). The court, in its discretion, may ask for the assistance of the Public Defender in conducting the investigation.

The judge or court support office is authorized to obtain information from any public record office of the State or of any subdivision or agency thereof on request and without payment of the fees ordinarily required by law.

2. Section 8 of P.L.1987, c.170 is amended to read as follows:

8. This act shall take effect on the 270th day after enactment except for section 5 which shall take effect immediately.

Repealer.

3. Section 15 of P.L.1967, c.43 (C.2A:158A-15) is repealed.

4. This act shall take effect immediately.

Approved August 14, 1998.

CHAPTER 78

AN ACT concerning the prescribing of controlled dangerous substances and amending R.S.45:14-14.

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

1. R.S.45:14-14 is amended to read as follows:

"Prescription" defined.

45:14-14. The term "prescription" as used in R.S.45:14-13, and R.S.45:14-15 to R.S.45:14-17 means an order for drugs or medicines or combinations or mixtures thereof, written or signed by a duly licensed physician, dentist, optometrist, veterinarian, other medical practitioner, a certified nurse midwife, a nurse practitioner/clinical nurse specialist or a physician assistant, licensed or approved to write prescriptions intended for the treatment or prevention of disease in man or animals, and includes orders for drugs or medicines or combinations or mixtures thereof, on a New Jersey Prescription Blank obtained from a vendor approved by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to section 6 of P.L.1996, c.154 (C.45:14-14.6), transmitted to pharmacists through word of mouth, telephone, telegraph or other means of communication by a duly licensed physician, dentist, optometrist, veterinarian, other medical practitioner, a certified nurse midwife, a nurse practitioner/clinical nurse specialist or a physician assistant, licensed or approved to write prescriptions intended for the treatment or prevention of disease in man or animals, and such prescriptions received by word of mouth, telephone, telegraph or other means of communication shall be recorded in writing by the pharmacist and the record so made by the pharmacist shall constitute the original prescription to be filed by the pharmacist as provided for in R.S.45:14-15, but no prescription, for any narcotic drug, except as provided in section 15 of P.L.1970, c.226 (C.24:21-15), shall be given or transmitted to pharmacists, in any other manner, than in writing signed by the physician, dentist, veterinarian, other medical practitioner, certified nurse midwife, nurse practitioner/clinical nurse specialist or a physician assistant, giving or transmitting the same, nor shall such prescription be renewed or refilled. The requirement in this section that a prescription for any narcotic drug be given or transmitted to pharmacists in writing signed by the prescriber, shall not apply to a prescription for a Schedule II drug written for a long-term care facility resident or hospice patient if that prescription is transmitted or prepared in compliance with federal Drug Enforcement Administration regulations 21 C.F.R.1306.11(d), (e), (f) and (g).

2. This act shall take effect immediately.

Approved August 14, 1998.

CHAPTER 79

AN ACT concerning limited liability companies and amending P.L.1993, c.210.

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

1. Section 2 of P.L.1993, c.210 (C.42:2B-2) is amended to read as follows:

C.42:2B-2 Definitions.

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

"Bankruptcy" means an event that causes a person to become dissociated from a limited liability company as provided in section 24 of this act.

"Certificate of formation" means the certificate referred to in section 11 of this act, and the certificate as amended.

"Contribution" means any cash, property, services rendered or a promissory note or other obligation to contribute cash or property or to perform services, which a person contributes to a limited liability company in his capacity as a member; provided however, that services rendered and obligations to perform services are contributions only to the extent designated as contributions in the operating agreement.

"Foreign limited liability company" means a limited liability company formed under the laws of any state or under the laws of any foreign country or other foreign jurisdiction and denominated as such under the laws of such state or foreign country or other foreign jurisdiction.

"Limited liability company" and "domestic limited liability company" means a limited liability company formed under the laws of this State and having one or more members.

"Limited liability company interest" means a member's share of the profits and losses of a limited liability company and a member's right to receive distributions of the limited liability company's assets.

"Liquidating trustee" means a person carrying out the winding up of a limited liability company.

"Manager" means a person who is named as a manager of a limited liability company in, or designated as a manager of a limited liability company pursuant to, an operating agreement or similar instrument under which the limited liability company is formed.

"Member" means a person who has been admitted to a limited liability company as a member as provided in section 21 of this act or, in the case of a foreign limited liability company, in accordance with the laws of the state

or foreign country or other foreign jurisdiction under which the foreign limited liability company is organized.

"Operating agreement" means a written agreement among the members, or in the case of a limited liability company with only one member, the member and the limited liability company, as to the affairs of a limited liability company and the conduct of its business.

"Person" means a natural person, partnership (whether general or limited and whether domestic or foreign), limited liability company, foreign limited liability company, trust, estate, association, corporation, custodian, nominee or any other individual or entity in its own or any representative capacity.

"State" means the District of Columbia or the Commonwealth of Puerto Rico or any state, territory, possession, or other jurisdiction of the United States other than this State.

2. Section 11 of P.L.1993, c.210 (C.42:2B-11) is amended to read as follows:

C.42:2B-11 Certificate of formation; filing.

11. a. In order to form a limited liability company, one or more authorized persons must execute a certificate of formation. The certificate of formation shall be filed in the office of the Secretary of State and set forth:

- (1) The name of the limited liability company;
- (2) The address of the registered office and the name and address of the registered agent for service of process required to be maintained by section 6 of this act;
- (3) (Deleted by amendment, P.L.1998, c.79.)
- (4) If the limited liability company is to have perpetual existence, regardless of whether the limited liability company is subject to any dissolution contingencies, then the word "perpetual" shall be stated; if the limited liability company is to have a specific date of dissolution, regardless of whether the limited liability company is subject to any dissolution contingencies, the latest date on which the limited liability company is to dissolve; and
- (5) Any other matters the members determine to include therein.

b. A limited liability company is formed at the time of the filing of the initial certificate of formation in the office of the Secretary of State or at any later date or time specified in the certificate of formation if, in either case, there has been substantial compliance with the requirements of this section. A limited liability company formed under this act shall be a separate legal

entity, the existence of which as a separate legal entity shall continue until cancellation of the limited liability company's certificate of formation.

3. Section 14 of P.L.1993, c.210 (C.42:2B-14) is amended to read as follows:

C.42:2B-14 Cancellation of certificate of formation; filing of certificate of cancellation.

14. a. A certificate of formation shall be canceled upon the dissolution and the completion of winding up of a limited liability company, or upon the filing of a certificate of merger or consolidation if the limited liability company is not the surviving or resulting entity in a merger or consolidation.

b. A certificate of cancellation shall be filed in the office of the Secretary of State to accomplish the cancellation of a certificate of formation upon the dissolution and the completion of winding up of a limited liability company and shall set forth:

- (1) The name of the limited liability company;
- (2) The date of filing of its certificate of formation;
- (3) The reason for filing the certificate of cancellation;
- (4) The future effective date or time (which shall be a date or time certain) of cancellation if it is not to be effective upon the filing of the certificate; and
- (5) Any other information the person filing the certificate of cancellation determines.

c. (Deleted by amendment, P.L.1998, c.79.)

4. Section 24 of P.L.1993, c.210 (C.42:2B-24) is amended to read as follows:

C.42:2B-24 Dissociation of membership.

24. A member shall be dissociated from a limited liability company upon the occurrence of any of the following events:

a. Unless otherwise provided in an operating agreement, or with the written consent of all members,

(1) on the date the limited liability company receives notice of the member's resignation as a member, or on a later date specified by the member;

(2) an event agreed to in the operating agreement as causing the member's dissociation;

(3) a member:

(a) becomes a debtor in bankruptcy;

(b) executes an assignment for the benefit of creditors;

(c) seeks, consents to or acquiesces in the appointment of a trustee, receiver or liquidator of the member or of all or substantially all of that member's properties; or

(d) fails, within 90 days after the appointment, without the member's consent or acquiescence, of a trustee, receiver or liquidator of the member or of all or substantially all of that member's properties, to have the appointment vacated or stayed, or fails within 90 days after the expiration of a stay to have the appointment vacated; or

b. (1) the member's expulsion pursuant to the operating agreement;

(2) the member's expulsion by the unanimous vote of the other members if:

(a) it is unlawful to carry on the limited liability company with that member;

(b) there has been a transfer of all of that member's transferable interest in the limited liability company, other than a transfer for security purposes, or a court order charging the member's interest;

(c) within 90 days after the limited liability company notifies a corporate member that it will be expelled because it has filed a certificate of dissolution or the equivalent, its charter has been revoked, or its right to conduct business has been suspended by the jurisdiction of its incorporation, there is no revocation of the certificate of dissolution or no reinstatement of its charter or its right to conduct business; or

(d) a limited liability company or a partnership that is a member has been dissolved and its business is being wound up;

(3) on application by the limited liability company or another member, the member's expulsion by judicial determination because:

(a) the member engaged in wrongful conduct that adversely and materially affected the limited liability company's business;

(b) the member willfully or persistently committed a material breach of the operating agreement; or

(c) the member engaged in conduct relating to the limited liability company business which makes it not reasonably practicable to carry on the business with the member as a member of the limited liability company;

(4) in the case of a member who is an individual:

(a) the member's death;

(b) the appointment of a guardian or general conservator for the member; or

(c) a judicial determination that the member has become incapable of performing the member's duties under the operating agreement;

(5) in the case of a member that is a trust or is acting as a member by virtue of being a trustee of a trust, distribution of the trust's entire transfer-

able interest in the limited liability company, but not merely by reason of the substitution of a successor trustee;

(6) in the case of a member that is an estate or is acting as a member by virtue of being a personal representative of an estate, distribution of the estate's entire transferable interest in the limited liability company, but not merely by reason of the substitution of a successor personal representative; or

(7) termination of a member who is not an individual, partnership, limited liability company, corporation, trust or estate.

5. Section 27 of P.L.1993, c.210 (C.42:2B-27) is amended to read as follows:

C.42:2B-27 Management of company, control.

27. a. (1) Unless otherwise provided in an operating agreement, the management of a limited liability company shall be vested in its members in proportion to the then current percentage or other interest of members in the profits of the limited liability company owned by all of the members, the decision of members owning more than 50 percent of the then current percentage or other interest in the profits controlling; (2) provided, however, that if an operating agreement provides for the management, in whole or in part, of a limited liability company by one or more managers, the management of the limited liability company, to the extent so provided, shall be vested in the manager or managers who shall be chosen by the member or members in the manner provided in the operating agreement. The managers shall also hold the offices and have the responsibilities accorded to them by the members and set forth in an operating agreement. Subject to section 37 of this act, a manager shall cease to be a manager as provided in an operating agreement.

b. (1) If a limited liability company is managed by its members, unless otherwise provided in the operating agreement, each member shall have the authority to bind the limited liability company. In addition, unless otherwise provided in the operating agreement, or to the extent that a court of competent jurisdiction determines that the operating agreement is without effect in this regard, each member in a limited liability company managed by its members shall also have the authority to file for insolvency or reorganization under appropriate State or federal law, so long as that filing has the prior approval of members then owning more than 50 percent of the interests in the profits of the limited liability company.

(2) If the limited liability company is managed by a manager or managers, the managers shall, in addition to all other authority accorded by the operating agreement, have the authority to file for insolvency or

reorganization under appropriate State or federal law, unless otherwise provided in the operating agreement, except to the extent a court of competent jurisdiction determines that the operating agreement is without effect in this regard.

6. Section 31 of P.L.1993, c.210 (C.42:2B-31) is amended to read as follows:

C.42:2B-31 Protection for member, manager for reliance on information.

31. A member or manager of a limited liability company shall be fully protected in relying in good faith upon the records of the limited liability company and upon such information, opinions, reports or statements presented to the limited liability company by any of its other managers, members, officers, employees, or committees of the limited liability company, or by any other person, as to matters the member or manager reasonably believes are within such other person's professional or expert competence and who has been selected with reasonable care by or on behalf of the limited liability company, including information, opinions, reports or statements as to the value and amount of the assets, liabilities, profits or losses of the limited liability company or any other facts pertinent to the existence and amount of assets from which distributions to members might properly be paid. For purposes of this section, a member or manager who is the person responsible for the making of any records of a limited liability company may only rely on those records in good faith if that reliance is reasonable.

7. Section 37 of P.L.1993, c.210 (C.42:2B-37) is amended to read as follows:

C.42:2B-37 Resignation of manager.

37. A manager may resign as a manager of a limited liability company at the time or upon the happening of events specified in an operating agreement and in accordance with the operating agreement. An operating agreement may provide that a manager shall not have the right to resign as a manager of a limited liability company. Notwithstanding that an operating agreement provides that a manager does not have the right to resign as a manager of a limited liability company, a manager may resign as a manager of a limited liability company at any time by giving written notice to the member or members, as the case may be, and other managers. If the resignation of a manager violates an operating agreement, in addition to any remedies otherwise available under applicable law, a limited liability company may recover from the resigning manager damages for breach of

the operating agreement and offset the damages against the amount otherwise distributable to the resigning manager.

8. Section 39 of P.L.1993, c.210 (C.42:2B-39) is amended to read as follows:

C.42:2B-39 Distribution to resigning member.

39. a. Except as provided in this act, upon resignation any resigning member from a limited liability company with at least one remaining member is entitled to receive any distribution to which he is entitled under an operating agreement and, if not otherwise provided or permitted in an operating agreement, he is entitled to receive, within a reasonable time after resignation, the fair value of his limited liability company interest as of the date of resignation, less all applicable valuation discounts, unless the operating agreement provides for another distribution formula. Upon resignation from a limited liability company of which that member had been the last member, unless the limited liability company continues as permitted pursuant to subsection d. of section 48 of P.L.1993, c.210 (C.42:2B-48), the resigning member shall not be entitled to receive any distribution except pursuant to section 51 of P.L.1993, c.210 (C.42:2B-51). If the limited liability company continues as permitted under subsection d. of section 48 of P.L.1993, c.210 (C.42:2B-48), the resigning member shall be treated as, and have the rights of, a resigning member from a limited liability company with at least one remaining member. If the resignation of a member violates an operating agreement, in addition to any remedies otherwise available under applicable law, a limited liability company may recover from the resigning member damages for breach of the operating agreement and offset the damages against the amount otherwise distributable to the resigning member.

b. As used in subsection a. of this section, "all applicable valuation discounts" shall include discounts for lack of liquidity, relative size of holding, absence of any trading market and comparable factors.

9. Section 44 of P.L.1993, c.210 (C.42:2B-44) is amended to read as follows:

C.42:2B-44 Company interest assignable; rights of assignee.

44. a. A limited liability company interest is assignable in whole or in part except as provided in an operating agreement. The assignee of a member's limited liability company interest shall have no right to participate in the management of the business and affairs of a limited liability company except as provided in an operating agreement and upon:

(1) The approval of all of the non-assigning members of that interest, if any, of the limited liability company; or

(2) Compliance with any procedure provided for in the operating agreement.

b. Unless otherwise provided in an operating agreement:

(1) An assignment entitles the assignee to receive the distribution or distributions, and to receive the allocation of income, gain, loss, deduction, or credit or similar item to which the assignor was entitled, to the extent assigned;

(2) A member ceases to be a member and to have the power to exercise any rights or powers of a member upon assignment of all of his limited liability company interest; and

(3) The pledge of, or granting of a security interest, lien or other encumbrance in or against, any or all of the limited liability company interest of a member shall not cause the member to cease to be a member, to become dissociated or to fail to have the power to exercise any rights or powers of a member.

c. An operating agreement may provide that a member's interest in a limited liability company may be evidenced by a certificate of limited liability company interest issued by the limited liability company.

d. Unless otherwise provided in an operating agreement and except to the extent assumed by agreement, until an assignee of a limited liability company interest becomes a member, the assignee shall have no liability as a member solely as a result of the assignment.

e. An assignee shall have no authority to seek or obtain a court order dissolving or liquidating a limited liability company.

10. Section 46 of P.L.1993, c.210 (C.42:2B-46) is amended to read as follows:

C.42:2B-46 Conditions for assignee becoming member; rights, obligations, liability.

46. a. An assignee of a limited liability company interest may become a member as provided in an operating agreement and upon:

(1) The approval of all of the members of the limited liability company other than the member assigning his limited liability company interest; or

(2) Compliance with any procedure provided for in the operating agreement.

b. An assignee who has become a member has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a member under an operating agreement and this act. Notwithstanding the foregoing, unless otherwise provided in an operating agreement, an assignee who becomes a member is liable for the obligations of his assignor to make

contributions as provided in section 33 of this act, but shall not be liable for the obligations of his assignor under section 37 or 38. However, the assignee is not obligated for liabilities, including the obligations of his assignor to make contributions as provided in section 33 of this act, unknown to the assignee at the time he became a member and which could not be ascertained from an operating agreement.

c. Whether or not an assignee of a limited liability company interest becomes a member, the assignor is not released from his liability to a limited liability company under sections 32 through 42 of this act.

d. In addition to subsection a. of this section, an assignee of a limited liability company interest may become a member of a limited liability company unless otherwise provided or expressly precluded by a provision of the operating agreement, upon that assignee's election when:

- (1) there are no members of the limited liability company;
- (2) that election is made within 90 days after the date on which the limited liability company no longer has at least one member; and
- (3) the assignee either first became an assignee when there were no members of the limited liability company remaining in connection with the resignation or other dissociation of the last remaining member of the limited liability company or is an assignee of a member of the limited liability company when that member is the only member of the limited liability company.

If an assignee timely elects to become a member of the limited liability company as provided in this section, the certificate of formation shall remain valid and the limited liability company shall continue to have existence as though it has always had at least one member.

11. Section 47 of P.L.1993, c.210 (C.42:2B-47) is amended to read as follows:

C.42:2B-47 Death, incompetence of member.

47. If a member who is an individual dies or a court of competent jurisdiction adjudges him to be incompetent to manage his person or his property, the member's executor, administrator, guardian, conservator or other legal representative may exercise all of the member's rights for the purpose of settling his estate or administering his property, including any power under an operating agreement of an assignee to become a member and the power given to an assignee under subsection d. of section 46 of P.L.1993, c.210 (C.42:2B-46). If a member is a corporation, trust or other entity and is dissolved or terminated, the powers of that member may, in addition to the powers given to an assignee under subsection d. of section

46 of P.L.1993, c.210 (C.42:2B-46), be exercised by its legal representative or successor.

12. Section 48 of P.L.1993, c.210 (C.42:2B-48) is amended to read as follows:

C.42:2B-48 Dissolution, wind up.

48. A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

- a. Unless the certificate of formation specifies that the limited liability company is perpetual, at the time specified in an operating agreement, or 30 years from the date of the formation of the limited liability company if no specified time for dissolution and winding up, regardless of any dissolution contingencies, is set forth in the operating agreement;
- b. Upon the happening of events specified in an operating agreement;
- c. The written consent of all members, which includes written consent of the sole member of a limited liability company with only one member;
- d. Ninety days after the date on which the limited liability company no longer has at least one member, unless at least one new member is admitted within that 90-day period; or
- e. The entry of a decree of judicial dissolution under section 49 of this act.

13. Section 69 of P.L.1993, c.210 (C.42:2B-69) is amended to read as follows:

C.42:2B-69 Taxation classification.

69. a. For all purposes of taxation under the laws of this State, a limited liability company formed under this act or qualified to do business in this State as a foreign limited liability company with two or more members shall be classified as a partnership unless classified otherwise for federal income tax purposes, in which case the limited liability company shall be classified in the same manner as it is classified for federal income tax purposes. For all purposes of taxation under the laws of this State, a member or an assignee of a member of a limited liability company formed under this act or qualified to do business in this State as a foreign limited liability company shall be treated as a partner in a partnership unless the limited liability company is classified otherwise for federal income tax purposes, in which case the member or assignee of a member shall have the same status as the member or assignee of a member has for federal income tax purposes.

b. For all purposes of taxation on income under the laws of this State and only for those purposes, a limited liability company formed under P.L. 1993, c.210 (C. 42:2B-1 et seq.) or qualified to do business in this State as a foreign limited liability company with one member is disregarded as an

entity separate from its owner, unless classified other wise for federal tax purposes, in which case the limited liability company will be classified in the same manner as it is classified for federal income tax purposes. For all purposes of taxation on income under the laws of this State and only for those purposes, the sole member or an assignee of all of the limited liability company interest of the sole member of a limited liability company formed under P.L.1993, c.210 (C.42:2B-1 et seq.) or qualified to do business in this State as a foreign limited liability company is treated as the direct owner of the underlying assets of the limited liability company and of its operations, unless the limited liability company is classified otherwise for federal income tax purposes, in which case the member or assignee of a member will have the same status as the member or assignee of a member has for federal income tax purposes.

14. This act shall take effect immediately and shall apply to all existing limited liability companies whether or not formed before the effective date of this act.

Approved August 14, 1998.

CHAPTER 80

AN ACT concerning crossing control arms on school buses, amending P.L.1996, c.96 and repealing section 4 of P.L.1996, c.96.

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

1. Section 1 of P.L.1996, c. 96 (C.39:3B-1.1) is amended to read as follows:

C.39:3B-1.1 School buses to be equipped with crossing control arm.

1. Every school bus as defined under R.S.39:1-1, which was originally designed to carry 10 or more passengers and which is in operation on August 6, 1996, transporting public and nonpublic school pupils and every new or used such school bus purchased on or after that date to transport public and nonpublic school pupils shall be equipped with a crossing control arm at the right front corner of the bus. In each year subsequent to August 6, 1996, 50 percent of all school bus fleets in operation on that date owned by any agency, a board of education, a nonpublic school or a school bus contractor not already equipped with a crossing control arm shall be so

equipped, provided that each vehicle used to transport elementary school students shall be given priority to be equipped with a crossing control arm in the first year following August 6, 1996. The arm shall open and extend out from the front of the bus at least 5 1/2 feet each time the bus door is opened.

2. Section 2 of P.L.1996, c.96 (C.39:3B-1.2) is amended to read as follows:

C.39:3B-1.2 Reimbursement for retrofitting school buses with crossing control arm.

2. Each agency, school district and nonpublic school that owns and operates its own school buses and each school bus contractor that operates school buses, as defined in section 1 of P.L.1996, c.96 (C.39:3B-1.1), shall receive reimbursement from the Department of Education in an amount up to, but not to exceed, \$300 per bus for retrofitting those school buses in operation on August 6, 1996, and an amount up to, but not to exceed, \$200 per bus for buses put into operation after that date for the cost of including the crossing control arm on those buses. If any agency, school district, nonpublic school or school bus contractor chooses to equip more than 50 percent of its school buses in any one year, it shall receive a maximum reimbursement for 50 percent of its school buses for that year. Reimbursement for retrofitting more than 50 percent of its school buses will be paid in the subsequent year based on a schedule to be determined by the commissioner, not to exceed two years.

3. Section 3 of P.L.1996, c.96 (C.39:3B-1.3) is amended to read as follows:

C.39:3B-1.3 Submission of list of vehicles, application for reimbursement.

3. No later than 60 days after the effective date of P.L.1998, c.80 (C.39:3B-1.1 et seq.), each agency, board of education, nonpublic school and school bus contractor shall submit to the Commissioner of Education a list of all vehicles, as defined in section 1 of P.L.1996, c.96 (C.39:3B-1.1), that are used to transport students on August 6, 1996, including: the vehicle serial number; the year, make and license plate number as noted on the vehicle registration; and an indication as to whether the vehicle is currently equipped with a crossing control arm.

The owners of such vehicles may apply for reimbursement through the Department of Education in accordance with section 2 of P.L.1996, c.96 (C.39:3B-1.2) on an application form as the Commissioner of Education shall prescribe. The application shall be accompanied by a receipt for the purchase of the crossing control arm through an authorized dealer.

Repealer.

4. Section 4 of P.L.1996, c.96 (C.39:3B-1.4) is repealed.
5. This act shall take effect immediately.

Approved August 14, 1998.

CHAPTER 81

AN ACT concerning anatomical gifts and amending P.L.1969, c.161.

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

1. Section 4 of P.L.1969, c.161 (C.26:6-60) is amended to read as follows:

C.26:6-60 Gift by will or other document.

4. (a) A gift of all or part of the body under section 2(a) may be made by will. The gift becomes effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, is nevertheless valid and effective.

(b) A gift of all or part of the body under section 2(a) may also be made by document other than a will. The gift becomes effective upon the death of the donor. The document, which may be a card designed to be carried on the person, must be signed by the donor in the presence of two witnesses who must sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who must sign the document in his presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

(c) The gift may be made to a specified donee or without specifying a donee. If the latter, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subsection shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding section 7(b), the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the

appropriate procedures. In the absence of a designation or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose or, in the case of a gift of eyes, he may employ or authorize a practitioner of mortuary science licensed by the State Board of Mortuary Science of New Jersey, an eye bank technician or a medical student who has successfully completed a course in eye enucleation approved by the State Board of Medical Examiners to enucleate eyes for the gift after certification of death by a physician. A practitioner of mortuary science, an eye bank technician or a medical student acting in accordance with the provisions of this subsection shall not have any liability, civil or criminal, for the eye enucleation.

(e) Any gift by a person designated in section 2(b) shall be made by a document signed by him or made by his telegraphic, recorded telephonic, or other recorded message.

(f) Notwithstanding any provision of law to the contrary, the intent of a decedent to give all or any part of his body as a gift pursuant to section 2(a) of P.L.1969, c.161 (C.26:6-58), as evidenced by the possession of a donor card, donor designation on a driver's license, advance directive pursuant to P.L.1991, c.201 (C.26:2H-53 et seq.), other document of gift, or by registration with a Statewide organ and tissue donor registry, shall not be revoked by any person designated in section 2(b) of P.L.1969, c.161 (C.26:6-58), nor shall the consent of any such person at the time of the donor's death or immediately thereafter be necessary to render the gift valid and effective.

2. This act shall take effect immediately.

Approved August 24, 1998.

CHAPTER 82

AN ACT concerning changes in telecommunications service providers and supplementing P.L.1960, c.39 (C.56:8-1 et seq.).

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

C.56:8-86 Definitions relative to telecommunications service providers.

1. As used in this act:

"Board" means the Board of Public Utilities.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Telecommunications service provider" means any individual, firm, joint venture, partnership, corporation, association, public utility, cooperative association, joint stock association and includes any trustee, receiver, assignee, representative, provider of intrastate, interLATA, intraLATA or local exchange telecommunications service to an end-use customer.

"Service for which there are multiple providers" means a service for which customers have the ability to subscribe or select from more than one telecommunications service provider.

C.56:8-87 Change, redirection of telecommunications service provider; conditions.

2. No telecommunications service provider or any person, firm or corporation acting as an agent or representative on behalf of a telecommunications service provider, shall, on behalf of a customer, make any change or direct a different telecommunications service provider to make any change in a provider of a telecommunications service for which there are multiple providers, unless the provider, agent or representative complies with authorization and confirmation procedures established by the board and by federal law and rules. In construing and enforcing the provisions of this section, the act of any person, firm or corporation acting as agent or representative acting on behalf of a telecommunications service provider within the parameters of the working agreement set forth by the telecommunications service provider shall be deemed to be the act of that telecommunications service provider.

C.56:8-88 Processing of change orders.

3. No telecommunications service provider or any person, firm or corporation acting as an agent or representative on behalf of a telecommunications service provider, shall, on behalf of a customer, fail to make any change in a provider of a telecommunications service for which there are multiple providers when such change order has been received in a manner that complies with federal and State rules and regulations. All such change orders shall be properly processed to assure that the order is completed and service will be provided by the new telecommunications service provider of choice within 30 business days of receipt of the compliant change order, which may be extended for good cause by the board for an additional 30-day period, unless otherwise agreed to by the customer, or as specified by rule or order of the board, or as agreed to by the telecommunications service providers involved in the change, or by federal law or rule.

C.56:8-89 Rules, regulations.

4. The board, in consultation with the director, shall adopt rules and regulations relating to changes in telecommunications service providers that are consistent with federal law and which, among other requirements, shall

establish procedures for a customer to confirm a change in a telecommunications service provider made by another telecommunications service provider on behalf of the customer, establish procedures by which the new telecommunications service provider shall notify a customer of a change in a telecommunications service provider, and set forth methods for enforcing those rules and regulations.

C.56:8-90 Change notification; bill information.

5. When an authorized change in a telecommunications service provider is made, the new telecommunications service provider shall be responsible for notifying the customer of the change within 30 days in the manner determined by the board pursuant to section 4 of this act. In addition, any bill for intrastate, interLATA, intraLATA or local exchange service shall contain the name and telephone number of each telecommunications service provider for which billing is provided, and any other information deemed applicable by the telecommunications service provider.

C.56:8-91 Violations, penalties.

6. A telecommunications service provider who is determined by the board, after notice and opportunity to be heard, to have willfully or intentionally violated any provision of this act or any rule, regulation or order adopted pursuant hereto or to have violated any federal law and rules relating to changes in telecommunications service providers applicable to intrastate service shall be liable to a civil penalty not to exceed \$7,500 for a first violation and not to exceed \$15,000 for each subsequent violation associated with a specific access line within the State. All moneys recovered from an administrative penalty imposed pursuant to this section shall be paid into the State Treasury to the credit of the General Fund.

7. This act shall take effect on the first day of the third month following enactment.

Approved August 24, 1998.

CHAPTER 83

AN ACT appropriating \$15,000,000 from the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, for the acquisition of inland Blue Acres lands in the floodway of the Passaic River and its tributaries for recreation and conservation purposes.

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

1. There is appropriated to the Department of Environmental Protection from the "1995 New Jersey Inland Blue Acres Fund," established pursuant to section 28 of the "Green Acres, Farmland and Historic Preservation, and Blue Acres Bond Act of 1995," P.L.1995, c.204, the sum of \$15,000,000 for the purposes of providing moneys to meet the inland Blue Acres cost of acquisition by the State, from willing sellers and for recreation and conservation purposes, of lands in the floodway of the Passaic river and its tributaries that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage.

2. The moneys appropriated pursuant to section 1 of this act shall be allocated to the following projects:

<u>Municipality</u>	<u>County</u>
Fairfield	Essex
East Hanover	Morris
Lincoln Park	Morris
Montville	Morris
Pequanneck	Morris
Riverdale	Morris
Little Falls	Passaic
Pompton Lakes	Passaic
Wayne	Passaic

3. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P.L.1995, c.204.

4. This act shall take effect immediately.

Approved August 24, 1998.

CHAPTER 84

AN ACT appropriating moneys to the Department of Environmental Protection for the purpose of making zero interest loans to project

sponsors to finance a portion of the costs of construction of environmental infrastructure projects.

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

1. a. There is hereby established a "Drinking Water State Revolving Fund" for the purpose of receiving federal funds authorized pursuant to the "Safe Drinking Water Amendments of 1996" (42 U.S.C. s.300f et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Safe Drinking Water Act"). The Drinking Water State Revolving Fund shall be the depository for the receipt of Federal capitalization grants and other funds made available to the State for drinking water projects and set-asides pursuant to the Federal Safe Drinking Water Act.

b. The Drinking Water State Revolving Fund is a nonlapsing revolving fund. Pending their application to the purposes provided in this act, the moneys in the Drinking Water State Revolving Fund may be invested and reinvested as are other funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment or deposit of moneys in the Drinking Water State Revolving Fund shall be paid to that fund.

c. Except as may be otherwise expressly provided in the provisions of sections 10 and 12 of this act, any payments of principal and interest on loans made from the Drinking Water State Revolving Fund shall be returned to that fund.

2. a. The "Wastewater Treatment Fund - State Revolving Fund Accounts" established pursuant to section 1 of P.L.1988, c.133 is renamed the "Clean Water Fund - State Revolving Fund Accounts."

(1) There is appropriated to the Department of Environmental Protection from the "Clean Water Fund - State Revolving Fund Accounts" (hereinafter referred to as the "Clean Water State Revolving Fund Accounts") an amount equal to the Federal fiscal year 1998 capitalization grant made available to the State for clean water projects pursuant to the "Water Quality Act of 1987" (33 U.S.C. s.1251 et seq.), and any amendatory and supplementary acts thereto (hereinafter referred to as the "Federal Clean Water Act").

(2) There is appropriated to the Department of Environmental Protection from the Drinking Water State Revolving Fund an amount equal to the Federal fiscal year 1997 and 1998 capitalization grants awarded to the State for drinking water projects pursuant to the Federal Safe Drinking Water Act.

(3) There is appropriated to the Department of Environmental Protection any fees and penalties received pursuant to the "Marine Protection, Research, and Sanctuaries Act of 1972," (33 U.S.C. s.1401 et seq.), and any amendatory and supplementary acts thereto, as may be deposited in the Clean Water State Revolving Fund Accounts.

(4) There is appropriated to the Department of Environmental Protection the unappropriated balances from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater Treatment Bond Act of 1985," (P.L.1985, c.329).

(5) There is appropriated to the Department of Environmental Protection the sum of \$10,000,000 from the "1992 Wastewater Treatment Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992," (P.L.1992, c.88).

Any such amounts shall be for the purpose of making zero interest loans, to the extent sufficient funds are available, to local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of clean water projects and drinking water projects listed in sections 3 and 4 of this act, and for the purpose of implementing and administering the provisions of this act, to the extent permitted by the "Water Quality Act of 1987" (33 U.S.C. s.1251 et seq.), the "Marine Protection, Research, and Sanctuaries Act of 1972," and any amendatory and supplementary acts thereto, the "Wastewater Treatment Bond Act of 1985" (P.L.1985, c.329), the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), the "Water Supply Bond Act of 1981" (P.L.1981, c.261), the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), the Federal Safe Drinking Water Act and State law.

b. The department is authorized to make zero interest loans to the project sponsors for the environmental infrastructure projects listed in section 3 and subsection a. of section 4 of this act for clean water projects, and subsection b. of section 4 of this act for drinking water projects, up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the Commissioner of Environmental Protection pursuant to section 7 of this act, or if a project fails to meet the requirements of section 5 of this act.

c. The department is authorized to make zero interest loans to project sponsors for the environmental infrastructure projects listed in section 3 and subsection a. of section 4 of this act under the same terms, conditions and requirements as set forth in this section from any unexpended balances of the amounts appropriated pursuant to section 1 of P.L.1987, c.200, section 2 of P.L.1988, c.133, section 1 of P.L.1989, c.189, section 1 of P.L.1990,

c.99, section 1 of P.L.1991, c.325, section 1 of P.L.1992, c.38, section 1 of P.L.1993, c.193, section 1 of P.L.1994, c.106, section 1 of P.L.1995, c.219, section 1 of P.L.1996, c.85 or section 1 of P.L.1997, c.221, including amounts resulting from the low bid building cost or final building cost reductions authorized pursuant to section 6 of P.L.1987, c.200, section 7 of P.L.1988, c.133, section 6 of P.L.1989, c.189, section 6 of P.L.1990, c.99, section 6 of P.L.1991, c.325, section 6 of P.L.1992, c.38, section 6 of P.L.1993, c.193, section 6 of P.L.1994, c.106, section 6 of P.L.1995, c.219, section 6 of P.L.1996, c.85 and section 6 of P.L.1997, c.221, and from any repayments of loans from the "Wastewater Treatment Fund" or amounts deposited therein during State fiscal year 1998 pursuant to the provisions of section 16 of P.L.1985, c.329, including any State Revolving Fund Accounts contained within the "Wastewater Treatment Fund."

3. a. The department is authorized to expend funds for the purpose of making a supplemental zero interest loan to the project sponsor listed below for the following environmental infrastructure project:

<u>Project No.</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
857-01-1	Atlantic Highlands Borough	\$ 200,000
TOTAL		\$ 200,000

b. The loan authorized in this section shall be made for the difference between the allowable loan amount required by this project based upon low bid building costs or final building costs pursuant to section 7 of this act and the loan amount certified by the commissioner in State fiscal year 1996 and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the department pursuant to section 4 of P.L.1985, c.329. The loan authorized in this section shall be made to the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except as the project fails to meet the requirements of section 5 of this act.

c. The zero interest loan for the project authorized in this section shall have priority over projects listed in subsection a. of section 4 of this act.

4. a. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 1999 Clean Water Project Priority List":

<u>Project Number</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
437-08	New Brunswick City	\$ 800,000
652-02	North Bergen MUA	\$2,950,000
352-02	Florence Township	\$7,750,000
689-04	Passaic Valley SC	\$4,300,000
640-05	Camden County MUA	\$2,700,000
388-02	Somerdale Borough	\$ 350,000
264-01	Lopatcong Borough	\$ 150,000
361-01	Roseland Borough	\$ 100,000
274-01	Pine Hill Borough	\$ 350,000
259-01	Kearny Town	\$1,600,000
854-02	Guttenberg Town	\$ 200,000
801-04	Somerset Raritan Valley RSA	\$12,750,000
372-21	Ocean County UA	\$3,550,000
689-07	Passaic Valley SC	\$4,900,000
902-02	Gloucester County UA	\$1,850,000
875-01	Voorhees Township	\$4,050,000
282-01	Hopewell Township	\$13,350,000
446-06	Edgewater Borough	\$1,200,000
956-01	Delanco Township SA	\$ 650,000
283-01	West Amwell Township	\$ 150,000
395-01	Lawrence Township	\$ 700,000
355-01	Millburn Township	\$2,150,000
536-04	Mercer County Improvement Authority	\$ 650,000
967-03	Matawan Borough	\$ 150,000
TOTAL		\$67,350,000

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 1999 Drinking Water Project Priority List":

<u>Project Number</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
0502001-001	Cape May City	\$ 800,000
0323001-001	Mt. Holly Water Company	\$6,400,000
0714001-001	Newark City	\$5,700,000
1111001-001	Trenton City	\$7,200,000
0604001-002/4	Middlesex Water Company (2 Fortescue)	\$ 900,000
0717001-001/2	Orange City	\$1,400,000
0251001-016/19	Ridgewood Village	\$ 400,000
0315001-001/3	Florence Township	\$1,800,000
1225001-001	Middlesex Water Company	\$1,200,000
1107002-001	Lawrenceville Water Company	\$ 400,000
1708001-001	Pennsville Township	\$1,150,000
0264001-001	Waldwick Borough	\$ 900,000
1427009-003	New Jersey American Water Company	\$ 100,000
TOTAL		\$28,350,000

5. Any loan made by the Department of Environmental Protection pursuant to this act shall be subject to the following requirements:

a. The commissioner has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223 or P.L.1997, c.225, and any rules and regulations adopted pursuant thereto;

b. The loan amount shall not exceed 50% of the allowable project cost of the environmental infrastructure facility;

c. The loan shall be repaid within a period not to exceed 23 years of the making of the loan;

d. The loan shall be conditioned upon approval of a loan from the New Jersey Environmental Infrastructure Trust pursuant to P.L.1998, c.85;

e. The loan shall be subject to any other terms and conditions as may be established by the commissioner and approved by the State Treasurer, which may include, notwithstanding any other provision of law to the contrary, subordination of a loan authorized in this act to loans made by the trust pursuant to P.L.1998, c.85 or to administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

6. The priority lists and authorization for the making of loans pursuant to sections 3 and 4 of this act shall expire on July 1, 1999, and any project sponsor which has not executed and delivered a loan agreement with the department for a loan authorized in this act shall no longer be entitled to that loan.

7. The Commissioner of Environmental Protection is authorized to reduce or increase the individual amount of loan funds made available to project sponsors pursuant to sections 3 and 4 of this act based upon low bid or final building costs defined in and determined in accordance with rules and regulations adopted by the commissioner pursuant to section 4 of P.L.1985, c.329, section 11 of P.L.1977, c.224 (C.58:12A-11) or section 5 of P.L.1981, c.261, provided that the total loan amount does not exceed the original loan amount.

8. The expenditure of the funds appropriated by this act is subject to the provisions and conditions of P.L.1977, c.224, P.L.1985, c.329, P.L.1992, c.88, P.L.1997, c.223 or P.L.1997, c.225, and the rules and regulations adopted by the commissioner pursuant thereto, and the provisions of the Federal Clean Water Act or the Federal Safe Drinking Water Act, as appropriate.

9. The Department of Environmental Protection shall provide general technical assistance to any project sponsor requesting assistance regarding

environmental infrastructure project development or applications for funds for a project.

10. a. Prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, and prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund or prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, repayments of loans made pursuant to this act may be utilized by the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) under terms and conditions established by the commissioner and trust, and approved by the State Treasurer, and consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and federal tax, environmental or securities law, to the extent necessary to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1998, c.85, and to secure the administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans.

b. Prior to repayment to the "Wastewater Treatment Fund" pursuant to the provisions of section 16 of P.L.1985, c.329, prior to repayment to the "1992 Wastewater Treatment Fund" pursuant to the provisions of section 28 of P.L.1992, c.88, prior to repayment to the Drinking Water State Revolving Fund or prior to repayment to the "Stormwater Management and Combined Sewer Overflow Abatement Fund" pursuant to the provisions of section 15 of P.L.1989, c.181, the trust is further authorized to utilize repayments of loans made pursuant to P.L.1989, c.189, P.L.1990, c.99, P.L.1991, c.325, P.L.1992, c.38, P.L.1993, c.193, P.L.1994, c.106, P.L.1995, c.219, P.L.1996, c.85, P.L.1997, c.221 or P.L.1998, c.84 to secure repayment of trust bonds issued to finance loans approved pursuant to P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222 or P.L.1998, c.85, and to secure the administrative fees payable to the trust under these loans pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5).

c. To the extent that any loan repayment sums are used to satisfy trust bond repayment or administrative fee payment deficiencies, the trust shall repay such sums to the department for deposit into the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the Drinking Water State Revolving Fund or the "Stormwater Management and Combined Sewer Overflow Abatement Fund," as appropriate, from amounts received by or on behalf of the trust from project sponsors causing any such deficiency.

11. The Commissioner of Environmental Protection is authorized to enter into capitalization grant agreements with the United States Environmental Protection Agency pursuant to the Federal Clean Water Act or the Federal Safe Drinking Water Act.

12. a. The Director of the Division of Budget and Accounting in the Department of the Treasury is directed to transfer to the "Wastewater Treatment Fund" established pursuant to section 15 of P.L.1985, c.329 the entire sum of money, if any, appropriated to the Department of Environmental Protection for "Public Wastewater Facilities" in the "State Aid" section of P.L.1998, c.45. The sum transferred to the "Wastewater Treatment Fund" pursuant to this section is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.). The trust shall deposit all or a portion of this sum as it may deem necessary and appropriate into one or more reserve funds established pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11). These reserve funds shall include reserve funds constituted collectively as a water pollution control revolving fund for the purposes of the Federal Clean Water Act and shall be known as the Trust Clean Water Reserve Fund - State Revolving Fund Accounts.

b. The Director of the Division of Budget and Accounting in the Department of the Treasury is directed to transfer to the "Water Supply Fund" established pursuant to section 14 of P.L.1981, c.261 the entire sum of money, if any, appropriated to the Department of Environmental Protection for "Drinking Water Facilities" in the "State Aid" section of P.L.1998, c.45. The sum transferred to the "Water Supply Fund" pursuant to this section is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.). The trust shall deposit all or a portion of this sum as it may deem necessary and appropriate into one or more reserve funds established pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11). These reserve funds shall include reserve funds constituted collectively as a drinking water revolving fund for the purposes of the Federal Safe Drinking Water Act and shall be known as the Trust Drinking Water Reserve Fund - State Revolving Fund Accounts; except that the trust shall not establish the Trust Drinking Water Reserve Fund - State Revolving Fund Accounts prior to the execution of a capitalization grant agreement entered into by the Commissioner of Environmental Protection pursuant to section 11 of this act.

c. Any portion of the sums appropriated to the trust pursuant to subsections a. or b. of this section or subsection a. of section 11 of P.L.1989, c.189, subsection a. of section 11 of P.L.1990, c.99, subsection a. of section 11 of P.L.1991, c.325, subsection a. of section 11 of P.L.1992,

c.38, subsection a. of section 11 of P.L.1993, c.193, subsection a. of section 11 of P.L.1994, c.106, subsection a. of section 11 of P.L.1995, c.219, subsection a. of section 11 of P.L.1996, c.85 or subsection a. of section 11 of P.L.1997, c.221, plus any net earnings received from the investment or deposit of such moneys by the trust not required by the trust to establish reserve funds as provided in this section, shall be returned to the "Wastewater Treatment Fund" and placed in any account therein as determined by the commissioner to be used by the department for making zero interest loans to project sponsors to finance a portion of the cost of the environmental infrastructure projects listed in sections 3 and 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the commissioner pursuant to section 7 of this act or if a project fails to meet the requirements of section 5 of this act; and except that the commissioner shall certify to the chairman of the trust that such funds are needed for zero interest loans before any transfer is made. In the event that the commissioner fails to make this certification, the unexpended balance not devoted to establishing reserve funds shall remain with the trust but shall not be expended by the trust until such expenditure is authorized pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.).

13. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.) from repayments of loans deposited in any account, including the Clean Water State Revolving Fund Accounts contained within the "Wastewater Treatment Fund," the "1992 Wastewater Treatment Fund," the "Water Supply Fund," the "Stormwater Management and Combined Sewer Overflow Abatement Fund," or the Drinking Water State Revolving Fund, as appropriate, and from any net earnings received from the investment and reinvestment of such deposits, such sums as the chairman of the trust shall certify to the Commissioner of Environmental Protection to be necessary and appropriate for deposit into one or more reserve funds established by the trust pursuant to section 11 of P.L.1985, c.334 (C.58:11B-11).

14. This act shall take effect immediately.

Approved August 24, 1998.

CHAPTER 85

AN ACT authorizing the expenditure of funds by the New Jersey Environmental Infrastructure Trust for the purpose of making loans to project

sponsors to finance a portion of the cost of construction of environmental infrastructure projects, and supplementing P.L.1985, c.334 (C.58:11B-1 et seq.).

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

1. a. The New Jersey Environmental Infrastructure Trust, established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, is authorized to expend the aggregate sum of up to \$100,000,000, and any unexpended balance of the aggregate expenditures authorized pursuant to section 1 of P.L.1995, c.218, section 1 of P.L.1996, c.87 and section 1 of P.L.1997, c.222 for the purpose of making loans, to the extent sufficient funds are available, to local government units or public water utilities (hereinafter referred to as "project sponsors") to finance a portion of the cost of construction of environmental infrastructure projects listed in sections 2 and 4 of this act.

b. The trust is authorized to increase the aggregate sums specified in subsection a. of this section by:

(1) the amounts of capitalized interest and the bond issuance expenses as provided in subsection b. of section 7 of this act;

(2) the amounts of reserve capacity expenses and debt service reserve fund requirements as provided in subsection c. of section 7 of this act; and

(3) the interest earned on amounts deposited for project costs pending their distribution to project sponsors as provided in subsection d. of section 7 of this act.

c. For the purposes of this act:

(1) "capitalized interest" means the amount equal to interest paid on trust bonds which is funded with trust bond proceeds;

(2) "issuance expenses" means and includes, but need not be limited to, the costs of financial document printing, bond insurance premiums, underwriters' discount, verification of financial calculations, the services of bond rating agencies and trustees, employment of accountants, attorneys, financial advisors, loan servicing agents, registrars, and paying agents and any other costs related to the issuance of trust bonds;

(3) "reserve capacity expenses" means those project costs for reserve capacity not eligible for loans under rules and regulations governing zero interest loans adopted by the Commissioner of Environmental Protection pursuant to section 4 of P.L.1985, c.329 but which are eligible for loans from the trust in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27); and

(4) "debt service reserve fund expenses" means the debt service reserve fund costs associated with reserve capacity expenses, eligible water supply projects for which the project sponsors are public water utilities as provided in section 9 of P.L.1985, c.334 (C.58:11B-9), and other drinking water projects not eligible for State or federal debt service reserve funds pursuant to the "Water Supply Bond Act of 1981," P.L.1981, c.261, as amended and supplemented by P.L.1997, c.223.

d. The trust is authorized to increase the loan amount in the future to compensate for a refunding of the issue, provided adequate savings are achieved, for the loans issued pursuant to P.L.1989, c.190, P.L.1990, c.97, P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105, P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222 and P.L.1998, c.85.

2. a. The New Jersey Environmental Infrastructure Trust is authorized to expend funds for the purpose of making a supplemental loan to the project sponsor listed below for the following environmental infrastructure project:

<u>Project No.</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
857-01-1	Atlantic Highlands Borough	\$200,000
TOTAL		\$200,000

b. The loan authorized in this section shall be made for the difference between the allowable loan amount required by this project based upon final building costs pursuant to subsection a. of section 7 of this act and the loan amount certified by the chairman of the trust in State fiscal year 1996, and for increased allowable costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27). The loan authorized in this section shall be made to the project sponsor listed, up to the individual amount indicated and in the priority stated, to the extent sufficient funds are available, except as the project fails to meet the requirements of section 6 of this act.

c. The loan authorized in this section shall have priority over the environmental infrastructure projects listed in subsection a. of section 4 of this act.

3. a. The New Jersey Environmental Infrastructure Trust is authorized to make loans to project sponsors for the clean water projects listed in section 2 and subsection a. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may

be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsections b., c. or d. of section 7 or section 8 of this act.

b. The trust is authorized to make loans to project sponsors for the drinking water projects listed in subsection b. of section 4 of this act up to the individual amounts indicated and in the priority stated, except as any such amount may be reduced by the trust pursuant to subsection a. of section 7 of this act, or if a project fails to meet the requirements of section 6 of this act. The trust is authorized to increase any such amount pursuant to subsections b., c. or d. of section 7 or section 8 of this act.

4. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 1999 Clean Water Project Priority List":

<u>Project Number</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
437-08	New Brunswick City	\$ 800,000
652-02	North Bergen MUA	\$2,950,000
352-02	Florence Township	\$7,750,000
689-04	Passaic Valley SC	\$4,300,000
640-05	Camden County MUA	\$2,700,000
388-02	Somerdale Borough	\$ 350,000
264-01	Lopatcong Borough	\$ 150,000
361-01	Roseland Borough	\$ 100,000
274-01	Pine Hill Borough	\$ 350,000
259-01	Kearny Town	\$1,600,000
854-02	Guttenberg Town	\$ 200,000
801-04	Somerset Raritan Valley RSA	\$12,750,000
372-21	Ocean County UA	\$3,550,000
689-07	Passaic Valley SC	\$4,900,000
902-02	Gloucester County UA	\$1,850,000
875-01	Voorhees Township	\$4,050,000
282-01	Hopewell Township	\$13,350,000
446-06	Edgewater Borough	\$1,200,000
956-01	Delanco Township SA	\$ 650,000
283-01	West Amwell Township	\$ 150,000
395-01	Lawrence Township	\$ 700,000
355-01	Millburn Township	\$2,150,000
536-04	Mercer County Improvement Authority	\$ 650,000
967-03	Matawan Borough	\$ 150,000
TOTAL		\$67,350,000

b. The following environmental infrastructure projects shall be known and may be cited as the "State Fiscal Year 1999 Drinking Water Project Priority List":

<u>Project Number</u>	<u>Project Sponsor</u>	<u>Estimated Allowable Project Cost</u>
0502001-001	Cape May City	\$ 800,000
0323001-001	Mt. Holly Water Company	\$6,400,000
0714001-001	Newark City	\$5,700,000
1111001-001	Trenton City	\$7,200,000
0604001-002/4	Middlesex Water Company (2 Fortescue)	\$ 900,000
0717001-001/2	Orange City	\$1,400,000
0251001-016/19	Ridgewood Village	\$ 400,000
0315001-001/3	Florence Township	\$1,800,000
1225001-001	Middlesex Water Company	\$1,200,000
1107002-001	Lawrenceville Water Company	\$ 400,000
1708001-001	Pennsville Township	\$1,150,000
0264001-001	Waldwick Borough	\$ 900,000
1427009-003	New Jersey American Water Company	\$ 100,000
TOTAL		\$28,350,000

5. In accordance with and subject to the provisions of sections 5, 6 and 23 of P.L.1985, c.334 (C.58:11B-5, 58:11B-6, and 58:11B-23) and as set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1), any proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects listed in sections 2 and 4 of this act which are not expended for that purpose may be applied for the payment of all or any part of the principal of and interest and premium on the trust bonds whether due at stated maturity or earlier upon redemption. A portion of the proceeds from bonds issued by the trust to make loans for priority environmental infrastructure projects pursuant to this act may be applied for the payment of capitalized interest and for the payment of any issuance expenses; for the payment of reserve capacity expenses; for the payment of debt service reserve fund expenses; and for the payment of increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

6. Any loan made by the New Jersey Environmental Infrastructure Trust pursuant to this act shall be subject to the following requirements:

a. The chairman of the trust has certified that the project is in compliance with the provisions of P.L.1977, c.224, P.L.1985, c.334, P.L.1992, c.88, P.L.1997, c.223 or P.L.1997, c.225, and any rules and regulations adopted pursuant thereto;

b. The loan shall be conditioned upon approval of a zero interest loan from the Department of Environmental Protection from the "Wastewater Treatment Fund" established pursuant to section 15 of the "Wastewater

Treatment Bond Act of 1985" (P.L.1985, c.329), the "1992 Wastewater Treatment Fund" established pursuant to section 27 of the "Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992" (P.L.1992, c.88), or the Drinking Water State Revolving Fund established pursuant to section 1 of P.L.1998, c.84;

c. The loan shall be repaid within a period not to exceed 20 years of the making of the loan;

d. The loan shall not exceed the allowable project cost of the environmental infrastructure facility, exclusive of capitalized interest and issuance expenses as provided in subsection b. of section 7 of this act, reserve capacity expenses and the debt service reserve fund expenses as provided in subsection c. of section 7 of this act, and increased costs as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27);

e. The loan shall bear interest, exclusive of any late charges or administrative fees payable to the trust pursuant to subsection o. of section 5 of P.L.1985, c.334 (C.58:11B-5) by the project sponsors receiving trust loans, at or below the interest rate paid by the trust on the bonds issued to make the loans authorized by this act, adjusted for underwriting discount, in accordance with the terms and conditions set forth in the financial plan required pursuant to section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1); and

f. The loan shall be subject to all other terms and conditions as the trust shall determine to be consistent with the provisions of P.L.1985, c.334 (C.58:11B-1 et seq.) and any rules and regulations adopted pursuant thereto, and with the financial plan required by section 21 of P.L.1985, c.334 (C.58:11B-21) or the financial plan required pursuant to section 25 of P.L.1997, c.224 (C.58:11B-21.1).

The priority lists and authorization for the making of loans pursuant to this act shall expire on July 1, 1999, and any project sponsor which has not executed and delivered a loan agreement with the trust for a loan authorized in this act shall no longer be entitled to that loan.

7. a. The New Jersey Environmental Infrastructure Trust is authorized to reduce the individual amount of loan funds made available to project sponsors pursuant to sections 2 and 4 of this act based upon low bid or final building costs defined in and determined in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27) or rules and regulations adopted by the Commissioner of Environmental Protection pursuant to section 11 of P.L.1977, c.224

(C.58:12A-11) or section 5 of P.L.1981, c.261. The trust is authorized to use any such reduction in the loan amount made available to a project sponsor to cover that project sponsor's increased costs due to differing site conditions or other allowable expenses as defined and determined in accordance with the rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

b. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of capitalized interest and issuance expenses allocable to each loan made by the trust pursuant to this act; provided that the increase for issuance expenses, excluding underwriters' discount, original issue discount, bond insurance premiums and bond rating agency fees, shall not exceed 0.4% of the principal amount of trust bonds issued to make loans authorized by this act.

c. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the amount of reserve capacity expenses, and by the debt service reserve fund expenses associated with such reserve capacity expenses or associated with loans issued to public water utilities, as may be allowed the project by the trust in accordance with rules and regulations adopted by the trust pursuant to section 27 of P.L.1985, c.334 (C.58:11B-27).

d. The trust is authorized to increase each loan amount authorized in sections 2 and 4 of this act by the interest earned on amounts deposited for project costs pending their distribution to project sponsors.

8. The New Jersey Environmental Infrastructure Trust is authorized to increase the individual amount of loan funds made available to project sponsors by the trust pursuant to P.L.1989, c.190, P.L.1990, c.97, P.L.1991, c.324, P.L.1992, c.37, P.L.1993, c.192, P.L.1994, c.105, P.L.1995, c.218, P.L.1996, c.87, P.L.1997, c.222 or P.L.1998, c.85, provided that adequate savings are achieved, to compensate for a refunding of trust bonds issued to make loans authorized by the aforementioned acts.

9. The expenditure of funds authorized pursuant to this act is subject to the provisions of P.L.1977, c.224 (C.58:12A-1 et seq.), P.L.1985, c.329, P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, P.L.1992, c.88, P.L.1997, c.223, P.L.1997, c.225, and the rules and regulations adopted pursuant thereto, and the provisions of the Federal Clean Water Act or the Federal Safe Drinking Water Act, as appropriate.

10. This act shall take effect immediately.

Approved August 24, 1998.

CHAPTER 86

AN ACT appropriating moneys from the "Water Supply Fund" to the New Jersey Environmental Infrastructure Trust for use in providing financial assistance to project sponsors for a portion of the cost of construction of environmental infrastructure projects.

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

1. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, from the "Water Supply Fund" created pursuant to section 14 of the "Water Supply Bond Act of 1981" (P.L.1981, c.261), as amended and supplemented by P.L.1997, c.223, the sum of \$50,000,000 and any net earnings received from the investment or deposit of moneys in the "Water Supply Trust Fund" created pursuant to paragraph (1) of subsection a. of section 15 of P.L.1981, c.261, as amended by P.L.1997, c.223.

2. The New Jersey Environmental Infrastructure Trust shall utilize the moneys appropriated by this act to establish a reserve fund as required pursuant to paragraph (2) of subsection a. of section 15 of P.L.1981, c.261 and section 11 of P.L.1985, c.334 (C.58:11B-11).

3. The expenditure of the sums appropriated by this act is subject to the provisions of P.L.1981, c.261, as amended and supplemented by P.L.1997, c.223, P.L.1985, c.334 (C.58:11B-1 et seq.) and P.L.1997, c.224, and any rules and regulations adopted pursuant thereto.

4. This act shall take effect immediately.

Approved August 24, 1998.

CHAPTER 87

AN ACT appropriating moneys from the "Stormwater Management and Combined Sewer Overflow Abatement Fund" to the New Jersey Environmental Infrastructure Trust for use in providing financial assistance to project sponsors for a portion of the cost of construction of environmental infrastructure projects.

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

1. There is appropriated to the New Jersey Environmental Infrastructure Trust established pursuant to P.L.1985, c.334 (C.58:11B-1 et seq.), as amended and supplemented by P.L.1997, c.224, from the "Stormwater Management and Combined Sewer Overflow Abatement Fund" created pursuant to section 14 of the "Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989" (P.L.1989, c.181), as amended by P.L.1997, c.225, the sum of \$5,000,000 and any net earnings received from the investment or deposit of moneys in the "Stormwater Management and Combined Sewer Overflow Abatement Trust Fund" created pursuant to subsection b. of section 14 of P.L.1989, c.181, as amended by P.L.1997, c.225.

2. The New Jersey Environmental Infrastructure Trust shall utilize the moneys appropriated by this act to establish a reserve fund as required pursuant to paragraph (2) of subsection a. of section 15 of P.L.1989, c.181, as amended by P.L.1997, c.225, and section 11 of P.L.1985, c.334 (C.58:11B-11).

3. The expenditure of the sums appropriated by this act is subject to the provisions of P.L.1989, c.181, as amended by P.L.1997, c.225, P.L.1985, c.334 (C.58:11B-1 et seq.) and P.L.1997, c.224, and any rules and regulations adopted pursuant thereto.

4. This act shall take effect immediately.

Approved August 24, 1998.

CHAPTER 88

AN ACT concerning the licensure of manicure shops and amending P.L.1984, c.205.

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

1. Section 11 of P.L.1984, c.205 (C.45:5B-11) is amended to read as follows:

C.45:5B-11 Practicing licensee requirement.

11. A shop licensed by the board shall employ at least one experienced practicing licensee to generally oversee the management of the shop. The practicing licensee shall:

a. Hold a beautician, barber or cosmetologist-hairstylist license and have three years of experience as a beautician, barber or cosmetologist-hairstylist; or

b. Hold a beautician or cosmetologist-hairstylist license and have been issued a manager-operator license by the Board of Beauty Culture Control; or

c. If the shop performs only manicuring services, hold a manicurist license and have three years of experience as a manicurist.

A shop which satisfies the requirements of this section by employing a practicing licensee who holds a barber license is precluded from employing senior students unless the shop also employs a practicing licensee who holds either a license as a beautician or a cosmetologist-hairstylist and has at least three years of experience as a beautician or a cosmetologist-hairstylist.

2. This act shall take effect immediately.

Approved September 1, 1998.

CHAPTER 89

AN ACT concerning the powers of municipalities to provide for low and moderate income housing and amending P.L.1985, c.222.

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

1. Section 11 of P.L.1985, c.222 (C.52:27D-311) is amended to read as follows:

C.52:27D-311 Provision of fair share by municipality.

11. a. In adopting its housing element, the municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques which provide a realistic opportunity for the provision of the fair share. The housing element shall contain an analysis demonstrating that it will provide such a realistic opportunity, and the municipality shall establish that its land use and other relevant ordinances have been revised to incorporate the provisions for low and moderate income housing. In preparing the housing element, the municipal-

ity shall consider the following techniques for providing low and moderate income housing within the municipality, as well as such other techniques as may be published by the council or proposed by the municipality:

(1) Rezoning for densities necessary to assure the economic viability of any inclusionary developments, either through mandatory set-asides or density bonuses, as may be necessary to meet all or part of the municipality's fair share;

(2) Determination of the total residential zoning necessary to assure that the municipality's fair share is achieved;

(3) Determination of measures that the municipality will take to assure that low and moderate income units remain affordable to low and moderate income households for an appropriate period of not less than six years;

(4) A plan for infrastructure expansion and rehabilitation if necessary to assure the achievement of the municipality's fair share of low and moderate income housing;

(5) Donation or use of municipally owned land or land condemned by the municipality for purposes of providing low and moderate income housing;

(6) Tax abatements for purposes of providing low and moderate income housing;

(7) Utilization of funds obtained from any State or federal subsidy toward the construction of low and moderate income housing; and

(8) Utilization of municipally generated funds toward the construction of low and moderate income housing.

b. The municipality may provide for a phasing schedule for the achievement of its fair share of low and moderate income housing which is not inconsistent with section 23 of this act.

c. The municipality may propose that a portion of its fair share be met through a regional contribution agreement. The housing element shall demonstrate, however, the manner in which that portion will be provided within the municipality if the regional contribution agreement is not entered into. The municipality shall provide a statement of its reasons for the proposal.

d. Nothing in this act shall require a municipality to raise or expend municipal revenues in order to provide low and moderate income housing.

e. When a municipality's housing element includes the provision of rental housing units in a community residence for the developmentally disabled, as defined in section 2 of P.L.1977, c.448 (C.30:11B-2), which will be affordable to persons of low and moderate income, and for which adequate measures to retain such affordability pursuant to paragraph (3) of subsection a. of this section are included in the housing element, those housing units shall be fully credited as permitted under the rules of the council towards the fulfillment of the municipality's fair share of low and moderate income housing.

f. It having been determined by the Legislature that the provision of housing under this act is a public purpose, a municipality or municipalities may utilize public monies to make donations, grants or loans of public funds for the rehabilitation of deficient housing units and the provision of new or substantially rehabilitated housing for low and moderate income persons, providing that any private advantage is incidental.

2. This act shall take effect immediately.

Approved September 1, 1998.

CHAPTER 90

AN ACT concerning the New Jersey State Firemen's Association and amending R.S.43:17-9.

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

1. R.S.43:17-9 is amended to read as follows:

Membership qualifications.

43:17-9. The membership of such corporation shall consist, without any formal election thereto, of the officers and members of such fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of firewardens, as shall be under the supervision or control of the governing board or body of the municipality or fire district and who, at the time of their becoming eligible for membership in the New Jersey State Firemen's Association, shall be not less than 18 years of age and who were not more than 45 years of age at the time of joining the fire engine, hook and ladder, hose and supply company or companies, fire association or fire department, or board of firewardens and shall furnish evidence of good health in accordance with such reasonable rules and regulations as the executive committee of the New Jersey State Firemen's Association shall from time to time establish; the officers and members of any nonprofit corporations and associations incorporated pursuant to N.J.S.15A:1-1 et seq.; and the officers and members of any association therein of exempt firemen. The whole body of the membership of such corporation shall have the same rights therein as the charter members thereof.

2. This act shall take effect immediately and shall be retroactive to January 1, 1998.

Approved September 1, 1998.

CHAPTER 91

AN ACT concerning the budget of and compensation for certain election officials and amending R.S.19:32-1, R.S.19:32-2 and R.S.19:45-7.

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

1. R.S.19:32-1 is amended to read as follows:

Establishment of office; appointment by Governor with advice and consent of Senate; salary; vacancy.

19:32-1. The office of superintendent of elections in counties of the first class in which such office has previously been established is continued, and in those counties of the first class in which such office has not been previously established, is established. The offices shall be filled by some suitable persons who shall be nominated by the Governor with the advice and consent of the Senate and who shall hold office for the term of five years from the date of appointment and until their successors are appointed and have qualified. Each superintendent shall receive such salary per annum as the governing body of such county may by resolution authorize, but not less than \$7,500, to be paid by the county treasurer. The persons so appointed shall have their offices in the counties for which they are appointed. Vacancies shall be filled in the same manner as original appointments, but shall be for the unexpired terms only. Any person filling a vacancy shall be from the same party as the original appointee. The annual salary of each deputy superintendent shall be 90% of what the superintendent receives for performing the duties of superintendent of elections and commissioner of registration.

2. R.S.19:32-2 is amended to read as follows:

Deputy; clerk; secretary and other assistants; civil service; salaries; expenses.

19:32-2. Except as provided in section 2 of P.L.1982, c.46 (C.19:32-1.2), each superintendent may appoint a chief deputy, a chief clerk, a secretary, such personnel as is authorized under R.S.19:48-6, and any other assistants he considers necessary to carry out the provisions of this

Title, and, except as hereinafter provided, may remove the same whenever he deems it necessary and all persons so appointed, by superintendents of elections in counties of the first class having more than 850,000 inhabitants, according to the latest federal census taken in a year ending in zero, to serve for terms of more than six months in any one year, shall be in the classified service of the civil service and shall be appointed in accordance with and shall be subject to the provisions of Title 11A, Civil Service, but all other persons so appointed shall not be subject to any of the provisions of Title 11A, Civil Service, but shall be in the unclassified service. All persons appointed by the commissioner of registration in counties of the first class having more than 600,000, but less than 850,000 inhabitants, according to the latest federal census taken in a year ending in zero, to serve for terms of more than six months in any one year, other than the chief deputy and chief clerk and confidential secretary and chief custodian, shall be in the classified service of the civil service and shall be appointed, and hold their position, in accordance with the provisions of Title 11A, Civil Service, but all other persons so appointed shall not be subject to any of the provisions of Title 11A, Civil Service, but shall be in the unclassified service. Each superintendent shall fix the salaries of the persons so appointed and such salaries certified to and approved under his hand shall be paid semimonthly by the county treasurer of the county in which such persons are so engaged. All other necessary expenses incurred in carrying out the provisions of this Title, when certified to and approved by the superintendent, shall be paid by the county treasurer of the county in which the superintendent shall maintain his office; provided, however, that all necessary expenses incurred by the commissioner of registration, the superintendent of elections, and the custodian of voting machines in the counties of the first class for the proper performance of all of his duties of all his offices as set forth in Title 19, shall not exceed, in the aggregate, the sum of \$2,000,000.00 for the year 1998 or that sum, as adjusted, for each year thereafter. The governing body of the county may increase the sum but the increase shall not exceed 5% or the index rate, whichever is less, over the previous year's sum. As used in this section, "index rate" means the rate of annual percentage increase, rounded to the nearest half-percent, in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services, computed and published quarterly by the United States Department of Commerce, Bureau of Economic Analysis, which annual increase shall be calculated on the basis of the second quarter which occurred in the next preceding local budget year. The Director of the Division of Local Government Services in the Department of Community Affairs shall promulgate annually, on or before October 1, the index rate to apply in the next following local budget year.

3. R.S.19:45-7 is amended to read as follows:

Members of county boards; commissioner of registration; compensation.

19:45-7. The compensation of the members of the several county boards shall be no less than the minimum salary and no more than the maximum salary as follows:

<u>County Population</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>
Over 550,000	\$8,700	\$17,600
300,000 to 550,000	\$6,000	\$15,000
150,000 to 300,000	\$4,500	\$12,000
120,000 to 150,000	\$3,700	\$11,000
Under 120,000	\$3,200	\$10,500

provided, however, that any increases herein granted shall be effected only upon the approval of the governing body in the county affected.

The compensation fixed and determined under any of the foregoing classifications shall include all services rendered by any county board in conducting all elections, and in connection with any recount or recheck after any such election.

The members of the county board in counties other than counties of the first class and in counties of the first class not having a superintendent of elections who shall be elected as chairman and secretary thereof and who shall perform the duties of chairman and secretary thereof shall each receive an additional compensation of one-half of the compensation of the individual members of the board.

The commissioner of registration in a county of the first class having a superintendent of elections shall receive such salary per annum as the governing body of such county may by resolution authorize, but not less than \$10,000, for services performed as such commissioner of registration, and the commissioner of registration in a county of the second class having a superintendent of elections shall receive such salary per annum as the governing body of such county may by resolution authorize, but not less than \$2,500 for services performed as such commissioner of registration, and for such services performed by a commissioner of registration in a county not having a superintendent of elections additional compensation shall be paid to such commissioner in an amount equal to 50% of his salary as member and secretary of the county board. In counties of the second class and in counties of the first class not having a superintendent of elections where a member of the county board serves as commissioner of registration, he shall receive no additional compensation for the performance of his duties as such commissioner unless he shall devote his full time to the performance of his duties as member of the county board, secretary thereof,

and commissioner of registration. "Full time" as here used means such time as is duly required of employees in the office of the county board. Notwithstanding the above, the commissioner of registration in a county having a superintendent of elections, upon the approval of the governing body of the county, shall receive a salary not less than the maximum which the secretary of a county board of elections in a county of the same class, not having a superintendent of elections, would receive for performing the duties of secretary and commissioner of registration. This minimum does not reduce the current base salary for any superintendent who also serves as commissioner of registration.

4. This act shall take effect immediately.

Approved September 1, 1998.

CHAPTER 92

AN ACT concerning county adjusters and amending R.S.30:4-34.

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

1. R.S.30:4-34 is amended to read as follows:

County adjuster for commitment of mentally ill.

30:4-34. In each county where county counsel, county solicitor, county clerk, county physician or county probation officer, or any of their assistants is in charge and supervision of the preparation of papers relating to the commitment of the mentally ill, such person shall be known as "county adjuster" and such duties shall, except as otherwise provided in section 2 of P.L.1981, c.403 (C.30:4-34.1), continue to pertain to the office of such county counsel, county solicitor, county clerk, county physician or county probation officer or their successors in office, but, notwithstanding the foregoing, in case any other county official or employee shall be at the time of the adoption of this act, in charge and supervision of the preparation of papers relating to the commitment of the mentally ill, the governing body of the county may designate that county official or employee as county adjuster. In all other counties the county governing body shall designate some county official or employee as county adjuster.

The county adjuster shall have charge and supervision of the preparation of papers relating to the commitment of the mentally ill in such county, and

in cases arising in other counties in which the legal settlement appears to be in his county. Classification under civil service rules shall not be affected by reason of such designation or additional duties, and additional compensation, if any, for such services may be fixed by the county governing body and paid in the same manner as other county employees are paid. Each county governing body shall notify the various institutions for the mentally ill of the name and address of the county adjuster.

The judge of the Superior Court within the county may appoint the county adjuster to act as referee for the purpose of taking testimony bearing solely on the question of legal settlement and the financial ability of the mentally ill patient or his legally responsible relatives to pay the cost of maintenance and shall make return to the court of his findings, conclusions and recommendations. Such findings, conclusions and recommendations shall be subject to the approval of the court and shall not be effective until incorporated in an appropriate order or judgment of the court. The county adjuster, acting as such referee, may subpoena witnesses and compel their attendance on forms approved by the court.

2. This act shall take effect immediately.

Approved September 1, 1998.

CHAPTER 93

AN ACT concerning membership in the New Jersey State Firemen's Association.

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

1. a. A person who was a member of a local fire company or department during the period from June 21, 1988 through May 31, 1989, but who did not apply for membership at that time shall, upon application pursuant to subsection b. of this act, be granted membership in the New Jersey State Firemen's Association and shall be entitled to all the rights and privileges associated therefor without any further qualifications, conditions, election or determination.

- b. Within 30 days of the effective date of this act, the Secretary of the New Jersey State Firemen's Association shall notify the secretary of each local relief association in plain language of the application period created in subsection a. of this section and shall, upon request, provide each secretary

with applications for membership in the New Jersey State Firemen's Association. The secretary of each local relief association shall make a good faith effort to give adequate written notice in plain language concerning the application period, along with a New Jersey State Firemen's Association membership application, to all current members of the local fire companies and departments in the municipality or fire district in which the association is located and shall so certify in writing to the Secretary of the New Jersey State Firemen's Association. Any person qualified pursuant to subsection a. of this section may make application to the secretary of the local relief association organized pursuant to R.S.43:17-1 et seq. in the municipality or fire district of which he is a member.

c. Upon receipt of any such application and certification that the person meets the eligibility requirements, the person shall be granted membership.

d. In addition to all other remedies provided by law, any dereliction on the part of any representative or officer in complying with the requirements of this act shall be deemed a malfeasance in office pursuant to R.S.43:17-27 and punished accordingly, which shall include a penalty of not less than \$500 or more than \$1,000 for each violation.

2. This act shall take effect immediately and shall expire on the first day of the seventh month after enactment.

Approved September 1, 1998.

CHAPTER 94

AN ACT to provide loans to businesses to assist counties and municipalities in retaining and attracting business and supplementing Title 34 of the Revised Statutes.

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

C.34:1B-165 Short title.

1. This act shall be known and may be cited as the "Local-State Business Incentive Promotion Act."

C.34:1B-166 Definitions relative to local-State business incentive promotion.

2. As used in this act:

"Act" means the "Local-State Business Incentive Promotion Act."

"Applicant" means any business within a county or municipality applying for a loan pursuant to this act.

"Authority" means the New Jersey Economic Development Authority established pursuant to section 4 of P.L.1974, c.80 (C.34:1B-4).

"Business" means a corporation; sole proprietorship; partnership; corporation that has made an election under Subchapter S of Chapter One of Subtitle A of the Internal Revenue Code of 1986, or any other business entity through which income flows as a distributive share to its owners; limited liability company; nonprofit corporation; or any other form of business organization located either within or outside this State.

"Loan" means money loaned to a business by the authority for the purpose of retaining existing business or attracting new business to a county or municipality pursuant to this act.

"Program" means the Local-State Business Incentive Promotion Program established pursuant to section 3 of this act.

C.34:1B-167 "Local-State Business Incentive Promotion Program" created.

3. a. There is created, in the authority, a "Local-State Business Incentive Promotion Program." The program shall be established by the authority. The program shall consist of loans which shall be provided to qualified applicants in order to retain existing businesses or to attract new businesses within a county or municipality by providing the businesses with financing for a project, which may include, but not limited to; the development of transportation services, parking facilities or other types of investments needed to assist local business retention and attraction efforts; the promotion of environmental, quality of life and public safety projects to make an area more conducive for existing businesses to expand and to attract new businesses to an area; and the acquisition of buildings and real property needed to retain businesses or to attract businesses to locate within the area.

b. In designing and implementing the program, the authority shall enter into agreements with local agencies, businesses and nonprofit organizations for matching funds in order to leverage its loans with funds from such entities. The terms and conditions of any agreements for matching funds shall be determined by the authority.

C.34:1B-168 Use of moneys; sources.

4. a. To implement this act, the authority shall establish and maintain the program with moneys to be used by the authority for the purposes specified in this act. Moneys to be utilized by the program shall include, but not be limited to:

(1) such moneys from the "Economic Recovery Fund" established pursuant to section 3 of P.L.1992, c.16 (C.34:1B-7.12), that the authority determines are available and necessary in response to the demand for the

program, and such other business development fund moneys that the authority determines are available and necessary, in response to the demand for the program, to effectively implement the purposes of this act;

(2) moneys that shall be received by the authority from the repayment of loans pursuant to this act and interest thereon;

(3) moneys as may be available to the authority from business development programs administered by other State agencies or authorities and which the authority determines are necessary in response to the demand for the program;

(4) appropriations made by the Legislature to effectuate the purposes of this act;

(5) fees collected from applicants pursuant to subsection c. of this section; and

(6) such other moneys as may be made available including, but not limited to, funds provided by agreement with private investors to effectuate the purposes of this act.

b. Moneys in the program which are determined by the authority not to be needed for current responsibilities of the program, may be invested by the authority in any direct obligations as to which principal and interest are guaranteed by the United States of America or any other obligation deemed appropriate by the authority.

c. The authority may charge fees in connection with the provision of loans from the program.

d. The authority is authorized to disburse moneys in the program for purposes unrelated to this act if, for a period of at least three years, no moneys are disbursed from the program for the purposes set forth pursuant to this act.

C.34:1B-169 Loan criteria.

5. a. The authority shall use the moneys from the program to provide loans to applicants determined to be qualified by the authority to participate in the program, in accordance with the criteria set forth in this section, and in accordance with the authority's underwriting criteria. The authority shall give priority consideration to those project applicants that have leveraged resources pursuant to paragraph (5) of subsection b. of this section, provided that the authority determines that the project is fiscally prudent and meets the authority's underwriting criteria. Moneys received in repayment of loans shall be deposited in the program. The maximum amount of each loan from the program that is provided to each qualified applicant shall be determined in accordance with criteria to be adopted by the authority pursuant to section 10 of this act.

b. In determining the criteria for qualifying applicants for loans, the authority shall consider:

(1) the need to provide assistance for retaining and attracting businesses and jobs;

(2) the level of potential job creation and the longevity of such jobs;

(3) the conduciveness of the economic environment for the establishment, expansion or relocation of businesses within the jurisdiction of the project;

(4) the geographic representation of all regions of the State, including both urban and rural municipalities; and

(5) the level of financial and other participation by local economic development agencies, county or municipal government entities, nonprofit or for-profit organizations and lending institutions.

c. The authority shall require applicants to contribute cash from other sources to leverage the amount of moneys received from the program. Contributions provided from other sources shall be in a ratio of at least \$1 from other sources for each \$2 from the program. These contributions may come from a public or private source other than the program.

d. Loans to stimulate the retention or attraction of businesses in accordance with this act shall be made by the authority pursuant to a loan agreement and may be amortization or term loans, bear interest at less than the market rate, be renewable, be callable, and contain other terms and conditions considered appropriate by the authority that are consistent with the purposes of this act and with rules and regulations adopted by the authority to implement the program.

e. The authority may require, as a condition of receiving a loan under the program, that a business which an applicant seeks to retain or attract shall continue operating at a location in New Jersey for at least 1.5 times the number of years of the term of the loan.

C.34:1B-170 Investment of moneys.

6. The authority shall have, in addition to the powers set forth in section 5 of P.L.1974, c.80 (C.34:1B-5), the power to enter into written agreements with one or more private investors, or with one or more State agencies or authorities for the purpose of establishing a pool of moneys to be deposited in the program and to provide moneys to be used exclusively for loans to stimulate the retention or attraction of businesses pursuant to this act. The pooled moneys provided as loans by the authority from the program shall be fixed at an interest rate to be determined by the authority and shall be for a term to be established by the authority.

C.34:1B-171 Coordination of efforts, activities.

7. a. The authority shall seek to coordinate its efforts and activities, to the greatest extent feasible, with the county or municipality, in order to retain or attract businesses in the applicant's jurisdiction.

b. The authority shall actively seek the advice of county economic development offices in order to improve the effectiveness of the program.

C.34:1B-172 Report, contents.

8. In addition to the duties of the authority required under section 4 of P.L.1974, c.80 (C.34:1B-4), the authority shall prepare a report within two years following the effective date of this act, and not later than September 15 of each third year thereafter, which shall describe: the demand for the program; the number of applicants assisted by the program; the efforts made by the authority to promote the program and to establish a pool of funds from private and public sources pursuant to section 6 of this act; the total number of loans and the average amount of such loans provided by the authority; and an assessment of the effectiveness of the program in meeting the goals of this act. The authority shall submit its report to the Governor and the Legislature, along with any recommendations for legislation to improve the effectiveness of the program.

C.34:1B-173 Agreement, cancelled, rescinded.

9. If a project fails to meet or comply with a condition or requirement set forth in a loan agreement with the authority or in rules and regulations of the authority, the authority may cancel or rescind the agreement or amend the agreement to reduce the amount of the loan or the term of the loan agreement.

C.34:1B-174 Rules, regulations.

10. The authority may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as may be necessary to effectuate the purposes of this act.

11. This act shall take effect on the 180th day following enactment.

Approved September 2, 1998.

CHAPTER 95

AN ACT clarifying various provisions of the "Municipal Land Use Law," and amending 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 improvements 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.

"Municipal resident" means a person who is domiciled in the municipality.

"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 the closest half of the street or right-of-way abutting the property of which the lot is a part.

"Off-tract" means not located on the property which is the subject of a development application nor on the closest half of the abutting street or right-of-way.

"Onsite" means located on the lot in question and excluding any abutting street or right-of-way.

"On-tract" means located on the property which is the subject of a development application or on the closest half of an abutting 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 6 of P.L.1975, c.291 (C.40:55D-10) is amended to read as follows:

C.40:55D-10 Hearings.

6. Hearings. a. The municipal agency shall hold a hearing on each application for development, or adoption, revision or amendment of the master plan.

b. The municipal agency shall make the rules governing such hearings. Any maps and documents for which approval is sought at a hearing shall be on file and available for public inspection at least 10 days before the date of the hearing, during normal business hours in the office of the administrative officer. The applicant may produce other documents, records, or testimony at the hearing to substantiate or clarify or supplement the previously filed maps and documents.

c. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the "County and Municipal Investigations Law," P.L.1953, c.38 (C.2A:67A-1 et seq.) shall apply.

d. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

e. Technical rules of evidence shall not be applicable to the hearing, but the agency may exclude irrelevant, immaterial or unduly repetitious evidence.

f. The municipal agency shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The municipal agency shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense; provided that the governing body may provide by ordinance for the municipality to assume the expense of any transcripts necessary for appeal to the governing body, pursuant to section 8 of this act, of decisions by the zoning board of adjustment pursuant to subsection 57d. of this act, up to a maximum amount as specified by the ordinance.

The municipal agency, in furnishing a transcript or tape of the proceedings to an interested party at his expense, shall not charge such interested party more than the actual cost of preparing the transcript or tape. Transcripts shall be certified in writing by the transcriber to be accurate.

g. The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

(1) A resolution adopted at a meeting held within the time period provided in the act for action by the municipal agency on the application for development; or

(2) A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the municipal agency who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. If only one member who voted for the action attends the meeting at which the resolution is presented for adoption, the resolution may be adopted upon the vote of that member. An action pursuant to section 5 of the act (C.40:55D-9) (resulting from the failure of a motion to approve an application) shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of the municipal agency; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and publications required by subsections h. and i. of this section (C.40:55D-10). If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.

h. A copy of the decision shall be mailed by the municipal agency within 10 days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge, and to all who request a copy of the decision, for a reasonable fee. A copy of the decision shall also be filed by the municipal agency in the office of the administrative officer. The administrative officer shall make a copy of such filed decision available to any interested party for a reasonable fee and available for public inspection at his office during reasonable hours.

i. 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 in this act shall be construed as preventing the applicant from arranging such publication if he so desires. The municipality may make a reasonable charge for its publication. The period of time in which an appeal of the decision may be made shall run from the first publication of the decision, whether arranged by the municipality or the applicant.

3. Section 9 of P.L.1979, c.216 (C.40:55D-10.2) is amended to read as follows:

C.40:55D-10.2 Voting conditions.

9. A member of a municipal agency who was absent for one or more of the meetings at which a hearing was held or was not a member of the municipal agency at that time, shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one or more of the meetings; provided, however, that such board member has available to him the transcript or recording of all of the hearing from which he was absent or was not a member, and certifies in writing to the board that he has read such transcript or listened to such recording.

4. Section 7.1 of P.L.1975, c.291 (C.40:55D-12) is amended to read as follows:

C.40:55D-12 Notices of application, requirements.

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 shall be given for an extension of approvals for five or more years under subsection d. of section 37 of P.L.1975, c.291 (C.40:55D-49) and subsection b. of section 40 of P.L.1975, c.291 (C.40:55D-52); for modification or elimination of a significant condition or conditions in a memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice, and for any other applications for development, with the following exceptions: (1) conventional site plan review pursuant to section 34 of P.L.1975, c.291 (C.40:55D-46), (2) minor subdivisions pursuant to section 35 of P.L.1975, c.291 (C.40:55D-47) or (3) final approval pursuant to section 38 of P.L.1975, c.291 (C.40:55D-50); notwithstanding the foregoing, the governing body may by ordinance require public notice for such categories of site plan review as may be specified by ordinance, for appeals of determinations of administrative officers pursuant to subsection a. of section 57 of P.L.1975, c.291 (C.40:55D-70), and for requests for interpretation pursuant to subsection b. of section 57 of P.L.1975, c.291 (C.40:55D-70). Public notice shall also be given in the event that relief is requested pursuant to section 47 or 63 of P.L.1975, c.291 (C.40:55D-60 or C.40:55D-76) 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.

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. In addition, the administrative officer shall include on the list the names, addresses and positions of those persons who, not less than seven days prior to the date on which the applicant requested the list, have registered to receive notice pursuant to subsection h. 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 or to any public utility, cable television company, or local utility 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. 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, in the case of a public utility, cable television company or local utility which possesses a right-of-way or easement within the municipality and which has registered with the municipality in accordance with section 5 of P.L.1991, c.412 (C.40:55D-12.1), by (1) serving a copy of the notice on the person whose name appears on the registration form on behalf of the public utility, cable television company or local utility or (2) mailing a copy thereof by certified mail to the person whose name appears on the registration form at the address shown on that form.

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.

5. 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. All members of the planning board, except for the Class II members set forth below, shall be municipal residents. The membership shall consist of, for convenience in designating the manner of appointment, the four following classes:

Class I--the mayor or the mayor's designee in the absence of 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 the mayor's or manager's official tenure or if the member is the mayor's designee in the absence of the mayor, the designee shall serve at the pleasure of the mayor during the mayor's 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.

6. Section 13 of P.L.1979, c.216 (C.40:55D-23.1) is amended to read as follows:

C.40:55D-23.1 Alternate members.

13. The governing body may, by ordinance, provide for the appointment to the planning board of not more than two alternate members, who shall be municipal residents. Alternate members shall be appointed by the appointing authority for Class IV members, and shall meet the qualifications of Class IV members of nine-member planning boards. Alternate members shall be designated at the time of appointment by the mayor as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such

that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

No alternate member shall be permitted to act on any matter in which he 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 all matters but may not vote except in the absence or disqualification of a regular member of any class. Participation of alternate members shall not be deemed to increase the size of the planning board established by ordinance of the governing body pursuant to section 14 of P.L.1975, c.291 (C.40:55D-23). 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.

7. Section 15 of P.L.1975, c.291 (C.40:55D-24) is amended to read as follows:

C.40:55D-24 Organization of planning board.

15. Organization of planning board. The planning board shall elect a chairman and vice chairman from the members of Class IV, select a secretary who may or may not be a member or alternate member of the planning board or a municipal employee, and create and fill such other offices as established by ordinance. An alternate member shall not serve as chairman or vice chairman of the planning board. It may employ, or contract for, and fix the compensation of legal counsel, other than the municipal attorney, and experts, and other staff and services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the governing body for its use. The governing body shall make provision in its budget and appropriate funds for the expenses of the planning board.

8. Section 30 of P.L.1975, c.291 (C.40:55D-42) is amended to read as follows:

C.40:55D-42 Contribution for off-tract water, sewer, drainage, and street improvements.

30. Contribution for off-tract water, sewer, drainage, and street improvements. The governing body may by ordinance adopt regulations requiring a developer, as a condition for approval of a subdivision or site plan, to pay the pro-rata share of the cost of providing only reasonable and

necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located off-tract but necessitated or required by construction or improvements within such subdivision or development. Such regulations shall be based on circulation and comprehensive utility service plans pursuant to subsections 19b.(4) and 19b.(5) of this act, respectively, and shall establish fair and reasonable standards to determine the proportionate or pro-rata amount of the cost of such facilities that shall be borne by each developer or owner within a related and common area, which standards shall not be altered subsequent to preliminary approval. Where a developer pays the amount determined as his pro-rata share under protest he shall institute legal action within one year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.

9. Section 56 of P.L.1975, c.291 (C.40:55D-69) is amended to read as follows:

C.40:55D-69 Zoning board of adjustment.

56. Zoning board of adjustment. Upon the adoption of a zoning ordinance, the governing body shall create, by ordinance, a zoning board of adjustment unless the municipality is eligible for, and exercises, the option provided by subsection c. of section 16 of P.L.1975, c.291 (C.40:55D-25). A zoning board of adjustment shall consist of seven regular members and may have not more than two alternate members. All regular members and any alternate members shall be municipal residents. Notwithstanding the provisions of any other law or charter heretofore adopted, such ordinance shall provide the method of appointment of all such members. Alternate members shall be designated at the time of appointment by the authority appointing them as "Alternate No. 1" and "Alternate No. 2." The terms of the members first appointed under this act shall be so determined that to the greatest practicable extent, the expiration of such terms shall be distributed, in the case of regular members, evenly over the first four years after their appointment, and in the case of alternate members, evenly over the first two years after their appointment; provided that the initial term of no regular members shall exceed four years and that the initial term of no alternate member shall exceed two years. Thereafter, the term of each regular member shall be four years, and the term of each alternate member shall be two years. No member may hold any elective office or position under the municipality. No member of the board of adjustment shall be permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. A member may, after public hearing if he requests it, be removed by the

governing body for cause. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.

The board of adjustment shall elect a chairman and vice chairman from its regular members and select a secretary, who may or may not be a member of the board of adjustment or a municipal employee.

Alternate members may participate in all matters but may not vote except in the absence or disqualification of a regular member. Participation of alternate members shall not be deemed to increase the size of the zoning board of adjustment established by ordinance of the governing body pursuant to section 56 of P.L.1975, c.291 (C.40:55D-69). 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.

10. This act shall take effect 60 days following enactment.

Approved September 2, 1998.

CHAPTER 96

AN ACT concerning apprentice and journeymen plumbers and amending and supplementing P.L.1968, c.362.

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

1. Section 15 of P.L.1968, c.362 (C.45:14C-15) is amended to read as follows:

C.45:14C-15 Qualifications.

15. Not less than 30 days and no more than 60 days prior to the date set for the examination for a master plumber's State license, every person, except as herein provided, desiring to apply for a State license, who shall meet the qualifications as set forth herein, shall deliver to the State board, personally or by certified mail, return receipt requested, postage prepaid, a certified check or money order payable to the Treasurer of the State of New Jersey in the required amount as set forth herein, together with such written application as shall be required by the State board, completed as therein described, and together with proof of qualifications as described hereunder.

The qualifications which shall be met and satisfied shall be as follows:

a. The person shall be 21 or more years of age and a citizen or legal resident of the United States; and

b. (1) The person shall have been engaged or employed in the plumbing trade for a period of five years preceding the date of his application for a State license. One of the five years shall have been spent while engaged or employed as a journeyman plumber. Four years of the five years shall have been spent in a plumbing apprenticeship program accredited and approved by the United States Department of Labor, with proof of passage and successful completion of this program while actively engaged or employed as a plumbing apprentice. For a period of four years following the effective date of P.L.1998, c.96, each year of employment in the plumbing trade or enrollment in a formal plumbing apprenticeship program completed prior to the effective date of this amendatory and supplementary act shall be accepted by the State board in lieu of one year's enrollment in a plumbing apprenticeship program accredited and approved by the United States Department of Labor, up to a maximum total credit of four years; or

(2) The person shall have been awarded a bachelor's degree in mechanical, plumbing or sanitary engineering from an accredited college or university in the United States which the board finds acceptable and in addition shall have been engaged or employed in the practical work of installing plumbing systems for one year as an apprentice or journeyman plumber.

Proof of compliance with such qualifications or those in lieu thereof shall be submitted to the State board in writing, sworn to by the applicant, and such written proof shall be accompanied by two recent photographs of the applicant.

C.45:14C-10.1 State board register.

2. The State board shall keep a register of all applications by individuals registering as journeymen plumbers, and apprentice plumbers enrolled in a plumbing apprenticeship program accredited and approved by the United States Department of Labor, which register shall include the following information: (1) name, address, telephone number, age and social security number of the apprentice or journeyman plumber; (2) date and type of registration application; (3) name, address and telephone number of the plumbing contractor employing the apprentice or journeyman plumber; (4) whether the applicant was accepted or rejected, and in the case of a rejection, the reasons for that action; (5) the registration number, if issued; (6) the date of the action by the State board; and (7) any other information the State board deems necessary.

C.45:14C-10.2 Application for registration; fees.

3. On and after the effective date of P.L.1998, c.96, any person desiring to register as an apprentice or journeyman plumber shall make

application to the State board to be so registered and shall pay all the fees required in connection therewith, which fees shall be established, prescribed or changed by the State board to the extent necessary to defray all proper expenses incurred by the State board to administer the provisions of this act. However, fees shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required.

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

Approved September 2, 1998.

CHAPTER 97

AN ACT concerning the provision of health benefits to victims of domestic violence 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.), chapters 26 and 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.17:48-6t Coverage for treatment of domestic violence injuries by hospital service corporation.

1. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.), no group or individual hospital service corporation contract providing hospital or medical expense benefits shall contain any provision which denies benefits for expenses incurred in the treatment of an injury or injuries sustained as the result of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), to a subscriber or other person covered thereunder. Benefits shall be provided to the same extent as for any other treatment under the contract. The provisions of this section shall apply to all contracts in which the hospital service corporation has reserved the right to change the premium.

C.17:48A-7s Coverage for treatment of domestic violence injuries by medical service corporation.

2. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.), no group or individual medical service corporation contract providing hospital or medical expense benefits shall contain any provision which denies benefits for expenses incurred in the treatment of an injury or injuries sustained as the result of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), to a subscriber or other person covered

thereunder. Benefits shall be provided to the same extent as for any other treatment under the contract. The provisions of this section shall apply to all contracts in which the medical service corporation has reserved the right to change the premium.

C.17:48E-35.18 Coverage for treatment of domestic violence injuries by health service corporation.

3. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.), no group or individual health service corporation contract providing hospital or medical expense benefits shall contain any provision which denies benefits for expenses incurred in the treatment of an injury or injuries sustained as the result of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), to a subscriber or other person covered thereunder. Benefits shall be provided to the same extent as for any other treatment under the contract. The provisions of this section shall apply to all contracts in which the health service corporation has reserved the right to change the premium.

C.17B:26-2.1q Coverage for treatment of domestic violence injuries by individual health insurance policy.

4. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2 et seq.), no individual health insurance policy providing hospital or medical expense benefits shall contain any provision which denies benefits for expenses incurred in the treatment of an injury or injuries sustained as the result of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), to a named insured or other person covered thereunder. Benefits shall be provided to the same extent as for any other treatment under the policy. The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium.

C.17B:27-46.1t Coverage for treatment of domestic violence injuries by group health insurance policy.

5. Except as otherwise provided in P.L.1992, c.162 (C.17B:27A-17 et seq.), no group health insurance policy providing hospital or medical expense benefits shall contain any provision which denies benefits for expenses incurred in the treatment of an injury or injuries sustained as the result of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), to a named insured or other person covered thereunder. Benefits shall be provided to the same extent as for any other treatment under the policy. The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium.

C.26:2J-4.18 Coverage for treatment of domestic violence injuries by health maintenance organization.

6. Except as otherwise provided in P.L.1992, c.161 (C.17B:27A-2 et seq.) and P.L.1992, c.162 (C.17B:27A-17 et seq.), no health maintenance

organization shall deny health care services for the treatment of an injury or injuries sustained as the result of domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-19), to its enrollees. Services shall be provided to the same extent as for any other treatment. The provisions of this section shall apply to all certificates of authority in which the health maintenance organization has reserved the right to change the schedule of charges for enrollee coverage.

7. This act shall take effect on the 90th day after enactment.

Approved September 4, 1998.

CHAPTER 98

AN ACT concerning check cashers and amending P.L.1993, c.383.

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

1. Section 14 of P.L.1993, c.383 (C.17:15A-43) is amended to read as follows:

C.17:15A-43 Fees permitted.

14. No licensee shall charge a fee or receive any other consideration, directly or indirectly, which is greater than the amount permitted pursuant to this section, as follows:

- a. For cashing a check drawn on a depository institution or other financial entity located in this or any other State, two percent of the face amount of the check, or \$.90, whichever is greater;
- b. For cashing a check payable to a recipient of aid to families with dependent children (AFDC), one percent of the face amount of the check, or \$.90, whichever is greater;
- c. For cashing a check payable to a recipient of supplemental security income pursuant to Subchapter XVI of the Social Security Act, 42 U.S.C. s.1381 et seq., one and one half percent of the face amount of the check, or \$.90, whichever is greater;
- d. For cashing a check payable to a recipient of old-age and survivors benefit payments pursuant to Subchapter II of the Social Security Act, 42 U.S.C. s.401 et seq., one and one half percent of the face amount of the check, or \$.90, whichever is greater;

New Jersey State Library

e. On or after the 365th day from the effective date of this act, subsequent increases to the fees which may be charged pursuant to subsection a. of this section by a licensee for cashing a check, draft or money order shall be set by the commissioner by regulation;

f. In setting the fees pursuant to subsection e. of this section, the commissioner shall consider, but not be limited to, the following:

- (1) rates charged in the past;
- (2) the income, cost and expense of the operation of licensees;
- (3) rates charged by licensed check cashers or other similar entities located in other states for the same or similar services and the factors upon which those rates are based;
- (4) changes in the population served; and
- (5) a reasonable profit for check cashers.

2. This act shall take effect on the 30th day after enactment.

Approved September 4, 1998.

CHAPTER 99

AN ACT concerning the sales and use taxation of direct-mail advertising processing services, amending P.L.1966, c.30.

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

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

C.54:32B-2 Definitions.

2. Unless the context in which they occur requires otherwise, the following terms when used in this act shall mean:

(a) **Person.** Person includes an individual, partnership, society, association, joint stock company, corporation, public corporation or public authority, estate, receiver, trustee, assignee, referee, and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of the foregoing.

(b) **Purchase at retail.** A purchase by any person at a retail sale.

(c) **Purchaser.** A person who purchases property or who receives services.

(d) **Receipt.** The amount of the sales price of any property and the charge for any service taxable under this act, valued in money, whether

received in money or otherwise, including any amount for which credit is allowed by the vendor to the purchaser, without any deduction for expenses or early payment discounts, but excluding any credit for property of the same kind that is not tangible personal property purchased for lease accepted in part payment and intended for resale, excluding the cost of transportation where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser, and excluding the amount of the sales price for which food stamps have been properly tendered in full or part payment pursuant to the federal Food Stamp Act of 1977, Pub.L.95-113 (7 U.S.C. s.2011 et seq.).

(e) Retail sale. (1) A sale of tangible personal property to any person for any purpose, other than (A) for resale either as such or as converted into or as a component part of a product produced for sale by the purchaser, including the conversion of natural gas into another intermediate or end product, other than electricity or thermal energy, produced for sale by the purchaser, or (B) for use by that person in performing the services subject to tax under subsection (b) of section 3 where the property so sold becomes a physical component part of the property upon which the services are performed or where the property so sold is later actually transferred to the purchaser of the service in conjunction with the performance of the service subject to tax.

(2) For the purposes of this act, the term retail sales includes: sales of tangible personal property to all contractors, subcontractors or repairmen of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering, or repairing real property of others.

(3) For the purposes of this act, the term retail sale includes the purchase of tangible personal property for lease.

(4) The term retail sales does not include:

(A) Professional, insurance, or personal service transactions which involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(B) The transfer of tangible personal property to a corporation, solely in consideration for the issuance of its stock, pursuant to a merger or consolidation effected under the laws of New Jersey or any other jurisdiction.

(C) The distribution of property by a corporation to its stockholders as a liquidating dividend.

(D) The distribution of property by a partnership to its partners in whole or partial liquidation.

(E) The transfer of property to a corporation upon its organization in consideration for the issuance of its stock.

(F) The contribution of property to a partnership in consideration for a partnership interest therein

(G) The sale of tangible personal property where the purpose of the vendee is to hold the thing transferred as security for the performance of an obligation of the vendor.

(f) Sale, selling or purchase. Any transfer of title or possession or both, exchange or barter, rental, lease or license to use or consume, conditional or otherwise, in any manner or by any means whatsoever for a consideration, or any agreement therefor, including the rendering of any service, taxable under this act, for a consideration or any agreement therefor.

(g) Tangible personal property. Corporeal personal property of any nature including energy.

(h) Use. The exercise of any right or power over tangible personal property by the purchaser thereof and includes, but is not limited to, the receiving, storage or any keeping or retention for any length of time, withdrawal from storage, any distribution, any installation, any affixation to real or personal property, or any consumption of such property. Use also includes the exercise of any right or power over intrastate or interstate telecommunications. Use also includes the exercise of any right or power over utility service.

(i) Vendor. (1) The term "vendor" includes:

(A) A person making sales of tangible personal property or services, the receipts from which are taxed by this act;

(B) A person maintaining a place of business in the State and making sales, whether at such place of business or elsewhere, to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(C) A person who solicits business either by employees, independent contractors, agents or other representatives or by distribution of catalogs or other advertising matter and by reason thereof makes sales to persons within the State of tangible personal property or services, the use of which is taxed by this act;

(D) Any other person making sales to persons within the State of tangible personal property or services, the use of which is taxed by this act, who may be authorized by the director to collect the tax imposed by this act;

(E) The State of New Jersey, any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another state) or political subdivisions when such entity sells services or property of a kind ordinarily sold by private persons;

(F) A person who purchases tangible personal property for lease, whether in this State or elsewhere. For the purposes of Title 54 of the

Revised Statutes, the presence of leased tangible personal property in this State is deemed to be a place of business in this State; and

(G) A person who sells, stores, delivers or transports energy to users or customers in this State whether by mains, lines or pipes located within this State or by any other means of delivery.

(2) In addition, when in the opinion of the director it is necessary for the efficient administration of this act to treat any salesman, representative, peddler or canvasser as the agent of the vendor, distributor, supervisor or employer under whom he operates or from whom he obtains tangible personal property sold by him or for whom he solicits business, the director may, in his discretion, treat such agent as the vendor jointly responsible with his principal, distributor, supervisor or employer for the collection and payment over of the tax.

(j) Hotel. A building or portion of it which is regularly used and kept open as such for the lodging of guests. The term "hotel" includes an apartment hotel, a motel, boarding house or club, whether or not meals are served.

(k) Occupancy. The use or possession or the right to the use or possession, of any room in a hotel.

(l) Occupant. A person who, for a consideration, uses, possesses, or has the right to use or possess, any room in a hotel under any lease, concession, permit, right of access, license to use or other agreement, or otherwise.

(m) Permanent resident. Any occupant of any room or rooms in a hotel for at least 90 consecutive days shall be considered a permanent resident with regard to the period of such occupancy.

(n) Room. Any room or rooms of any kind in any part or portion of a hotel, which is available for or let out for any purpose other than a place of assembly.

(o) Admission charge. The amount paid for admission, including any service charge and any charge for entertainment or amusement or for the use of facilities therefor.

(p) Amusement charge. Any admission charge, dues or charge of roof garden, cabaret or other similar place.

(q) Charge of a roof garden, cabaret or other similar place. Any charge made for admission, refreshment, service, or merchandise at a roof garden, cabaret or other similar place.

(r) Dramatic or musical arts admission charge. Any admission charge paid for admission to a theater, opera house, concert hall or other hall or place of assembly for a live, dramatic, choreographic or musical performance.

(s) Lessor. Any person who is the owner, licensee, or lessee of any premises or tangible personal property which he leases, subleases, or grants a license to use to other persons.

(t) Place of amusement. Any place where any facilities for entertainment, amusement, or sports are provided.

(u) Casual sale. Casual sale means an isolated or occasional sale of an item of tangible personal property by a person who is not regularly engaged in the business of making sales at retail where such property was obtained by the person making the sale, through purchase or otherwise, for his own use in this State.

(v) Motor vehicle. Motor vehicle shall include all vehicles propelled otherwise than by muscular power (excepting such vehicles as run only upon rails or tracks), trailers, semitrailers, house trailers, or any other type of vehicle drawn by a motor-driven vehicle, and motorcycles, designed for operation on the public highways.

(w) "Persons required to collect tax" or "persons required to collect any tax imposed by this act" shall include: every vendor of tangible personal property or services; every recipient of amusement charges; every operator of a hotel; every lessor; and every vendor of telecommunications. Said terms shall also include any officer or employee of a corporation or of a dissolved corporation who as such officer or employee is under a duty to act for such corporation in complying with any requirement of this act and any member of a partnership. Provided, however, the vendor of tangible personal property to all contractors, subcontractors or repairmen, consisting of materials and supplies for use by them in erecting structures for others, or building on, or otherwise improving, altering or repairing real property of others, shall not be deemed a person required to collect tax, and the tax imposed by any section of this act shall be paid directly to the director by such contractors, subcontractors or repairmen.

(x) "Customer" shall include: every purchaser of tangible personal property or services; every patron paying or liable for the payment of any amusement charge; and every occupant of a room or rooms in a hotel.

(y) "Property and services the use of which is subject to tax" shall include: (1) all property sold to a person within the State, whether or not the sale is made within the State, the use of which property is subject to tax under section 6 or will become subject to tax when such property is received by or comes into the possession or control of such person within the State; (2) all services rendered to a person within the State, whether or not such services are performed within the State, upon tangible personal property the use of which is subject to tax under section 6 or will become subject to tax when such property is distributed within the State or is received by or comes into possession or control of such person within the State; (3)

intrastate or interstate telecommunications charged to a service address in this State; (4) (Deleted by amendment, P.L.1995, c.184); (5) energy sold, exchanged or delivered in this State for use in this State; (6) utility service sold, exchanged or delivered in this State for use in this State; and (7) direct mail advertising processing services in connection with advertising or promotional material distributed in this State.

(z) Director. Director means the Director of the Division of Taxation of the State Department of the Treasury, or any officer, employee or agency of the Division of Taxation in the Department of the Treasury duly authorized by the director (directly, or indirectly by one or more redelegations of authority) to perform the functions mentioned or described in this act.

(aa) "Lease" means the possession or control of tangible personal property by an agreement, not transferring sole title, as may be evidenced by a contract, contracts, or by implication from other circumstances including course of dealing or usage of trade or course of performance, for a period of more than 28 days.

(bb) "The amount of the sales price" of tangible personal property purchased for lease means, at the election of the lessor, either (1) the amount of the lessor's purchase price or (2) the amount of the total of the lease payments attributable to the lease of such property. Tangible personal property purchased for lease is subject to the provisions of subsection (a) of section 3 of P.L.1966, c.30 (C.54:32B-3).

(cc) "Telecommunications" means the act or privilege of originating or receiving messages or information through the use of any kind of one-way or two-way communication; including but not limited to voice, video, facsimile, teletypewriter, computer, cellular mobile or portable telephone, specialized mobile or portable pager or paging service, or any other type of communication; using electronic or electromagnetic methods, and all services and equipment provided in connection therewith or by means thereof. "Telecommunications" shall not include:

(1) one-way radio or television broadcasting transmissions available universally to the general public without a fee;

(2) purchases of telecommunications by a telecommunications provider for use as a component part of telecommunications provided to an ultimate retail consumer who (A) originates or terminates the taxable end-to-end communications or (B) pays charges exempt from taxation pursuant to paragraph (5) of this subsection;

(3) services provided by a person, or by that person's wholly owned subsidiary, not engaged in the business of rendering or offering telecommunications services to the public, for private and exclusive use within its organization, provided however, that "telecommunications" shall include

the sale of telecommunications services attributable to the excess unused telecommunications capacity of that person to another;

(4) charges in the nature of subscription fees paid by subscribers for cable television service; and

(5) charges subject to the local calling rate paid by inserting coins into a coin operated telecommunications device available to the public.

(dd) "Interstate telecommunication" means any telecommunication that originates or terminates inside this State, including international telecommunication.

(ee) "Intrastate telecommunication" means any telecommunication that originates and terminates within this State.

(ff) "Natural gas" means any gaseous fuel distributed through a pipeline system.

(gg) "Energy" means natural gas or electricity.

(hh) "Utility service" means the transportation or transmission of natural gas or electricity by means of mains, wires, lines or pipes, to users or customers.

(ii) "Self-generation unit" means a facility located on the user's property, or on property purchased or leased from the user by the person owning the self-generation unit and such property is contiguous to the user's property, which generates electricity to be used only by that user on the user's property and is not transported to the user over wires that cross a property line or public thoroughfare unless the property line or public thoroughfare merely bifurcates the user's or self-generation unit owner's otherwise contiguous property.

(jj) "Co-generation facility" means a facility the primary purpose of which is the sequential production of electricity and steam or other forms of useful energy which are used for industrial or 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.

(kk) "Non-utility" means a company engaged in the sale, exchange or transfer of natural gas that was not subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to December 31, 1997.

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

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

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

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

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

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

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

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

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

(5) Direct-mail advertising processing services, except for direct-mail advertising processing services in connection with distribution of advertising or promotional material to out-of-State recipients.

(6) (Deleted by amendment, P.L.1995, c.184).

(7) Utility service provided to persons in this State, any right or power over which is exercised in this State.

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

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

(c) Receipts from the sale of food and drink in or by restaurants, taverns, vending machines or other establishments in this State, or by caterers, including in the amount of such receipts any cover, minimum, entertainment or other charge made to patrons or customers:

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

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

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

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

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

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

(e) (1) Any admission charge, where such admission charge is in excess of \$0.75 to or for the use of any place of amusement in the State, including charges for admission to race tracks, baseball, football, basketball or exhibitions, dramatic or musical arts performances, motion picture theaters, except charges for admission to boxing, wrestling, kick boxing or combative sports exhibitions, events, performances or contests which charges are taxed under any other law of this State or under section 20 of P.L.1985, c.83 (C.5:2A-20), and, except charges to a patron for admission to, or use of, facilities for sporting activities in which such patron is to be a participant, such as bowling alleys and swimming pools. For any person having the permanent use or possession of a box or seat or lease or a license, other than a season ticket, for the use of a box or seat at a place of amusement, the tax shall be upon the amount for which a similar box or seat is sold for each performance or exhibition at which the box or seat is used or reserved by the holder, licensee or lessee, and shall be paid by the holder, licensee or lessee.

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

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

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

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

6. Unless property or services have already been or will be subject to the sales tax under this act, there is hereby imposed on and there shall be paid by every person a use tax for the use within this State of 6%, except as otherwise exempted under this act, (A) of any tangible personal property purchased at retail, including energy, provided however, that electricity consumed by the generating facility that produced it shall not be subject to tax, (B) of any tangible personal property manufactured, processed or assembled by the user, if items of the same kind of tangible personal property are offered for sale by him in the regular course of business, or if items of the same kind of tangible personal property are not offered for sale by him in the regular course of business and are used as such or incorporated into a structure, building or real property, (C) of any tangible personal

property, however acquired, where not acquired for purposes of resale, upon which any taxable services described in paragraphs (1) and (2) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3) have been performed, (D) of interstate or intrastate telecommunications described in subsection (f) of section 3 of P.L.1966, c.30, (E) (Deleted by amendment, P.L.1995, c.184), (F) of utility service provided to persons in this State for use in this State, provided however, that utility service used by the facility that provides the service shall not be subject to tax, and (G) of direct-mail advertising processing services described in paragraph (5) of subsection (b) of section 3 of P.L.1966, c.30 (C.54:32B-3). For purposes of clause (A) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for such property or for the use of such property, but excluding any credit for property of the same kind accepted in part payment and intended for resale, plus the cost of transportation, except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser, provided however, that there shall be no exclusion for the cost of the utility service. For the purposes of clause (B) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the price at which items of the same kind of tangible personal property are offered for sale by the user, or if items of the same kind of tangible personal property are not offered for sale by the user in the regular course of business and are used as such or incorporated into a structure, building or real property the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the tangible personal property manufactured, processed or assembled by the user into the tangible personal property the use of which is subject to use tax pursuant to this section, and the mere storage, keeping, retention or withdrawal from storage of tangible personal property by the person who manufactured, processed or assembled such property shall not be deemed a taxable use by him. For purposes of clause (C) of this section, the tax shall be at the applicable rate, as set forth hereinabove, of the consideration given or contracted to be given for the service, including the consideration for any tangible personal property transferred in conjunction with the performance of the service, plus the cost of transportation, except where such cost is separately stated in the written contract, if any, and on the bill rendered to the purchaser. For the purposes of clause (D) of this section, the tax shall be at the applicable rate on the charge made by the telecommunications service provider. For purposes of clause (F) of this section, the tax shall be at the applicable rate on the charge made by the utility service provider. For purposes of clause (G) of this section, the tax shall be at the applicable rate on that proportion of the amount of all processing costs charged by a direct-

mail advertising processing service provider that is attributable to the advertising or promotional material distributed in this State.

4. This act shall take effect immediately but sections 1 through 3 shall remain inoperative until the first day of the second month following enactment.

Approved September 4, 1998.

CHAPTER 100

AN ACT concerning the theft of animals, amending N.J.S.2C:20-1 and N.J.S.2C:20-2, and supplementing Title 2C of the New Jersey Statutes.

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

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

Definitions.

2C:20-1. Definitions. In chapters 20 and 21, unless a different meaning plainly is required:

a. "Deprive" means: (1) to withhold or cause to be withheld property of another permanently or for so extended a period as to appropriate a substantial portion of its economic value, or with purpose to restore only upon payment of reward or other compensation; or (2) to dispose or cause disposal of the property so as to make it unlikely that the owner will recover it.

b. "Fiduciary" means an executor, general administrator of an intestate, administrator with the will annexed, substituted administrator, guardian, substituted guardian, trustee under any trust, express, implied, resulting or constructive, substituted trustee, executor, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent or officer of a corporation, public or private, temporary administrator, administrator, administrator pendente lite, administrator ad prosequendum, administrator ad litem or other person acting in a similar capacity.

c. "Financial institution" means a bank, insurance company, credit union, savings and loan association, investment trust or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

d. "Government" means the United States, any state, county, municipality, or other political unit, or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government.

e. "Movable property" means property the location of which can be changed, including things growing on, affixed to, or found in land, and documents, although the rights represented thereby have no physical location. "Immovable property" is all other property.

f. "Obtain" means: (1) in relation to property, to bring about a transfer or purported transfer of a legal interest in the property, whether to the obtainer or another; or (2) in relation to labor or service, to secure performance thereof.

g. "Property" means anything of value, including real estate, tangible and intangible personal property, trade secrets, contract rights, choses in action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric, gas, steam or other power, financial instruments, information, data, and computer software, in either human readable or computer readable form, copies or originals.

h. "Property of another" includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the actor shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement.

i. "Trade secret" means the whole or any portion or phase of any scientific or technical information, design, process, procedure, formula or improvement which is secret and of value. A trade secret shall be presumed to be secret when the owner thereof takes measures to prevent it from becoming available to persons other than those selected by the owner to have access thereto for limited purposes.

j. "Dealer in property" means a person who buys and sells property as a business.

k. "Traffic" means:

(1) To sell, transfer, distribute, dispense or otherwise dispose of property to another person; or

(2) To buy, receive, possess, or obtain control of or use property, with intent to sell, transfer, distribute, dispense or otherwise dispose of such property to another person.

l. "Broken succession of title" means lack of regular documents of purchase and transfer by any seller except the manufacturer of the subject property, or possession of documents of purchase and transfer by any buyer without corresponding documents of sale and transfer in possession of

seller, or possession of documents of sale and transfer by seller without corresponding documents of purchase and transfer in possession of any buyer.

m. "Person" includes any individual or entity or enterprise, as defined herein, holding or capable of holding a legal or beneficial interest in property.

n. "Anything of value" means any direct or indirect gain or advantage to any person.

o. "Interest in property which has been stolen" means title or right of possession to such property.

p. "Stolen property" means property that has been the subject of any unlawful taking.

q. "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and any union or group of individuals associated in fact, although not a legal entity, and it includes illicit as well as licit enterprises and governmental as well as other entities.

r. "Attorney General" includes the Attorney General of New Jersey, his assistants and deputies. The term shall also include a county prosecutor or his designated assistant prosecutor, if a county prosecutor is expressly authorized in writing by the Attorney General to carry out the powers conferred on the Attorney General by this chapter.

s. "Access device" means property consisting of any telephone calling card number, credit card number, account number, mobile identification number, electronic serial number, personal identification number, or any other data intended to control or limit access to telecommunications or other computer networks in either human readable or computer readable form, either copy or original, that can be used to obtain telephone service.

t. "Defaced access device" means any access device, in either human readable or computer readable form, either copy or original, which has been removed, erased, defaced, altered, destroyed, covered or otherwise changed in any manner from its original configuration.

u. "Domestic companion animal" means any animal commonly referred to as a pet or one that has been bought, bred, raised or otherwise acquired, in accordance with local ordinances and State and federal law for the primary purpose of providing companionship to the owner, rather than for business or agricultural purposes.

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

Consolidation of theft offenses; grading, provisions applicable to theft generally.

2C:20-2. Consolidation of Theft Offenses; Grading; Provisions Applicable to Theft Generally. a. Consolidation of Theft Offenses.

Conduct denominated theft in this chapter constitutes a single offense, but each episode or transaction may be the subject of a separate prosecution and conviction. A charge of theft may be supported by evidence that it was committed in any manner that would be theft under this chapter, notwithstanding the specification of a different manner in the indictment or accusation, subject only to the power of the court to ensure fair trial by granting a bill of particulars, discovery, a continuance, or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

b. Grading of theft offenses.

(1) Theft constitutes a crime of the second degree if:

- (a) The amount involved is \$75,000.00 or more;
- (b) The property is taken by extortion;
- (c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N.J.S.2C:35-2 and the quantity is in excess of one kilogram; or

(d) The property stolen is a person's benefits under federal or State law, or from any other source, which the Department of Human Services or an agency acting on its behalf has budgeted for the person's health care and the amount involved is \$75,000 or more.

(2) Theft constitutes a crime of the third degree if:

- (a) The amount involved exceeds \$500.00 but is less than \$75,000.00;
- (b) The property stolen is a firearm, motor vehicle, vessel, boat, horse, domestic companion animal or airplane;
- (c) The property stolen is a controlled dangerous substance or controlled substance analog as defined in N.J.S.2C:35-2 and the amount involved is less than \$75,000.00 or is undetermined and the quantity is one kilogram or less;

(d) It is from the person of the victim;

(e) It is in breach of an obligation by a person in his capacity as a fiduciary;

(f) It is by threat not amounting to extortion;

(g) It is of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant;

(h) The property stolen is a person's benefits under federal or State law, or from any other source, which the Department of Human Services or an agency acting on its behalf has budgeted for the person's health care and the amount involved is less than \$75,000;

(i) The property stolen is any real or personal property related to, necessary for, or derived from research, regardless of value, including, but not limited to, any sample, specimens and components thereof, research

subject, including any warm-blooded or cold-blooded animals being used for research or intended for use in research, supplies, records, data or test results, prototypes or equipment, as well as any proprietary information or other type of information related to research;

(j) The property stolen is a New Jersey Prescription Blank as referred to in R.S.45:14-14; or

(k) The property stolen consists of an access device or a defaced access device.

(3) Theft constitutes a crime of the fourth degree if the amount involved is at least \$200.00 but does not exceed \$500.00. If the amount involved was less than \$200.00 the offense constitutes a disorderly persons offense.

(4) The amount involved in a theft shall be determined by the trier of fact. The amount shall include, but shall not be limited to, the amount of any State tax avoided, evaded or otherwise unpaid, improperly retained or disposed of. Amounts involved in thefts committed pursuant to one scheme or course of conduct, whether from the same person or several persons, may be aggregated in determining the grade of the offense.

c. Claim of right. It is an affirmative defense to prosecution for theft that the actor:

(1) Was unaware that the property or service was that of another;

(2) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did; or

(3) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.

d. Theft from spouse. It is no defense that theft was from the actor's spouse, except that misappropriation of household and personal effects, or other property normally accessible to both spouses, is theft only if it occurs after the parties have ceased living together.

3. This act shall take effect immediately.

Approved September 9, 1998.

CHAPTER 101

AN ACT concerning immunity from liability for civil damage for firefighters under certain circumstances and supplementing P.L.1963, c.140 (C.2A:62A-1 et seq.).

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

C.2A:62A-1.2 Immunity from civil damages for firefighters at accident scenes.

1. A municipal, county or State firefighter, whether volunteer or paid, shall not be liable for any civil damages as a result of any acts or omissions undertaken in good faith in rendering care at the scene of an accident or emergency to any victim thereof, or in transporting any such victim to a hospital or other facility where treatment or care is to be rendered; provided, however, that nothing in this section shall exonerate a firefighter for gross negligence.

2. This act shall take effect immediately.

Approved September 9, 1998.

CHAPTER 102

AN ACT concerning employing a juvenile in the commission of a crime and supplementing Title 2C of the New Jersey Statutes.

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

C.2C:24-9 Use of 17-year-old or younger to commit criminal offense; crime.

1. a. Except as provided in P.L.1991, c.81 (C.2C:20-17) and N.J.S.2C:35-6, any person who is at least 18 years of age who knowingly uses, solicits, directs, hires, employs or conspires with a person who is in fact 17 years of age or younger to commit a criminal offense is guilty of a crime.

b. An offense under this section constitutes a crime of the fourth degree if the underlying offense is a disorderly persons offense. Otherwise, an offense under this section shall be classified one degree higher than the underlying offense.

c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction under this section shall not merge with a conviction for the underlying offense. Nor shall a conviction for the underlying offense merge with a conviction under this section. Nothing contained in this act shall prohibit the court from imposing an extended term of imprisonment pursuant to 2C:43-7; nor shall this be construed to preclude or limit a prosecution or conviction of any person for conspiracy under N.J.S.2C:5-2, or any prosecution or conviction for any offense.

d. It shall be no defense to a prosecution under this act that the actor mistakenly believed that the person which the actor used, solicited, directed,

hired or employed was 18 years of age or older, even if such mistaken belief was reasonable.

2. This act shall take effect immediately.

Approved September 9, 1998.

CHAPTER 103

AN ACT clarifying that State Lottery prizes may be assigned under certain circumstances and amending P.L.1970, c.13.

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

1. Section 13 of P.L.1970, c.13 (C.5:9-13) is amended to read as follows:

C.5:9-13 Assignment of prizes drawn; procedure.

13. a. The right of any person to a prize drawn shall not be assignable, except as permitted by this section.

b. The payment of any prize drawn may be paid to the estate of a deceased prize winner upon receipt by the State Lottery of a certified copy of an order appointing an executor or an administrator.

c. Any person may be assigned and paid the prize to which the winner is entitled pursuant to a judicial order of the New Jersey Superior Court or a federal court having jurisdiction over property located in this State provided that the order pertains to claims of ownership in the prize drawn, division of marital property in divorce actions, bankruptcy, child support, appointment of a guardian or conservator, or distribution of an estate.

d. Any person may be assigned and paid a prize to which the winner is entitled pursuant to a judicial order of the New Jersey Superior Court or a federal court having jurisdiction over property located in this State provided that the order contains at least the following findings:

(1) the full legal name, address, social security number or taxpayer identification number and, if applicable, resident alien number of the winner;

(2) the full legal name, address, social security number or taxpayer identification number and, if applicable, resident alien number of the assignee;

(3) the date on which the winner won the prize;

(4) the date on which the winner claimed the prize;

(5) the gross amount of the prize drawn before application of withholding taxes;

(6) the gross amount of payments to be made to the winner by the State Lottery before application of withholding taxes;

(7) the dates of the payments to be assigned and the amount of the specific payments to be assigned on each date;

(8) the identity of the winner's spouse, if any, and the interest of the spouse in the prize;

(9) the identity of any other co-owner, claimant or lienholder and the amount of the interests, liens, security interests, prior assignments or offsets asserted by such party;

(10) that the interest rate or discount rate, as applicable, and all fees and costs and other material terms relating to the assignment are expressly and clearly included in all material documents and in all documents that include any obligations of the prize winner;

(11) that the interest rate or discount rate, as applicable, associated with the assignment does not indicate overreaching or exploitation, does not exceed current usury rates, and does not violate any laws of usury of this State;

(12) that the winner has reviewed and understands the terms of the assignment;

(13) that the winner understands that the winner will not receive the prize payments, or portions thereof, for the years assigned;

(14) that the winner has agreed to the assignment of the winner's own free will without undue influence or duress;

(15) that the winner has retained, and consulted with, independent legal counsel who has advised the winner of the winner's legal rights and obligations;

(16) that the winner has retained, and consulted with, an independent tax advisor concerning the tax consequences of the assignment;

(17) that the winner does not seek assignment for purposes of evading creditors, judgments or obligations for child support; and

(18) that the winner has certified that the winner does not have a child support obligation, or if the winner has a child support obligation, that no arrearage is due and that the winner is not obligated to repay any public assistance benefits.

e. Before a winner is legally bound, by agreement, contract or otherwise, and prior to the issuance of an order pursuant to subsection d. of this section, the assignee shall provide the winner with all material documents which shall be binding on the assignor, including documents evidencing obligations of the winner, and a written notice recommending that the winner obtain independent counsel before signing any document which shall be binding on the assignor. All documents shall include a

notice of the assignor's right to cancel the agreement which shall be located in immediate proximity to all spaces reserved for the signature of the winner in bold-faced type of at least 10 points and which shall provide as follows:

"You have the right to cancel this assignment without any cost to you until midnight three business days after the day on which you have signed an agreement to assign all or a portion of your prize.

Cancellation occurs when you give notice by regular first class mail, postage prepaid, to the assignee at the address listed at the top of the first page of this document that you wish to cancel the assignment. Notice is deemed given when deposited in a mailbox."

f. If the State Lottery determines that a judicial order granting an assignment, issued pursuant to subsection d. of this section, is complete and correct in all respects, the State Lottery shall, not later than 10 days after receiving a true and correct copy of the filed judicial order, send the winner and the assignee written confirmation of receipt of the court-ordered assignment and of the State Lottery's intent to rely thereon in making future payments to the assignee named in the order. The State Lottery shall, thereafter, make all payments in accordance with the judicial order. No change in the terms of any assignment shall be effective unless made pursuant to a subsequent judicial order.

g. The State Lottery may impose a reasonable fee on an assignor to defray any direct or indirect administrative expenses associated with an assignment.

h. A winner shall not be permitted to assign the last two annual prize payments.

i. The State Lottery and the State are not parties to assignment proceedings, except that, the State may intervene as necessary to protect the State's interest in monies owed to the State.

j. The State Lottery and the State shall comply with, and rely upon, a judicial order in distributing payments subject to that order.

k. A winner may pledge or grant a security interest in all or part of a prize as collateral for repayment of a loan pursuant to a judicial order containing the findings required by subsection d. of this section which the court deems relevant to the pledge or grant.

l. Except where inconsistent with the provisions of this section, the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-1 et seq.), shall apply to all transactions under this section.

m. The court shall cease to approve assignments pursuant to subsection d. of this section if:

(1) the United States Internal Revenue Service issues a technical rule letter, revenue ruling, or other public ruling in which it is determined that because of the right of assignment provided by subsection d. of this section,

prizewinners who do not exercise the right to assign prize payments would be subject to an immediate income tax liability for the value of the entire prize rather than annual income tax liability for each installment when received; or

(2) a court of competent jurisdiction issues a published decision holding that because of the right of assignment provided by subsection d. of this section, prizewinners who do not exercise the right to assign prize payments would be subject to an immediate income tax liability for the value of the entire prize rather than annual income tax liability for each installment when received.

n. Upon receipt, the director shall immediately file a copy of a letter or ruling of the United States Internal Revenue Service or a published decision of a court of competent jurisdiction, described in subsection m. of this section, with the Secretary of State. No assignment shall be approved pursuant to subsection d. of this section after the date of such filing.

o. Notwithstanding the provisions of this section, any lottery prize assignment or loan transaction which has been approved by a New Jersey Superior Court pursuant to section 13 of P.L.1970, c.13 (C.5:9-13) on or before May 15, 1998, regardless of whether such an order has been or is the subject of an appeal, shall, upon joint written agreement of the parties, be deemed a binding assignment or transaction and shall be honored by the Division of the State Lottery.

p. No change in the terms of any assignment shall be effective unless made pursuant to a subsequent court order under this section.

q. A voluntary assignment shall not include or cover payments, or portions of payments, that are subject to the offset pursuant to P.L.1991, c.384 (C.5:9-13.1 et seq.), P.L.1997, c. 306 (C.5:9-13.10 et seq.), or any other law unless appropriate provisions are made to satisfy the obligations giving rise to the offset.

r. No lottery assignee shall directly or indirectly recommend or facilitate the hiring of any lawyer or accountant to assist the assignor in determining the appropriateness of the proposed assignment. Further, the assignee shall not offer prior to the closing tax or investment advice.

s. The director, commissioners and employees of the Division of the State Lottery shall be discharged of any and all liability upon payment of a prize drawn pursuant to this section.

2. This act shall take effect immediately.

Approved September 14, 1998.

CHAPTER 104

AN ACT concerning the sale of check cashing businesses and supplementing P.L.1993, c.383 (C.17:15A-30 et seq.).

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

C.17:15A-32.1 Sale of check cashing business.

1. a. A person who is conducting business as a check casher pursuant to P.L.1993, c.383 (C.17:15A-30 et seq.), whose license was continued pursuant to section 21 of P.L.1993, c.383 (C.17:15A-50), and who is not the subject of any action by the commissioner pursuant to section 19 or 20 of P.L.1993, c.383 (C.17:15A-48 or 17:15A-49), shall be permitted to sell the assets of the business of cashing checks.

b. A person purchasing the assets of the business of cashing checks from a person permitted to sell those assets pursuant to subsection a. of this section shall be required to:

(1) qualify for a license pursuant to the provisions of P.L.1993, c.383 (C.17:15A-30 et seq.), except that the person shall not be required to comply with the provisions of subsection e. of section 12 and subsection f. of section 18 of P.L.1993, c.383 (C.17:15A-41 and 17:15A-47); and

(2) conduct the business of cashing checks from the location the address of which is listed on the license of the person from whom the assets of the business of cashing checks are being purchased.

c. A business of cashing checks which is sold and purchased pursuant to subsections a. and b. of this section may be sold and purchased subsequently as long as each time the business is sold the seller is not the subject of any action by the commissioner pursuant to section 19 or 20 of P.L.1993, c.383 (C.17:15A-48 or 17:15A-49) and the person purchasing the business of check cashing:

(1) qualifies for a license pursuant to the provisions of P.L.1993, c. 383 (C.17:15A-30 et seq.), except that the purchaser shall not be required to comply with the provisions of subsection e. of section 12 and subsection f. of section 18 of P.L.1993, c.383 (C.17:15A-41 and 17:15A-42); and

(2) conducts the business of cashing checks from the location the address of which is listed on the license of the person from whom the business of cashing checks is purchased.

2. This act shall take effect immediately.

Approved September 14, 1998.

CHAPTER 105

AN ACT concerning the sale and treatment of horses, and amending various parts of the statutory law.

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

1. R.S.39:4-23 is amended to read as follows:

Mistreatment of horse, violations, disorderly person.

39:4-23. No person shall either ill-treat, overdrive, override or cruelly or unnecessarily beat a horse. A person who violates this section shall be guilty of a disorderly persons offense and subject to the provisions of R.S.4:22-17, R.S.4:22-21, and R.S.4:22-26, as appropriate.

2. R.S.4:22-21 is amended to read as follows:

Offering for sale horse unfit for work; disorderly persons.

4:22-21. A person who shall receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or for any other cause, could not be worked, ridden or otherwise used for show, exhibition, or recreational purposes, or kept as a domestic pet without violating the provisions of this article or any law of this State relating to cruelty to animals shall be guilty of a disorderly persons offense.

3. R.S.4:22-26 is amended to read as follows:

Penalty for acts constituting cruelty in general.

4:22-26. A person who shall:

- a. Overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse or needlessly mutilate or kill a living animal or creature;
- b. Cause or procure to be done by his agent, servant, employee or otherwise an act enumerated in subsection "a." of this section;
- c. Inflict unnecessary cruelty upon a living animal or creature of which he has charge or custody either as owner or otherwise, or unnecessarily fail to provide it with proper food, drink, shelter or protection from the weather;
- d. Receive or offer for sale a horse that is suffering from abuse or neglect, or which by reason of disability, disease, abuse or lameness, or any other cause, could not be worked, ridden or otherwise used for show, exhibition or recreational purposes, or kept as a domestic pet without violating the provisions of this article;

e. Keep, use, be connected with or interested in the management of, or receive money or other consideration for the admission of a person to, a place kept or used for the purpose of fighting or baiting a living animal or creature;

f. Be present and witness, pay admission to, encourage, aid or assist in an activity enumerated in subsection "e." of this section;

g. Permit or suffer a place owned or controlled by him to be used as provided in subsection "e." of this section;

h. Carry, or cause to be carried, a living animal or creature in or upon a vehicle or otherwise, in a cruel or inhuman manner;

i. Use a dog or dogs for the purpose of drawing or helping to draw a vehicle for business purposes;

j. Impound or confine or cause to be impounded or confined in a pound or other place a living animal or creature, and shall fail to supply it during such confinement with a sufficient quantity of good and wholesome food and water;

k. Abandon a maimed, sick, infirm or disabled animal or creature to die in a public place;

l. Willfully sell, or offer to sell, use, expose, or cause or permit to be sold or offered for sale, used or exposed, a horse or other animal having the disease known as glanders or farcy, or other contagious or infectious disease dangerous to the health or life of human beings or animals, or who shall, when any such disease is beyond recovery, refuse, upon demand, to deprive the animal of life;

m. Own, operate, manage or conduct a roadside stand or market for the sale of merchandise along a public street or highway; or a shopping mall, or a part of the premises thereof; and keep a living animal or creature confined, or allowed to roam in an area whether or not the area is enclosed, on these premises as an exhibit; except that this subsection shall not be applicable to: a pet shop licensed pursuant to P.L.1941, c.151 (C.4:19-15.1 et seq.); a person who keeps an animal, in a humane manner, for the purpose of the protection of the premises; or a recognized breeders' association, a 4-H club, an educational agricultural program, an equestrian team, a humane society or other similar charitable or nonprofit organization conducting an exhibition, show or performance;

n. Keep or exhibit a wild animal at a roadside stand or market located along a public street or highway of this State; a gasoline station; or a shopping mall, or a part of the premises thereof;

o. Sell, offer for sale, barter or give away or display live baby chicks, ducklings or other fowl or rabbits, turtles or chameleons which have been dyed or artificially colored or otherwise treated so as to impart to them an artificial color;

p. Use any animal, reptile, or fowl for the purpose of soliciting any alms, collections, contributions, subscriptions, donations, or payment of money except in connection with exhibitions, shows or performances conducted in a bona fide manner by recognized breeders' associations, 4-H clubs or other similar bona fide organizations;

q. Sell or offer for sale, barter, or give away living rabbits, turtles, baby chicks, ducklings or other fowl under two months of age, for use as household or domestic pets;

r. Sell, offer for sale, barter or give away living baby chicks, ducklings or other fowl, or rabbits, turtles or chameleons under two months of age for any purpose not prohibited by subsection q. of this section and who shall fail to provide proper facilities for the care of such animals;

s. Artificially mark sheep or cattle, or cause them to be marked, by cropping or cutting off both ears, cropping or cutting either ear more than one inch from the tip end thereof, or half cropping or cutting both ears or either ear more than one inch from the tip end thereof, or who shall have or keep in his possession sheep or cattle, which he claims to own, marked contrary to this subsection unless they were bought in market or of a stranger;

t. Abandon a domesticated animal;

u. For amusement or gain, cause, allow, or permit the fighting or baiting of a living animal or creature;

v. Own, possess, keep, train, promote, purchase, or knowingly sell a living animal or creature for the purpose of fighting or baiting that animal or creature; or

w. Gamble on the outcome of a fight involving a living animal or creature--

Shall forfeit and pay a sum not to exceed \$250.00, except in the case of a violation of subsection "t." a mandatory sum of \$500, and \$1,000 if the violation occurs on or near a roadway, to be sued for and recovered, with costs, in a civil action by any person in the name of the New Jersey Society for the Prevention of Cruelty to Animals.

4. R.S.4:11-1 is amended to read as follows:

Definitions.

4:11-1. As used in this article:

"Agent" means any person buying, receiving, soliciting or negotiating the sale of cattle, sheep, horse or swine for or on behalf of any dealer or broker.

"Broker" means any person engaged in the business of soliciting or negotiating the sale, resale, exchange or shipment of cattle, sheep, horse or swine.

"Cattle" means all dairy, feeding, beef or breeding animals of bovine genus.

"Sheep" means all animals of ovine genus.

"Swine" means all animals of porcine genus.

"Dealer" means any person engaged in the business of buying, receiving, selling, exchanging, soliciting or negotiating the sale, resale, exchange or shipment of any cattle, sheep, horse or swine.

"Secretary" means the Secretary of Agriculture.

"Board" means the State Board of Agriculture.

"Horse" means all animals of equus genus.

5. R.S.4:11-2 is amended to read as follows:

Inapplicability of article.

4:11-2. This article shall not apply:

a. To any person who receives, buys, exchanges or ships cattle, sheep, horses or swine exclusively for slaughter;

b. To any person who is permanently discontinuing the business of dairying, breeding or feeding cattle, sheep, horses or swine; or

c. To any person who purchases, receives or exchanges cattle, sheep, horses or swine for the sole purpose of increasing or improving his herd or flock.

6. R.S.4:11-4 is amended to read as follows:

Application for license; fee.

4:11-4. A person, before engaging in the business referred to in section 4:11-3 of this Title shall, annually on or before June 1, file an application for a license with the secretary on a form prescribed by him and pay an application fee of \$30.00 which shall not be returned if the license is not granted.

The application shall state the nature of the business, the breed or breeds of cattle, sheep, horses or swine which the applicant proposes to handle, the name of the person applying for the license, and, if the applicant be a firm, association, partnership or corporation, the full name of each member of such firm, association, partnership or the names of the officers of the corporation, and the name of the agent or agents of the applicant, the municipality and the post-office address at which the business is to be conducted, and such other facts as the secretary shall prescribe.

The applicant shall further satisfy the secretary of his or its character, financial responsibility and good faith in seeking to engage in the business.

7. R.S.4:11-5 is amended to read as follows:

Issuance of license.

4:11-5. Upon compliance by the applicant with the terms of section 4:11-4 of this Title, the secretary shall, subject to the provisions of this article, issue a license entitling the applicant or his agent to conduct the business of buying or receiving cattle, sheep, horses or swine, or receiving, selling, exchanging, soliciting or negotiating the sale, resale, exchange or

shipment of cattle, sheep, horses or swine at the place named in the application, until June 30 next following. If application is made and an application fee of \$15.00 is paid subsequent to July 1 in any license year, the license shall run until July 1 next following.

8. R.S.4:11-9 is amended to read as follows:

Refusal, revocation of license.

4:11-9. The secretary may decline to grant or may revoke a license when he is satisfied that:

a. The applicant or licensee has violated the State laws or official regulations governing interstate or intrastate movement of cattle, sheep, horses or swine;

b. In the buying or receiving of cattle, sheep, horses or swine, or receiving, selling, exchanging, soliciting or negotiating the sale, resale, exchange or shipment of cattle, sheep, horses or swine, there have been false or misleading statements as to the health or physical condition of the animals with regard to official tests, or quantity of cattle, sheep, horses or swine or the practice of fraud or misrepresentation in connection therewith;

c. As shown by a continual course of dealing, the licensee is unable or unwilling to conduct properly the business of a dealer or broker;

d. The applicant or licensee has knowingly bought or received cattle, sheep, horses or swine, or received, sold, exchanged, solicited or negotiated the sale, resale or exchange of cattle, sheep, horses or swine that were diseased and likely to transmit such disease to other cattle, sheep, horses or swine, or human beings;

e. There has been a failure to practice ordinary measures of sanitation of barns, stables, premises or vehicles used for the stabling, holding or transporting of cattle, sheep, horses or swine;

f. There has been a continual or persistent failure to keep records required by the secretary or by law; or that there is a refusal on the part of the licensee to produce books, accounts or records of transactions in the carrying on of the business for which the license is granted; or

g. There has been a continual or persistent failure to comply with the provisions of R.S.4:22-1 et seq. relating to cruelty to animals.

9. R.S.4:11-13 is amended to read as follows:

Agent's card.

4:11-13. The licensee and each of his agents shall carry an agent's card at all times, when buying or receiving cattle, sheep, horses or swine, or receiving, selling, exchanging, soliciting or negotiating the sale, resale, or shipment of cattle, sheep, horses or swine.

The licensee or agent shall exhibit the card to persons with whom he is negotiating or from whom he is soliciting business and to the secretary or assistant whom the secretary may designate.

10. Section 3 of P.L.1966, c.27 (C.4:11-13.1) is amended to read as follows:

C.4:11-13.1 Rules, regulations.

3. The board may adopt and promulgate such rules and regulations as it may deem necessary to carry out the provisions of this act and to prevent the spread of disease among cattle, sheep, horses and swine.

11. R.S.4:11-14 is amended to read as follows:

Violations, penalties.

4:11-14. A person who shall:

a. Engage in or carry on the business of buying or receiving cattle, sheep, horses or swine, or receiving, selling, exchanging, soliciting or negotiating the sale, resale, exchange or shipment of cattle, sheep, horses or swine, as dealer, broker or agent, within the meaning of this article, without first having obtained a license as provided in this article; or

b. Violate any of the provisions of this article--

Shall be liable to a penalty of \$200.00 for the first offense and \$500.00 for the second and each subsequent offense, which penalty shall be sued for and recovered by and in the name of the department in the manner provided in article 1 of chapter 23 of this Title (R.S.4:23-1 et seq.) and in such proceeding the defendant may be arrested upon the commencement of the action.

If judgment is rendered for the plaintiff the court shall cause a defendant who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period of not less than five nor more than 90 days in the case of a first offense and not less than 10 nor more than 200 days for a second and each subsequent offense.

12. This act shall take effect immediately.

Approved September 14, 1998.

CHAPTER 106

AN ACT concerning State tax assessments and liabilities, amending various sections of statutory law.

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

1. Section 5 of P.L.1981, c.184 (C.54:10A-15.4) is amended to read as follows:

C.54:10A-15.4 Underpayment; amount added to tax; interest.

5. a. In case of any underpayment of an installment payment by a taxpayer, there shall be added to the tax for the fiscal or calendar accounting year an amount determined by applying the rate established in this section to the amount of the underpayment for the period of the underpayment.

b. For purposes of subsection a., the amount of underpayment shall be the excess of:

(1) The lesser of the amount of the installment payment which would be required to be paid if all installment payments were equal to 90% of the tax shown on the return for the fiscal or calendar accounting year, or if no return was filed, 90% of the tax for that year, or 100% of the tax shown on the tax return of the taxpayer for the preceding taxable year over

(2) The amount, if any, of the installment payment paid on or before the last date prescribed for payment.

c. For purposes of subsection a., the period of the underpayment shall run from the date the installment payment was required to be paid to whichever of the following dates is the earlier:

(1) The fifteenth day of the fourth month after the close of the fiscal or calendar accounting year.

(2) With respect to any portion of the underpayment, the date on which that portion is paid.

For purposes of this subsection, a payment of any installment payment shall be considered a payment of any previous underpayment only to the extent that payment exceeds the amount of the installment payment determined under subsection b. (1) for that installment payment.

d. Notwithstanding the provisions of the preceding subsections, the addition to the tax with respect to any underpayment of any installment payment shall not be imposed if the total amount of all installment payments made on or before the last date prescribed for the payment of that installment equals or exceeds the amount which would have been required to be paid on or before that date if the total amount of all installment payments were the lesser of (1) or (2) as follows:

(1) An amount equal to the tax computed at the rates applicable to the current fiscal or calendar accounting year but otherwise on the basis of the facts shown on the return of the taxpayer for, and the law applicable to, the preceding fiscal or calendar accounting year; or

(2) An amount equal to 90% of the tax for the current fiscal or calendar accounting year computed by placing on an annualized basis the taxable entire net income and entire net worth:

(a) For the first three months of the current fiscal or calendar accounting year, in the case of the installment payment required to be paid in the fourth month,

(b) For the first three months or for the first five months of the current fiscal or calendar accounting year, in the case of the installment payment required to be paid in the sixth month,

(c) For the first six months or for the first eight months of the current fiscal or calendar accounting year, in the case of the installment payment required to be paid in the ninth month,

(d) For the first nine months or for the first 11 months of the current fiscal or calendar accounting year, in the case of the installment payment required to be paid in the 12th month, and

(e) For the last three months of the preceding taxable year, in the case of the installment payment required to be paid in the first month of the current fiscal or calendar accounting year.

e. Any taxpayer who shall fail to pay, or shall underpay by more than 10% of the amount due, any installment payment required pursuant to this act, shall pay, in addition to the tax, interest on the amount of underpayment as provided in the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

2. Section 19 of P.L.1945, c.162 (C.54:10A-19) is amended to read as follows:

C.54:10A-19 Extension for filing returns; interest.

19. The director may grant a reasonable extension of time for the filing of returns or the payment of tax or both, under such rules and regulations as he shall prescribe, which rules and regulations may require the filing of a tentative return and the payment of an estimated tax. If the time for filing the return shall be extended, the payment of the portion of the tax remaining to be paid, if any, shall be postponed to the date fixed by the extension of the time for the filing of the return, but in every such case the corporation shall pay, in addition to the unpaid portion of the tax, interest thereon at the rate as provided in the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., from the time when the return originally was required to be filed to the date of actual payment under the extension; provided, that if such unpaid portion of the tax is not paid within the time fixed under the extension, the interest on such unpaid portion shall be computed at the rate as provided in the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., from the date the tax was originally due to the date of actual payment and if the amounts paid up to and including the time of the filing of the tentative return total less than the

lesser of: 90% of the amount due; or for a taxpayer that had a preceding fiscal or calendar accounting year of 12 months and filed a return for that year showing a liability for tax, an amount equal to the tax computed at the rates applicable to the current fiscal or calendar accounting year but otherwise on the basis of the facts shown on the return of the taxpayer for, and the law applicable to, the preceding fiscal or calendar accounting year, the taxpayer shall be liable for a penalty of 5% per month or fraction thereof on the amount of underpayment, not to exceed 25% of that underpayment, which shall be in addition to the interest charges provided above.

3. Section 11 of P.L.1947, c.50 (C.54:10A-19.2) is amended to read as follows:

C.54:10A-19.2 Appeal to tax court, claim for refund.

11. a. Any aggrieved taxpayer may, within 90 days after any action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq.

b. Any aggrieved taxpayer that has neither protested or appealed from an additional assessment of tax may, pursuant to subsection b. of R.S.54:49-14, file a claim for refund of the assessment paid.

4. Section 18 of P.L.1973, c.31 (C.54:10D-17) is amended to read as follows:

C.54:10D-17 Appeal to tax court, claim for refund.

18. a. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

b. Any aggrieved taxpayer that has neither protested or appealed from an additional assessment of tax may, pursuant to subsection b. of R.S.54:49-14 file a claim for refund of the assessment paid.

5. Section 21 of P.L.1973, c.170 (C.54:10E-21) is amended to read as follows:

C.54:10E-21 Appeal to tax court, claim for refund.

21. a. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

b. Any aggrieved taxpayer that has neither protested or appealed from an additional assessment of tax may, pursuant to subsection b. of R.S.54:49-14, file a claim for refund of the assessment paid.

6. Section 8 of P.L.1990, c.42 (C.54:15B-8) is amended to read as follows:

C.54:15B-8 Determination of tax due; powers of director.

8. a. (1) If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from the information available.

(2) If because of an affiliation of interests between a company subject to tax under this act and any purchaser the gross receipts from sale transactions are not indicative of or representative of market price, the director may at the director's discretion, utilize external indices to establish gross receipts.

(3) (a) Notice of a determination pursuant to this subsection shall be given to the company liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the company against which it is assessed, within 30 days after receiving notice of the determination, shall apply to the director for a hearing, or unless the director on the director's own motion shall redetermine the same. After such hearing the director shall give notice of the determination to the company to which the tax is assessed.

(b) Any aggrieved taxpayer that has neither protested or appealed from an additional assessment of tax may, pursuant to subsection b. of R.S.54:49-14, file a claim for refund of the assessment paid.

b. The certificate of the director to the effect that a tax has not been paid, that a return has not been filed, that a prescribed certificate has not been issued, that information has not been supplied or that inaccurate information has been supplied pursuant to the provisions of this act or rules or regulations adopted hereunder shall be prima facie evidence thereof.

c. In addition to the other powers granted to the director in this section, the director is hereby authorized and empowered:

(1) To delegate to any officer or employee of the division such powers and duties as the director may deem necessary to carry out the provisions of this act, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms and certificates for the implementation of this act; and

(3) To administer and enforce the tax imposed by this act and to make and adopt such rules and regulations and to require such facts and informa-

tion to be reported as the director may deem necessary to enforce the provisions of this act.

d. The tax imposed by this act shall be governed in all respects by the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., except only to the extent that a specific provision of this act may be in conflict therewith.

7. Section 20 of P.L.1966, c.30 (C.54:32B-20) is amended to read as follows:

C.54:32B-20 Refunds.

20. (a) In the manner provided in this section the director shall refund or credit any tax, penalty or interest erroneously, illegally or unconstitutionally collected or paid if application to the director for such refund shall be made within four years from the payment thereof. Such application may be made by a customer who has actually paid the tax. Such application may also be made by a person required to collect the tax, who has collected and paid over such tax to the director, provided that the application is made within four years of the payment to him by the customer, but no actual refund of moneys shall be made to such person until the person shall first establish to the satisfaction of the director, under such regulations as the director may prescribe, that the person has repaid to the customer the amount for which the application for refund is made. The director may, in lieu of any refund, allow credit on payments due from the applicant.

(b) A person shall not be entitled to a revision, refund or credit under this section of a tax, interest or penalty which had been determined to be due pursuant to the provisions of section 19 of P.L.1966, c.30 (C.54:32B-19) where the person has had a hearing or an opportunity for a hearing as provided in said section or has failed to use the remedies therein provided unless the person otherwise meets the requirements of subsection b. of R.S.54:49-14. No refund or credit shall be made of a tax, interest or penalty paid after a determination by the director made pursuant to section 19 of P.L.1966, c.30 (C.54:32B-19) unless it be found that such determination was erroneous, illegal or unconstitutional or otherwise improper, pursuant to law, in which event refund or credit shall be made of the tax, interest or penalty found to have been overpaid.

8. R.S.54:34-13 is amended to read as follows:

Appeal of appraisal, assessment.

54:34-13. a. Any interested person dissatisfied with the appraisal or assessment so made may appeal therefrom to the tax court within 90 days

after the making and entering of the assessment, in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

b. Any aggrieved taxpayer that has neither protested or appealed from an additional assessment of tax may, pursuant to subsection b. of R.S.54:49-14, file a claim for refund of the assessment paid.

9. R.S.54:38-10 is amended to read as follows:

Jurisdiction of tax court; claim for refund.

54:38-10. a. The tax court on appeal shall have jurisdiction to hear and determine all questions in relation to any tax imposed under the provisions of this chapter. Any executor, administrator, trustee, person or corporation liable for the payment of any tax imposed by this chapter may appeal to the tax court for a review thereof within 90 days of the date of notice assessing the tax complained of, in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

b. Any aggrieved taxpayer that has neither protested or appealed from an additional assessment of tax may, pursuant to subsection b. of R.S.54:49-14, file a claim for refund of the assessment paid.

10. Section 14 of P.L.1990, c.39 (C.54:40B-14) is amended to read as follows:

C.54:40B-14 Appeal to tax court; claim for refund.

14. a. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the director made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq.

b. Any aggrieved executor, administrator, trustee, person or corporation liable for the payment of any tax imposed by this chapter that has neither protested or appealed from an additional assessment of tax may, pursuant to subsection b. of R.S.54:49-14, file a claim for refund of the assessment paid.

c. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the director in respect of the determination of the liability of the taxpayer for the taxes imposed by this act.

11. R.S.54:45-6 is amended to read as follows:

Claim for refund.

54:45-6. Any taxpayer, at any time within four years after the payment of any original or additional tax assessed against the taxpayer may file with the director a claim under oath for refund, in such form as the director may

prescribe, stating the ground therefor, but no claim for refund shall be required or permitted to be filed with respect to a tax paid after protest has been filed with the director or after proceedings on appeal have been commenced as provided in this subtitle until after the protest or appeal has been finally determined.

12. R.S.54:49-4 is amended to read as follows:

Late filing penalty.

54:49-4. In addition thereto any taxpayer failing to file a return with the director within the time prescribed under the act imposing such tax shall be liable to a late filing penalty of \$100 for each month or fraction thereof that such return is delinquent, plus a penalty of 5% per month or fraction thereof of the underpayment not to exceed 25% of such underpayment, except that if no return has been filed within 30 days of the date on which the first notice of delinquency in filing the return was sent to the taxpayer, the penalty shall accrue at 5% per month or fraction thereof of the total tax liability not to exceed 25% of such tax liability. Unless any part of any underpayment of tax required to be shown on a return or report is shown to be due to reasonable cause, there shall be added to the tax an amount equal to 5% of the underpayment.

13. R.S.54:49-14 is amended to read as follows:

Filing of refund claim.

54:49-14. a. Any taxpayer, at any time within four years after the payment of any original or additional tax assessed against him, unless a shorter limit is fixed by the law imposing the tax, may file with the director a claim under oath for refund, in such form as the director may prescribe, stating the grounds therefor, but no claim for refund shall be required or permitted to be filed with respect to a tax paid, after protest has been filed with the director or after proceedings on appeal have been commenced as provided in this subtitle, until such protest or appeal has been finally determined. The signing of an agreement by the taxpayer and the director extending the period for assessment shall likewise extend the period for filing a claim for refund.

b. No taxpayer shall be precluded from claiming a refund of additional tax assessed solely on the ground that the taxpayer neither protested or appealed from any part of the assessment. A taxpayer may, pursuant to this subsection, file a claim for the refund of the assessment of additional tax if (1) the taxpayer neither protested nor appealed from the assessment, (2) the taxpayer paid the assessment in full within one year after the expiration of the period allowed for filing a protest of the assessment, (3) the taxpayer

files the claim for the refund within 450 days of the expiration of the period allowed for filing such a protest, and (4) the amount of the refund claimed pursuant to this subsection does not exceed the amount of the assessment paid. The time periods provided shall apply solely for purposes of refund claims under this subsection and shall be inapplicable with respect to any penalty and interest payments that may be due. A refund claim shall be filed under oath, in a form as the director may prescribe, and shall state the grounds therefor, which grounds shall be limited to those issues raised by the deficiency assessment itself and shall not include any additional issues with respect to the original assessment of tax. The filing of a claim for refund by the taxpayer under this subsection shall neither extend or toll the time to request a hearing or appeal an additional assessment of tax as otherwise provided by law. The denial of a claim for refund shall be an action of the director subject to review pursuant to R.S.54:51A-14.

c. Each taxpayer shall file a separate refund claim. A refund claim on behalf of a class is not permitted.

d. If a tax is declared to be discriminatory in a final judicial decision from which all appeals have been exhausted, the director may, within the director's sole discretion, refund or credit only the discriminatory portion of the tax.

14. N.J.S.54A:5-8 is amended to read as follows:

Income from sources within State for nonresident.

54A:5-8. a. Income from sources within this State for a nonresident individual, estate or trust means the income from the categories of gross income enumerated and classified under chapter 5 of this act to the extent that it is earned, received or acquired from sources within this State:

(1) By reason of ownership or disposition of any interest in real or tangible personal property in this State; or

(2) In connection with a trade, profession, occupation carried on in this State or for the rendition of personal services performed in this State; or

(3) As a distributive share of the income of an unincorporated business, profession, enterprise, undertaking or other activity as the result of work done, services rendered or other business activities conducted in this State except as allocated to another state pursuant to regulations promulgated by the director under this act; or

(4) From intangible personal property employed in a trade, profession, occupation or business carried on in this State; or

(5) As a result of any lottery or wagering transaction in this State other than that excluded from taxation pursuant to N.J.S.54A:6-11; or

(6) As S corporation income allocated to this State of a New Jersey S corporation.

b. Income from sources within this State for a nonresident individual shall not include income from pensions and annuities as set forth in subsection j. of N.J.S.54A:5-1.

c. For purposes of paragraphs (2) through (4) of subsection a. of this section, a nonresident taxpayer shall not be deemed to be carrying on a trade, profession, occupation, business, enterprise, undertaking or other activity in this State, or to be rendering personal services in this State, solely as a result of the purchase, holding and sale of intangible personal property by the trade, profession, occupation, business, enterprise or undertaking, to the extent that (1) the activities related to the intangible personal property are for the account of the trade, profession, occupation, business, enterprise, or undertaking and (2) the trade, profession, occupation, business, enterprise, or undertaking does not hold the intangible personal property for sale to customers. For the purposes of this subsection: "intangible personal property" includes, but is not limited to, "commodities", as defined in paragraph (2) of subsection (e), and "securities," as defined in paragraph (2) of subsection (c), of section 475 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.475; and "purchase, holding and sale of intangible personal property" includes activities incidental thereto giving rise to income, including commitment fees, breakup fees, income from securities lending, and any other incidental activities as prescribed or authorized by the director. The director shall adopt such regulations as the director deems necessary to accomplish the purposes of this section.

15. N.J.S.54A:8-4 is amended to read as follows:

Declarations of estimated tax.

54A:8-4. Declarations of estimated tax. (a) Requirement of filing. Every resident and nonresident individual shall make a declaration of the individual's estimated New Jersey personal income tax for each taxable year beginning after June 30, 1976, if the individual's estimated New Jersey personal income tax can reasonably be expected to be more than \$400 in excess of any credits allowable against the individual's tax, whether or not the individual is required to file a federal declaration of estimated tax for such year.

(b) Definition of estimated tax. The term "estimated tax" means the amount which an individual estimates to be the individual's income tax under this act for the taxable year, less the amount which the individual estimates to be the sum of any credits allowable against the tax.

(c) Joint declaration of husband and wife. A husband and wife may make a joint declaration of estimated tax as if they were one taxpayer, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if husband and wife are separated under a decree of divorce or of separate maintenance, or if they have different taxable years. If a joint declaration is made but husband and wife elect to determine their taxes under this act separately, the estimated tax for such year may be treated as the estimated tax of either husband or wife, or may be divided between them, as they may elect.

(d) Time for filing declaration. Beginning in the taxable year 1976 and every taxable year thereafter a declaration of estimated tax of an individual other than a farmer shall be filed on or before April 15 of the taxable year, except that if the requirements of subsection (a) are first met:

(1) After April 1 and before June 2 of the taxable year, the declaration shall be filed on or before June 15; or

(2) After June 1 and before September 2 of the taxable year the declaration shall be filed on or before September 15; or

(3) After September 1 of the taxable year, the declaration shall be filed on or before January 15 of the succeeding year.

(e) Declaration of estimated tax by a farmer. A declaration of estimated tax of an individual having an estimated New Jersey income from farming (including oyster farming) for the taxable year which is at least two-thirds of the individual's total estimated New Jersey income for the taxable year may be filed at any time on or before January 15 of the succeeding year, in lieu of the time otherwise prescribed.

(f) Declaration of estimated tax of \$400 or less. A declaration of estimated tax of an individual having a total estimated tax for the taxable year of \$400 or less may be filed at any time on or before January 15 of the succeeding year under regulations of the director.

(g) Amendments of declaration. An individual may amend a declaration under regulations of the director.

(h) Return as declaration or amendment. If on or before February 15 of the succeeding taxable year an individual files his return for the taxable year for which the declaration is required, and pays therewith the full amount of the tax shown to be due on the return:

(1) Such return shall be considered as his declaration if no declaration was required to be filed during the taxable year, but is otherwise required to be filed on or before January 15;

(2) Such return shall be considered as the amendment permitted by subsection (g) to be filed on or before January 15 if the tax shown on the return is greater than the estimated tax shown in a declaration previously made.

(i) Fiscal year. This section shall apply to a taxable year other than a calendar year by the substitution of the months of such fiscal year for the corresponding months specified in this section.

(j) Short taxable year. An individual having a taxable year of less than 12 months shall make a declaration in accordance with regulations of the director.

(k) Declaration for individual under a disability. The declaration of estimated tax for an individual who is unable to make a declaration by reason of minority or other disability shall be made and filed by the individual's guardian, committee, fiduciary or other person charged with the care of the individual's person or property (other than a receiver in possession of only a part of the individual's property), or by the individual's duly authorized agent.

(l) In the taxable year 1976, no declaration shall be required until the lapse of at least one full calendar quarter following enactment of this act.

(m) This section shall also apply to an estate or trust taxpayer other than an estate or trust that meets the two-year limitation and other criteria of paragraph (2) of subsection (l) of section 6654 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.6654.

16. N.J.S.54A:9-6 is amended to read as follows:

Additions to tax and civil penalties.

54A:9-6. Additions to tax and civil penalties. (a) Failure to file tax return. In case of failure to file a tax return under this act on or before the prescribed date (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on such return such amount as is required under the State Tax Uniform Procedure Law, R.S.54:48-1 et seq. For this purpose, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed upon the return.

(b) Deficiency due to negligence. If any part of a deficiency is due to negligence or intentional disregard of this act or rules or regulations hereunder (but without intent to defraud), there shall be added to the tax an amount equal to 10% of the deficiency.

(c) Failure to file declaration or underpayment of estimated tax. If any taxpayer fails to file a declaration of estimated tax or fails to pay all or any part of an installment of estimated tax, the taxpayer shall be deemed to have made an underpayment of estimated tax except as provided pursuant to

subsection (d) of this section. There shall be added to the tax for the taxable year an amount at the rate as is required under the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., upon the amount of the underpayment for the period of the underpayment but not beyond the 15th day of the fourth month following the close of the taxable year. The amount of underpayment shall be the excess of the lesser of: (1) the amount of the installment which would be required to be paid if the estimated tax were equal to 80% of the tax (two-thirds of the tax for farmers referred to in subsection (e) of section 54A:8-4) shown on the return for the taxable year (or if no return was filed, of the tax for such year), or (2) 100% of the tax shown on the tax return of the taxpayer for the preceding taxable year; over the amount, if any, of the installment paid on or before the last day prescribed for such payment. No underpayment shall be deemed to exist with respect to a declaration or installment otherwise due on or after the taxpayer's death.

(d) Exception to addition for underpayment of estimated tax. The addition to tax under subsection (c) with respect to any underpayment of any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds whichever of the following set forth in paragraphs (1) and (2) and subject to paragraph (3) is the lesser--

(1) The amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least--

(A) An amount equal to 100% of the tax shown on the return of the taxpayer for the preceding taxable year, except as provided pursuant to paragraph (3) of this subsection, if a return showing a liability for tax was filed by the taxpayer for the preceding taxable year and such preceding year was a taxable year of 12 months, or

(B) An amount equal to 100% of the tax computed, except as provided pursuant to paragraph (3) of this subsection, at the rates applicable to the taxable year, on the basis of the taxpayer's status with respect to the taxpayer's personal exemptions for the taxable year, but otherwise on the basis of the facts shown on the taxpayer's return for, and the law applicable to, the preceding taxable year, or

(C) An amount equal to 80% of the tax for the taxable year (two-thirds of the tax for farmers referred to in subsection (e) of section 54A:8-4) computed by placing on an annualized basis the income for the months in the taxable year ending before the month in which the installment is required to be paid (or, in the case of a trust or estate, the income for the months ending before the date one month before the month in which the installment is required). For purposes of this subparagraph, the income shall be placed on an annualized basis by--

(i) Multiplying by 12 (or, in the case of a taxable year of less than 12 months, the number of months in the taxable year) the income for the months in the taxable year ending before the month in which the installment is required to be paid (or, in the case of a trust or estate, the income for the months ending before the date one month before the month in which the installment is required),

(ii) Dividing the resulting amount by the number of months in the taxable year ending before the month in which such installment date falls (or, in the case of a trust or estate, the number of months ending before the date one month before the month in which such installment date falls), and

(iii) Deducting from such amount the deductions for personal exemptions allowable for the taxable year (such personal exemptions being determined as of the last date prescribed for payment of the installment); or

(2) An amount equal to 90% of the tax computed, at the rates applicable to the taxable year, on the basis of the actual income for the months in the taxable year ending before the month in which the installment is required to be paid.

(3) If the taxable gross income shown on the return of the taxpayer for the preceding taxable year exceeds \$150,000 (\$75,000 in the case of a married individual within the meaning of section 7703 of the federal Internal Revenue Code of 1986, 26 U.S.C. s.7703, filing separately for the taxable year for which the amount of the installment is being determined) subparagraphs (A) and (B) of paragraph (1) of this subsection shall be applied by substituting "110%" for "100%". For purposes of this paragraph, "taxable gross income" means gross income after any allowable deductions under chapter 3 or 3A of the "New Jersey Gross Income Tax Act" (C.54A:3-1 et seq and 54A:3A-1 et seq); or, in the case of a trust or estate, gross income after any allowable deductions or exemptions, income commissions and amounts distributed or credited to beneficiaries; and "gross income" for a nonresident means gross income calculated as if such nonresident were a resident.

(e) Deficiency due to fraud. If any part of a deficiency is due to fraud, there shall be added to the tax an amount equal to 50% of the deficiency. This amount shall be in lieu of any other addition to tax imposed by subsection (a) or (b).

(f) Nonwillful failure to pay withholding tax. If any employer, without intent to evade or defeat any tax imposed by this act or the payment thereof, shall fail to make a return and pay a tax withheld by him at the time required by or under the provisions of section 54A:7-4, such employer shall be liable for such tax and shall pay the same together with interest thereon and the addition to tax provided in subsection (a), and such interest and addition to tax shall not be charged to or collected from the employee by the employer.

The director shall have the same rights and powers for the collection of such tax, interest and addition to tax against such employer as are now prescribed by this act for the collection of tax against an individual taxpayer.

(g) Willful failure to collect and pay over tax. Any person required to collect, truthfully account for, and pay over the tax imposed by this act who willfully fails to collect such tax or truthfully account for and pay over such tax or willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. No addition to tax under subsection (b) or (c) shall be imposed for any offense to which this subsection applies.

(h) Failure to file certain information returns. In case of each failure to file a statement of a payment to another person, required under authority of subsection (c) of section 54A:8-6 (relating to information at source, including the duplicate statement of tax withheld on wages) on the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not to willful neglect, there shall, upon notice and demand by the director and in the same manner as tax, be paid by the person so failing to file the statement, a penalty of \$2.00 for each statement not so filed, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed \$2,000.00.

(i) Additional penalty. Any person who with fraudulent intent shall fail to pay, or to deduct or withhold and pay, any tax, or to make, render, sign or certify any return or declaration of estimated tax or to supply any information within the time required by or under this act, shall be liable to penalty of not more than \$5,000.00, in addition to any other amounts required under this act, to be imposed, assessed and collected by the director. The director shall have the power, in his discretion, to waive, reduce or compromise any penalty under this subsection.

(j) Additions treated as tax. The additions to tax and penalties provided by this section shall be paid upon notice and demand and shall be assessed, collected and paid in the same manner as taxes and any reference in this act to income tax or tax imposed by this act, shall be deemed also to refer to the additions to tax and penalties provided by this section. For purposes of section 54A:9-2, this subsection shall not apply to:

- (1) Any addition to tax under subsection (a) except as to that portion attributable to a deficiency;
- (2) Any addition to tax under subsection (e); and
- (3) Any additional penalty under subsection (i).

(k) Determination of deficiency. For purposes of subsections (b) and (c), the amount shown as the tax by the taxpayer upon his return shall be taken into account in determining the amount of the deficiency only if such return was filed on or before the last day prescribed for the filing of such return, determined with regard to any extension of time for such filing.

(l) Person defined. For purposes of subsections (f), (g), (h) and (i), the term person or employer includes an individual, corporation or partnership or an officer or employee of any corporation (including a dissolved corporation) or a member or employee of any partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

17. N.J.S.54A:9-10 is amended to read as follows:

Appeal to tax court, claim for refund.

54A:9-10. (a) Appeal to tax court. Any aggrieved taxpayer may, within 90 days after any decision, order, finding, assessment or action of the Director of the Division of Taxation made pursuant to the provisions of this act, appeal therefrom to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq.

(b) Any aggrieved taxpayer that has neither protested or appealed from an additional assessment of tax may, pursuant to subsection b. of R.S.54:49-14, file a claim for refund of the assessment paid.

(c) Appeal exclusive remedy of taxpayer. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a decision of the director in respect of the determination of the liability of the taxpayer for the taxes imposed by this act.

(d) Credit, refund or abatement after review. If the amount of a deficiency determined by the director is disallowed in whole or in part, the amount so disallowed shall be credited or refunded to the taxpayer, without the making of claim therefor, or, if payment has not been made, shall be abated.

(e) Date of finality of director's decision. A decision of the director shall become final upon the expiration of the period specified in subsection (a) for filing a complaint with the tax court, if no such complaint has been filed within such time, or if such complaint has been duly made, upon expiration of the time for all further appeals, or upon the rendering by the director of a decision in accordance with the mandate of the tax court or the courts on appeal. Notwithstanding the foregoing, for the purpose of forming a complaint, the decision of the director shall be deemed final on the date the notice of decision is sent by mail to the taxpayer.

18. This act shall take effect immediately and apply to return periods beginning on or after January 1 next following enactment; provided however, that section 14 shall apply to taxable years ending after enactment.

Approved September 14, 1998.

CHAPTER 107

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, 1998 and regulating the disbursement thereof," approved June 27, 1997 (P.L.1997, c.131).

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

1. In addition to the amounts appropriated under P.L.1997, c.131, there is appropriated out of the General Fund the following sum for the purpose specified:

GRANTS-IN-AID
22 DEPARTMENT OF COMMUNITY AFFAIRS
40 Community Development And Environmental Management
41 Community Development Management

18-8017 Morris County Life Safety Complex Grant	\$2,000,000
State Aid and Grants:	
Grant to Morris County to expand and refurbish Life Safety Complex.	(\$2,000,000)

2. This act shall take effect immediately.

Approved September 14, 1998.

CHAPTER 108

AN ACT concerning graduated motor vehicle licensing, amending R.S.39:3-10, P.L.1977, c.23, R.S.39:3-13, P.L.1950, c.127, P.L.1977, c.25, and supplementing chapter 3 of Title 39 of the Revised Statutes and P.L.1990, c.8.

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

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

Licensing of drivers; classifications.

39:3-10. No person shall drive a motor vehicle on a public highway in this State unless in possession of a validated permit, or a provisional or basic driver's license issued to him in accordance with this article.

No person under 18 years of age shall be issued a basic license to drive motor vehicles, nor shall a person be issued a validated permit, including a validated examination permit, until he has passed a satisfactory examination and other requirements as to his ability as an operator. The examination shall include a test of the applicant's vision, his ability to understand traffic control devices, his knowledge of safe driving practices and of the effects that ingestion of alcohol or drugs has on a person's ability to operate a motor vehicle, his knowledge of such portions of the mechanism of motor vehicles as is necessary to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant and of the laws and ordinary usages of the road. A road test shall be required for a provisional license and serve as a demonstration of the applicant's ability to operate a vehicle of the class designated. The road test shall be given on public streets, where practicable and feasible, but may be preceded by an off-street screening process to assess basic skills. The director shall approve locations for the road test which pose no more than a minimal risk of injury to the applicant, the examiner and other motorists. No new locations for the road test shall be approved unless the test can be given on public streets.

The director shall issue a basic driver's license to operate a motor vehicle other than a motorcycle to a person over 18 years of age who previously has not been licensed to drive a motor vehicle in this State or another jurisdiction only if that person has: (1) operated a passenger automobile in compliance with the requirements of this title for not less than one year, not including any period of suspension or postponement, either from the date of issuance of an examination permit pursuant to R.S.39:3-13 or a provisional license pursuant to section 4 of P.L.1950, c.127 (C.39:3-13.4); (2) not been assessed more than two motor vehicle points and has not been convicted in the previous year for a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1; or any other motor vehicle-related violation the director determines to be significant and applicable pursuant to regulation; and (3) passed an

examination of his ability to operate a motor vehicle pursuant to this section.

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

Up to 20 questions may be added to the examination on subjects to be determined by the director that are of particular relevance to youthful drivers, after consultation with the Director of the Office of Highway Traffic Safety.

The director shall expand the driver's license examination to include a question asking whether the applicant is aware of the provisions of the "Uniform Anatomical Gift Act," P.L.1969, c.161 (C.26:6-57 et seq.) and the procedure for indicating on the driver's license the intention to make a donation of body organs or tissues pursuant to P.L.1978, c.181 (C.39:3-12.2).

Any person applying for a driver's license to operate a motor vehicle or motorized bicycle in this State shall surrender to the director any current driver's license issued to him by another state or jurisdiction upon his receipt of a driver's license for this State. The director shall refuse to issue a driver's license if the applicant fails to comply with this provision. An applicant for a permit or license who is less than 18 years of age, and who holds a permit or license for a passenger automobile issued by another state or country that is valid or has expired within a time period designated by the director, shall be subject to the permit and license requirements and penalties applicable to State permit and license applicants who are of the same age; except that if the other State or country has permit or license standards substantially similar to those of this State, the credentials of the other state or country shall be acceptable.

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

- a. Motorcycles, except that for the purposes of this section, motorcycle shall not include any three-wheeled motor vehicle equipped with a single cab with glazing enclosing the occupant, seats similar to those of a passenger vehicle or truck, seat belts and automotive steering;
- b. Omnibuses as classified by R.S.39:3-10.1 and school buses classified under N.J.S.18A:39-1 et seq.;

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

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

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

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

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

The director may, at his discretion and for good cause shown, issue licenses which shall expire on a date fixed by him. The fee for licenses with expiration dates fixed by the director shall be fixed by the director in amounts proportionately less or greater than the fee herein established.

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

Motorcycle license or endorsement	\$13
Omnibus or school bus endorsement	\$16
Articulated vehicle endorsement	\$8
Basic driver's license	\$16

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

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

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

The director in his discretion may refuse to grant a permit or license to drive motor vehicles to a person who is, in his estimation, not a proper person to be granted such a permit or license, but no defect of the applicant

shall debar him from receiving a permit or license unless it can be shown by tests approved by the Director of the Division of Motor Vehicles that the defect incapacitates him from safely operating a motor vehicle.

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

A person violating this section shall be subject to a fine not exceeding \$500 or imprisonment in the county jail for not more than 60 days, but if that person has never been licensed to drive in this State or any other jurisdiction, he shall be subject to a fine of not less than \$200 and, in addition, the court shall issue an order to the Director of the Division of Motor Vehicles requiring the director to refuse to issue a license to operate a motor vehicle to the person for a period of not less than 180 days. The penalties provided for by this paragraph shall not be applicable in cases where failure to have actual possession of the operator's license is due to an administrative or technical error by the Division of Motor Vehicles.

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

2. Section 1 of P.L.1977, c.23 (C.39:3-10b) is amended to read as follows:

C.39:3-10b Initial motorcycle license; two-year probationary period.

1. All successful applicants for a motorcycle license who previously have never been licensed to drive a motor vehicle in this, or any other state, shall be licensed on a probationary basis for the two-year period following the issuance of their initial licenses. No such license shall physically differ by way of appearance from a nonprobationary license.

3. R.S.39:3-13 is amended to read as follows:

Examination permits.

39:3-13. The director may, in his discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become a licensed driver, to operate a designated class of motor vehicles other than passenger automobiles for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles.

The director, in his discretion, may issue for a specified period of not less than one year an examination permit to operate a passenger automobile to a person over 17 years of age regardless of whether a person has completed a course of behind-the-wheel automobile driving education pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1). An examination permit applicant who is under 18 years of age shall obtain the signature of a parent or guardian for submission to the division on a form prescribed by the director. The director shall postpone for six months the driving privileges of any person who submits a fraudulent signature for a parent or guardian.

For six months immediately following the issuance of an examination permit, the holder who is less than 21 years of age shall operate the passenger automobile only when accompanied by, and under the supervision of, a New Jersey licensed driver who is at least 21 years of age and has been licensed to drive a passenger automobile for not less than three years. The holder of an examination permit who is at least 21 years of age shall operate the passenger automobile for the first three months under such supervision. The supervising driver shall sit in the front seat of the vehicle. Whenever operating a vehicle while in possession of an examination permit, the holder of the permit shall operate the passenger automobile with only one additional passenger in the vehicle excluding persons with whom the holder resides, except that this passenger restriction shall not apply when either the permit holder or one other passenger is at least 21 years of age. Further, the holder of the permit who is less than 21 years of age shall not drive during the hours between 12:01 a.m. and 5 a.m.; provided, however, that this condition may be waived for an emergency which, in the judgment of local police, is of sufficient severity and magnitude to substantially endanger the health, safety, welfare or property of a person, or for any bona fide employment or religion-related activity if the employer or appropriate religious authority provides written verification of such activity in a manner provided for by the director. The permit holder shall also ensure that all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system.

When notified by a court of competent jurisdiction that an examination permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law the director deems significant and applicable pursuant to regulation, in addition to any other penalty that may be imposed, the director shall, without the

exercise of discretion or a hearing, suspend the examination permit holder's examination permit for 90 days. The director shall restore the permit following the term of the permit suspension if the permit holder satisfactorily completes a remedial training course of not less than four hours and remits a course fee prescribed by the director. The director also shall postpone without the exercise of discretion or a hearing the issuance of a basic license for 90 days if the director is notified by a court of competent jurisdiction that the examination permit holder, after completion of the remedial training course, has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.182 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5, subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law the director deems significant and applicable pursuant to regulation. When the director is notified by a court of competent jurisdiction that an examination permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and is not otherwise subject to any other suspension penalty therefor, the director shall, without the exercise of discretion or a hearing, suspend the examination permit for six months. A fine of \$100 shall be imposed for any other violation of the conditions of the examination permit.

An examination permit for a motorcycle or a commercial motor vehicle issued to a handicapped person, as determined by the Division of Motor Vehicles after consultation with the Department of Education, shall be valid for nine months or until the completion of the road test portion of his license examination, whichever period is shorter.

Each permit shall be sufficient license for the person to operate such designated class of motor vehicles in this State during the period specified, while in the company of and under the control of a driver licensed by this State to operate such designated class of motor vehicles, or, in the case of a commercial driver license permit, while in the company of and under the control of a holder of a valid commercial driver license for the appropriate license class and with the appropriate endorsements issued by this or any other state. Such person, as well as the licensed driver, except for a motor vehicle examiner administering a driving skills test, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver. In addition to requiring an applicant for an examination permit to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining the permit, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

The holder of an examination permit shall be required to take a road test in order to obtain a basic driver's license. No road test for any person

who has been issued an examination permit to operate a passenger vehicle shall be given unless the person has met the requirements of this section. No road test for a basic driver's license shall be given unless the applicant has first secured an examination permit and no such road test shall be scheduled for an applicant who has secured an examination permit for a passenger vehicle until at least one year shall have elapsed following the validation of the examination permit for practice driving or, in the case of an examination permit for other vehicles, until 20 days has elapsed, except that in the case of an omnibus endorsement or school bus no road test shall be scheduled until at least 10 days shall have elapsed. Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learners' permits and examination permits shall be as follows:

Basic driver's license.....	up to \$10
Motorcycle license or endorsement.....	\$5
Omnibus or school bus endorsement.....	\$25
Articulated vehicle endorsement.....	\$15

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

The specified period for which a permit is issued may be extended for not more than an additional 60 days, without payment of added fee, upon application made by the holder thereof, where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the director was unable to schedule an examination during said period.

4. Section 1 of P.L.1950, c.127 (C.39:3-13.1) is amended to read as follows:

C.39:3-13.1 Issuance of special learner's permit.

1. The Director of the Division of Motor Vehicles may issue to a person over 16 years of age a special learner's permit, under the hand and seal of the director, allowing such person, for the purpose of preparing himself to qualify for a provisional license for a passenger automobile by

operating a dual pedal controlled motor vehicle while taking a required course of behind-the-wheel automobile driving education approved by the State Department of Education and conducted in a public, parochial or private school of this State or a course of behind-the-wheel automobile driving instruction conducted by a drivers' school duly licensed pursuant to the provisions of P.L.1951, c.216 (C.39:12-1 et seq.). The special learner's permit shall be issued in lieu of the examination permit provided for in R.S.39:3-13. In addition to requiring an applicant for a permit to submit satisfactory proof of identity and age, the director also shall require the applicant to provide, as a condition for obtaining a permit, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

The special learner's permit described above, when issued to a person taking a course of behind-the-wheel driving education conducted in a public, parochial or private school, shall be retained in the office of the school principal at all times except during such time as the person to whom the permit is issued is undergoing behind-the-wheel automobile driving instruction. The director may make such rules and regulations as he may deem necessary to carry out the provisions of this section.

5. Section 6 of P.L.1977, c.25 (C.39:3-13.2a) is amended to read as follows:

C.39:3-13.2a Special learner's permit; use, hours.

6. Any person to whom a special learner's permit has been issued pursuant to section 1 of P.L.1950, c.127 (C.39:3-13.1), upon successful completion of a behind-the-wheel driving course conducted by a licensed drivers' school or of a public, parochial or private school driving education course, shall be entitled to retain the special learner's permit in his own possession. The special learner's permit shall be considered validated for the purpose of driving a motor vehicle on a public highway in this State after the holder has successfully met the necessary examination requirements, and upon the successful completion of a behind-the-wheel driving course. Such person may operate a motor vehicle of the class for which a basic driver's license is required except during the hours between 11:01 p.m. and 5:00 a.m. while in the company and under the supervision, from the front passenger seat, of a licensed motor vehicle driver of this State who is over 21 years of age and has been licensed to drive a passenger automobile for at least three years. Such special permit shall be valid until such person's seventeenth birthday or until he qualifies for a provisional license. Except during an instructional period of a behind-the-wheel driving course, the holder of a special permit shall operate a passenger automobile with only the following passengers: (1)

the supervising passenger; (2) persons who share the permit holder's residence; and (3) one additional passenger who does not reside with the permit holder. All occupants of the automobile shall be secured in a properly adjusted and fastened seat belt or child restraint system.

When notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of a violation which causes the permit holder to accumulate more than two motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law the director determines to be significant and applicable pursuant to regulation, and in addition to any other penalty that may be imposed, the director shall, without the exercise of discretion or a hearing, suspend the holder's special learner's permit for 90 days. The director shall restore the permit following the term of the permit suspension if the permit holder satisfactorily completes a remedial training course of not less than four hours and remits a course fee prescribed by the director. If, after completion of the remedial training course, the director is notified by a court of competent jurisdiction that the special learner's permit holder has been convicted of any motor vehicle violation which results in the imposition of any motor vehicle points or has been convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other motor vehicle-related law the director deems significant and applicable pursuant to regulation, the director, without the exercise of discretion or a hearing, shall also postpone the issuance of a basic license for 90 days. When the director is notified by a court of competent jurisdiction that a special learner's permit holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle and he is not otherwise subject to any other suspension penalty therefor, the director shall, without the exercise of discretion or a hearing, suspend the special learner's permit for six months. A fine of \$100 shall be imposed for any other violations of the conditions of the special learner's permit.

6. Section 3 of P.L.1950, c.127 (C.39:3-13.3) is amended to read as follows:

C.39:3-13.3 Written application for special permit.

3. No special permit shall be issued unless the person applying therefor shall present a written application for the same, bearing a certification by the principal of the school indicating that the person is enrolled in an approved behind-the-wheel driving education course in the school of which he is principal or by the person operating a duly licensed

drivers' school indicating that the person has contracted to take a course of behind-the-wheel automobile driving instruction offered by the school and shall pay a sum of up to \$10 as determined by the director to an agent of the Division of Motor Vehicles, which sum shall be turned over by the agent to the director, and by him remitted with the other funds collected in his division to the State Treasurer, in accordance with law. A special learner's permit to operate a passenger automobile shall not be issued to any person younger than 18 years of age without the signature of a parent or guardian. The signature shall be submitted to the division on a form prescribed by the director. The director shall postpone for six months the driving privileges of any person who submits a fraudulent signature for a parent or guardian.

7. Section 4 of P.L.1950, c.127 (C.39:3-13.4) is amended to read as follows:

C.39:3-13.4 Provisional driver's license.

4. The holder of a special learner's permit shall be entitled to a provisional driver's license (1) upon attaining the age of 17 years, (2) upon the satisfactory completion of an approved behind-the-wheel automobile driving education course as indicated upon the face of the special permit over the signature of the principal of the school or the person operating the drivers' school in which the course was conducted, (3) upon the completion of six months' driving experience with a validated special learner's permit in compliance with the provisions of section 6 of P.L.1977, c.25 (C.39:3-13.2a) and (4) upon passing the road test pursuant to R.S.39:3-10.

The holder of a provisional license shall be permitted to operate the passenger automobile with only one additional passenger in the vehicle besides persons with whom the holder resides, except that this passenger restriction shall not apply when either the holder of the provisional license or one other passenger is at least 21 years of age. Further, the holder of the provisional license who is under 21 years of age shall not drive during the hours between 12:01 a.m. and 5 a.m.; provided however, that this condition may be waived for an emergency which, in the judgment of local police, is of sufficient severity and magnitude to substantially endanger the health, safety, welfare or property of a person or for any bona fide employment or religion-related activity if the employer or appropriate religious authority provides written verification of such activity in a manner provided for by the director. In addition, the holder of the provisional license shall ensure that all occupants of the vehicle are secured in a properly adjusted and fastened seat belt or child restraint system. In addition to any other penalties provided under law, the holder

of a provisional license who accumulates more than two motor vehicle points or is convicted of a violation of R.S.39:4-50; section 2 of P.L.1981, c.512 (C.39:4-50.4a); P.L.1992, c.189 (C.39:4-50.14); R.S.39:4-129; N.J.S.2C:11-5; subsection c. of N.J.S.2C:12-1 or any other motor vehicle law the director deems to be significant and applicable pursuant to regulation shall, for the first violation, be required to satisfactorily complete a remedial training course of not less than four hours and remit a course fee prescribed by the director. When notified by a court of competent jurisdiction that a provisional license holder has been convicted of a second or subsequent violation, in addition to any other penalties provided under law, the director shall, without the exercise of discretion or a hearing, suspend the provisional license for three months and shall postpone eligibility for a basic license for an equivalent period. In addition, when the director is notified by a court of competent jurisdiction that a provisional license holder has been convicted of any alcohol or drug-related offense unrelated to the operation of a motor vehicle, and he is not otherwise subject to any other suspension penalty therefor, the director shall, without the exercise of discretion or a hearing, suspend the provisional license for six months. A provisional license holder who violates other conditions of the license shall be fined \$100.

A provisional license may be sent by mail and shall be clearly identifiable and distinguishable in appearance from a basic license by any name, mark, color or device deemed appropriate by the director.

C.27:5F-41 Development of curriculum guidelines for safe operation of motor vehicles.

8. a. The Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety, after consultation with the Director of the Division of Motor Vehicles in the Department of Transportation and the Advisory Committee on Driver Education established in section 10 of P.L.1998, c.108 (C.27:5F-43), shall develop curriculum guidelines for use by teachers of approved classroom driver education courses. The course of instruction for approved courses shall be designed to develop and instill the knowledge and attitudes necessary for the safe operation and driving of motor vehicles. Defensive driving, highway courtesy, accident avoidance and understanding and respect for the State's motor vehicle laws shall be emphasized. The incorporation of these curriculum guidelines in these classroom courses and the use of related instructional materials shall be a requirement for approval of the course by the Director of the Division of Motor Vehicles.

b. The Director of the Office of Highway Traffic Safety, in consultation with the Director of the Division of Motor Vehicles, shall produce an informational brochure for parents and guardians of beginning

drivers under the age of 18 years. The division shall ensure that the parents or guardians of a permit holder receive these brochures at the time a permit is issued to a beginning driver. The brochures shall include, but not be limited to, the following information:

- (1) Setting an example for the beginning driver;
- (2) Accident and fatality statistics about beginning drivers;
- (3) Causes of accidents among beginning drivers;
- (4) The need to supervise vehicle operation by a beginning driver;
- (5) Methods to coach a beginning driver on how to reduce accidents; and
- (6) A description of the graduated driver's license program.

C.27:5F-42 "Graduated Driver License Fund."

9. a. There is created in the Department of Transportation a special non-lapsing fund to be known as the "Graduated Driver License Fund." There shall be deposited in the fund up to \$5 from each special learner's permit fee and examination permit fee for a passenger automobile that is established pursuant to R.S.39:3-13 and any other monies that may be made available for graduated license program start-up costs. The Division of Motor Vehicles shall administer expenditures from this fund.

b. Amounts necessary to reimburse the Division of Motor Vehicles in the Department of Transportation and the Office of Highway Traffic Safety in the Department of Law and Public Safety for all costs reasonably and actually incurred in the initial implementation and continuing administration of this act shall be appropriated from the fund. The Division of Motor Vehicles and the Office of Highway Traffic Safety shall certify to the State Treasurer their start-up costs to carry out their responsibilities under this act, and the program's costs annually thereafter. This amount shall be reimbursed to the Division of Motor Vehicles and the Office of Highway Traffic Safety from the Graduated Driver License Fund. In the event the fund's balance is insufficient to fully reimburse these costs, the State Treasurer shall provide to the Graduated Driver License Fund a loan from the General Fund in the amount needed to fully defray these costs. This loan shall be repaid to the General Fund when the balance in the Graduated Driver License Fund exceeds the amount necessary to reimburse these costs.

C.27:5F-43 State Advisory Committee on Driver Education.

10. There is established a State Advisory Committee on Driver Education. The Governor shall appoint to the committee representatives from the Department of Education, the Department of Transportation, the American Automobile Association Clubs of New Jersey, the Driving School Association of New Jersey, the New Jersey Association of Chiefs of Police, the New Jersey State Safety Council and the New Jersey Traffic

Safety Officers Association. The committee shall make recommendations to the Directors of the Division of Motor Vehicles and the Office of Highway Traffic Safety with respect to rules and regulations promulgated under this act including, but not limited to, the development of curriculum guidelines for classroom driver education. Any vacancies occurring in the membership shall be filled in the same manner as the original appointments.

C.39:3-13.6 Evaluation of graduated license program; report to Governor, Legislature.

11. The Division of Motor Vehicles shall monitor the performance of new drivers of passenger automobiles and, in conjunction with the Office of Highway Traffic Safety, report to the Governor and the Legislature evaluating the operation and effectiveness of this act. The Division of Motor Vehicles shall detail the disbursement of monies from the Driver Education Fund in the report. The division and the office shall make any recommendations necessary to better effectuate the provisions of this act.

C.39:3-13.7 Rules, regulations.

12. The Director of the Division of Motor Vehicles and the Director of the Office of Highway Traffic Safety shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations each determines to be necessary to effectuate their respective responsibilities under this act.

13. This act shall take effect on January 1, 2001 and shall apply to any applicant for a special learner's permit who is under 16 years of age, or, in the case of an applicant for an examination permit, at least 17 years of age on the effective date of this act. Prior to the effective date, the Director of the Division of Motor Vehicles in the Department of Transportation and the Director of the Office of Highway Traffic Safety in the Department of Law and Public Safety may take such anticipatory administrative action in advance as shall be necessary for the implementation of this act.

Approved September 17, 1998.

CHAPTER 109

AN ACT concerning the adoption of the State Development and Redevelopment Plan and amending and supplementing P.L.1985, c.398.

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

1. Section 7 of P.L.1985, c.398 (C.52:18A-202) is amended to read as follows:

C.52:18A-202 Advice of other entities; plan cross-acceptance.

7. a. In preparing, maintaining and revising the State Development and Redevelopment Plan, the commission shall solicit and give due consideration to the plans, comments and advice of each county and municipality, State agencies designated by the commission and other local and regional entities. Prior to the adoption of each plan, the commission shall prepare and distribute a preliminary plan to each county planning board, municipal planning board and other requesting parties, including State agencies and metropolitan planning organizations. Not less than 45 nor more than 90 days thereafter, the commission shall conduct a joint public informational meeting with each county planning board in each county for the purpose of providing information on the plan, responding to inquiries concerning the plan, and receiving informal comments and recommendations from county and municipal planning boards, local public officials and other interested parties.

b. The commission shall negotiate plan cross-acceptance with each county planning board, which shall solicit and receive any findings, recommendations and objections concerning the plan from local planning bodies. Each county planning board shall negotiate plan cross-acceptance among the local planning bodies within the county, unless it shall notify the commission in writing within 45 days of the receipt of the preliminary plan that it waives this responsibility, in which case the commission shall designate an appropriate entity, or itself, to assume this responsibility. Each board or designated entity shall, within ten months of receipt of the preliminary plan, file with the commission a formal report of findings, recommendations and objections concerning the plan, including a description of the degree of consistency and any remaining inconsistency between the preliminary plan and county and municipal plans. In any event, should any municipality's plan remain inconsistent with the State Development and Redevelopment Plan after the completion of the cross-acceptance process, the municipality may file its own report with the State Planning Commission, notwithstanding the fact that the County Planning Board has filed its report with the State Planning Commission. The term cross-acceptance means a process of comparison of planning policies among governmental levels with the purpose of attaining compatibility between local, county and State plans. The process is designed to result in a written statement specifying areas of agreement or disagreement and areas requiring modification by parties to the cross-acceptance.

c. Upon consideration of the formal reports of the county planning boards, the commission shall prepare and distribute a final plan to county and municipal planning boards and other interested parties. The commission shall conduct not less than six public hearings in different locations throughout the State for the purpose of receiving comments on the final plan. The commission shall give at least 30 days' public notice of each hearing in advertisements in at least two newspapers which circulate in the area served by the hearing and at least 30 days' notice to the governing body and planning board of each county and municipality in the area served by the hearing.

d. Taking full account of the testimony presented at the public hearings, the commission shall make revisions in the plan as it deems necessary and appropriate and adopt the final plan by a majority vote of its authorized membership no later than 60 days after the final public hearing.

C.52:18A-202a Extended period for filing report on preliminary plan.

2. The extended period for the filing of a formal report of findings, recommendations and objections concerning the preliminary plan provided for in section 7 of P.L.1985, c.398 (C.52:18A-202), as amended by P.L.1998, c.109, shall apply to any preliminary plan which has not been finalized by the commission, as provided in subsection c. of section 7 of P.L.1985, c.398 (C.52:18A-202) prior to the effective date of P.L.1998, c.109.

3. This act shall take effect immediately.

Approved September 17, 1998.

CHAPTER 110

AN ACT establishing a commission to study school transportation and making an appropriation.

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

1. There is established the School Transportation Study Commission which shall be composed of 26 members as follows: the chairpersons of the Senate Education Committee, the Assembly Education Committee, the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee, or their designees, as ex officio members; two

members of the Senate appointed by the President upon the recommendation of the minority leader of that House; two members of the General Assembly appointed by the Speaker upon the recommendation of the minority leader of that House; and the Commissioner of Education or a designee. Nine members of the public shall be appointed by the President of the Senate including one parent whose child receives regular school busing and one representative from each of the following organizations: the New Jersey Association of School Administrators, the New Jersey Education Association, the New Jersey School Bus Owners Association, the New Jersey Parent-Teacher Association, the Advisory Committee for Nonpublic Schools of the New Jersey Department of Education, the Joint Council of County Special Services School Districts, Transport Workers Union, AFL-CIO, and a jointure commission. Eight members of the public shall be appointed by the Speaker of the General Assembly including one parent whose child receives courtesy school busing and one parent whose child receives nonpublic school busing and one representative from each of the following organizations: the School Transportation Supervisors of New Jersey, the New Jersey School Boards Association, the New Jersey Association of School Business Officials, the New Jersey Principals and Supervisors Association, the New Jersey Council of County Vocational Schools, and the New Jersey Council of Educational Services Commissions. The public members representing the various organizations shall be appointed by the President of the Senate and the Speaker of the General Assembly upon the recommendation of the appropriate organization. Any vacancy in the membership of the commission shall be filled by appointment in the same manner as the original appointment was made.

2. The commission shall organize as soon as possible after the appointment of its members. The commission shall be co-chaired, with one co-chair being appointed by the President of the Senate from among the commission members who are Senators and one co-chair being appointed by the Speaker of the General Assembly from among the commission members who are members of the General Assembly.

3. It shall be the duty of the commission to study New Jersey's school transportation system. The commission shall investigate the advisability of alternative systems for providing school transportation in this State, including a county or regionally-based transportation system. The commission shall also examine the issues of courtesy busing, safety busing, special education busing and nonpublic school busing and the

ways in which these aspects of school transportation may be provided in a more equitable and cost-effective manner.

4. The members of the commission shall serve without compensation, but shall be reimbursed for such traveling and other expenses as they may deem necessary for the proper execution of their duties and as may be within the limit of funds appropriated or otherwise made available to them for these purposes. Staff and related support services shall be provided to the commission by the Office of Legislative Services. The commission shall also 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 its purposes.

5. The commission may meet and hold hearings at the place or places it designates during the sessions or recesses of the Legislature and shall issue a final report of its findings and recommendations, including any recommended legislation, to the Governor and the Legislature no later than six months after its organizational meeting.

6. The commission shall have all the powers granted pursuant to chapter 13 of Title 52 of the Revised Statutes.

7. There is appropriated \$10,000 from the General Fund to the commission to effectuate the purposes of this act.

8. This act shall take effect immediately and shall expire 30 days after the submission of the final report.

Approved September 17, 1998.

CHAPTER 111

AN ACT concerning competency to stand trial and State psychiatric hospitals, and amending N.J.S.2C:4-5 and supplementing Title 30 of the Revised Statutes.

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

1. N.J.S.2C:4-5 is amended to read as follows:

Psychiatric or psychological examination of defendant with respect to fitness to proceed.**2C:4-5. Psychiatric or Psychological Examination of Defendant With Respect to Fitness to Proceed.**

a. Whenever there is reason to doubt the defendant's fitness to proceed, the court may on motion by the prosecutor, the defendant or on its own motion, appoint at least one qualified psychiatrist or licensed psychologist to examine and report upon the mental condition of the defendant. The psychiatrist or licensed psychologist so appointed shall be either:

(1) From a list agreed to by the court, the prosecutor and the defendant; or

(2) Agreed to by the court, prosecutor and defendant.

Alternatively, the court may order examination of a defendant for fitness to proceed by the Department of Human Services. The department shall provide or arrange for examination of the defendant at a jail, prison or psychiatric hospital. However, to ensure that a defendant is not unnecessarily hospitalized for the purpose of the examination, a defendant shall not be admitted to a State psychiatric hospital for an examination regarding his fitness to proceed unless a qualified psychiatrist or licensed psychologist designated by the commissioner determines that hospitalization is clinically necessary to perform the examination. Whenever the qualified psychiatrist or licensed psychologist determines that hospitalization is clinically necessary to perform the examination, the court shall order the defendant to be committed to the custody of the Commissioner of Human Services for placement in a State psychiatric hospital designated for that purpose for a period not exceeding 30 days.

A qualified psychiatrist or licensed psychologist retained by the defendant or by the prosecutor shall, if requested, be permitted to examine a defendant who has been admitted to a State psychiatric hospital.

b. The report of the examination shall include at least the following: (1) a description of the nature of the examination; (2) a diagnosis of the mental condition of the defendant; (3) an opinion as to the defendant's capacity to understand the proceedings against him and to assist in his own defense. The person or persons conducting the examination may ask questions respecting the crime charged when such questions are necessary to enable formation of an opinion as to a relevant issue, however, the evidentiary character of any inculpatory statement shall be limited expressly to the question of competency and shall not be admissible on the issue of guilt.

c. If the examination cannot be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of

the defendant was the result of mental incompetence. Upon the filing of such a report, the court may permit examination without cooperation, may appoint a different psychiatrist or licensed psychologist, or may commit the defendant for observation for a period not exceeding 30 days except on good cause shown, or exclude or limit testimony by the defense psychiatrist or licensed psychologist.

d. The report of the examination shall be sent by the psychiatrist or licensed psychologist to the court, the prosecutor and counsel for the defendant.

C.30:1-2.4 Designation of hospital to admit persons involuntarily committed.

2. a. In order to ensure the safety of patients, employees and the general public as well as appropriate treatment, a criminal defendant, sentenced inmate, person being examined or treated for fitness to proceed pursuant to N.J.S.2C:4-5 and N.J.S.2C:4-6, person acquitted of a criminal charge by reason of insanity pursuant to N.J.S.2C:4-9, or person who is committed pursuant to section 4 of P.L.1994,c.134 (C.30:4-82.4), who is in need of involuntary commitment shall not be admitted to a State psychiatric hospital, unless the Commissioner of Human Services has specifically designated the hospital to admit these persons. The court shall commit these persons to the custody of the Commissioner of Human Services for placement in an appropriate, designated hospital.

b. Within 30 days of the date of enactment of this act, the commissioner shall designate those State psychiatric hospitals which may admit one or more of the persons specified in subsection a. of this section. The designation of a hospital shall be subject to renewal every five years. In the event the commissioner proposes changes either upon renewal of a designation or during the five-year period that would result in a State psychiatric hospital being designated for an additional category of person specified in subsection a. of this section, the commissioner shall provide notice of the proposed change to the legislators of a district in which that State psychiatric facility either borders upon or is contained within.

c. The commissioner shall:

(1) arrange for a public hearing in the vicinity of the affected State psychiatric hospital concerning the proposed change; and

(2) review and consider a summary of all comments made at the public hearing prior to making a final decision regarding the proposed change.

3. This act shall take effect on the 30th day after enactment.

Approved September 17, 1998.

CHAPTER 112

AN ACT concerning parole in certain cases and amending P.L.1979, c.441.

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

1. Section 9 of P.L.1979, c.441 (C.30:4-123.53) is amended to read as follows:

C.30:4-123.53 Release of inmate.

9. a. An adult inmate shall be released on parole at the time of parole eligibility, unless information supplied in the report filed pursuant to section 10 of P.L.1979, c.441 (C.30:4-123.54) or developed or produced at a hearing held pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55) indicates by a preponderance of the evidence that the inmate has failed to cooperate in his or her own rehabilitation or that there is a reasonable expectation that the inmate will violate conditions of parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) if released on parole at that time. In reaching such determination, the board panel or board shall state on the record the reasons therefor.

For the purposes of this subsection, "failed to cooperate in his or her own rehabilitation" shall include, in the case of an inmate who suffers from mental illness as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2) that does not require institutionalization, that the inmate failed to fully participate in or cooperate with all prescribed treatment offered during incarceration.

b. A juvenile inmate shall be released on parole when it shall appear that the juvenile, if released, will not cause injury to persons or substantial injury to property.

2. Section 12 of P.L.1979, c.441 (C.30:4-123.56) is amended to read as follows:

C.30:4-123.56 Schedule of future parole eligibility dates; statement of denial.

12. a. The board shall develop a schedule of future parole eligibility dates for adult inmates denied release at their eligibility date. In developing such schedule, particular emphasis shall be placed on the severity of the offense for which he was denied parole and on the characteristics of the offender, such as, but not limited to, the prior criminal record of the inmate and the need for continued incapacitation of the inmate.

b. If the release on the eligibility date is denied, the board panel which conducted the hearing shall refer to the schedule published pursuant to subsection a., and include in its statement denying parole notice of the date of future parole consideration. If such date differs from the date otherwise established by the schedule, the board panel shall include particular reasons therefor. The future parole eligibility date shall not be altered to take into account remissions of sentence for good behavior and diligent application to work and other assignments; provided however, the future parole eligibility date may be altered pursuant to section 8 of P.L.1979, c. 441 (C.30:4-123.52).

c. An inmate shall be released on parole on the new parole eligibility date unless information filed pursuant to a procedure identical to that set forth in section 10 of P.L.1979, c.441 (C.30:4-123.54) indicates by a preponderance of the evidence that the inmate has failed to cooperate in his or her own rehabilitation or that there is a reasonable expectation that the inmate will violate conditions of parole imposed pursuant to section 15 of P.L.1979, c.441 (C.30:4-123.59) if released on parole at that time. The determination of whether the inmate shall be released on the new parole eligibility date shall be made pursuant to the procedure set forth in section 11 of P.L.1979, c.441 (C.30:4-123.55) and this section.

For the purposes of this subsection, "failed to cooperate in his or her own rehabilitation" shall include, in the case of an inmate who suffers from mental illness as defined in section 2 of P.L.1987, c.116 (C.30:4-27.2) that does not require institutionalization, that the inmate failed to fully participate in or cooperate with all prescribed treatment offered during incarceration.

3. This act shall take effect immediately.

Approved September 17, 1998.

CHAPTER 113

AN ACT excluding Holocaust restitution and compensation from income for gross income tax and PAAD eligibility purposes and supplementing chapter 6 of Title 54A of the New Jersey Statutes and P.L.1975, c.194 (C.30:4D-20 et seq.).

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

C.54A:6-29 Holocaust reparations, restitution excluded from gross income.

1. Gross income shall not include amounts received as reparations or restitution for the loss of liberty or damage to health by the victims of National Socialist (Nazi) persecution; returns of tangible or intangible property seized, misappropriated, or lost as a result of National Socialist (Nazi) actions or policies and any cash values in replacement of such property; payments of insurance policies purchased by the victims of National Socialist (Nazi) persecution; and any accumulated or accrued interest on such amounts.

National Socialist (Nazi) actions or policies include, but are not limited to, actions and policies taken by Germany and other countries, or by organizations and institutions within those countries, against the victims of the Nazi Holocaust.

C.30:4D-21.3 Holocaust reparations, restitution not considered income for determination of PAAD eligibility.

2. Amounts received as reparations or restitution for the loss of liberty or damage to health by the victims of National Socialist (Nazi) persecution; returns of tangible or intangible property seized, misappropriated, or lost as a result of National Socialist (Nazi) actions or policies and any cash values in replacement of such property; payments of insurance policies purchased by the victims of National Socialist (Nazi) persecution; and any accumulated or accrued interest on such amounts shall not be counted as income for the purpose of determining eligibility for the Pharmaceutical Assistance to the Aged and Disabled program established pursuant to P.L.1975, c.194 (C.30:4D-20 et seq.).

3. This act shall take effect immediately and apply to all tangible and intangible property received after enactment.

Approved October 20, 1998.

CHAPTER 114

AN ACT exempting certain sales by municipal electric utilities from sales tax and exempting municipal electric utilities from corporation business tax, amending P.L.1945, c.162 and P.L.1997, c.162.

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

1. 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:

(a) Corporations subject to a tax assessed upon the basis of gross receipts, 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 (26 U.S.C.s.521), 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 Title 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) Sewerage and water corporations subject to a tax under the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) 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 the same is defined under the provisions of the "Retirement Community Full Disclosure Act," P.L.1969, c.215 (C.45:22A-1 et seq.);

(i) Corporations which are licensed as insurance companies under the laws of another state, including corporations which are surplus lines insurers declared eligible by the Commissioner of Banking and Insurance pursuant to section 11 of P.L.1960, c.32 (C.17:22-6.45) to insure risks within this State; and

(j) (1) Municipal electric corporations that were in existence as of January 1, 1995 provided that all of their income is from sales, exchanges or deliveries of electricity derived from customers using electricity within their municipal boundaries; and (2) Municipal electric utilities that were in existence as of January 1, 1995 provided that all of their income is from sales, exchanges or deliveries of electricity derived from customers using electricity within their franchise area existing as of January 1, 1995. If a municipal electric corporation derives income from sales, exchanges or deliveries of electricity from customers using the electricity outside its municipal boundaries, such municipal electric corporation shall be subject to the tax imposed by this act on all income. If a municipal electric utility derives income from sales, exchanges or deliveries of electricity from customers using electricity outside its franchise area existing as of January 1, 1995, such municipal electric utility shall be subject to the tax imposed by the act on all income.

2. Section 4 of P.L.1945, c.162 (C.54:10A-4) is amended to read as follows:

C.54:10A-4 Definitions.

4. For the purposes of this act, unless the context requires a different meaning:

(a) "Commissioner" shall mean the Director of the Division of Taxation of the State Department of the Treasury.

(b) "Allocation factor" shall mean the proportionate part of a taxpayer's net worth or entire net income used to determine a measure of its tax under this act.

(c) "Corporation" shall mean any corporation, joint-stock company or association and any business conducted by a trustee or trustees wherein

interest or ownership is evidenced by a certificate of interest or ownership or similar written instrument.

(d) "Net worth" shall mean the aggregate of the values disclosed by the books of the corporation for (1) issued and outstanding capital stock, (2) paid-in or capital surplus, (3) earned surplus and undivided profits, and (4) surplus reserves which can reasonably be expected to accrue to holders or owners of equitable shares, not including reasonable valuation reserves, such as reserves for depreciation or obsolescence or depletion. Notwithstanding the foregoing, net worth shall not include any deduction for the amount of the excess depreciation described in paragraph (2)(F) of subsection (k) of this section. The foregoing aggregate of values shall be reduced by 50% of the amount disclosed by the books of the corporation for investment in the capital stock of one or more subsidiaries, which investment is defined as ownership (1) of at least 80% of the total combined voting power of all classes of stock of the subsidiary entitled to vote and (2) of at least 80% of the total number of shares of all other classes of stock except nonvoting stock which is limited and preferred as to dividends. In the case of investment in an entity organized under the laws of a foreign country, the foregoing requisite degree of ownership shall effect a like reduction of such investment from the net worth of the taxpayer, if the foreign entity is considered a corporation for any purpose under the United States federal income tax laws, such as (but not by way of sole examples) for the purpose of supplying deemed paid foreign tax credits or for the purpose of status as a controlled foreign corporation. In calculating the net worth of a taxpayer entitled to reduction for investment in subsidiaries, the amount of liabilities of the taxpayer shall be reduced by such proportion of the liabilities as corresponds to the ratio which the excluded portion of the subsidiary values bears to the total assets of the taxpayer.

In the case of banking corporations which have international banking facilities as defined in subsection (n), the foregoing aggregate of values shall also be reduced by retained earnings of the international banking facility. Retained earnings means the earnings accumulated over the life of such facility and shall not include the distributive share of dividends paid and federal income taxes paid or payable during the tax year.

If in the opinion of the commissioner, the corporation's books do not disclose fair valuations the commissioner may make a reasonable determination of the net worth which, in his opinion, would reflect the fair value of the assets, exclusive of subsidiary investments as defined aforesaid, carried on the books of the corporation, in accordance with sound accounting principles, and such determination shall be used as net worth for the purpose of this act.

(e) (Deleted by amendment, P.L.1998, c.114.)

(f) "Investment company" shall mean any corporation whose business during the period covered by its report consisted, to the extent of at least 90% thereof of holding, investing and reinvesting in stocks, bonds, notes, mortgages, debentures, patents, patent rights and other securities for its own account, but this shall not include any corporation which: (1) is a merchant or a dealer of stocks, bonds and other securities, regularly engaged in buying the same and selling the same to customers; or (2) had less than 90% of its average gross assets in New Jersey, at cost, invested in stocks, bonds, debentures, mortgages, notes, patents, patent rights or other securities or consisting of cash on deposit during the period covered by its report; or (3) is a banking corporation or a financial business corporation as defined in the Corporation Business Tax Act.

(g) "Regulated investment company" shall mean any corporation which for a period covered by its report, is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789), as amended.

(h) "Taxpayer" shall mean any corporation required to report or to pay taxes, interest or penalties under this act.

(i) "Fiscal year" shall mean an accounting period ending on any day other than the last day of December on the basis of which the taxpayer is required to report for federal income tax purposes.

(j) Except as herein provided, "privilege period" shall mean the calendar or fiscal accounting period for which a tax is payable under this act.

(k) "Entire net income" shall mean total net income from all sources, whether within or without the United States, and shall include the gain derived from the employment of capital or labor, or from both combined, as well as profit gained through a sale or conversion of capital assets. For the purpose of this act, the amount of a taxpayer's entire net income shall be deemed prima facie to be equal in amount to the taxable income, before net operating loss deduction and special deductions, which the taxpayer is required to report to the United States Treasury Department for the purpose of computing its federal income tax; provided, however, that in the determination of such entire net income,

(1) Entire net income shall exclude for the periods set forth in paragraph (2)(F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which is included in a taxpayer's federal taxable income solely as a result of an election made pursuant to the provisions of paragraph (8) of that section.

(2) Entire net income shall be determined without the exclusion, deduction or credit of:

(A) The amount of any specific exemption or credit allowed in any law of the United States imposing any tax on or measured by the income of corporations;

(B) Any part of any income from dividends or interest on any kind of stock, securities or indebtedness, except as provided in paragraph (5) of subsection (k) of this section;

(C) Taxes paid or accrued to the United States, a possession or territory of the United States, a state, a political subdivision thereof, or the District of Columbia on or measured by profits or income, or business presence or business activity, or the tax imposed by this act, or any tax paid or accrued with respect to subsidiary dividends excluded from entire net income as provided in paragraph (5) of subsection (k) of this section;

(D) (Deleted by amendment, P.L.1985, c.143.)

(E) (Deleted by amendment, P.L.1995, c.418.)

(F) (i) The amount by which depreciation reported to the United States Treasury Department for property placed in service on and after January 1, 1981, but prior to taxpayer fiscal or calendar accounting years beginning on and after the effective date of P.L.1993, c.172, for purposes of computing federal taxable income in accordance with section 168 of the Internal Revenue Code in effect after December 31, 1980, exceeds the amount of depreciation determined in accordance with the Internal Revenue Code provisions in effect prior to January 1, 1981, but only with respect to a taxpayer's accounting period ending after December 31, 1981; provided, however, that where a taxpayer's accounting period begins in 1981 and ends in 1982, no modification shall be required with respect to this paragraph (F) for the report filed for such period with respect to property placed in service during that part of the accounting period which occurs in 1981. The provisions of this subparagraph shall not apply to assets placed in service prior to January 1, 1998 of a gas, gas and electric, and electric public utility that was subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998.

(ii) For the periods set forth in subparagraph (F)(i) of this subsection, any amount, except with respect to qualified mass commuting vehicles as described in section 168(f)(8)(D)(v) of the Internal Revenue Code as in effect immediately prior to January 1, 1984, which the taxpayer claimed as a deduction in computing federal income tax pursuant to a qualified lease agreement under paragraph (8) of that section.

The director shall promulgate rules and regulations necessary to carry out the provisions of this section, which rules shall provide, among others, the manner in which the remaining life of property shall be reported.

(G) (i) The amount of any civil, civil administrative, or criminal penalty or fine, including a penalty or fine under an administrative consent order, assessed and collected for a violation of a State or federal environmental law, an administrative consent order, or an environmental ordinance or resolution of a local governmental entity, and any interest earned on the penalty or fine, and any economic benefits having accrued to the violator as a result of a violation, which benefits are assessed and recovered in a civil, civil administrative, or criminal action, or pursuant to an administrative consent order. The provisions of this paragraph shall not apply to a penalty or fine assessed or collected for a violation of a State or federal environmental law, or local environmental ordinance or resolution, if the penalty or fine was for a violation that resulted from fire, riot, sabotage, flood, storm event, natural cause, or other act of God beyond the reasonable control of the violator, or caused by an act or omission of a person who was outside the reasonable control of the violator.

(ii) The amount of treble damages paid to the Department of Environmental Protection pursuant to subsection a. of section 7 of P.L.1976, c.141 (C.58:10-23.11f), for costs incurred by the department in removing, or arranging for the removal of, an unauthorized discharge upon failure of the discharger to comply with a directive from the department to remove, or arrange for the removal of, the discharge.

(H) The amount of any sales and use tax paid by a utility vendor pursuant to section 71 of P.L.1997, c.162.

(3) The commissioner may, whenever necessary to properly reflect the entire net income of any taxpayer, determine the year or period in which any item of income or deduction shall be included, without being limited to the method of accounting employed by the taxpayer.

(4) There shall be allowed as a deduction from entire net income of a banking corporation, to the extent not deductible in determining federal taxable income, the eligible net income of an international banking facility determined as follows:

(A) The eligible net income of an international banking facility shall be the amount remaining after subtracting from the eligible gross income the applicable expenses;

(B) Eligible gross income shall be the gross income derived by an international banking facility, which shall include, but not be limited to, gross income derived from:

(i) Making, arranging for, placing or carrying loans to foreign persons, provided, however, that in the case of a foreign person which is an individual, or which is a foreign branch of a domestic corporation (other than a bank), or which is a foreign corporation or foreign partnership which is controlled by one or more domestic corporations (other than

banks), domestic partnerships or resident individuals, all the proceeds of the loan are for use outside of the United States;

(ii) Making or placing deposits with foreign persons which are banks or foreign branches of banks (including foreign subsidiaries) or foreign branches of the taxpayers or with other international banking facilities;

(iii) Entering into foreign exchange trading or hedging transactions related to any of the transactions described in this paragraph; or

(iv) Such other activities as an international banking facility may, from time to time, be authorized to engage in;

(C) Applicable expenses shall be any expense or other deductions attributable, directly or indirectly, to the eligible gross income described in subparagraph (B) of this paragraph.

(5) Entire net income shall exclude 100% of dividends which were included in computing such taxable income for federal income tax purposes, paid to the taxpayer by one or more subsidiaries owned by the taxpayer to the extent of the 80% or more ownership of investment described in subsection (d) of this section. With respect to other dividends, entire net income shall not include 50% of the total included in computing such taxable income for federal income tax purposes.

(6) (A) Net operating loss deduction. There shall be allowed as a deduction for the taxable year the net operating loss carryover to that year.

(B) Net operating loss carryover. A net operating loss for any taxable year ending after June 30, 1984 shall be a net operating loss carryover to each of the seven years following the year of the loss. The entire amount of the net operating loss for any taxable year (the "loss year") shall be carried to the earliest of the taxable years to which the loss may be carried. The portion of the loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of the loss over the sum of the entire net income, computed without the exclusions permitted in paragraphs (4) and (5) of this subsection or the net operating loss deduction provided by subparagraph (A) of this paragraph, for each of the prior taxable years to which the loss may be carried.

(C) Net operating loss. For purposes of this paragraph the term "net operating loss" means the excess of the deductions over the gross income used in computing entire net income without the net operating loss deduction provided for in subparagraph (A) of this paragraph and the exclusions in paragraphs (4) and (5) of this subsection.

(D) Change in ownership. Where there is a change in 50% or more of the ownership of a corporation because of redemption or sale of stock and the corporation changes the trade or business giving rise to the loss, no net operating loss sustained before the changes may be carried over to be deducted from income earned after such changes. In addition where the

facts support the premise that the corporation was acquired under any circumstances for the primary purpose of the use of its net operating loss carryover, the director may disallow the carryover.

(7) The entire net income of gas, electric and gas and electric public utilities that were subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998, shall be adjusted by substituting the New Jersey depreciation allowance for federal tax depreciation with respect to assets placed in service prior to January 1, 1998. For gas, electric, and gas and electric public utilities that were subject to the provisions of P.L.1940, c.5 (C.54:30A-49 et seq.) prior to 1998, the New Jersey depreciation allowance shall be computed as follows: All depreciable assets placed in service prior to January 1, 1998 shall be considered a single asset account. The New Jersey tax basis of this depreciable asset account shall be an amount equal to the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all depreciable assets in service on December 31, 1997, increased by the excess, of the "net carrying value," defined to be adjusted book basis of all assets and liabilities, excluding deferred income taxes, recorded on the public utility's books of account on December 31, 1997, over the carryover adjusted basis for federal income tax purposes on December 31, 1997 of all assets and liabilities owned by the gas, electric, or gas and electric public utility as of December 31, 1997. "Books of account" for gas, gas and electric, and electric public utilities means the uniform system of accounts as promulgated by the Federal Energy Regulatory Commission and adopted by the Board of Public Utilities. The following adjustments to entire net income shall be made pursuant to this section:

(A) Depreciation for property placed in service prior to January 1, 1998 shall be adjusted as follows:

(i) Depreciation for federal income tax purposes shall be disallowed in full.

(ii) A deduction shall be allowed for the New Jersey depreciation allowance.

The New Jersey depreciation allowance shall be computed for the single asset account described above based on the New Jersey tax basis as adjusted above as if all assets in the single asset account were first placed in service on January 1, 1998. Depreciation shall be computed using the straight line method over a thirty-year life. A full year's depreciation shall be allowed in the initial tax year. No half-year convention shall apply. The depreciable basis of the single account shall be reduced by the adjusted federal tax basis of assets sold, retired, or otherwise disposed of during any year on which gain or loss is recognized for federal income tax purposes as described in subparagraph (B) of this paragraph.

(B) Gains and losses on sales, retirements and other dispositions of assets placed in service prior to January 1, 1998 shall be recognized and reported on the same basis as for federal income tax purposes.

(C) The Director of the Division of Taxation shall promulgate regulations describing the methodology for allocating the single asset account in the event that a portion of the utility's operations are separated, spun-off, transferred to a separate company or otherwise disaggregated.

(8) In the case of taxpayers that are gas, electric, gas and electric, or telecommunication public utilities as defined pursuant to subsection (q) of this section, the director shall have authority to promulgate rules and issue guidance correcting distortions and adjusting timing differences resulting from the adoption of P.L.1997, c.162 (C.54:10A-5.25 et al.).

(9) Notwithstanding paragraph (1) of this subsection, entire net income shall not include the income derived by a corporation organized in a foreign country from the international operation of a ship or ships, or from the international operation of aircraft, if such income is exempt from federal taxation pursuant to section 883 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.883.

(l) "Real estate investment trust" shall mean any corporation, trust or association qualifying and electing to be taxed as a real estate investment trust under federal law.

(m) "Financial business corporation" shall mean any corporate enterprise which is (1) in substantial competition with the business of national banks and which (2) employs moneyed capital with the object of making profit by its use as money, through discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of debt; buying and selling exchange; making of or dealing in secured or unsecured loans and discounts; dealing in securities and shares of corporate stock by purchasing and selling such securities and stock without recourse, solely upon the order and for the account of customers; or investing and reinvesting in marketable obligations evidencing indebtedness of any person, copartnership, association or corporation in the form of bonds, notes or debentures commonly known as investment securities; or dealing in or underwriting obligations of the United States, any state or any political subdivision thereof, or of a corporate instrumentality of any of them. This shall include, without limitation of the foregoing, business commonly known as industrial banks, dealers in commercial paper and acceptances, sales finance, personal finance, small loan and mortgage financing businesses, as well as any other enterprise employing moneyed capital coming into competition with the business of national banks; provided that the holding of bonds, notes, or other evidences of indebtedness by individual persons not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with the business of national banks, shall not be deemed financial business. Nor shall "financial business" include national banks,

production credit associations organized under the Farm Credit Act of 1933 or the Farm Credit Act of 1971, Pub.L. 92-181 (12 U.S.C.s.2091 et seq.), stock and mutual insurance companies duly authorized to transact business in this State, security brokers or dealers or investment companies or bankers not employing moneyed capital coming into competition with the business of national banks, real estate investment trusts, or any of the following entities organized under the laws of this State: credit unions, savings banks, savings and loan and building and loan associations, pawnbrokers, and State banks and trust companies.

(n) "International banking facility" shall mean a set of asset and liability accounts segregated on the books and records of a depository institution, United States branch or agency of a foreign bank, or an Edge or Agreement Corporation that includes only international banking facility time deposits and international banking facility extensions of credit as such terms are defined in section 204.8(a)(2) and section 204.8(a)(3) of Regulation D of the board of governors of the Federal Reserve System, 12 CFR Part 204, effective December 3, 1981. In the event that the United States enacts a law, or the board of governors of the Federal Reserve System adopts a regulation which amends the present definition of international banking facility or of such facilities' time deposits or extensions of credit, the Commissioner of Banking and Insurance shall forthwith adopt regulations defining such terms in the same manner as such terms are set forth in the laws of the United States or the regulations of the board of governors of the Federal Reserve System. The regulations of the Commissioner of Banking and Insurance shall thereafter provide the applicable definitions.

(o) "S corporation" means a corporation included in the definition of an "S corporation" pursuant to section 1361 of the federal Internal Revenue Code of 1986, 26 U.S.C.s.1361.

(p) "New Jersey S corporation" means a corporation that is an S corporation; which has made a valid election pursuant to section 3 of P.L.1993, c.173 (C.54:10A-5.22); and which has been an S corporation continuously since the effective date of the valid election made pursuant to section 3 of P.L.1993, c.173 (C.54:10A-5.22).

(q) "Public Utility" means "public utility" as defined in R.S.48:2-13.

3. Section 3 of P.L.1997, c.162 (C.54:10A-5.25) is amended to read as follows:

C.54:10A-5.25 Installment payments of estimated corporation business tax for certain public utilities.

3. a. Gas, electric, gas and electric and telecommunications public utilities that were subject to a public utility tax either pursuant to

P.L.1940, c.4 (C.54:30A-16 et seq.) or P.L.1940, c.5 (C.54:30A-49 et seq.) as of December 31, 1996, shall be required to file and remit installment payments of estimated corporation business tax pursuant to the provisions of subsection (f) of section 15 of P.L.1945, c.162 (C.54:10A-15) during the calendar year in which those taxpayers first become subject to the corporation business tax, provided however, that the provisions of subsection d. of section 5 of P.L.1981, c.184 (C.54:10A-15.4) shall not apply to those taxpayers during that year.

b. A telecommunications public utility that makes an advance payment of its applicable gross receipts and franchise tax to the State in the final year of the existence of such tax and treated such advance payment as an asset on its books and records for that year shall be entitled to a credit against its corporation business tax liability equal to the amount of such advance payment. Any unused portion of the credit may be carried forward in full to future privilege periods, provided however, that in any one privilege period the total amount of such credit which the taxpayer may utilize to pay its corporation business tax liability shall not exceed \$5,000,000. Any gas, electric, or gas and electric public utility taxpayer that has made any advance credit payment pursuant to P.L.1940, c.5 (C.54:30A-49 et seq.), shall not be eligible for a credit for such amount or any part thereof to offset any liability under P.L.1945, c.162. Under no circumstances may any portion of an unused \$5,000,000 per year credit be subject to refund.

c. All amounts remitted under P.L.1945, c.162 by any gas, electric, gas and electric or telecommunication public utility shall be separately accounted for by the State Treasurer.

d. A public utility, with gas, electric or telecommunications operations or any of them shall file with the Board of Public Utilities amendments to its existing tariffs, contracts or schedules of service designating the appropriate apportionment of its corporation business tax liability in these tariffs, contracts or schedules so that rates will not be increased for any class of ratepayer as a result of the transition to this tax. The board may permit gas, electric, gas and electric or telecommunications public utilities to establish new tariffs, contracts or schedules, or to amend existing tariffs, contracts or schedules, as necessary to comply with the provisions of this act.

e. A qualified taxpayer may claim a corporation business tax credit in accordance with the provisions of section 53 of P.L.1997, c.162 (C.54:30A-117) and for local energy utility franchise taxes paid and subject to the limitations of subparagraph (C) of paragraph (2) of subsection (k) of section 4 of P.L.1945, c.162 (C. 54:10A-4).

f. A municipal electric corporation or utility that is not exempt from the corporation business tax pursuant to subsection j. of section 3 of P.L.1945, c.162 (C.54:10A-3), that is required to file a corporation business tax return but that is not required to file a federal corporation tax return, shall file with the director a pro-forma federal corporation tax return at the same time it files its corporation business tax return. The director may promulgate rules and regulations and issue guidance with respect to all issues related to the pro-forma federal corporation tax return.

4. Section 26 of P.L.1997, c.162 (C.54:32B-8.46) is amended to read as follows:

C.54:32B-8.46 Receipts from sale, exchange, delivery, use of electricity; purchase or use of natural gas or utility service.

26. a. Receipts from the sale, exchange, delivery or use of electricity are exempt from the tax imposed under the Sales and Use Tax Act if the electricity:

(1) (a) Is sold by a municipal electric corporation in existence as of December 31, 1995 and used within its municipal boundaries except if the customer is located within a franchise area served by an electric public utility other than the municipal electric corporation. If a municipal electric corporation makes sales of electricity used outside of its municipal boundaries or within a franchise area served by an electric public utility other than the municipal electric corporation, then receipts from those sales of electricity by the municipal electric corporation shall be subject to tax under P.L.1966, c.30; or

(b) Is sold by a municipal electric utility in existence as of December 31, 1995, and used within its municipal boundaries. However, a municipal electric utility's receipts from the sale, exchange, delivery or use of electricity used by customers outside of its municipal boundaries and within its franchise area existing as of December 31, 1995 shall be subject to tax. If a municipal electric utility makes sales of electricity used outside of its franchise area existing as of December 31, 1995, then receipts from those sales of electricity by the municipal electric utility shall be subject to tax under P.L.1966, c.30;

(2) Was generated by a facility located on the user's property or property purchased or leased from the user by the person owning the co-generator and such property is contiguous to the user's property, and the electricity was consumed by the one on-site end user on the user's property, and was not transported to the user over wires that cross a property line or public thoroughfare unless the property line or public thoroughfare merely bifurcated the user's or co-generator owner's otherwise contiguous property or the electricity was consumed by an affiliated user on the same site, or by

a non-affiliated user on the same site with an electric distribution system which is integrated and interconnected with the user on or before March 10, 1997; the director may promulgate rules and regulations and issue guidance with respect to all issues related to affiliated users; or

(3) Is sold for resale.

b. Receipts from the purchase or use of the following are exempt from the tax imposed under the Sales and Use Tax Act:

(1) Natural gas or utility service that is used to generate electricity that is sold for resale or to an end user other than the end user upon whose property is located a co-generation facility or self-generation unit that generated the electricity or upon the property purchased or leased from the end user by the person owning the co-generation facility or self-generation unit if such property is contiguous to the user's property and is the property upon which is located a co-generation facility or self-generation unit that generated the electricity; and

(2) Natural gas and utility service that is used for co-generation at any site at which a co-generation facility was in operation on or before March 10, 1997, or for which an application for an operating permit or a construction permit and a certificate of operation in order to comply with air quality standards under P.L.1954, c.212 (C.26:2C-1 et seq.) has been filed with the Department of Environmental Protection on or before March 10, 1997, to produce electricity for use on that site.

5. This act shall take effect immediately and shall be retroactive to January 1, 1998.

Approved October 28, 1998.

CHAPTER 115

AN ACT authorizing municipalities to establish downtown business improvement zones under certain circumstances, supplementing P.L.1972, c.134 (C.40:56-65 et seq.) and making an appropriation.

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

C.40:56-71.1 Definitions relative to downtown business improvement zones.

1. As used in this act:

"Downtown business improvement zone" or "zone" means a zone designated by a municipality, by ordinance, pursuant to section 2 of

P.L.1998, c.115 (C.40:56-71.2) in order to promote the economic revitalization of the municipality through the encouragement of business improvements within the downtown area.

"Downtown business improvement loan fund" or "fund" means that fund established pursuant to section 3 of P.L.1998, c.115 (C.40:56-71.3).

"Improvement" means the purchasing, leasing, condemning, or otherwise acquiring of land or other property, or an interest therein, in the downtown business improvement zone or as necessary for a right-of-way or other easement to or from the zone; the relocating and moving of persons displaced by the acquisition of land or property; the rehabilitation and redevelopment of land or property, including demolition, clearance, removal, relocation, renovation, alteration, construction, reconstruction, installation or repair of a building, street, highway, alley, service or other structure or improvement; the acquisition, construction, reconstruction, rehabilitation, or installation of parking and other public facilities and improvements, except buildings and facilities for the general conduct of government and schools; and the costs associated therewith including the costs of an appraisal, economic and environmental analyses or engineering, planning, design, architectural, surveying or other professional services necessary to effectuate the improvement.

C.40:56-71.2 "Downtown business improvement zone" designation.

2. With the exception of a municipality in which an urban enterprise zone has been designated, any municipality which has adopted or adopts an ordinance authorizing the establishment of a special improvement district pursuant to section 7 of P.L.1972, c.134 (C.40:56-71) may, by ordinance, designate all or any portion of that district which contains primarily businesses providing retail goods and services as a "downtown business improvement zone."

Within 10 business days of the adoption of an ordinance pursuant to this section, the municipal clerk shall forward a copy of the ordinance to the Director of the Division of Local Government Services in the Department of Community Affairs.

C.40:56-71.3 Loan fund created.

3. There is created a nonlapsing downtown business improvement loan fund in the Department of Community Affairs, which shall be the repository for all moneys appropriated or otherwise made available to the fund. All moneys deposited in the fund shall be held in the fund and disbursed in the amounts necessary to fulfill the purposes of this act and subject to the requirements prescribed in this act. All moneys in the fund, or any portion thereof, may be invested and reinvested in legal obligations of the United States or of the State or of any political

subdivision thereof. Any income from, interest on, or increment to moneys so invested or reinvested shall be included in the fund.

C.40:56-71.4 Loan purposes, application, requirements, review.

4. a. The downtown business improvement loan fund shall be used for the purpose of assisting municipalities that establish downtown business improvement zones in undertaking public improvements to the zones.

b. The municipality or district management corporation may submit a loan application to the Department of Community Affairs to borrow moneys from the fund to undertake a public improvement of the zone.

c. The loan application shall meet all of the requirements set forth in rules and regulations promulgated by the Commissioner of Community Affairs and shall include the following information:

(1) A description of the proposed improvement and how it relates to the special improvement district plan;

(2) An estimate of the total improvement costs;

(3) A statement of any other revenue sources to be used to finance the improvement;

(4) A statement of the time necessary to complete the improvement;

(5) A statement of the manner in which the proposed improvement furthers the purposes of the downtown business improvement zone ; and

(6) An analysis of the costs to be incurred and the benefits anticipated to be derived from the proposed public improvement.

d. In reviewing and approving applications for loans from the downtown business improvement loan fund, the Department of Community Affairs may require that the municipality or the district management corporation receiving the loan provide matching funds, in any percentage that may be deemed appropriate by the department, as a condition for the receipt of the loan.

C.40:56-71.5 Assessments to repay loan.

5. a. In any instance in which a municipality or a district management corporation receives a loan from the downtown business improvement loan fund, the governing body of the municipality shall establish assessments in the manner in which costs may be assessed pursuant to section 8 of P.L.1972, c.134 (C.40:56-72) within the special improvement district in which the downtown business improvement zone is located in an amount sufficient to produce revenues on an annual basis to repay the loan in accordance with the repayment schedule for the loan established by the Department of Community Affairs.

b. The Department of Community Affairs may, at any time, revoke the approval of an improvement or funding for an improvement if it finds

that the payments made from the fund are not being used as required by P.L.1998, c.115 (C.40:56-71.1 et seq.).

C.40:56-71.6 Rules, regulations.

6. The Commissioner of Community Affairs shall promulgate, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) such rules and regulations as are necessary to implement the provisions of P.L.1998, c.115 (C.40:56-71.1 et seq.).

C.40:56-71.7 Study of effects.

7. The Department of Community Affairs shall conduct a study of the effects of P.L.1998, c.115 (C.40:56-71.1 et seq.), make a report of the study's findings and recommendations and submit the report to the Governor, President of the Senate and Speaker of the General Assembly no later than three years following the effective date of P.L.1998, c.115 (C.40:56-71.1 et seq.). In conducting the study the Commissioner of Community Affairs shall seek input from the State Treasurer as well as from a member of the Senate and the General Assembly and a representative of Downtown New Jersey, all to be selected by the Commissioner.

8. There is hereby appropriated \$5 million from the General Fund to the Department of Community Affairs to be deposited in the downtown business improvement loan fund.

9. This act shall take effect on the 60th day next following enactment.

Approved October 28, 1998.

CHAPTER 116

AN ACT concerning hepatitis C, and supplementing Title 26 of the Revised Statutes.

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

C.26:2T-1 Newly diagnosed Hepatitis-C cases; information, reports.

1. The Commissioner of Health and Senior Services shall provide for the inclusion of all newly diagnosed cases of hepatitis C among those communicable diseases which are required to be reported by health care providers or other designated persons to the Department of Health and Senior Services pursuant to N.J.A.C.8:57-1.4 and 8:57-1.5. The commissioner shall require that such information be reported as he

determines necessary to assist the department to develop hepatitis C disease control measures, and shall revise these requirements as necessary to reflect technological advances which improve the ability to diagnose and treat the disease.

C.26:2T-2 Written guidance for screening, diagnosis.

2. The Commissioner of Health and Senior Services shall provide written guidance regarding screening for the hepatitis C virus to licensed physicians and public health officers which reflects current and accepted standards of medical and public health practice, consistent with the recommendations of the federal Centers for Disease Control and Prevention, and encourages appropriate screening and diagnosis of all persons at high risk for hepatitis C infection as defined by the federal centers, including, but not limited to:

- (1) veterans of the United States armed forces;
- (2) women who underwent a caesarian section or a premature delivery prior to 1990;
- (3) persons who received blood or blood products prior to 1992;
- (4) persons who received an organ or tissue transplant prior to 1990;
- (5) persons who have received invasive cosmetic procedures, including body piercing and tattooing;
- (6) persons who have a history of multiple sexually transmitted diseases or multiple partners;
- (7) persons with a history of intravenous drug use; and
- (8) such other categories of persons at high risk for hepatitis C infection as may be determined by the commissioner.

C.26:2T-3 Provision of information materials to physicians, public health officers.

3. The Commissioner of Health and Senior Services shall make available to licensed physicians and public health officers, in printed and electronic format, hepatitis C education and prevention information materials which reflect the recommendations of the federal Centers for Disease Control and Prevention and other relevant entities, including, but not limited to, the American Liver Foundation, for distribution to persons at high risk for hepatitis C infection as described in section 2 of this act.

C.26:2T-4 Rules, regulations.

4. The Commissioner of Health and Senior 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.

5. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 117

AN ACT concerning county and municipal appropriations for certain veterans' memorials and supplementing Title 40 of the Revised Statutes.

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

C.40:10-11 County, municipal appropriations for veterans' memorials.

1. a. The Legislature finds and declares that it is a public purpose and in the public interest to permit local units of government to appropriate funds for county or State memorials honoring war veterans.

b. The governing body of any county or municipality may annually appropriate funds in support of the development, construction and maintenance of a veterans' memorial situate in a public place within the county or State. Appropriations pursuant to this subsection may be made to any governmental or not-for-profit entity established for the purpose of developing, constructing or maintaining the veterans' memorial.

2. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 118

AN ACT exempting sales of donated goods by certain shops operated by tax exempt organizations from the sales and use tax, amending P.L.1966, c.30.

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

1. Section 9 of P.L.1966, c.30 (C.54:32B-9) is amended to read as follows:

C.54:32B-9 Exempt organizations.

9. (a) Except as to motor vehicles sold by any of the following, any sale, service or amusement charge by or to any of the following or any use or occupancy by any of the following shall not be subject to the sales and use taxes imposed under this act:

(1) The State of New Jersey, or any of its agencies, instrumentalities, public authorities, public corporations (including a public corporation created pursuant to agreement or compact with another State) or political subdivisions where it is the purchaser, user or consumer, or where it is a vendor of services or property of a kind not ordinarily sold by private persons;

(2) The United States of America, and any of its agencies and instrumentalities, insofar as it is immune from taxation where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons;

(3) The United Nations or any international organization of which the United States of America is a member where it is the purchaser, user or consumer, or where it sells services or property of a kind not ordinarily sold by private persons.

(b) Except as otherwise provided in this section any sale or amusement charge by or to any of the following or any use or occupancy by any of the following, where such sale, charge, use or occupancy is directly related to the purposes for which the following have been organized, shall not be subject to the sales and use taxes imposed under this act: a corporation, association, trust, or community chest, fund or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, or as a volunteer fire company, rescue, ambulance, first aid or emergency company or squad, and an association of parents and teachers of an elementary or secondary public or private school exempt under the provisions of this section, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

(c) Nothing in this section shall exempt from the taxes imposed under the "Sales and Use Tax Act":

(1) the sale of a motor vehicle by an organization described in subsection (b) of this section, unless the purchaser is an organization exempt under this section;

(2) retail sales of tangible personal property by any shop or store operated by an organization described in subsection (b) of this section, unless the tangible personal property was received by the organization as a gift or contribution and the shop or store is one in which substantially all the work in carrying on the business of the shop or store is performed for the organization without compensation and substantially all of the

shop's or store's merchandise has been received by the organization as gifts or contributions or unless the purchaser is an organization exempt under this section; or

(3) the sale or use of energy or utility service to or by an organization described in paragraph (1) of subsection (a) or subsection (b) of this section.

(d) Any organization enumerated in subsection (b) of this section shall not be entitled to an exemption granted pursuant to this section unless it has complied with such requirements for obtaining a tax immunity authorization as may be provided in this act.

(e) Where any organization described in subsection (b) of this section carries on its activities in furtherance of the purposes for which it was organized, in premises in which, as part of those activities, it operates a hotel, occupancy of rooms in the premises and rents from those rooms received by the organization shall not be subject to tax under the "Sales and Use Tax Act."

(f) (1) Except as provided in paragraph (2) of this subsection, any admissions all of the proceeds of which inure exclusively to the benefit of the following organizations shall not be subject to any of the taxes imposed under subsection (e) of section 3 of P.L.1966, c.30 (C.54:32B-3):

(A) an organization described in paragraph (1) of subsection (a) or subsection (b) of this section;

(B) a society or organization conducted for the sole purpose of maintaining symphony orchestras or operas and receiving substantial support from voluntary contributions;

(C) national guard organizations, posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units or societies are organized in this State, and if no part of their net earnings inures to the benefit of any private stockholder or individual; or

(D) a police or fire department of a political subdivision of the State, or a volunteer fire company, ambulance, first aid, or emergency company or squad, or exclusively to a retirement, pension or disability fund for the sole benefit of members of a police or fire department or to a fund for the heirs of such members.

(2) The exemption provided under paragraph (1) of this subsection shall not apply in the case of admissions to:

(A) Any athletic game or exhibition unless the proceeds shall inure exclusively to the benefit of elementary or secondary schools or unless in the case of an athletic game between two elementary or secondary schools, the entire gross proceeds from such game shall inure to the benefit of one or more organizations described in subsection (b) of this section;

(B) Carnivals, rodeos, or circuses in which any professional performer or operator participates for compensation;

(3) Admission charges for admission to the following places or events shall not be subject to any of the taxes imposed under subsection (e) of section 3 of P.L.1966, c.30 (C.54:32B-3):

(A) Any admission to agricultural fairs if no part of the net earnings thereof inures to the benefit of any stockholders or members of the association conducting the same; provided the proceeds therefrom are used exclusively for the improvement, maintenance and operation of such agricultural fairs.

(B) Any admission to a home or garden which is temporarily open to the general public as a part of a program conducted by a society or organization to permit the inspection of historical homes and gardens; provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

(C) Any admissions to historic sites, houses and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines and museums; provided no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

2. This act shall take effect immediately but remain inoperative until the first day of the third month following enactment.

Approved November 9, 1998.

CHAPTER 119

AN ACT concerning limits on leases by the Board of Island Managers of Burlington Island and amending P.L.1852, c.85.

WHEREAS, The Board of Island Managers of Burlington Island has done an outstanding job of managing the island on behalf of the school fund for the education of the youth of Burlington City; and

WHEREAS, It is in the public interest to remove obstacles to the development of Burlington Island in ways that benefit the residents of Burlington City, Burlington County, and the State of New Jersey; and

WHEREAS, The development of Burlington Island should be accomplished in a way that ensures that the island is accessible to the public for its use and enjoyment forever; and

WHEREAS, It is in the public interest to amend the original grant of power to the Board of Island Managers to authorize long-term leases of island property in order to promote development that benefits

recreational, conservational, educational, and cultural purposes of the public; now, therefore,

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

1. Section 2 of P.L.1852, c.85 is amended to read as follows:

2. That, by such name as aforesaid, the said managers and treasurer, and their successors, shall become seized, invested with, and possessed of all such real and personal estate, or the rents, issues, and profits thereof, or any interest therein, which doth or shall belong unto or constitute any part or portion of the aforesaid school fund, and, by such name, they shall for ever hereafter hold, possess, and enjoy the same; and also shall, by the like name, for ever thereafter be authorized, in law, to purchase, take, hold, receive, and enjoy any lands, tenements, or hereditaments, in fee simple or otherwise, by the gift, alienation, or devise of any person or persons able to grant or devise the same; and also, goods, chattels, legacies, and donations, granted and given to said managers and treasurer for the use aforesaid, of what kind or quality soever, so that the yearly value of said real and personal estate doth not exceed ten thousand dollars; and also, that the said managers and treasurer, and their successors, by the name aforesaid, shall and may have power to grant, convey, lease, assign, or otherwise dispose of all or any of their lands, tenements, or hereditaments, goods, chattels, and personal estate whatsoever, as to them shall seem meet, for the uses and benefit of the school fund for the education of youth aforesaid; provided, that the manager and treasurer, so chosen as aforesaid, shall not be authorized to sell or convey in fee simple the Matinicum island, or any part thereof, or any of the real estate belonging to the said school fund, without the consent of the legal voters of the said city at public referendum conducted in accordance with the referendum provisions of the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.); and provided also that any lease or sale of Mantinicum Island, or portion thereof, shall contain a covenant that shall run with the land and which shall state that the land, whether leased or sold, shall remain in the public domain for recreational, conservational, educational or cultural use, with supporting facilities permitted. Any development shall be accomplished in a way that ensures that the island is accessible to the public for its use and enjoyment

2. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 120

AN ACT concerning public school swimming instructors and supplementing chapter 26 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:26-2.3 Rules, regulations relative to certification of swimming teachers in public schools.

1. The State Board of Education, in consultation with the Commissioner of Health and Senior Services, shall promulgate rules and regulations to provide for the certification of persons employed by boards of education to teach swimming in the public schools. The regulations adopted by the State board shall include requirements to ensure that candidates for certification have the appropriate swimming and first aid skills necessary to protect the health and safety of students.

2. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 121

AN ACT concerning the release of certain account information by a financial institution under certain circumstances and supplementing Title 17 of the Revised Statutes.

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

C.17:16T-1 Findings, declarations relative to release of certain account information of senior or vulnerable customers.

1. The Legislature finds and declares that many customers of financial institutions have worked diligently to accumulate savings and other resources deposited in, or managed by, financial institutions. Some of these customers are vulnerable to fraudulent or other illegal schemes because of advanced years or because of physical or mental illness, disability or deficiency, or because they lack sufficient understanding of and do not have the capacity to make, communicate or carry out decisions concerning the management of their savings or resources. Financial institutions, in the course of conducting business with these vulnerable customers and senior customers, suspect, from time to time, that these

customers are targets of illegal schemes but choose not to act because they are unclear about the conditions under which they may release account information, how much information may be released, and the entities to whom they may release such information. Therefore, the Legislature finds that it is appropriate to provide statutory guidance to financial institutions in this situation.

C.17:16T-2 Definitions relative to release of certain account information.

2. As used in this act:

"Account" means a deposit or fiduciary account maintained with a financial institution in the senior or vulnerable customer's name.

"Community setting" means a private residence or any noninstitutional setting in which a person may reside alone or with others, but shall not include residential health care facilities, rooming houses or boarding homes or any other facility or living arrangement subject to licensure by, operated by, or under contract with, a State department or agency.

"County adult protective services provider" means a county Board of Social Services or other public or nonprofit agency with experience as a New Jersey provider of protective services for adults, designated by the county and approved by the Commissioner of Human Services pursuant to the "Adult Protective Services Act," P.L.1993, c.249 (C.52:27D-406 et seq.).

"Financial institution" means a state or federally chartered bank, savings bank, savings and loan association or credit union.

"Financial record" means an original of, a copy of, or information known to have been derived from, any record held by a financial institution pertaining to a senior or vulnerable customer's account or relationship with the financial institution.

"Law enforcement agency" means a law enforcement agency of the State or of a local government unit.

"Senior customer" means a natural person, who, to the financial institution acting in good faith, appears to be at least 60 years of age, who utilized or is utilizing any service of a financial institution, or for whom a financial institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name.

"Vulnerable customer" means a natural person, who is at least 18 years of age, resides in a community setting, and, to a financial institution acting in good faith, appears to have a physical or mental illness, disability or deficiency, or lacks a sufficient understanding of, and the capacity to make, communicate or carry out decisions concerning, the management of the customer's savings or resources, who utilized or is utilizing any service of a financial institution, or for whom a financial

institution is acting or has acted as a fiduciary, in relation to an account maintained in the person's name.

C.17:16T-3 Release of financial records to law enforcement agency, county adult protective services provider.

3. Notwithstanding any other law, regulation or common law to the contrary, a financial institution may release the financial records regarding a customer's account to a law enforcement agency, a county adult protective services provider, or both if:

- a. A vulnerable customer or a senior customer has a beneficial interest in the account either wholly or in part; and
- b. The financial institution suspects that illegal activity is, or will be, taking place which involves the account including, but not limited to, defrauding any vulnerable or senior customer who has a beneficial interest in the account.

C.17:16T-4 Immunity from liability for financial institution.

4. a. Any financial institution, or officer, employee, or agent thereof, making a disclosure of information pursuant to this act, shall not be liable to the customer under any law or regulation or common law of this State for that disclosure or for any failure to notify the customer of that disclosure.

b. A financial institution, or officer, employee, or agent thereof, which decides in good faith not to disclose information which it is permitted to disclose under this act regarding the account or relationship of a senior or vulnerable customer shall not be liable under any law or regulation or common law of this State for that decision.

5. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 122

AN ACT concerning garage keeper liens and amending and repealing various sections of the New Jersey Statutes.

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

1. N.J.S.2A:44-21 is amended to read as follows:

Garage keeper liens; detention of vehicles; notice; priority.

2A:44-21. A garage keeper who shall store, maintain, keep or repair a motor vehicle or furnish gasoline, accessories or other supplies therefor,

at the request or with the consent of the owner or his representative, shall have a lien upon the motor vehicle or any part thereof for the sum due for such storing, maintaining, keeping or repairing of such motor vehicle or for furnishing gasoline or other fuel, accessories or other supplies therefor, and may, without process of law, detain the same at any time it is lawfully in his possession until the sum is paid. A motor vehicle is considered detained when the owner or person entitled to possession of the motor vehicle is advised by the garage keeper, by a writing sent by certified mail return receipt requested to the address supplied by the owner or person entitled to possession of the motor vehicle, that goods or services have been supplied or performed, and that there is a sum due for those goods or services.

The lien shall not be superior to, nor affect a lien, title or interest of a person held by virtue of a prior conditional sale or a prior chattel mortgage properly recorded or a prior security interest perfected in accordance with chapter 9 of Title 12A of the New Jersey Statutes.

2. N.J.S.2A:44-23 is amended to read as follows:

Statement of amount claimed; offer by owner of reasonable amount and demand for possession; fees.

2A:44-23. The owner or the person entitled to the immediate possession of the motor vehicle or part thereof so detained, may, on learning of the detention of the same, immediately demand from the garage keeper or the person in charge thereof, a statement of the true amount claimed to be due for the storing, maintaining, keeping or repairing of such motor vehicle, or for furnishing gasoline or other fuel, accessories or other supplies therefor. If upon receiving such statement he considers the amount thereof excessive, he may offer what he considers to be reasonably due and demand possession of the motor vehicle or part thereof so detained. If possession is refused, he may immediately bring an action for possession thereof in the Superior Court, Law Division, Special Civil Part or in any other court. The owner or person entitled to immediate possession thereof shall pay the appropriate court fees and costs prior to the hearing; except that the owner or the person may seek relief from the payment of court fees and costs as provided in the Rules Governing the Courts of the State of New Jersey. The application for the waiver of fees shall be determined prior to or in conjunction with the summary hearing for possession of the motor vehicle.

3. N.J.S.2A:44-24 is amended to read as follows:

Entitlement to possession upon payment to garage keeper.

2A:44-24. When the amount determined by the court to be due to the garage keeper is paid in cash or by certified or cashier's check to the garage keeper and the court costs, if any, are deposited with the clerk of the court the owner or person entitled to possession of the motor vehicle or part thereof shall be entitled to possession of the motor vehicle or part thereof, pursuant to process out of said court.

4. N.J.S.2A:44-26 is amended to read as follows:

Action brought for possession; assertion of claim by garage keeper; procedure.

2A:44-26. In an action brought for possession by the motor vehicle owner or person entitled to possession of the motor vehicle, the garage keeper shall assert his claim for a lien in the court in the manner prescribed by the Rules Governing the Courts of the State of New Jersey. The court may hear and determine the matter in a summary manner, and shall determine the amount due to the garage keeper, if any, and the amount of court costs, if any, due to the court clerk.

5. N.J.S.2A:44-27 is amended to read as follows:

Determination of amount of damages.

2A:44-27. If judgment is rendered for the motor vehicle owner or person entitled to possession of the motor vehicle, the court may fix and determine the amount of damages suffered by the motor vehicle owner or person entitled to possession of the motor vehicle for the seizure and detention of the motor vehicle or part thereof, and render a judgment for such amount against the garage keeper.

6. N.J.S.2A:44-29 is amended to read as follows:

Sale of motor vehicle by garage keeper.

2A:44-29. If no proceedings are taken for the repossession of the motor vehicle or part thereof by the motor vehicle owner or person entitled to possession of the motor vehicle, such property so held by the garage keeper shall, after the expiration of not less than 30 days from the date of the detention, be sold at public auction, subject to any prior lien, title or interest held by virtue of a prior conditional sale or a prior chattel mortgage properly recorded. If an action has been brought under N.J.S.2A:44-26 and the court has ordered payment of money to the garage keeper, the garage keeper shall, upon payment to the garage keeper in cash or by certified or cashier's check of the amount ordered by the court, surrender the motor vehicle or part thereof immediately. If the amount in

the court order has not been paid in accordance with this act within 15 days from the date of the order, the property held by the garage keeper may then be sold at public auction, subject to any prior lien, title or interest held by virtue of a prior conditional sale or a prior chattel mortgage properly recorded.

7. N.J.S.2A:44-30 is amended to read as follows:

Notice of sale.

2A:44-30. Notice of the sale, under section 2A:44-29 of this title shall be published for two weeks at least once in each week, in some newspaper circulating in the municipality in which the garage is situate and not less than five days' notice of such sale shall be given by posting the notice at the garage keeper's place of business.

8. N.J.S.2A:44-31 is amended to read as follows:

Application of proceeds of sale.

N.J.S.2A:44-31. The proceeds of the sale shall be applied to the payment of the lien or the amount specified in the order of court and the expenses of the sale. The balance, if any, shall be paid to the owner of the motor vehicle, or part thereof. The balance, if not claimed by the owner within 60 days after sale, shall be paid to the municipality, in which the garage is situated, to provide financial support for social programs for the indigent.

Repealer.

9. N.J.S.2A:44-25 and N.J.S.2A:44-28 are repealed.

10. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 123

AN ACT concerning fund raising activities of certain charitable organizations and amending P.L.1994, c.16.

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

1. Section 15 of P.L.1994, c.16 (C.45:17A-32) is amended to read as follows:

C.45:17A-32 Statements required to be truthful; coercion prohibited; unlawful acts; practices.

15. a. Any statement, whether oral or written, made by a charitable organization, or on behalf of a charitable organization by persons including, but not limited to commercial co-venturers, fund raising counsels, independent paid fund raisers or solicitors shall be truthful.

b. A charitable organization shall establish and exercise control over fund raising activities conducted for its benefit, including approval of all written contracts and agreements, and shall assure that fund raising activities are conducted without coercion.

c. The following acts and practices are declared unlawful as applied to the planning, conduct, or execution of any solicitation or charitable sales promotion:

(1) To misrepresent the purpose or nature of the charitable institution or the purpose or beneficiary of a solicitation; to solicit contributions for a purpose other than the charitable purpose expressed in the statement of the charitable organization or expend contributions in a manner inconsistent with that purpose, or to fail to disclose any material fact. A misrepresentation may be accomplished by words or conduct;

(2) To violate or fail to comply with any of the applicable provisions of this act or the rules adopted under authority of this act;

(3) To violate or fail to comply with any of the applicable provisions of the consumer fraud law, P.L.1960, c.39 (C.56:8-1 et seq.) or the regulations adopted pursuant to that act;

(4) To utilize a name, symbol or statement so closely related or similar to that used by another charitable organization and registered by that organization with the United States Patent and Trademark Office or registered pursuant to R.S.56:2-1 et seq. that its use would tend to confuse or mislead a solicited person or to solicit contributions in a manner or through representations that falsely imply or are likely to create the mistaken belief that the contributions are solicited by or on behalf of another charitable organization;

(5) To utilize or exploit registration so as to lead any person to believe that registration constitutes or implies an endorsement or approval by the State;

(6) To distribute honorary membership or courtesy cards or cards of a similar nature identifying the organization in connection with or in any manner related to the solicitation of funds or contributions for or on behalf of the organization in the case of any charitable organization that limits its membership to persons who are or formerly were employed as

officers statutorily authorized to enforce the criminal laws of this State or that is a parent organization that includes local units that so limit membership;

(7) To utilize information, statements or communications that, although literally true, are presented in a manner that has the capacity to mislead the average consumer; and

(8) To engage in other unlawful acts and practices as may be determined by rules adopted by the Attorney General.

d. It shall be unlawful for any charitable organization to enter into any contract with any person who is required to have registered and failed to do so.

e. It shall be unlawful for any person to represent that tickets to events will be donated by another, unless the following requirements have been met:

(1) The fund raising counsel or independent paid fund raiser shall obtain commitments, in writing and notarized, from charitable organizations stating that they will accept donated tickets and specifying the number of tickets they are willing to accept and for which they are able to provide transportation; copies of such written commitments shall be filed with the Attorney General;

(2) The independent paid fund raiser has taken measures to prevent solicitation of contributions for donated tickets in excess of the number of ticket commitments received from charitable organizations; and

(3) The number of tickets sold will not be greater than the number of seats available at the facility for each event or performance.

2. This act shall take effect immediately, and shall apply to all causes of action accruing after the effective date.

Approved November 9, 1998.

CHAPTER 124

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, 1999 and regulating the disbursement thereof," approved June 30, 1998 (P.L.1998, c.45).

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

1. The following language provisions are amended on p. 126 of P.L.1998, c.45:

Notwithstanding the provisions of any law or regulation to the contrary, effective July 1, 1998 consistent with the notice provisions of 42 C.F.R. s.447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for an initial prescription, and a 34-day or 100-unit dose supply, whichever is greater, for any prescription refill.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998 consistent with the notice provisions of 42 C.F.R. s.447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price less a 10% discount, (b) prescription drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for an initial prescription, and a 34-day or 100-unit dose supply, whichever is greater, for any prescription refill; and (c) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 1998 shall remain in effect through fiscal year 1999, including the current increments for patient consultation, impact allowances, and allowances for 24 hour emergency services.

2. The following language provisions are amended on p. 198 of P.L.1998, c.45:

Notwithstanding the provisions of any law or regulation to the contrary, effective July 1, 1998 consistent with the notice provisions of 42 C.F.R. s.447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: legend and non-legend drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for an initial prescription, and a 34-day or 100-unit dose supply, whichever is greater, for any prescription refill.

Notwithstanding the provisions of any other law or regulation to the contrary, effective July 1, 1998 consistent with the notice provisions

of 42 C.F.R. s.447.205 where applicable, no funds appropriated in the Pharmaceutical Assistance to the Aged and Disabled program classification shall be expended except under the following conditions: (a) reimbursement for prescription drugs shall be based on the Average Wholesale Price less a 10% discount, (b) prescription drugs dispensed by a retail pharmacy shall be limited to a maximum 34-day supply for an initial prescription, and a 34-day or 100-unit dose supply, whichever is greater, for any prescription refill; and (c) the current prescription drug dispensing fee structure set as a variable rate of \$3.73 to \$4.07 in effect on June 30, 1998 shall remain in effect through fiscal year 1999, including the current increments for patient consultation, impact allowances, and allowances for 24 hour emergency services.

3. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 125

AN ACT concerning physician assistants and amending P.L.1991, c.378.

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

1. Section 7 of P.L.1991, c.378 (C.45:9-27.16) is amended to read as follows:

C.45:9-27.16 Allowable procedures.

7. a. A physician assistant may perform the following procedures:

(1) Approaching a patient to elicit a detailed and accurate history, perform an appropriate physical examination, identify problems, record information and interpret and present information to the supervising physician;

(2) Suturing and caring for wounds including removing sutures and clips and changing dressings, except for facial wounds, traumatic wounds requiring suturing in layers and infected wounds;

(3) Providing patient counseling services and patient education consistent with directions of the supervising physician;

(4) Assisting a physician in an inpatient setting by conducting patient rounds, recording patient progress notes, determining and implementing

therapeutic plans jointly with the supervising physician and compiling and recording pertinent narrative case summaries;

(5) Assisting a physician in the delivery of services to patients requiring continuing care in a private home, nursing home, extended care facility or other setting, including the review and monitoring of treatment and therapy plans;

(6) Facilitating the referral of patients to, and promoting their awareness of, health care facilities and other appropriate agencies and resources in the community; and

(7) Such other procedures suitable for discretionary and routine performance by physician assistants as designated by the board pursuant to subsection a. of section 15 of this act.

b. A physician assistant may perform the following procedures only when directed, ordered or prescribed by the supervising physician or specified in accordance with protocols promulgated pursuant to subsection c. of section 15 of this act:

(1) Performing non-invasive laboratory procedures and related studies or assisting duly licensed personnel in the performance of invasive laboratory procedures and related studies;

(2) Giving injections, administering medications and requesting diagnostic studies;

(3) Suturing and caring for facial wounds, traumatic wounds requiring suturing in layers and infected wounds;

(4) Writing prescriptions or ordering medications in an inpatient or outpatient setting in accordance with section 10 of this act; and

(5) Such other procedures as may be specified in accordance with protocols promulgated in accordance with subsection b. of section 15 of this act.

c. A physician assistant may assist a supervising surgeon in the operating room when a qualified assistant physician is not required by the board and a second assistant is deemed necessary by the supervising surgeon.

2. Section 9 of P.L.1991, c.378 (C.45:9-27.18) is amended to read as follows:

C.45:9-27.18 Direct supervision required.

9. a. A physician assistant and a temporary licensed physician assistant shall be under the direct supervision of a physician at all times during which the physician assistant or temporary licensed physician assistant is working in his official capacity.

b. In an inpatient setting, direct supervision of a physician assistant shall include, but not be limited to:

(1) continuing or intermittent presence with constant availability through electronic communications;

(2) regularly scheduled review of the practice of the physician assistant; and

(3) personal review by a physician of all charts and records of patients and countersignature by a physician of all medical orders, including prescribing and administering medication, within 24 hours of their entry by the physician assistant.

c. In an outpatient setting, direct supervision of a physician assistant shall include, but not be limited to:

(1) constant availability through electronic communications;

(2) regularly scheduled review of the practice of the physician assistant; and

(3) personal review by a physician of the charts and records of patients and countersignature by a physician of all medical orders, within seven days of their entry by the physician assistant, except that in the case of any medical order prescribing or administering medication, a physician shall review and countersign the order within 48 hours of its entry by the physician assistant.

d. In any setting, direct supervision of a temporary licensed physician assistant shall include, but not be limited to:

(1) continuing physical presence of a physician or a licensed physician assistant;

(2) regularly scheduled review by a physician of the practice of the temporary licensed physician assistant; and

(3) personal review by a physician of all charts and records of patients within 24 hours of an entry by the temporary licensed physician assistant.

3. Section 10 of P.L.1991, c.378 (C.45:9-27.19) is amended to read as follows:

C.45:9-27.19 Ordering of medication; conditions.

10. A physician assistant treating a patient in an inpatient or outpatient setting may order or prescribe medications, subject to the following conditions:

a. no controlled dangerous substances may be ordered;

b. the order or prescription is administered in accordance with protocols or specific physician direction pursuant to subsection b. of section 7 of this act;

c. the prescription states whether it is written pursuant to protocol or specific physician direction; and

d. the physician assistant signs his own name, prints his name and license number and prints the supervising physician's name.

4. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 126

AN ACT concerning protecting children on the Internet and amending
N.J.S.2C:24-4.

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

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

Endangering welfare of children.

2C:24-4. Endangering Welfare of Children.

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

b. (1) As used in this subsection:

"Child" means any person under 16 years of age.

"Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

"Prohibited sexual act" means

- (a) Sexual intercourse; or
- (b) Anal intercourse; or
- (c) Masturbation; or
- (d) Bestiality; or
- (e) Sadism; or
- (f) Masochism; or
- (g) Fellatio; or
- (h) Cunnilingus;
- (i) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction; or

(j) Any act of sexual penetration or sexual contact as defined in N.J.S.2C:14-1.

"Reproduction" means, but is not limited to, computer generated images.

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

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

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

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

(5) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 16 in any photograph, film, videotape, computer program or file, video game or any other reproduction or reconstruction shall be rebuttably presumed to be under the age of 16. If the child who is depicted as engaging in, or who is caused to engage in, a prohibited sexual act or simulation of a prohibited sexual act is under the age of 16, the actor shall be strictly liable and it shall not be a defense that the actor did not know that the child was under the age of 16, nor shall it be a defense that the actor believed that the child was 16 years of age or older, even if such a mistaken belief was reasonable.

2. This act shall take effect on the first day of the sixth month after enactment.

Approved November 9, 1998.

CHAPTER 127

AN ACT concerning abused or neglected children, supplementing Title 9 of the Revised Statutes and making an appropriation.

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

C.9:6-8.58a Substance abuse assessment of parent of placed child.

1. When a child is placed in the custody of a relative or other suitable person or the Division of Youth and Family Services pursuant to section 34 of P.L.1974, c.119 (C.9:6-8.54), because of a finding of abuse or neglect, the Superior Court, Chancery Division, Family Part shall order the parent and, when appropriate, any other adult domiciled in the home to undergo substance abuse assessment, when necessary. If the assessment reveals positive evidence of substance abuse, the court shall require the parent and other adult, when appropriate, to demonstrate that he is receiving treatment and complying with the treatment program for the substance abuse problem before the child is returned to the parental home.

C.9:6-8.58b Regulations.

2. The Commissioner of Human Services, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt regulations to effectuate the purposes of this act.

3. There is appropriated \$50,000 from the General Fund to the Department of Human Services to effectuate the purposes of this act.

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

Approved November 9, 1998.

CHAPTER 128

AN ACT to assist nonprofit corporations in providing cooperative living opportunities to low and moderate income senior or disabled

purchasers and supplementing chapter 14K of Title 55 of the Revised Statutes.

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

C.55:14K-72 Short title.

1. This act shall be known and may be cited as the "Senior and Disabled Cooperative Housing Finance Incentive Act."

C.55:14K-73 Findings, declarations relative to cooperative housing for certain purchasers.

2. The Legislature finds and declares that:

a. New Jersey has the second largest population of senior residents in the country and many persons with disability and each decennial census reveals a significant increase in this population;

b. Given the relatively onerous property tax burden within this State, the high cost of living, and increasing medical costs, many seniors and persons with disability on fixed incomes find it increasingly difficult to maintain a decent standard of living;

c. Cooperative housing arrangements, in which seniors or disabled persons share accommodations with others, whether as homeowners or renters, providing the opportunity for social interaction, housekeeping assistance, and other prerequisites of daily living, allow for the pooling of the cost of owning and maintaining or renting a residence while at the same time affording residents the privacy they desire and deserve;

d. In addition, given the astronomical costs of health care and nursing home care, this arrangement may prove to be a viable option for many seniors and persons with disability who do not have the financial or other resources necessary to remain economically independent and enjoy a high quality of life; and

e. Accordingly, it is the purpose of this act to foster the creation of affordable housing arrangements for low and moderate income seniors and persons with disability by establishing a program to aid qualified housing sponsors in developing affordable cooperative housing for occupancy by seniors and persons with disability of limited economic means who will share certain responsibilities and costs for property maintenance and other necessities as may be agreed to.

C.55:14K-74 Definitions relative to cooperative housing for certain purchasers.

3. As used in this act:

"Agency" means the New Jersey Housing and Mortgage Finance Agency.

"Annual income" means total income, from all sources, during the last full calendar year preceding the filing of an application for a loan pursuant to this act.

"Bonds" means bonds, notes or any other form of evidence of indebtedness of the agency, bearing either a fixed rate or a variable rate of interest, issued by the agency.

"Eligible project" means a project undertaken by a qualified housing sponsor to create housing for shared occupancy by seniors or persons with disability of low or moderate income, whether for home ownership or rental, which meets the standards of eligibility for loans under the program created by section 4 of P.L.1998, c.128 (C.55:14K-75).

"Eligible purchaser" means a purchaser of a dwelling unit in an eligible project who fulfills the definition of a senior or person with disability pursuant to this section, is of low or moderate income and to whom a loan may be made under the program pursuant to section 4 of P.L.1998, c.128 (C.55:14K-75).

"Fund" means the Senior and Disabled Cooperative Housing Incentive Fund established by section 6 of P.L.1998, c.128 (C.55:14K-77).

"Housing region" means a housing region as defined in subsection b. of section 4 of P.L.1985, c.222 (C.52:27D-304) and determined by the Council on Affordable Housing pursuant to section 7 of P.L.1985, c.222 (C.52:27D-307).

"Low income" means a gross annual household income equal to 50% or less of the median gross annual household income for households of the same size within the relevant housing region.

"Moderate income" means a gross annual household income equal to not more than 80%, but more than 50% of the median gross annual household income for households of the same size within the relevant housing region.

"Person with disability" means any person who is 18 years of age or older and who fulfills the definition of having a "disability" pursuant to section 3 of the "Americans with Disabilities Act of 1990," 42 U.S.C. s.12102).

"Program" means the New Jersey Senior and Disabled Cooperative Housing Finance Incentive Program created by P.L.1998, c.128 (C.55:14K-72 et seq.).

"Qualified housing sponsor" means any corporation or association of persons organized under the New Jersey Statutes, or any other corporation having for one of its purposes the improvement of realistic opportunities for low income and moderate income housing, as defined pursuant to the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), and appearing capable, by virtue of past activities, qualifications of staff or

board, or other features, of furthering the purposes of P.L.1998, c.128 (C.55:14K-72 et seq.).

"Retrofitting" means renovating or remodeling an existing residential or non-residential structure to allow for cooperative living.

"Senior" means an individual who is 55 years of age or older.

"Substantial rehabilitation" means repair, reconstruction or renovation which (1) costs in excess of 60% of the fair market value of a rehabilitated dwelling after such repair, reconstruction or renovation, or (2) renders a previously vacant and uninhabitable dwelling safe, sanitary and decent for residential purposes or (3) converts to safe, sanitary and decent residential use a structure previously in non-residential use.

C.55:14K-75 "New Jersey Senior and Disabled Cooperative Housing Finance Incentive Program."

4. a. There is hereby established in the agency the "New Jersey Senior and Disabled Cooperative Housing Finance Incentive Program" for the purpose of assisting the financing of eligible projects and for making loans to any eligible purchaser of a dwelling unit in an eligible project pursuant to P.L.1998, c.128 (C.55:14K-72 et seq.) out of the Senior and Disabled Cooperative Incentive Fund created pursuant to section 6 of P.L.1998, c.128 (C.55:14K-77).

For the purposes of this act, any project undertaken by a qualified housing sponsor may include, but shall not be limited to, projects in which seniors or persons with disability reside in: an apartment unit in a small complex with a community room for informal gatherings; or a home within which the individual has a private bedroom or bedroom sitting area and shares common areas, housekeeping chores, and some meals regardless of whether the housing is produced for home ownership or rental. These living arrangements may also allow for the provision of housekeeping services and meals by professional workers with the sharing of the associated costs by residents.

b. Loans made to an eligible purchaser pursuant to subsection a. of this section shall be subject to the following conditions: (1) the unit is to be occupied as the principal place of residence of the eligible purchaser; and (2) that purchaser has entered into an agreement with a qualified housing sponsor to participate in the program. Loans shall also be made to qualified housing sponsors that will sponsor and manage cooperative housing for older adults.

Loans made pursuant to this subsection shall be made only to pre-qualified home purchasers whose eligibility for such loans under the terms of P.L.1998, c.128 (C.55:14K-72 et seq.) has been determined by the agency.

c. A loan made to an eligible purchaser out of funds made available pursuant to P.L.1998, c.128 (C.55:14K-72 et seq.) shall be secured by a mortgage held by the agency. The mortgage shall be secured by the property purchased by the eligible purchaser and shall be amortized monthly.

The loan shall be repayable in full upon sale, lease or other transfer of the property resulting in that property's ceasing to be the principal residence of that purchaser; except that such eligible purchaser shall be entitled at any prior time, and without ceasing to maintain the property as his principal residence, to make repayment in whole or part. The agency may forbear the payment of interest to the extent it deems prudent and as may be permitted by the conditions of the bonds in any case in which it finds good cause and that the exaction of such payment would work an exceptional hardship upon the borrower.

C.55:14K-76 Amount from bonds set aside for certain mortgage loans, projects.

5. a. In furtherance of the public policy of P.L.1998, c.128 (C.55:14K-72 et seq.), the agency shall set aside, from the bonds of the agency, an amount to be determined by the agency of the total aggregate original principal amount of such bonds to provide mortgage loans to purchasers under the "Senior and Disabled Cooperative Housing Finance Incentive Program" created pursuant to P.L.1998, c.128 (C.55:14K-72 et seq.).

b. In addition to being used to provide mortgage loans pursuant to subsection a. of this section, these bonds also shall be utilized to assist qualified housing sponsors in the development of eligible projects in the manner and to the extent provided in the program established by P.L.1998, c.128 (C.55:14K-72 et seq.).

c. The bonds shall bear the rate or rates of interest as may be determined by the agency, which interest shall be payable as may be determined by the agency.

C.55:14K-77 "Senior and Disabled Cooperative Housing Incentive Fund."

6. a. There is hereby established in the agency the "Senior and Disabled Cooperative Housing Incentive Fund," which fund shall be continuing and nonlapsing, for the purpose of assisting the financing of eligible projects pursuant to this act. Moneys in the fund not immediately required for payment or liquid reserves may be invested and reinvested by the agency in the same manner in which other agency funds may be invested.

b. There shall be paid into the fund (1) otherwise uncommitted reserves of the agency available for this purpose, in amounts to be determined by the agency to be prudent and appropriate; (2) any income earned upon investment of moneys in the fund by the agency pursuant to subsection a. of this section; and (3) any other funds that may be available to the fund through appropriation by the Legislature or otherwise.

c. Moneys in the fund shall be used exclusively for (1) funding loans pursuant to section 4 of P.L.1998, c.128 (C.55:14K-75) and (2) defraying the administrative costs of the agency in carrying out the purposes and provisions of P.L.1998, c.128 (C.55:14K-72 et seq.), but not more than two per cent of the proceeds of the bonds authorized and actually expended pursuant to section 5 of P.L.1998, c.128 (C.55:14K-76) shall be used for such administrative costs.

d. Interest upon loans to eligible purchasers and to qualified housing sponsors shall be established by the agency at the lowest rate compatible with the integrity of the fund and its proper administration, maintenance of adequate reserves and the ability of the agency to pay the interest upon and repay the principal of bonds under the program.

C.55:14K-78 Eligibility for loan.

7. A project of new construction, substantial rehabilitation, or retrofitting by a qualified housing sponsor shall be eligible for a loan under P.L.1998, c.128 (C.55:14K-72 et seq.) if:

a. the housing units to be constructed or substantially rehabilitated are sufficient in number and located on the same or contiguous parcels of land or within such proximity to each other as to render the cost per unit of housing practicable for acquisition by low or moderate income purchasers; and

b. each housing unit which is constructed, substantially rehabilitated, or retrofitted will conform to all requirements of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

C.55:14K-79 Selection of projects; priority.

8. In selecting those eligible projects which shall receive loans from the fund, the agency shall accord priority to those projects for which:

a. Private donors or local units of government will contribute land, money or other in-kind resources to make the program feasible;

b. Financial or other contributions will be made from public or private sources, including tax abatements, waivers of fees relating to development or waivers of construction, development or zoning requirements, to the extent allowable by existing law, in order to reduce the cost of homes to be constructed, substantially rehabilitated, or retrofitted;

c. Use of the loans will be efficient, as measured by the number of dwelling units produced in proportion to the amount of all loans, having due regard to the difference of construction costs in different housing regions and to the relative costs of different family size units;

d. Construction costs per square foot compare favorably with average construction costs in the same housing region;

e. The project will contribute significantly to the rehabilitation of or removal or prevention of blight in the area in which it is located, in the judgment of the agency, regardless of whether the area has been formally designated, in accordance with statutory procedures, as blighted or in need of rehabilitation;

f. The design of the project encourages the development of housing units which are suitable for and attractive and accessible to senior households and households of persons with disability; and

g. The qualified housing sponsor will work with residents to both seek out and coordinate health care and social work services in order to make them available to the resident population.

C.55:14K-80 Project declared public work.

9. Any eligible project that conforms to the standards and requirements of P.L.1998, c.128 (C.55:14K-72 et seq.) and the regulations promulgated pursuant thereto is hereby declared to be a public work in furtherance of the housing policy of this State, and any contribution of property, money or services in furtherance of such a program by a unit of local government shall be deemed an expense or cost incurred in furtherance of a public purpose.

C.55:14K-81 Rules, regulations.

10. The agency is authorized to promulgate the rules and regulations necessary to effectuate the provisions and purposes of P.L.1998, c.128 (C.55:14K-72 et seq.) in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). In developing these regulations the agency shall examine and analyze any existing programs of similar type that have been successfully effectuated in other jurisdictions, and shall endeavor to formulate criteria and procedures, both for the design and operation of viable projects and for the selection of and obligations assigned to individual participants who shall be assisted by the program.

11. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 129

AN ACT concerning surcharges levied by the Division of Motor Vehicles and supplementing P.L.1983, c.65 (C.17:29A-33 et al.).

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

C.17:29A-35.1 Surcharge debts of driver extinguished upon death.

1. Notwithstanding the provisions or any law, rule or regulation to the contrary, upon the death of a driver on whom surcharges have been levied by the Division of Motor Vehicles pursuant to section 6 of P.L.1983, c.65 (C.17:29A-35), any debt established by the imposition of those surcharges is extinguished and the division, or any agent or representative thereof, shall cease to seek payment of that debt.

Whenever the division is unable to obtain a death certificate from a person representing the estate of any driver on whom surcharges have been levied and who was a resident of the State, the division shall obtain a copy of the death certificate by contacting the State registrar of vital statistics in the Department of Health and Senior Services and, in these cases, the division shall not require the estate of the driver to furnish a death certificate.

2. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 130

AN ACT clarifying the priority of certain mortgage loans and amending P.L.1985, c.353.

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

1. Section 1 of P.L.1985, c.353 (C.46:9-8.1) is amended to read as follows:

C.46:9-8.1 Definitions.

1. As used in this act:

a. "Mortgage loan" means any loan or line of credit, except a construction loan, which states a maximum specified principal amount and which is secured by an interest in real property.

b. "Construction loan" means a loan for a fixed term of no more than three years which is secured by a lien on real property and which is made by the lender for the sole purpose of financing the erection, construction, completion, addition to, alteration or repair of improvements to real property.

c. "Line of credit" means an agreement whereby a lender is obligated to provide a specified amount of credit to a borrower from time to time. The agreement may include provisions to amend or change the interest rate or terms of repayment and shall be an obligation for the purposes of this section notwithstanding the inclusion of one or more of the following limitations and conditions:

- (1) An expiration date of the agreement or an option of the lender to cancel the agreement on notice to the borrower;
- (2) The financial condition of any borrower;
- (3) Continued compliance by the borrower with the terms of the agreement and any mortgage or security agreement securing the amounts advanced pursuant to the agreement;
- (4) The absence of an adverse change in the value or condition of any collateral securing the agreement;
- (5) A requirement of certain procedures for activating the obligation to make advances pursuant to the agreement; or
- (6) A decision of the lender not to continue to engage in the business of providing lines of credit on terms similar to the agreement.

d. "Modification" means:

- (1) With respect to a mortgage loan other than a line of credit, a change in the interest rate, due date or other terms and conditions of a mortgage loan except an advance of principal; or
- (2) With respect to a line of credit, a change in the interest rate, due date or other terms and conditions and an advance of principal made pursuant to the line of credit but only to the extent that the advance does not cause the principal balance due to exceed the principal amount stated in the line of credit plus accrued interest;
- (3) Payments for taxes, assessments and insurance and other payments made by the mortgagee pursuant to the terms of the mortgage or line of credit are included with the amounts which have priority pursuant to section 2 of P.L.1985, c.353 (C.46:9-8.2) and are not included in the phrase "advance of principal;"
- (4) "Modification" does not include a substitution in the collateral.

2. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 131

AN ACT expanding eligibility for the New Jersey Distinguished Service Medal and amending N.J.S.38A:15-2.

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

1. N.J.S.38A:15-2 is amended to read as follows:

Distinguished service medals.

38A:15-2. The Governor may present in the name of the State of New Jersey a distinguished service medal of appropriate design, and ribbon to be worn in lieu thereof, to:

- a. any member of the organized militia who, while serving in any capacity in the organized militia under orders of the Governor, or while in federal service, shall have been distinguished by especially meritorious service and who has been or may be cited in orders for distinguished service by the Governor or by appropriate federal authority;

- b. any resident of the State of New Jersey who was a resident of this State at the time of entry into active military service and (1) who while serving in the organized militia or in federal military service on active duty in time of war or emergency, shall have been distinguished by especially meritorious service and who has been or may be cited in orders for distinguished service by the Governor or by appropriate federal authority or (2) who shall have seen active military service in the Armed Forces of the United States of America in a combat theater of operations during time of war or emergency as attested to by the awarding of an honorable discharge and DD 214 or WD 53 by the respective Armed Force;

- c. any deceased person who, on the date of induction into the organized militia or federal military service, was a resident of this State and (1) who, while serving in the organized militia or in federal military service on active duty in time of war or emergency, shall have been distinguished by especially meritorious service and who has been or may be cited in orders for distinguished service by the Governor or appropriate federal authority or (2) who shall have seen active military service in the Armed Forces of the United States of America in a combat theater of operations during time of war or emergency as attested to by the awarding of an honorable discharge and DD 214 or WD 53 by the respective Armed Force; or

- d. any person who, on the date of induction into the organized militia or federal military service, was a resident of this State and who, while serving in the organized militia or in federal military service on active duty in time of war or emergency, shall have been officially listed as a prisoner of war or missing in action by the United States Department of Defense.

The service medal for a deceased person or a person absent as a prisoner of war or missing in action shall be issued to the parent, spouse, sibling or other relative who submits all of the required forms and documentation on behalf of that person.

2. This act shall take effect immediately.

Approved November 9, 1998.

CHAPTER 132

AN ACT concerning investments of health service corporations in subsidiaries and amending P.L.1985, c.236.

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

1. Section 17 of P.L.1985, c.236 (C.17:48E-17) is amended to read as follows:

C.17:48E-17 Expense limits; investments; administrative services.

17. a. No health service corporation shall during any one year disburse more than 10% of the aggregate amount of the payments received from subscribers during that year as expenditures for the soliciting of subscribers, except that during the first year after the issuance of a certificate of authority a health service corporation may so disburse not more than 20% of that amount and during the second year, not more than 15%.

b. No health service corporation shall, during any one year, disburse a sum greater than 20% of the payments received from subscribers during that year as administrative expenses. The term "administrative expenses," as used in this section, shall include all expenditures for nonprofessional services and in general all expenses not directly connected with the furnishing of services or benefits, but not including expenses of soliciting subscribers.

c. The funds of any health service corporation may be invested to the same extent now or hereafter permitted by law for the investment of funds of domestic life insurance companies, including investments as provided in subsection e. of section 3 of P.L.1985, c.236 (C.17:48E-3) in life, health or accident insurance companies or other for-profit subsidiaries such as insurance agencies, suppliers of administrative services only, or

any other subsidiaries permitted pursuant to N.J.S.17B:20-4, and for the purpose of engaging in any aspect of its business directly or through one or more subsidiaries or affiliates, including life, health or accident insurance companies.

In calculating the amount of such investments pursuant to N.J.S. 17B:20-4, investments in health maintenance organizations shall be excluded.

d. A health service corporation may supply administrative services only, and may supply administrative services either directly or through a subsidiary or affiliate.

e. (Deleted by amendment, P.L.1988, c.71.)

f. (Deleted by amendment, P.L.1988, c.71.)

2. This act shall take effect immediately.

Approved November 16, 1998.

CHAPTER 133

AN ACT concerning credit union field of membership and amending and supplementing P.L.1984, c.171.

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

1. Section 3 of P.L.1984, c.171 (C.17:13-81) is amended to read as follows:

C.17:13-81 Incorporation of credit union; application; fee; certificate of incorporation.

3. a. Seven or more natural persons, all of whom are residents of this State, may incorporate a credit union on the terms and conditions provided for in this act. The incorporators shall apply to the Commissioner of Banking and Insurance, on a form supplied by the commissioner, for permission to incorporate a credit union. A certificate of incorporation, executed by the incorporators, shall be submitted with the application, as well as a fee of \$50.

b. The certificate shall include:

(1) The proposed name of the credit union, and the street, street number, and name of the municipality in which it is to be located;

(2) The name and street address of its registered agent, where process may be served;

- (3) The powers which the credit union proposes to exercise;
- (4) Any natural person, group, or organization or combination of natural persons, groups or organizations permitted pursuant to section 14 of P.L.1984, c.171 (C.17:13-92) to which membership will be limited;
- (5) The number of directors proposed to serve on the board;
- (6) The name and address of each of the proposed members, who shall be at least 30 in number, and the number of shares subscribed by each;
- (7) The original par value of the shares of the corporation, which shall not be less than \$5.00; and
- (8) Any other provision not inconsistent with this act or with the laws of this State for the regulation of the business.

c. (1) The incorporators may provide in the certificate of incorporation that any group, combination of groups, organization, combination of organizations or natural persons permitted to be included in a credit union field of membership pursuant to section 14 of P.L.1984, c.171 (C.17:13-92) may be added to the field of membership of the credit union by amendment to the credit union's bylaws, upon approval of the commissioner;

(2) The members of a credit union may amend the certificate of incorporation to provide that any group, combination of groups, organization or combination of organizations or natural persons permitted to be included in a credit union field of membership pursuant to section 14 of P.L.1984, c.171 (C.17:13-92) may be added to the field of membership of the credit union by amendment to the credit union's bylaws, upon approval of the commissioner.

2. Section 4 of P.L.1984, c.171 (C.17:13-82) is amended to read as follows:

C.17:13-82 Disapproval of application; annexation; filing of certificate of approval.

4. The commissioner shall disapprove the application if the commissioner finds that:

- a. The incorporation of the proposed credit union will not be in the public interest;
- b. The incorporators do not evidence character, responsibility, and general fitness;
- c. The provisions contained in the certificate of incorporation for the regulation of the business and the provisions creating or limiting the powers of the proposed credit union are improper provisions, or will not serve the best interest of the members of the proposed credit union; or
- d. The conditions of employment or other conditions prevailing in any group or organization from which the membership is to be drawn are

such as to result in financial instability or otherwise render the organization of the credit union inadvisable.

If the application is approved by the commissioner, the commissioner shall annex a certificate of approval, and the application shall be filed in the department.

3. Section 12 of P.L.1984, c.171 (C.17:13-90) is amended to read as follows:

C.17:13-90 Powers of commissioner.

12. The commissioner shall have the power to make, amend and repeal regulations permitting credit unions to exercise any power, right, benefit, or privilege permitted to federally chartered credit unions.

4. Section 14 of P.L.1984, c.171 (C.17:13-92) is amended to read as follows:

C.17:13-92 Membership of credit union; regulations.

14. a. The membership of a credit union shall be limited to and consist of the incorporators and other persons that are members of any group, combination of groups, organization, combination of organizations or natural persons specified in the certificate of incorporation, or any group, combination of groups, organization, combination of organizations or natural person that has been added to the membership by amendment to the credit union's bylaws, who have paid any required entrance fee or membership fee, or both, have subscribed to one or more shares, have paid the initial installment thereon, and have complied with any other requirements as the certificate of incorporation or bylaws specify.

b. Except as otherwise provided in this section, credit union membership shall be limited to the types of membership described in one of the following categories :

(1) one group which has a common bond of occupation or association; or

(2) more than one group with each group having within that group a common bond of occupation or association and a membership of less than 3,000 members at the time that group is first included within the field of membership of a credit union made up of more than one group; or

(3) persons or organizations, or any combination of organizations within a well-defined neighborhood, local community or rural district; or

(4) any combination of membership fields from paragraphs (1), (2) and (3) of this subsection b., provided, however, that the combining of membership fields pursuant to this paragraph shall only be used with respect to an existing credit union and only if, in the determination of the

commissioner, it is found that the combination is necessary to maintain the safety and soundness of that existing credit union and, with respect to any group eligible to be part of a credit union pursuant to paragraph (2) or organization eligible to be part of a credit union pursuant to paragraph (3) of this subsection which is to be combined, the membership of that group or organization shall be subject to the same limitation on the number of members as provided for groups under paragraph (2) of this subsection; and

(5) members of the immediate family of persons in a credit union or in any group or organization which makes up the membership of a credit union.

c. Societies and copartnerships composed primarily of persons who are eligible for membership, and corporations, including cooperative organizations, whose stockholders are composed primarily of persons who are eligible for individual membership, may be admitted to membership. Any entity thus admitted to membership shall not borrow in excess of its shareholdings unless at least 10% of its members are qualified members of the credit union.

d. Members who leave the field of membership may be permitted to retain their memberships in the credit union under reasonable standards established by the board.

e. Members of the credit union shall not be personally or individually liable for the payment of the credit union's debts.

f. (1) The commissioner may, by regulation, provide that a credit union may add to its field of membership any natural person who resides in a primary metropolitan statistical area in which the credit union is located and meets at least one of the following criteria:

(a) is a person of low income as defined pursuant to 42 U.S.C. s.5302(a)(20)(A);

(b) resides in a low median income census tract as defined by the commissioner pursuant to 12 C.F.R. s.228.12; or

(c) has been or is the recipient of State or federally funded public assistance.

(2) The commissioner may require that a natural person meet more than one of the criteria established under paragraph (1) of this subsection f.;

(3) If a natural person who is a member of a credit union has immediate family members living in the same primary metropolitan statistical area as that natural person, a credit union may also add any member of that immediate family to its field of membership;

(4) A credit union may establish areas within a primary metropolitan statistical area for purposes of paragraphs (1) and (3) of this subsection f.

g. (1) For a credit union whose field of membership is described under paragraph (2) of subsection b. of this section, the requirement that a group

have a membership of less than 3,000 members shall not apply if the commissioner determines, in writing and in accordance with the guidelines and regulations issued pursuant to paragraph (2) of this subsection, that the group could not feasibly or reasonably establish a new single common-bond credit union pursuant to paragraph (1) of subsection b. of this section, because:

(a) the group lacks sufficient volunteer and other resources to support the efficient and effective operation of a single common-bond credit union;

(b) the group does not meet the criteria that the commissioner has determined to be important for the likelihood of success in establishing and managing a new single common-bond credit union, including the demographic characteristics such as geographical location of members, diversity of ages and income levels, and other factors that may affect the financial viability and stability of a single common-bond credit union; or

(c) the group would be unlikely to operate a safe and sound single common-bond credit union.

(2) The commissioner shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), setting forth the criteria that the commissioner shall apply in determining whether a credit union may be established as provided pursuant to paragraph (2) of subsection b. of this section, which regulations shall be directed at assuring substantial parity between the field of membership standards and requirements of State and federal credit unions.

C.17:13-92.1 Credit unions approved for inclusion of more than one group; continuation permitted.

5. A credit union that has been approved to include more than one group within its field of membership prior to the effective date of this act may continue to operate in accordance with that approval, provided however, that any change to its field of membership after the effective date of this act shall be subject to the provisions of this act.

6. This act shall take effect immediately.

Approved November 23, 1998.

CHAPTER 134

AN ACT concerning high technology crimes, supplementing Title 53 of the Revised Statutes and 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.52:17B-191 Short title.

1. This act may be known and shall be cited as the "High Technology Crimes and Interactive Computer Services Protection Act."

C.52:17B-192 Definitions relative to high technology crimes.

2. As used in this act:

"Department" means the Department of Law and Public Safety.

"Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

"Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

C.52:17B-193 Establishment, maintenance of information available through the internet; design of continuing educational program.

3. The department shall establish and maintain information available through the internet. The information shall include but not be limited to guidelines and recommendations on computer ethics, proper methods for reporting high technology crimes, safe computing practices for children and their families, and methods to filter, screen or block the receipt of objectionable material on interactive computer services.

The department shall design a continuing educational program to inform law enforcement, educational, civic and business groups on the emerging issues of high technology crimes including those perpetrated through the use of interactive computer services. This continuing educational program shall be made available by the department through the internet.

C.18A:35-4.17 Notification to students of risks of using computer services for illegal purposes; guidelines.

4. Every district or regional board of education shall, as part of any computer education instruction it provides, notify students on the potential risks and dangers posed to children by persons who use interactive computer services for illegal purposes. The notification shall be adapted to the age and understanding of elementary and secondary school pupils. The notification shall include information concerning the safe computing guidelines made available on the internet by the department pursuant to section 3 of P.L.1998, c.134 (C.52:17B-193). The Department of Education shall recommend guidelines and curriculum

materials for utilization by local school districts on the ethical use of computers and the potential risks and dangers posed to juveniles by persons who use interactive computer services for unlawful purposes.

5. There is appropriated to the Department of Law and Public Safety \$150,000 to carry out the purposes of this act. This appropriation shall supplement, but not supplant, funds currently provided for the operation of the department.

6. This act shall take effect on the first day of the fifth month after enactment.

Approved December 3, 1998.

CHAPTER 135

AN ACT concerning the transportation of certain house type semitrailers or trailers and amending R.S.39:3-8 and P.L.1973, c.319.

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

1. R.S.39:3-8 is amended to read as follows:

Registration fee for passenger automobile; other vehicles.

39:3-8. The applicant for registration for any passenger automobile manufactured in any model year prior to the 1971 model year shall pay to the director for each registration a fee of \$14.00 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of \$23.00 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of \$44.00 for each vehicle having a manufacturer's shipping weight in excess of 3,800 pounds. The applicant for registration for any passenger automobile manufactured in model year 1971 and thereafter, except as determined hereinafter, shall pay to the director for each registration a fee of \$17.00 for each such vehicle having a manufacturer's shipping weight of less than 2,700 pounds, a fee of \$28.00 for each such vehicle having a manufacturer's shipping weight of 2,700 pounds or more, but not greater than 3,800 pounds, and a fee of \$51.00 for each such vehicle having a manufacturer's shipping weight in excess of 3,800 pounds. The applicant for registration for any 1980 or thereafter model year passenger automo-

bile registered on or after March 1, 1979 shall pay to the director for each registration a fee of \$25.00 for each such vehicle having a manufacturer's shipping weight not greater than 3,500 pounds and a fee of \$50.00 for each vehicle having a manufacturer's shipping weight in excess of 3,500 pounds. The director shall determine manufacturer's shipping weight and model year for each passenger automobile on the basis of the information contained in the certificate of origin, the application for registration or for renewal of registration, or the records of the division, or any or all of these; and any case in which the manufacturer's shipping weight of any particular passenger automobile is unavailable, or in doubt or dispute, the director may require that such automobile be weighed on a scale designated by him, and such actual weight shall be considered the manufacturer's shipping weight for the purposes of this section; but in all cases the director's determination of the manufacturer's shipping weight of any such automobile shall be final. The applicant for registration for passenger automobile shall also pay to the director the inspection fee fixed in R.S.39:8-2 in addition to the fees described hereinabove.

The director may also license private utility and house type semitrailers and trailers with a gross load not in excess of 2,000 pounds at a fee of \$4.00 per annum and all other such utility and house-type semitrailers and trailers at \$9.00 per annum. Application for such registration shall be made on a blank to be furnished by the division and the application shall contain a statement to the effect that the vehicle so registered will not be used for the commercial transportation of goods, wares and merchandise, or for hire.

Except as provided in R.S.39:3-84 for recreation vehicles, no private utility or house type semitrailer or trailer with an outside width of more than 96 inches, a maximum height of 13 feet 6 inches, a maximum length for a single vehicle of more than 35 feet, a maximum length for a semitrailer and its towing vehicle of more than 45 feet, and a maximum length for a trailer and its towing vehicle of more than 50 feet, shall be operated on any highway in this State, except that a vehicle exceeding the above limitations may be operated when a special permit so to operate is secured in advance from the director. A house type semitrailer or trailer with an outside width of no more than 16 feet shall be entitled to operate with such a special permit if the vehicle is a manufactured home on a transportation system that is designed in accordance with the "Manufactured Home Construction and Safety Standards," 24 CFR part 3280.901 et seq., promulgated by the United States Department of Housing and Urban Development, as amended and supplemented, provided that the operator complies with the provisions of this Title and the rules and regulations issued thereunder. If such a vehicle has an outside width of

more than 16 feet, it shall be entitled to operate with such a special permit if it is transported on a commercial type low-bed trailer, semitrailer or properly registered dolly wheels pursuant to rules and regulations established by the director. The application for such permit shall be accompanied by a fee fixed by the director. A special permit issued by the director shall be in the possession of the operator of the vehicle for which such permit was issued. In computing any dimensions of a vehicle, for the purposes of this section, there shall not be included in the dimensional limitations safety equipment such as mirrors or lights, provided such appliances do not exceed the overall limitations established by the director by rule or regulation.

2. Section 1 of P.L.1973, c.319 (C.39:3-20.1) is amended to read as follows:

C.39:3-20.1 Issuance of registration certificate, plates for empty vehicles.

1. In addition to the motor vehicle registration provisions authorized pursuant to this chapter, the director may issue, upon application on a form prescribed by him, a registration certificate and registration plates for trucks, tractors, trailers and semitrailers that are empty and being transported from one terminal to another, or from the place of sale to the registrant's terminal or place of business, or are empty and being transported for the purpose of having additional equipment added or lettering affixed.

The director may issue, upon application on the form prescribed by the director, a registration certificate and registration plates for mobile and manufactured homes being transported from the place of manufacture to the registrant's terminal or place of business, or being transported for the purpose of delivering the mobile or manufactured home to a final point of delivery.

The annual fee for the issuance of each set of such plates shall be \$25.00. Such plates are to be in the form prescribed by the director and shall be marked in a manner to indicate the vehicle is "in-transit empty."

3. The Department of Transportation shall, within 180 days of the effective date of this act, adopt rules and 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.

4. This act shall take effect immediately.

Approved December 3, 1998.

CHAPTER 136

AN ACT concerning new parents and supplementing Title 9 of the Revised Statutes.

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

C.26:2H-12.6a Preparation, distribution of pamphlet providing information on child abuse, neglect.

1. a. The Department of Human Services, in consultation with the Department of Health and Senior Services, shall prepare a pamphlet which provides information on child abuse and neglect to all parents of newborn infants born in this State. The pamphlet shall be distributed to each parent present during the infant's birth, by the personnel at a hospital or birthing facility at the time of the mother's discharge, as part of the hospital or birthing facility's discharge procedures.

b. The pamphlet shall include information on the signs of child abuse and neglect, the services provided by the State which help in preventing child abuse and neglect and the legal ramifications of abusing or neglecting a child.

c. The department shall distribute the pamphlet, at no charge, to all the hospitals and birthing facilities in the State. The department shall update the pamphlet as necessary, and shall make additional copies of the pamphlet available to health care providers upon request.

2. This act shall take effect immediately.

Approved December 4, 1998.

CHAPTER 137

AN ACT concerning certain swimming pools and supplementing P.L.1975, c.217 (C.52:27D-119 et seq.).

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

C.52:27D-133.1 Definitions relative to certain swimming pools.

1. As used in this act:

"Bonding and grounding certificate" means a document issued by a recognized electrical testing agency that verifies the electrical continuity and integrity of the bonding and grounding system of a swimming pool.

"Swimming pool" means a swimming pool, hot tub, or spa located on any property other than one or two family residential property and includes but is not limited to swimming pools open for the use of members, residents or the public.

"Electrical certificate of compliance" means a document issued by the enforcing agency that verifies that all wiring located in or about the pool pump house or similar structure and associated electrical equipment is in compliance with the electrical subcode of the State Uniform Construction Code.

C.52:27D-133.2 Valid bonding, grounding certificate; electrical certificate of compliance required.

2. a. A swimming pool shall not be opened for use or occupied in whole or in part by any person until a valid bonding and grounding certificate and electrical certificate of compliance are issued. The bonding and grounding certificate shall be evidence of continuity and integrity of the bonding system meeting the requirements of the electrical subcode of the State Uniform Construction Code. The electrical certificate of compliance shall not be issued unless a valid bonding and grounding certificate has been issued.

b. The bonding and grounding certificate shall be valid for a period of five years from the date of issuance. The electrical certificate of compliance shall be renewed annually upon completion of a satisfactory inspection by the enforcing agency, which may charge a fee for each inspection. A swimming pool that is operated on a seasonal basis shall not be opened for the season until a new electrical certificate of compliance has been issued.

c. If the inspection reveals any defective electrical condition on the pool premises that condition shall be repaired by an electrical contractor licensed in the State of New Jersey prior to issuance of the electrical certificate of compliance.

d. The bonding and grounding certificate and the electrical certificate of compliance shall be posted in or about the pool pump house or structure that encloses the pool wiring.

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

Approved December 11, 1998.

CHAPTER 138

AN ACT permitting certain minors to be employed during certain hours and amending P.L. 1940, c. 153.

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

1. Section 3 of P.L. 1940, c. 153 (C.34:2-21.3) is amended to read as follows:

C.34:2-21.3 Limitations on minors' working hours.

3. Except as provided in section 15 of P.L. 1940, c. 153 (C.34:2-21.15) and except for domestic service or messengers employed by communications companies subject to the supervision and control of the Federal Communications Commission, no minor under 18 years of age shall be employed, permitted, or suffered to work in, about, or in connection with any gainful occupation more than six consecutive days in any one week, or more than 40 hours in any one week, or more than eight hours in any one day, nor shall any minor under 16 years of age be so employed, permitted, or suffered to work before 7 a.m. or after 7 p.m. of any day, except a minor who is 14 or 15 years of age may work in a restaurant, supermarket or other retail establishment, or in any occupation not prohibited by the provisions of this act, P.L. 1940, c. 153 (C.34:2-21.1 et seq.) or by regulations promulgated by the commissioner pursuant to this act, P.L. 1940, c. 153 (C.34:2-21.1 et seq.), during the period beginning on the last day of a minor's school year and ending on Labor Day of each year until 9 p.m. of any day with written permission from a parent or legal guardian, and except a minor who is 14 or 15 years of age may be employed as a little league umpire for little leagues chartered by Little League Baseball, Incorporated, until 9 p.m. of any day with written permission from a parent or legal guardian; nor shall any minor between 16 and 18 years of age be so employed, permitted, or suffered to work before 6 a.m. or after 11 p.m. of any day; provided that minors between 16 and 18 years of age may be employed after 11 p.m. during any regular vacation season, and on days which do not precede a regularly scheduled school day, with a special written permit from their parents or legal guardian stating the hours they are permitted to work; provided that minors between 16 and 18 years of age may be employed in a seasonal amusement or restaurant occupation after 11 p.m. and following 12:01 a.m. of the next day, if that employment is a continuation of a workday which began before 11 p.m., either during any regular school vacation season, or on workdays which do not begin on a day which precedes a regularly scheduled school day, with a special written permit from their parents or legal guardian stating the hours they are permitted to work, except

that in no case shall minors between 16 and 18 years of age be employed after 3 a.m. or before 6 a.m. on a day which precedes a regularly scheduled school day; provided, further, that minors may be employed in a concert or a theatrical performance up to 11:30 p.m.; and provided, further, that minors not less than 16 years of age and who are attending school may be employed as pinsetters, lane attendants, or busboys in public bowling alleys up to 11:30 p.m., but may not be so employed during the school term without a special written permit from the superintendent of schools or the supervising principal, as the case may be, which permit shall state that the minor has undergone a complete physical examination by the medical inspector, and, in the opinion of the superintendent or supervising principal, may be so employed, without injury to health or interference with progress in school, such special permits to be good for a period of three months only and are revocable in the discretion of the superintendent or supervising principal. Such permit may not be renewed until satisfactory evidence has been submitted to the superintendent or supervising principal showing that the minor has had a physical examination and the minor's health is not being injured by said work; and provided, further, that minors between 16 and 18 years of age may not be employed after 10 p.m. during the regular school vacation seasons in or for a factory or in any occupation otherwise prohibited by law or by order or regulation made in pursuance of law. The hours of work of minors under 16 employed outside school hours shall not exceed three hours in any one day when school is in session and shall not exceed in any one week when school is in session the maximum number of hours permitted for that period under the federal "Fair Labor Standards Act of 1938," 29 U.S.C.s.201 et seq., and regulations promulgated pursuant to that federal act.

This section is not applicable to the employment of a minor between 16 and 18 years of age during the months of June, July, August or September by a summer resident camp, conference or retreat operated by a nonprofit or religious corporation or association, unless the employment is primarily general maintenance work or food service activities.

2. This act shall take effect immediately.

Approved December 11, 1998.

CHAPTER 139

AN ACT facilitating the establishment of family day care homes in residential districts and repealing P.L.1987, c.305.

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

Repealer.

1. P.L.1987, c.305 (C.40:55D-66.4 et seq.) is hereby repealed.
2. This act shall take effect immediately.

Approved December 11, 1998.

CHAPTER 140

AN ACT concerning the apportionment of costs in the case of certain county college joinder agreements and amending various sections 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:64A-17 is amended to read as follows:

Method of fixing amounts necessary for operation and capital outlay expenses of college; certification; apportionment between participating counties.

18A:64A-17. On or before February 1 in each year, the board of trustees of the county college shall prepare and deliver to each member of the board of school estimate an itemized statement of the amount of money estimated to be necessary for the operation and capital outlay expenses for the ensuing year. Said board of trustees shall, at the same time, fix a date, place and time for the holding of a public hearing by the board of school estimate with respect to said itemized statement of the amount of money estimated to be necessary for the operation and capital outlay expenses for the ensuing year and with respect to the various items and purposes for which said money is to be appropriated, which date shall be between February 1 and February 15 and which date shall be not less than seven days after the publication of said itemized statement as herein provided and shall cause notice of such public hearing and said statement to be published at least once in at least one newspaper published in the county not less than seven days prior to the date fixed for such public hearing, and said notice shall also set forth that said itemized statement will be on file and open to examination of the public, between reasonable hours to be fixed therein, and, at a place to be named therein, from the date of said publication until the date of the holding of said public hearing and said board of trustees shall cause said itemized statement to be on file

and open to the examination of the public accordingly and to be produced at said public hearing for the information of those attending the same.

On the date and at the time and place so fixed by the board of trustees for such public hearing, the board of school estimate shall at a public hearing grant the taxpayers and other interested persons an opportunity to present objections and to be heard with respect to said itemized statement of the amount of money estimated to be necessary for the operation and capital outlay expenses for the ensuing year and with respect to the various items and purposes for which said money is to be appropriated and at or after said public hearing but not later than February 15 of each year, the board of school estimate shall fix and determine, by official action taken at a public meeting of the board, the amount of money necessary for the operation and capital outlay expenses of the college for the ensuing year, exclusive of the amount to be received from the State and from other sources.

The board of school estimate shall, on or before February 15 of each year, make a certificate of such amount signed by at least a majority of its members. Copies thereof shall be delivered to the board of trustees of the college and to each participating board of chosen freeholders.

In the case of a county college established by more than one county, the amount to be raised for the annual operation and capital outlay expenses shall be apportioned among the participating counties upon the basis of apportionment valuations, as defined in R.S.54:4-49. In the case of a county college joinder created pursuant to N.J.S.18A:64A-24 subsequent to the enactment of P.L.1998, c.140, the amount to be raised for the annual operation and capital outlay expenses may be apportioned among the participating counties upon the basis of apportionment valuations, as defined in R.S.54:4-49; or, upon the basis of unweighted student credit hours; or upon the basis of any combination of apportionment valuations and unweighted student credit hours. The certificate of the board of school estimate shall certify the proportioned part of the total to be raised by each participating county. In the case of a county college joinder created pursuant to N.J.S.18A:64A-24 subsequent to the enactment of P.L.1998, c.140, operational expenses shall include any facility use fee or other charge which may be agreed upon by the participating counties and the board of trustees upon the approval of a majority of the members of the board of school estimate.

2. N.J.S.18A:64A-19 is amended to read as follows:

Issuance of bonds.

18A:64A-19. (1) Whenever the board of trustees of a county college shall decide that it is necessary to raise money for the purpose of

acquiring or improving lands or buildings for use by the college or erecting, enlarging, improving, altering, reconstructing, furnishing or equipping buildings or other structures for use by the college, it may, in lieu of proceeding in accordance with N.J.S.18A:64A-16 and 18A:64A-17, at any time prepare and deliver to each member of the board of school estimate a statement of the estimated cost of such purpose and of the amount of money estimated by the board of trustees to be then needed for such purpose. If the amount of money so estimated shall include any funds expected to be received for said purpose as State or federal aid, such statement shall specify the amount and source of said funds and may include an agreement by the board of trustees to repay the county, out of the said funds when received, for any amounts appropriated by any county for the county college in anticipation of said funds. After receipt of such statement, the board of school estimate shall fix and determine the sum of money then needed for the purpose specified in said statement and the amount thereof to be raised by the participating county or counties which shall, if there be two or more such counties, be apportioned among them upon the basis of apportionment valuations as defined in R.S.54:4-49 and which may include amounts expected to be repaid as aforesaid by the board of trustees. In the case of a county college joinder created pursuant to N.J.S.18A:64A-24 subsequent to the enactment of P.L.1998, c.140, the amount to be raised may be apportioned among the participating counties upon the basis of apportionment valuations as defined in R.S.54:4-49; or, upon the basis of unweighted student credit hours; or upon the basis of any combination of apportionment valuations and unweighted student credit hours; or in proportion to the percentage of bonds to be issued by each county for the project as may be agreed upon by the participating counties and the board of trustees. The board of school estimate shall thereupon make a certificate of such sum and amount or amounts signed by at least a majority of its members, and copies thereof and of the statement received from the board of trustees shall be delivered to the board of trustees and to the board of chosen freeholders of each participating county.

(2) The board of chosen freeholders of a participating county upon receipt of any such certificate shall appropriate the amount certified therein for the purpose therein specified, or upon receipt of a certificate as provided in N.J.S.18A:64A-17 shall appropriate the amount of the capital outlay expenses certified therein, either:

- (a) By the method provided for in N.J.S.18A:64A-18; or
- (b) By a bond ordinance authorizing the issuance of bonds or notes of the county to finance such appropriation and purpose adopted in accordance with the limitations and any exceptions thereto, and in the

manner or mode of procedure, prescribed by the local bond law, and the sale and issuance of said bonds or notes pursuant to the local bond law; provided, however, that no down payment shall be required and the provisions of N.J.S.40A:2-11 of the local bond law shall not be applicable to such bond ordinance and that the purpose for which the bonds or notes are to be issued may be stated and identified as and shall be the purpose specified in said certificate notwithstanding that the appropriation therefor may be sufficient only for planning or other preliminary or initial expenses in connection therewith or may be made in anticipation of State or federal aid expected to be received for said purpose and applied to repayment to the county.

(3) The proceeds of the sale of such bonds or notes shall be paid to the treasurer of the county college and shall be paid out by him only on the warrants or orders of the board of trustees of the county college. The treasurer shall in no event disburse such proceeds, except to pay and retire any such notes and pay the expenses of issuing and selling such bonds or notes and for the purpose or purposes for which such bonds or notes were issued. If for any reason any part of such proceeds are not applied to or necessary for such purpose or purposes, the board of trustees of the county college may transfer the balance remaining unapplied to the capital outlay account of the county college.

(4) Except with the concurrence and consent of the board of chosen freeholders of the county expressed by resolution, no amount shall be appropriated under this section which, if added to the amount of bonds or notes of the county for county college purposes outstanding or authorized but unissued at the date of such appropriation, shall exceed an amount equal to one half of one per cent of the equalized valuation basis of said county as shown on the annual debt statement of the county last filed pursuant to the local bond law.

3. N.J.S.18A:64A-20 is amended to read as follows:

Emergency appropriation for college purposes.

18A:64A-20. If the board of trustees shall determine that it is necessary in any school year to raise money in addition to the amount in its annual budget for such year for:

- (1) current expenses for the operation and maintenance of the college when the amount necessary therefor was underestimated in the budget;
- (2) repair or utilization of property destroyed or made unsuitable by accident or other unforeseen cause; or
- (3) meeting emergencies arising since the preparation of such budget;

the board shall prepare and deliver to each member of the board of school estimate a statement of the amount of money determined to be necessary therefor.

The board of school estimate shall meet within a reasonable time after the delivery of the statement and fix and determine the amount necessary for such purpose or purposes. In the case of a county college established by more than one county, the board shall apportion upon the basis of the apportionment valuations as defined in R.S.54:4-49, such amount among the participating counties. In the case of a county college joinder created pursuant to N.J.S.18A:64A-24 subsequent to the enactment of P.L.1998, c.140, the amount to be raised may be apportioned among the participating counties upon the basis of apportionment valuations, as defined in R.S.54:4-49; or, upon the basis of unweighted student credit hours; or upon the basis of any combination of apportionment valuations and unweighted student credit hours as determined by the board of school estimate. The board shall then certify the amount so determined and apportioned to the board of trustees of the college and to each participating board of chosen freeholders.

The board of chosen freeholders, upon receipt of such certificate, shall appropriate the amount certified therein and shall raise such amount in the manner provided for by N.J.S.18A:64A-18 and 18A:64A-19.

4. This act shall take effect immediately.

Approved December 11, 1998.

CHAPTER 141

AN ACT concerning tips or gratuities received by poker dealers at casinos and amending P.L.1977, c.110.

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

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

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

100. Games and Gaming Equipment.

a. This act shall not be construed to permit any gaming except the conduct of authorized games in a casino room in accordance with this act and the regulations promulgated hereunder and in a simulcasting facility to the extent provided by the "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.). Notwithstanding the foregoing, if the commission approves the game of keno as an authorized game pursuant to section 5 of P.L.1977, c.110 (C.5:12-5), as amended, keno tickets may be sold or redeemed in accordance with commission regulations at any location in a casino hotel approved by the commission for such activity.

b. Gaming equipment shall not be possessed, maintained or exhibited by any person on the premises of a casino hotel except in a casino room, in the simulcasting facility, or in restricted casino areas used for the inspection, repair or storage of such equipment and specifically designated for that purpose by the casino licensee with the approval of the commission. Gaming equipment which supports the conduct of gaming in a casino or simulcasting facility but does not permit or require patron access, such as computers, may be possessed and maintained by a casino licensee in restricted casino areas specifically designated for that purpose by the casino licensee with the approval of the commission. No gaming equipment shall be possessed, maintained, exhibited, brought into or removed from a casino room or simulcasting facility by any person unless such equipment is necessary to the conduct of an authorized game, has permanently affixed, imprinted, impressed or engraved thereon an identification number or symbol authorized by the commission, is under the exclusive control of a casino licensee or his employees, and is brought into or removed from the casino room or simulcasting facility following 24-hour prior notice given to an authorized agent of the commission.

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

c. Each casino hotel shall contain a count room and such other secure facilities as may be required by the commission for the counting and storage of cash, coins, tokens and checks received in the conduct of gaming and for the inspection, counting and storage of dice, cards, chips and other representatives of value. All drop boxes and other devices wherein cash, coins, or tokens are deposited at the gaming tables or in slot machines, and all areas wherein such boxes and devices are kept while in use, shall be equipped with two locking devices, one key to which shall be under the exclusive control of the commission and the other under the exclusive control of the casino licensee, and said drop boxes and other devices shall

not be brought into or removed from a casino room or simulcasting facility, or locked or unlocked, except at such times, in such places, and according to such procedures as the commission may require.

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

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

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

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

h. (1) No slot machine shall be used to conduct gaming unless it is identical in all electrical, mechanical and other aspects to a model thereof which has been specifically tested by the division and licensed for use by the commission. The division may, in its discretion, and for the purpose of expediting the approval process, refer testing to any testing laboratory with a plenary license as a casino service industry pursuant to subsection a. of section 92 of P.L.1977, c.110 (C.5:12-92). The division shall give priority to the testing of slot machines which a casino licensee has certified it will use in its casino in this State. The commission shall, by regulation, establish such technical standards for licensure of slot machines, including mechanical and electrical reliability, security against tampering, the comprehensibility of wagering, and noise and light levels, as it may deem necessary to protect the player from fraud or deception and to insure the integrity of gaming. The denominations of such machines shall be set by the licensee; the licensee shall simultaneously notify the commission of the settings.

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

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

Any such regulation promulgated by the commission which determines the permissible number and density of slot machines in a licensed casino shall provide that all casino floor space and all space within a casino licensee's casino simulcasting facility shall be included in any calculation of the permissible number and density of slot machines in a licensed casino.

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

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

k. It shall be unlawful for any person to exchange or redeem chips for anything whatsoever, except for currency, negotiable personal checks, negotiable counter checks, other chips, coupons or complimentary vouchers distributed by the casino licensee, or, if authorized by regulation of the commission, a valid charge to a credit or debit card account. A casino licensee shall, upon the request of any person, redeem that licensee's gaming chips surrendered by that person in any amount over \$100 with a check drawn upon the licensee's account at any banking institution in this State and made payable to that person.

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

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

n. It shall be unlawful for any casino key employee or any person who is required to hold a casino key employee license as a condition of employment or qualification to wager in any casino or simulcasting facility in this State, or any casino employee, other than a junket representative, bartender, waiter, waitress, or other casino employee who, in the judgment of the commission, is not directly involved with the conduct of gaming operations, to wager in a casino or simulcasting facility in the casino hotel in which the employee is employed or in any other casino or simulcasting facility in this State which is owned or operated by the same casino licensee. Any casino employee, other than a junket representative, bartender, waiter,

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

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

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

2. This act shall take effect 90 days after enactment, but the commission may take such anticipatory administrative action in advance of the effective date as shall be necessary for the implementation of the act.

Approved December 11, 1998.

CHAPTER 142

A SUPPLEMENT to "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1998 and regulating the disbursement thereof," approved June 27, 1997 (P.L.1997, c.131).

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

1. In addition to the amounts appropriated under P.L.1997, c.131, there is appropriated out of the General Fund the following sum for the purpose specified:

GRANTS-IN-AID
46 DEPARTMENT OF HEALTH AND SENIOR SERVICES
20 Physical and Mental Health
21 Health Services--Grants-In-Aid

03-4230 Epidemiology, Environmental and
Occupational Health Services.....\$5,000,000
Loans:
Coriell Institute for Medical Research -
New Jersey Cord Blood Resource Center.....(\$5,000,000)

2. The Commissioner of Health and Senior Services shall issue a loan or loans totaling no more than \$5,000,000 to the Coriell Institute for Medical Research - New Jersey Cord Blood Resource Center upon the Coriell Institute's execution of an agreement with any qualified New Jersey-based entities as determined appropriate by the commissioner for the purpose of establishing a Statewide New Jersey Allogenic Cord Blood Bank. The department shall work with the aforesaid entities it deems qualified to develop a cooperative agreement to govern the roles, responsibilities and funding for each respective party. Loan funds shall be used solely for the collection and long-term storage of cord blood samples and for research directed at the growth of stem cells in such samples. The collection and storage of cord blood samples shall occur in New Jersey and shall be done on a not-for-profit basis. Funds loaned pursuant to this act shall be loaned on an interest-free basis and shall be repaid under terms to be determined by the commissioner.

3. This act shall take effect immediately.

Approved December 18, 1998.

CHAPTER 143

AN ACT concerning the "Catastrophic Illness in Children Relief Fund" and amending P.L.1987, c.370.

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

1. Section 2 of P.L.1987, c.370 (C.26:2-149) is amended to read as follows:

C.26:2-149 Definitions.

2. As used in this act:

- a. "Catastrophic illness" means any illness or condition the medical expenses of which are not covered by any other State or federal program or any insurance contract and exceed 10% of the first \$100,000 of annual income of a family plus 15% of the excess income over \$100,000.
- b. "Child" means a person 18 years of age and under.
- c. "Commission" means the Catastrophic Illness in Children Relief Fund Commission.
- d. "Family" means a child and the child's parent, parents or legal guardian, as the case may be, who is legally responsible for the child's medical expenses.
- e. "Fund" means the Catastrophic Illness in Children Relief Fund.
- f. "Income" means all income, from whatever source derived, actually received by a family.
- g. "Resident" means a person legally domiciled within the State for a period of three months immediately preceding the date of application for inclusion in the program. Mere seasonal or temporary residence within the State, of whatever duration, does not constitute domicile. Absence from this State for a period of 12 months or more is prima facie evidence of abandonment of domicile. The burden of establishing legal domicile within the State is upon the parent or legal guardian of a child.

2. Section 4 of P.L.1987, c.370 (C.26:2-151) is amended to read as follows:

C.26:2-151 Catastrophic Illness in Children Relief Fund Commission.

4. There is established in, but not of, the State Department of Human Services the Catastrophic Illness in Children Relief Fund Commission. The commission shall consist of the Commissioner of the State Department of Health and Senior Services, the Commissioner of the Department of Human Services, the Commissioner of the Department of Banking and Insurance, and the State Treasurer, who shall be members ex officio, and seven public members who are residents of this State, appointed by the Governor with the advice and consent of the Senate for terms of five years, two of whom are appointed upon the recommendation of the President of the Senate, one of whom is a provider of health care services to children in this State and two of whom are appointed upon the recommendation of the Speaker of the General Assembly, one of whom is a provider of health care services to children in this State. The five public members first appointed by the Governor shall serve for terms of one, two, three, four and five years, respectively.

Each member shall hold office for the term of his appointment and until his successor has been appointed and qualified. A member of the commission is eligible for reappointment.

Each ex officio member of the commission may designate an officer or employee of his department to represent him at meetings of the commission, 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 commission and filed with the office of the Secretary of State and shall continue in effect until revoked or amended in the same manner as provided for designation.

3. Section 7 of P.L.1987, c.370 (C.26:2-154) is amended to read as follows:

C.26:2-154 Powers; duties.

7. The commission has, but is not limited to, the following powers and duties:

a. Establish in conjunction with the Special Child Health Services program established pursuant to P.L.1948, c.444 (C.26:1A-2 et seq.) a program for the purposes of this act, administer the fund and authorize the payment or reimbursement of the medical expenses of children with catastrophic illnesses;

b. Establish procedures for application to the program, determining the eligibility for the payment or reimbursement of medical expenses for each child, processing claim disputes and establish procedures to provide that, in the case of an illness or condition for which the family, after receiving assistance pursuant to this act, recovers damages for the child's medical expenses pursuant to a settlement or judgment in a legal action, the family shall reimburse the fund for the amount of assistance received, or that portion thereof covered by the amount of the damages less the expense of recovery;

c. Establish the amount of reimbursement for the medical expenses of each child using a sliding fee scale based on a family's ability to pay for medical expenses which takes into account family size, family income and assets and family medical expenses and adjust the financial eligibility criteria established pursuant to subsection a. of section 2 of this act based upon the moneys available in the fund;

d. Disseminate information on the fund and the program to the public;

e. Adopt bylaws for the regulation of its affairs and the conduct of its business, adopt an official seal and alter the same at pleasure, maintain an office at the place within the State as it may designate, and sue and be sued in its own name;

f. Employ professional and clerical assistance necessary to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for its purposes;

- g. Maintain confidential records on each child who applies for assistance under the fund;
- h. Do all other acts and things necessary or convenient to carry out the purposes of this act; and
- i. Adopt rules and regulations in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) necessary to effectuate the purposes of this act.

4. Section 8 of P.L.1987, c.370 (C.26:2-155) is amended to read as follows:

C.26:2-155 Eligibility.

8. A child who is a resident of this State is eligible, through his parent or legal guardian, to apply to the program established pursuant to subsection a. of section 7 of this act.

5. Section 9 of P.L.1987, c.370 (C.26:2-156) is amended to read as follows:

C.26:2-156 Financial assistance.

9. Whenever a child has a catastrophic illness and is eligible for the program, the child, through his parent or legal guardian, may receive financial assistance from monies in the fund subject to the rules and regulations established by the commission and the availability of monies in the fund. The financial assistance shall include, but is not limited to, payments or reimbursements for the cost of medical treatment, hospital care, drugs, nursing care and physician services.

6. Section 12 of P.L.1987, c.370 (C.26:2-159) is amended to read as follows:

C.26:2-159 Annual reports.

12. The commission shall report annually to the Governor and to each Senate and General Assembly committee with responsibility for issues affecting children, health and human services on the status of the program. The report shall include information about the number of participants in the program, average expenditures per participant, the nature and type of catastrophic illnesses for which the fund provided financial assistance, and the average income and expenditures of families who received financial assistance under the program. The commission also may make recommendations for changes in the law and regulations governing the fund.

7. This act shall take effect immediately and shall be retroactive to January 1, 1998.

Approved December 21, 1998.

CHAPTER 144

AN ACT concerning proxy voting of corporations and amending N.J.S. 14A:5-19.

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

1. N.J.S. 14A:5-19 is amended to read as follows:

Proxy voting.

14A:5-19. Proxy voting.

(1) Every shareholder entitled to vote at a meeting of shareholders or to express consent without a meeting may authorize another person or persons to act for him by proxy. Every proxy shall be executed in writing by the shareholder or his agent, except that a proxy may be given by a shareholder or his agent by telegram, cable, telephonic transmission or by any other means of electronic communication so long as that telegram, cable, telephonic transmission or other means of electronic communication either sets forth or is submitted with information from which it can be determined that the proxy was authorized by the shareholder or his agent. No proxy shall be valid for more than 11 months, unless a longer time is expressly provided therein. Unless it is irrevocable as provided in subsection 14A:5-19(3), a proxy shall be revocable at will. The grant of a later proxy revokes any earlier proxy unless the earlier proxy is irrevocable. A proxy shall not be revoked by the death or incapacity of the shareholder, but the proxy shall continue to be in force until revoked by the personal representative or guardian of the shareholder. The presence at any meeting of any shareholder who has given a proxy does not revoke the proxy unless the shareholder files written notice of the revocation with the secretary of the meeting prior to the voting of the proxy or votes the shares subject to the proxy by written ballot.

(2) A person named in a proxy as the attorney or agent of a shareholder may, if the proxy so provides, substitute another person to act in his place, including any other person named as an attorney or agent in the same proxy. The substitution shall not be effective until an instrument effecting it is filed with the secretary of the corporation.

(3) A proxy which states that it is irrevocable is irrevocable if coupled with an interest either in the stock itself or in the corporation and, in particular and without limitation, if it is held by any of the following or a nominee of any of the following:

- (a) A pledgee;
- (b) A person who has purchased or agreed to purchase the shares;
- (c) A creditor of the corporation who has extended credit or has agreed to continue to extend credit to the corporation if the proxy is given in consideration of the extension or continuation;
- (d) A person who has agreed to perform services as an employee of the corporation if the proxy is given in consideration of the agreement; or
- (e) A person designated pursuant to the terms of an agreement as to voting between two or more shareholders.

An irrevocable proxy becomes revocable when the interest which supports the proxy has terminated.

(4) Unless noted conspicuously on the share certificate, an otherwise irrevocable proxy may be revoked by a person who becomes the holder of the shares without actual knowledge of the restriction.

2. This act shall take effect immediately.

Approved December 23, 1998.

CHAPTER 145

AN ACT concerning postsecondary education and supplementing Title 18A of the New Jersey Statutes.

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

C.18A:71-78.1 Tuition-free enrollment in postsecondary program for certain volunteers, family members.

1. A person who is an active member of a volunteer fire company or volunteer first aid or rescue squad or association in good standing and the dependent children and spouse of a volunteer shall be allowed to enroll in a postsecondary program on a tuition-free basis in a county college, county vocational school or county technical institute and be eligible to receive tuition credit in an amount not to exceed a maximum of \$2,400 for the member, children and spouse; provided that available classroom space permits and that tuition paying students constitute the minimum number required for the course. Nothing herein shall preclude a county college,

county vocational school or county technical institute from requiring registration and lab fees for individuals attending courses pursuant to this act.

C.18A:71-78.2 Eligibility for tuition credit.

2. In order to be eligible to receive tuition credit at a county college, county vocational school or county technical institute, a person shall agree to serve as a member of a volunteer fire company or volunteer first aid or rescue squad or association for a minimum of four years and sign an agreement with the municipality in which the squad or association is located pledging four years of service in exchange for the tuition credit. Following each year of volunteer service performed, the volunteer or the spouse or dependent child shall be entitled to receive tuition credit of up to \$600, not to exceed a maximum of \$2,400 for the member, children and spouse over a four-year service period.

C.18A:71-78.3 Verification of service; transcript records.

3. Upon being accepted and enrolled in a county college, county vocational school or county technical institute, the volunteer, dependent child or spouse shall provide verification to the institution that the volunteer has performed the service required for the tuition credit. Upon completion of each semester, the volunteer shall submit a transcript to the municipality to be maintained in a permanent record. The volunteer or the dependent child or spouse shall maintain a "C" grade average in order to continue eligibility for the tuition credit program.

C.18A:71-78.4 Issuance of letter of eligibility.

4. A municipality which chooses to participate in the tuition credit program shall issue a letter of eligibility to the volunteer, to be presented to the appropriate institution, stating that the individual is a member in good standing of a volunteer fire company, volunteer first aid or rescue squad or association.

5. This act shall take effect immediately.

Approved December 23, 1998.

CHAPTER 146

AN ACT concerning police training and amending and supplementing P.L.1961, c.56.

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

1. Section 4 of P.L.1961, c.56 (C.52:17B-69) is amended to read as follows:

C.52:17B-69 Probationary, temporary appointment as police officer.

4. Notwithstanding the provisions of R.S.11:22-6, a probationary or temporary appointment as a police officer may be made for a total period not exceeding one year for the purpose of enabling a person seeking permanent appointment to take a police training course as prescribed in this act, provided, however, that the time period may exceed one year for those persons enrolled prior to the one-year limit in a police training course scheduled to end subsequent to the one-year limit, and for those persons who, prior to the one-year limit, have been scheduled to attend a police training course which commences subsequent to the one-year limit. In no case shall any extension granted for the reasons herein listed exceed six months. Every person holding such a probationary or temporary appointment shall enroll in a police training course, and such appointee shall be entitled to a leave of absence with pay during the period of the police training course.

C.52:17B-69.1 Enrollment in police training course for persons seeking probationary, temporary appointment.

2. a. A person who does not hold a probationary or temporary appointment as a police officer, but who is seeking such an appointment may enroll in a police training course provided that person:

(1) meets the general qualifications for a police officer set forth in N.J.S.40A:14-122 and such other qualifications as the commission may deem appropriate; and

(2) applies to and is accepted by a commission approved school for admission to a police training course.

The person may be charged a fee by the commission or approved school, as the case may be, not exceeding that which the commission approved school charges a governmental employer for the training of an employee holding a probationary or temporary appointment.

An appointing authority may, at its discretion, reimburse a person who has completed a police training course pursuant to this section for all or part of the costs of training.

b. The commission, in accordance with 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 section.

C.52:17B-69.2 Eligibility for appointment.

3. A person who completes a police training course pursuant to section 2 of P.L.1998, c.146 (C.52:17B-69.1) shall only be eligible for appointment as a permanent full-time member of a police department or force.

4. This act shall take effect immediately.

Approved December 23, 1998.

CHAPTER 147

AN ACT changing the deadline for filing certain petitions of nomination and concerning certain candidates for elective public office and amending and supplementing Title 19 of the Revised Statutes.

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

1. R.S.19:13-8 is amended to read as follows:

Candidate nominated by petition, conditions for acceptance of nomination.

19:13-8. A candidate nominated for an office in a petition shall manifest his acceptance of such nomination by a written acceptance thereof, signed by his hand, upon or annexed to such petition, to which shall be annexed the oath of allegiance prescribed in section 41:1-1 of the Revised Statutes duly taken and subscribed by him before an officer authorized to take oaths in this State, or if the same person be named for the same office in more than one petition, annexed to one of such petitions. Such acceptance shall certify that the candidate is a resident of and a legal voter in the jurisdiction of the office for which the nomination is made. No candidate so named shall sign such acceptance if he has signed an acceptance for the primary nomination or any other petition of nomination under this chapter for such office. In addition, no candidate named in a petition for the office of member of the House of Representatives shall sign an acceptance if the candidate has signed an acceptance for the primary nomination or any other petition of nomination for the office of member of the House of Representatives in another congressional district in the same calendar year.

2. R.S.19:13-9 is amended to read as follows:

Filing of petitions, time.

19:13-9. All such petitions and acceptances thereof shall be filed with the officer or officers to whom they are addressed before 4:00 p.m. of the day of the holding of the primary election for the general election in this Title provided. All petitions when filed shall be open under proper regulations for public inspection.

Notwithstanding the above provision, all petitions and acceptances thereof nominating electors of candidates for President and Vice President of the United States, which candidates have not been nominated at a convention of a political party as defined by this Title, shall be filed with the Secretary of State before 4:00 p.m. of the 99th day preceding the general election in this Title provided. All petitions when filed shall be opened under proper regulations for public inspection.

The officer or officers shall transmit to the Election Law Enforcement Commission the names of all candidates, other than candidates for federal office, nominated by petition and any other information required by the commission in the form and manner prescribed by the commission and shall notify the commission immediately upon the withdrawal of a petition of nomination.

3. R.S.19:13-11 is amended to read as follows:

Determination of validity of objections.

19:13-11. The officer with whom the original petition was filed shall in the first instance pass upon the validity of such objection in a summary way unless an order shall be made in the matter by a court of competent jurisdiction and for this purpose such officer shall have power to subpoena witnesses and take testimony or depositions. He shall file his determination in writing in his office on or before the tenth day after the last day for the filing of petitions, which determination shall be open for public inspection.

In the case of petitions nominating electors of candidates for President and Vice President of the United States, which candidates have not been nominated at a convention of a political party as defined by this Title, the Secretary of State shall file his or her determination in writing in his or her office on or before the 93rd day before the general election, which determination shall be open for public inspection.

4. R.S.19:13-12 is amended to read as follows:

Judicial hearing.

19:13-12. Any judge of the Superior Court, in the case of candidates to be voted for by the electors of the entire State or of more than one county thereof, and in all other cases a judge of the Superior Court assigned to the county in which any petition of nomination shall be filed, on the application or complaint, duly verified, of any candidate, which application or complaint shall be made on or before the twelfth day after the last day for the filing of petitions, setting forth any invasion or threatened invasion of his rights under the petition of nomination filed with the Secretary of State or with any county clerk, shall hear such application or complaint in a

summary way and make such order thereon as will protect and enforce the rights of such candidates, which order or determination shall be filed within three days after the filing of the application or complaint.

Notwithstanding the above provision, in the case of a nomination petition or petitions for electors of candidates for President and Vice President of the United States, which candidates have not been nominated at a convention of a political party as defined by this Title, any judge of the Superior Court, on the application or complaint, duly verified, of any candidate, which application or complaint shall be made at least 95 days before the general election, setting forth any invasion or threatened invasion of his or her rights under the petition of nomination filed with the Secretary of State, shall hear such application or complaint in a summary way and make such order thereon as will protect and enforce the rights of such candidates, which order or determination shall be filed within three days after the filing of the application or complaint.

5. R.S.19:13-13 is amended to read as follows:

Amendment of petitions; time.

19:13-13. A candidate whose petition of nomination, or any affidavit or affidavits thereto, is defective may cause such petition, or the affidavit or affidavits thereto, to be amended in matters of substance or of form as may be necessary, but not to add signatures, or such amendment or amendments may be made by filing a new or substitute petition, or affidavit or affidavits, and the same when so amended shall be of the same effect as if originally filed in such amended form; but every amendment shall be made on or before the tenth day after the last day for the filing of petitions. This provision shall be liberally construed to protect the interest of candidates.

Notwithstanding the above provision, in the case of nomination petitions for electors for candidates for President and Vice President of the United States, which candidates have not been nominated at a convention of a political party as defined by this Title, every statutorily authorized amendment shall be made on or before the 93rd day before the general election.

6. R.S.19:23-15 is amended to read as follows:

Acceptance by candidates to accompany petitions.

19:23-15. Accompanying the petition and attached thereto each person indorsed therein shall file a certificate, stating that he is qualified for the office mentioned in the petition; that he consents to stand as a candidate for nomination at the ensuing primary election, and that if nominated, he agrees to accept the nomination. Such acceptance shall certify that the candidate

is a resident of and a legal voter in the jurisdiction of the office for which the nomination is to be made and there shall be annexed thereto the oath of allegiance prescribed in section 41:1-1 of the Revised Statutes duly taken and subscribed by the person so nominated before an officer authorized to take oaths in this State.

No candidate who has accepted the nomination by a direct petition of nomination for the general election shall sign an acceptance to a petition of nomination for such office for the primary election. In addition, no candidate named in a petition for the office of member of the House of Representatives shall sign an acceptance if the candidate has signed an acceptance for the primary nomination or any other petition of nomination for the office of member of the House of Representatives in another congressional district in the same calendar year.

C.19:13-8.1 Petitions filed after deadline; ineligible candidates.

7. No petition for direct nomination, including a petition filed pursuant to R.S.19:13-19, which, for any reason, is filed after the deadline established in R.S.19:13-9 shall nominate to any elective public office a candidate who unsuccessfully sought the nomination of a political party to that office in the primary election held in the same calendar year and no unsuccessful primary candidate shall sign an acceptance of such a petition for direct nomination.

8. This act shall take effect January 1 following the date of enactment.

Approved December 24, 1998.

CHAPTER 148

AN ACT concerning law enforcement officers and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

C.40A:14-195 County law enforcement crisis intervention services program.

1. The governing body of any county, by ordinance or resolution, as appropriate, may provide for the establishment of a law enforcement crisis intervention services program. The purpose of the program is to provide post traumatic debriefing and counseling services for law enforcement officers and sheriff's officers who have been involved in incidents which

may produce personal or job-related depression, anxiety, stress, or other psychological or emotional tensions, traumas, pressures or disorders.

A crisis intervention services program established pursuant to this act shall be an independent agency of county government. It shall not be organized as a division, department, bureau, or as any other type of subdivision of any county law enforcement agency or of any other law enforcement department, force or agency of any municipality within the county.

To preserve the integrity of the services offered under the program, the facility shall not be located at or adjacent to any law enforcement facility, station or barracks in the county.

C.40A:14-196 Availability of program.

2. a. If a county establishes a crisis intervention services program pursuant to this act, the services shall be available to any law enforcement officer and sheriff's officer employed by any county law enforcement department or agency, or any municipal department, force or agency in the county who is involved in an incident which may produce personal or job-related depression, anxiety, stress, or other psychological or emotional tensions, traumas, pressures or disorders. Nothing in this act shall be construed to prohibit a law enforcement officer or sheriff's officer in a county which has established a crisis intervention program from participating in any other crisis intervention, stress management or counseling program.

b. If a county establishes a crisis intervention services program pursuant to P.L.1998, c.148 (C.40A:14-195 et seq.), any officer employed by any county law enforcement department or agency, or any municipal department, force or agency in the county who is actively involved in a critical incident, shall be required to participate in the program's debriefing and counseling services before returning to active law enforcement duty unless, in the opinion of the chief executive officer of the law enforcement agency, the ability to deploy officers to preserve order and protect public safety requires a return to active duty pending scheduling of debriefing and counseling services, which shall occur as promptly as is practicable.

For the purpose of this subsection, critical incident shall mean an event involving the firing of a weapon or an exchange of gun fire; serious bodily injury to or the death of a juvenile; a terrorist act; a hostage situation; serious bodily injury to or the death of another law enforcement officer employed in the same agency, when that serious bodily injury or death occurred in the performance of that officer's official duties; a personal injury or wound; serious bodily injury received in the performance of the officer's official duties; and such other incidents or events as the county crisis intervention

services advisory council established pursuant to section 4 of P.L.1998, c.148 (C.40A:14-198) shall deem appropriate.

C.40A:14-197 Provision of debriefing, counseling services.

3. a. The debriefing and counseling services available under a program established pursuant to P.L.1998, c.148 (C.40A:14-195 et seq.) shall be provided by appropriately licensed or certified psychologists and social workers who are either employees of the county or under contract to provide such professional services to the county. No employee of a county or municipal law enforcement agency, department or force shall provide any debriefing or counseling services under the program; provided, however, nothing herein shall be construed to prohibit any county or municipal law enforcement agency, department or force from establishing an internal, administrative debriefing and counseling program to identify law enforcement officers or sheriff's officers who may benefit from the services available under the county crisis intervention services program and to refer those officers to those services.

b. Former law enforcement officers and other persons who are not licensed or certified as psychologists or social workers and who are not currently employed by any county or municipal law enforcement agency may be employed by the county to provide debriefing and counseling services; provided those former law enforcement officers and other persons are:

(1) currently enrolled in an educational program to acquire such licensing or certification; or

(2) familiar with the emotional crises and psychological stresses, tensions and anxieties associated with law enforcement duty; or

(3) trained to provide specialized or supplemental counseling services involving domestic violence, substance abuse, gambling, marriage and family life, and such other topics as the county crisis intervention services advisory council, established pursuant to section 4 of this act, may deem necessary; and

(4) perform those debriefing and counseling services under the direct supervision of a licensed or certified psychologist, psychiatrist, or social worker.

C.40A:14-198 County crisis intervention services advisory council.

4. The governing body of a county which establishes a county crisis intervention services program pursuant to P.L.1998, c.148 (C.40A:14-195 et seq.) shall, by ordinance or resolution, as appropriate, organize a county crisis intervention services advisory council. The purpose of the council shall be to advise and assist in the organization and development of an effective county crisis intervention services program. The council shall consist of a representative of the county Association of Chiefs of Police; a representative of a collective bargaining unit representing one of the several law enforcement

agencies in the county; the County Prosecutor or his designee; a representative of the county Health Department specializing in mental health; and a certified or licensed psychologist who is experienced in the diagnosis and treatment of emotional, psychological, or post trauma stress disorders.

5. This act shall take effect on the first day of the fourth month following enactment.

Approved January 5, 1999.

CHAPTER 149

AN ACT establishing a toll-free "Law Enforcement Officer Crisis Intervention Services" telephone hotline, supplementing Title 11A of the New Jersey Statutes and amending R.S.39:5-41.

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

C.11A:2-25 "Law Enforcement Officer Crisis Intervention Services" telephone hotline.

1. a. The Commissioner of Personnel shall establish and maintain, on a 24-hour daily basis, a toll-free information "Law Enforcement Officer Crisis Intervention Services" telephone hotline. The hotline shall receive and respond to calls from law enforcement officers and sheriff's officers who have been involved in any event or incident which has produced personal or job-related depression, anxiety, stress, or other psychological or emotional tension, trauma, or disorder for the officer. The operators of the hotline shall seek to identify those officers who should be referred to further debriefing and counseling services, and to provide such referrals.

b. The operators of the hotline shall be trained by the commissioner and, to the greatest extent possible, shall be persons, who by experience or education, are: (1) familiar with post trauma disorders and the emotional and psychological tensions, depressions, and anxieties unique to law enforcement officers and sheriff's officers; or (2) trained to provide counseling services involving marriage and family life, substance abuse, personal stress management and other emotional or psychological disorders or conditions which may be likely to adversely affect the personal and professional well-being of a law enforcement officer and a sheriff's officer.

c. To ensure the integrity of the telephone hotline and to encourage officers to utilize it, the commissioner shall provide for the confidentiality of the names of the officers calling, the information discussed by that officer

and the operator, and any referrals for further debriefing or counseling; provided, however, the commissioner may, by rule and regulation, establish guidelines providing for the tracking of any officer who exhibits a severe emotional or psychological disorder or condition which the operator handling the call reasonably believes might result in harm to the officer or others.

C.11A:2-26 Preparation of referral list.

2. The commissioner shall prepare a list of appropriately licensed or certified psychiatrists, psychologists, and social workers; other appropriately trained and qualified counselors; and experienced former law enforcement officers who are willing to accept referrals and to participate in the debriefing and counseling offered law enforcement officers and sheriff's officers under the provisions of this act.

C.11A:2-27 Consultation in establishment of hotline.

3. In establishing the hotline authorized under the provisions of section 1 of this act, the commissioner shall consult with a representative from the New Jersey Association of Chiefs of Police; a State representative from the New Jersey State Patrolmen's Benevolent Association, Fraternal Order of Police, the New Jersey Corrections Officers Association, and any other exclusive bargaining representative for a law enforcement agency; and such others as the commissioner may deem appropriate.

4. R.S.39:5-41 is amended to read as follows:

Fines, penalties; forfeitures, disposition of; exceptions.

39:5-41. a. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of R.S.39:4-63 and R.S.39:4-64 shall be forwarded by the judge to whom the same have been paid to the proper financial officer of a county, if the violation occurred within the jurisdiction of that county's central municipal court, established pursuant to N.J.S.2B:12-1 et seq. or the municipality wherein the violation occurred, to be used by the county or municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. Except as otherwise provided by subsection a. of this section, all fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complaining witness is the director, a member of his staff, a member of the State Police, a member of a county police department and force or a county park police system in a county that has established a central municipal court, an inspector of the Board of Public Utilities, or a

law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid as follows: one-half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost of operating the municipal court; and one-half of the total amount collected to the proper financial officer of the county wherein they were collected, to be used by the county as a fund for the construction, reconstruction, maintenance and repair of roads and bridges, snow removal, the acquisition and purchase of rights-of-way, and the purchase, replacement and repair of equipment for use on said roads and bridges therein. Up to 25% of the money received by a municipality pursuant to this subsection, but not more than the actual amount budgeted for the municipal court, whichever is less, may be used to upgrade case processing.

All fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, in which the complaining witness is a member of a county police department and force or a county park police system in a county that has established a central municipal court, shall be forwarded by the judge to whom the same have been paid to the financial officer, designated by the governing body of the county, for all violations occurring within the jurisdiction of that court, to be used for general county use and to defray the cost of operating the central municipal court.

Whenever any county has deposited moneys collected pursuant to this section in a special trust fund in lieu of expending the same for the purposes authorized by this section, it may withdraw from said special trust fund in any year an amount which is not in excess of the amount expended by the county over the immediately preceding three-year period from general county revenues for said purposes. Such moneys withdrawn from the trust fund shall be accounted for and used as are other general county revenues.

c. (Deleted by amendment, P.L.1993, c.293.)

d. Notwithstanding the provisions of subsections a. and b. of this section, \$1.00 shall be added to the amount of each fine and penalty imposed and collected under authority of any law for any violation of the provisions of Title 39 of the Revised Statutes or any other motor vehicle or traffic violation in this State and shall be forwarded by the person to whom the same are paid to the State Treasurer. In addition, upon the forfeiture of bail, \$1.00 of that forfeiture shall be forwarded to the State Treasurer. The State Treasurer shall annually deposit those moneys so forwarded in the "Body Armor Replacement" fund established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4). Beginning in the fiscal year next following the effective date of this act, the State Treasurer annually shall allocate from

those moneys so forwarded an amount not to exceed \$400,000 to the Department of Personnel to be expended exclusively for the purposes of funding the operation of the "Law Enforcement Officer Crisis Intervention Services" telephone hotline established and maintained under the provisions of P.L.1998, c.149 (C.11A:2-25 et al.).

5. This act shall take effect on the first day of the fourth month following enactment, but the Commissioner of Personnel may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Approved January 5, 1999.

CHAPTER 150

AN ACT designating May 15th as "Peace Officers Memorial Day" in New Jersey.

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

1. The Legislature finds and declares that:
 - a. The law enforcement officers of New Jersey have served, and continue to serve, the citizens of our communities with selfless devotion, regardless of the peril or hazard to themselves;
 - b. Each day these officers preserve and protect the lives and property of the people of our State;
 - c. By enforcing federal and State law, these officers have secured the internal freedoms and rights we enjoy, most notably a freedom from the fear of violence and civil disorder that plagues the citizens of so many other nations;
 - d. These men and women, by their distinctive service and dedicated efforts as law enforcement officers, have earned our highest respect and deepest gratitude;
 - e. Since the enactment of Public Law 87-726 in 1962, the successive Presidents of this nation have each year proclaimed May 15th as Peace Officers Memorial Day, publicly recognizing the dedicated service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws and respectfully honoring all those officers who have been killed or disabled in the line of duty; and

f. It is altogether fitting and proper, and within the public interest, to designate May 15th as "Peace Officers Memorial Day" in New Jersey and to encourage the citizens of this State and the residents of each community to join in the observance of this day of public recognition and appreciation for the law enforcement officers who serve and protect the people of this State.

C.36:2-50 "Peace Officers Memorial Day."

2. May 15th is permanently designated "Peace Officers Memorial Day" in New Jersey and the local governmental units and the citizens of this State, along with the residents of each community, are encouraged:

a. To join in the observance of Peace Officers Memorial Day on May 15th of each year in order to recognize, applaud and sincerely thank those men and women who, serving night and day as law enforcement officers, protect and safeguard our lives and property;

b. To honor all those law enforcement officers--federal, State and local--who have been killed or disabled in the line of duty by displaying at half-staff the flag of the United States on that day; and

c. To organize and sponsor appropriate ceremonies and activities reflective of the sincere and deep appreciation the citizens of our State and communities extend to the men and women of the law enforcement community.

3. This act shall take effect immediately.

Approved January 5, 1999.

CHAPTER 151

AN ACT concerning electrical contractors and supplementing chapter 21 of Title 2C of the New Jersey Statutes.

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

C.2C:21-33 Electrical contracting without business permit, fourth degree crime.

1. a. A person is guilty of a crime of the fourth degree if that person knowingly engages in the business of electrical contracting without having a business permit issued by the Board of Examiners of Electrical Contractors and:

(1) Creates or reinforces a false impression that the person is licensed as an electrical contractor or possesses a business permit; or

- (2) Derives a benefit, the value of which is more than incidental; or
- (3) In fact causes injury to another.
- b. For the purposes of this section, the phrase "in fact" indicates strict liability.

2. This act shall take effect immediately.

Approved January 12, 1999.

CHAPTER 152

AN ACT renaming The Forensic Psychiatric Hospital as the Ann Klein Forensic Center and amending and supplementing R.S.30:1-7.

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

1. The Legislature finds and declares that:
 - a. Ann Rosenweig Klein, who passed away on February 23, 1986, led a long and distinguished life of dedicated public service in the State;
 - b. This career began when she was elected in 1971 to the New Jersey General Assembly followed by a bid for the governorship of the State of New Jersey as a candidate in the democratic primary in 1973;
 - c. Ann Klein was the first woman to be appointed Commissioner of the Department of Institutions and Agencies, which later, at her request, became the Department of Human Services;
 - d. Ann Klein served as Commissioner of Human Services in Governor Byrne's administration from 1974 to 1981, providing passionate advocacy for the rights of those living in poverty, people with mental illness and developmental disabilities and abused or neglected children;
 - e. Ann Klein's professional career ended in 1982 due to illness, after serving two years as an Administrative Law Judge during Governor Kean's administration;
 - f. As Commissioner of Human Services, Ann Klein devoted herself to enhancing the quality of life for persons under the care of the State with emphasis on creating normative living conditions and expanding community care for people with disabilities;
 - g. Ann Klein worked tirelessly to improve conditions for incarcerated persons with mental illness that resulted in the creation of a task force and series of initiatives that led to the development of a forensic facility on the grounds of Trenton Psychiatric Hospital;

h. The Forensic Psychiatric Hospital is the only facility of its kind in the State, providing state-of-the-art psychiatric, nursing and medical care to persons incarcerated due to mental illness;

i. Ann Klein has been deeply missed by all who knew her and deserves to be honored and remembered for her work to improve New Jersey's human services system; and

j. It is altogether fitting and proper that the memory of Ann Klein be commemorated by redesignating The Forensic Psychiatric Hospital as the Ann Klein Forensic Center.

2. R.S.30:1-7 is amended to read as follows:

Institutions, facilities covered by Title 30.

30:1-7. The long-term care facilities, institutions, and psychiatric facilities of this State, within the meaning of this Title, shall include the following, and, as well, any facilities established hereafter for any similar purpose:

Trenton Psychiatric Hospital,
Greystone Park Psychiatric Hospital,
Marlboro Psychiatric Hospital,
Ancora Psychiatric Hospital,
Senator Garrett W. Hagedorn Gero-Psychiatric Hospital,
Ann Klein Forensic Center,
North Princeton Developmental Center,
North Jersey Developmental Center,
New Lisbon Developmental Center,
Woodbine Developmental Center,
Vineland Developmental Center,
Woodbridge Developmental Center,
Hunterdon Developmental Center,
Arthur Brisbane Child Center at Allaire.

C.30:1-7.5 Ann Klein Forensic Center designated.

3. Whenever any reference is made in any law, contract or document to The Forensic Psychiatric Hospital, the same shall mean and refer to the Ann Klein Forensic Center

4. This act shall take effect immediately.

Approved January 12, 1999.

CHAPTER 153

AN ACT concerning certain contributions made through the gross income tax return, amending P.L.1981, c.170, P.L.1985, c.197, P.L.1994, c.139, P.L.1995, c.26 and P.L.1995, c.299 and supplementing Title 54A of the New Jersey Statutes.

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

1. Section 1 of P.L.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."

1. 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 the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's 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 \$10 ☐, \$20 ☐, other amount \$.....☐, to this fund. The State Treasurer shall deposit into the fund all moneys designated for the fund pursuant to this supplementary act.

2. 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 the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's 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 \$10 ☐, \$20 ☐, other amount \$.....☐, to this fund.

The State Treasurer shall deposit into the fund all moneys designated for the fund pursuant to this act.

3. Section 1 of P.L.1994, c.139 (C.54A:9-25.6) is amended to read as follows:

C.54A:9-25.6 Contribution to Vietnam Veterans' Memorial Fund; indication on income tax return.

1. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return for any taxable year beginning on or after January 1, 1994 and before December 31, 1999 that a portion of the taxpayer's tax refund or an enclosed contribution shall be deposited in the Vietnam Veterans' Memorial Fund established pursuant to section 4 of P.L.1985, c.494 (C.52:18A-208). The Director of the Division of Taxation in the Department of the Treasury shall provide each taxpayer with the opportunity to indicate the taxpayer's preference on the tax return to contribute to the fund in substantially the following way:

"Vietnam Veterans' Memorial Fund: I wish to contribute \$10 ☐, \$20 ☐, other amount \$.....☐ to this fund."

Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting.

The State Treasurer shall deposit net contributions collected pursuant to this act into the Vietnam Veterans' Memorial Fund.

4. Section 1 of P.L.1995, c.26 (C.54A:9-25.7) is amended to read as follows:

C.54A:9-25.7 "New Jersey Breast Cancer Research Fund."

1. a. There is established in the Department of the Treasury a special fund to be known as the "New Jersey Breast Cancer Research Fund."

b. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's 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 the taxpayer's preference on the tax return in substantially the following way:

New Jersey Breast Cancer Research Fund: I wish to contribute \$10 ☐, \$20 ☐, other amount \$.....☐ to this fund.

Any costs incurred by the Division of Taxation for collection or administration attributable to this act may be deducted from receipts collected pursuant to this act, as determined by the Director of the Division of Budget and Accounting.

The State Treasurer shall deposit net contributions collected pursuant to this act into the New Jersey Breast Cancer Research Fund.

5. Section 1 of P.L.1995, c.299 (C.54A:9-25.9) is amended to read as follows:

C.54A:9-25.9 U.S.S. New Jersey Educational Museum Fund; tax return contribution.

1. Each taxpayer shall have the opportunity to indicate on the taxpayer's New Jersey gross income tax return that a portion of the taxpayer's tax refund or an enclosed contribution be deposited in the U.S.S. New Jersey Educational Museum Fund established pursuant to this act. The Director of the Division of Taxation shall provide each taxpayer with the opportunity to indicate the taxpayer's preference on the tax return to contribute to the fund in substantially the following way:

"U.S.S. New Jersey Educational Museum Fund: I wish to contribute \$10 ☐, \$20 ☐, other amount \$.....☐ to this fund."

6. Section 2 of P.L.1995, c. 299 (C.54A:9-25.10) is amended to read as follows:

C.54A:9-25.10 U.S.S. New Jersey Educational Museum fund established.

2. There is established in the Department of the Treasury a special fund to be known as the U.S.S. New Jersey Educational Museum Fund. The State Treasurer shall deposit into the fund net contributions collected pursuant to this act. All moneys deposited in the U.S.S. New Jersey Educational Museum Fund shall be annually appropriated:

a. to the U.S.S. New Jersey Battleship Commission to support the acquisition and relocation of the U.S.S. New Jersey Battleship to New Jersey; and

b. after the relocation of the battleship to a permanent berth in New Jersey, to the Battleship New Jersey Foundation to support the maintenance and operation of the U.S.S. New Jersey as a memorial and museum. The Chair of the U.S.S. New Jersey Battleship Commission shall provide written notification to the State Treasurer when the U.S.S. New Jersey has been relocated and dedicated in New Jersey as a permanent memorial and museum.

7. This act shall take effect immediately and apply to taxable years beginning on or after January 1 next following enactment.

Approved January 12, 1999.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION NO. 1

A JOINT RESOLUTION designating March 31 of each year as "Thomas Mundy Peterson Day."

WHEREAS, Thomas Mundy Peterson (1824-1904), a citizen of Perth Amboy, cast the first vote by an African-American in the United States after the passage of the Fifteenth Amendment to the United States Constitution; and

WHEREAS, Thomas Mundy Peterson voted in a municipal charter referendum held in the city of Perth Amboy on March 31, 1870, one day after the adoption of the Fifteenth Amendment; and

WHEREAS, Thomas Mundy Peterson cast his ballot in favor of a revised City Charter in the City Hall of Perth Amboy, the oldest municipal building in continuous use in the United States and site of the first State ratification of the first ten amendments to the U.S. Constitution, known as "The Bill of Rights," in November 1789; and

WHEREAS, Thomas Mundy Peterson was known throughout Perth Amboy as "an honorable and good citizen" and was awarded a gold medal in 1884 by the citizens of Perth Amboy in commemoration of his historic 1870 vote; and

WHEREAS, It is altogether fitting and proper that the State of New Jersey recognize Thomas Mundy Peterson for claiming the right of suffrage at the polls on March 31, 1870 and treading a path for others to follow; now, therefore,

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

C.36:2-46 Thomas Mundy Peterson Day designated.

1. March 31 of each year is designated as Thomas Mundy Peterson Day in recognition of his historic vote on March 31, 1870.

2. Duly authenticated copies of this joint resolution shall be transmitted to the descendants of Thomas Mundy Peterson and the City of Perth Amboy.

3. This joint resolution shall take effect immediately.

Approved April 3, 1998.

JOINT RESOLUTION NO. 2

A JOINT RESOLUTION designating June 9, 1998 as "National Critical Viewing Day" in New Jersey.

WHEREAS, Our children are New Jersey's most precious resource, and it is our responsibility to foster their development into responsible and productive citizens to sustain our nation in the decades ahead; and

WHEREAS, Research shows that parental and community involvement in children's education is a vital link to achieving quality education and a safe, disciplined learning environment for every child; and

WHEREAS, Television plays an enormous role in the life of children and they benefit from inspiring, educational and informative programs; and

WHEREAS, Studies reveal that an overwhelming majority of America's parents believe that parental involvement in children's television watching is extremely important; and

WHEREAS, Parents are searching for the tools and information to control the impact of television violence and commercialism on their children; and

WHEREAS, The "Family and Community Viewing Project," a partnership of the National PTA and the cable television industry, is committed to providing "Taking Charge of Your TV" workshops and materials to help families make smarter, more informed television viewing choices that make television viewing a positive and educational experience for families; and

WHEREAS, The cable television industry is committed to helping families address concerns about television and its impact on children and is committed to helping families make more informed choices about program viewing and how they watch those programs; and

WHEREAS, The cable television industry, in conjunction with the National PTA, is co-sponsoring the week of June 8 to 14, 1998 as "Tune in to Kids and Family II Week" in order to demonstrate the industry's commitment to family-friendly programming and critical viewing including "National Critical Viewing Day" on June 9, 1998; now, therefore,

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

1. June 9, 1998 is designated as "National Critical Viewing Day" in New Jersey.

2. The Governor shall issue a proclamation calling on parents and educators throughout the State, in conjunction with the cable television

industry and the National PTA, to observe the day with appropriate activities to promote the purposes of "National Critical Viewing Day."

3. This joint resolution shall take effect immediately.

Approved June 11, 1998.

JOINT RESOLUTION NO. 3

A JOINT RESOLUTION memorializing the Saint Louis, Missouri County Commissioners to release the Delaware, Lackawanna & Western Railroad's 4-4-0 Camelback Steam Engine No. 952 for its return to the Steamtown National Historic Site in Scranton, Pennsylvania.

WHEREAS, In 1911, the Delaware, Lackawanna & Western (DL&W) Railroad's 4-4-0 Camelback Steam Engine No. 952 was the only engine on the first train to use the Lackawanna Cut-Off on a run from Hoboken, New Jersey to Scranton, Pennsylvania; and

WHEREAS, In 1938, Steam Engine No. 952, the only surviving DL&W Railroad steam passenger locomotive, was donated to the Railway and Locomotive Historical Society (R&LHS) by the management of DL&W Railroad who recognized its historical significance; and

WHEREAS, Until 1951, Steam Engine No. 952 was operated from, maintained at and stored in the DL&W Railroad Roundhouse in Scranton, Pennsylvania; and

WHEREAS, Steam Engine No. 952 was later loaned by the R&LHS to the National Museum of Transport in the City of Saint Louis, Missouri, which subsequently sold the site and equipment to the County of Saint Louis, Missouri without the knowledge, notification or consent of the R&LHS; and

WHEREAS, The National Museum of Transport and Saint Louis County failed to comply with the conditions under which the loan was made by the R&LHS and DL&W Railroad management; and

WHEREAS, The Commissioners of Saint Louis County have steadfastly refused to release Steam Engine No. 952 to its owners for return to DL&W Railroad territory; and

WHEREAS, The R&LHS, on May 30, 1996 voted to consider transferring ownership of Steam Engine No. 952 to any museum or group that would: (1) protect it against further deterioration; (2) restore and conserve it for at least static display; and (3) exhibit it, at least on a loan basis, in the territory where it was operated by the DL&W Railroad; and

WHEREAS, Steam Engine No. 952 is the only DL&W Railroad engine that was maintained in its original configuration following the railroad's decision to use electric engines; and

WHEREAS, The DL&W Railroad Roundhouse in Scranton, Pennsylvania, which has now been transformed into Steamtown National Historic Site with the facilities to store Steam Engine No. 952 under cover, restore it, make it operational, and make it available for use by various historic rail preservation groups in its home territory, including New Jersey, New York and Pennsylvania, is the most appropriate location for Steam Engine No. 952 to be returned; now, therefore,

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

1. The Commissioners of the County of Saint Louis, Missouri are respectfully called upon to expedite the prompt release of the Delaware, Lackawanna & Western (DL&W) Railroad's 4-4-0 Camelback Steam Engine No. 952 to its rightful owner, the Railway and Locomotive Historical Society (R&LHS), for its return to DL&W Railroad territory.

2. Duly authenticated copies of this joint resolution shall be transmitted to the Commissioners of the County of Saint Louis, Missouri and to the presiding officers of the Legislature and Governor of the State of Missouri.

3. This joint resolution shall take effect immediately

Approved June 29, 1998.

JOINT RESOLUTION NO. 4

A JOINT RESOLUTION designating a portion of State Highway Route No. 9 as the "Joann H. Smith Memorial Highway."

WHEREAS, Former Assemblywoman Joann H. Smith, who passed away on May 18, 1998, demonstrated uncommon dedication, effective leadership, and steadfast commitment during her legislative tenure, serving with distinction in the General Assembly for six terms; and

WHEREAS, Assemblywoman Smith's governmental leadership was evidenced through her exemplary service as a Councilwoman and Zoning Board member in the Township of Old Bridge, and as a founder of the Old Bridge Economic Development Corporation; and

- WHEREAS, As a former member of the Assembly Appropriations Committee, Deputy Speaker Smith was widely renowned and respected for her work on numerous items in the budget, including the health study of Global Landfill, DeVoe Lake Dam, and the reconstruction of the State Highway Route No. 9/Ernst Road intersection; and
- WHEREAS, Her tireless energy, knowledge, and concern for the residents of the 13th Legislative District resulted in the notable achievement of bringing into her district more than \$250 million in additional discretionary State aid during her tenure; and
- WHEREAS, Her commitment to efficient and affordable State government in her former position as Chair of the Assembly Appropriations Subcommittee on Government Operations resulted in the finding of timely cost savings measures by her subcommittee after a thorough and open review of certain State entities; and
- WHEREAS, Her strong belief that the State must take special care to assure that the quality of life is beneficial for the young, the elderly, and the disabled, resulted in numerous financial grants of assistance to area senior centers, day care facilities, and other social services institutions in her district; and
- WHEREAS, Her strong and unwavering commitment to the law and the public safety needs of the citizens of the State was admirably reflected in her successful pursuit and implementation of the first Statewide consolidated high technology fingerprint processing center, making it possible to more effectively apprehend and arrest criminals around the State; and
- WHEREAS, By setting a standard of selfless devotion in serving the people of her district and this State, Assemblywoman Joann H. Smith earned the respect and admiration of all who knew her; and
- WHEREAS, It is altogether fitting and proper that the State of New Jersey recognize and salute Joann H. Smith's valuable service as a member of the New Jersey General Assembly, and to recognize her as an individual of remarkable character and exceptional determination by designating that portion of State Highway Route No. 9, which is situated in the Township of Old Bridge, Middlesex County, as the "Joann H. Smith Memorial Highway;" now, therefore,

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

1. The Commissioner of Transportation shall designate that portion of State Highway Route No. 9, which is situated in the Township of Old Bridge, Middlesex County, as the "Joann H. Smith Memorial Highway."

2. The commissioner is authorized to erect appropriate and permanent route and directional signs bearing that designation, and indicating that the portion of the highway bearing that designation is located within the Township of Old Bridge, at appropriate sites on each side of the highway corresponding to the points of entry and exit to the Township of Old Bridge.

3. This joint resolution shall take effect immediately.

Approved September 14, 1998.

JOINT RESOLUTION NO. 5

A JOINT RESOLUTION designating a portion of State Highway Route No. 37 located in the township of Dover, Ocean County, as the "Little League World Champions Boulevard."

WHEREAS, On August 29, 1998, in Williamsport, Pennsylvania, the Toms River East American Little League All-Star Team captured the Little League World Series with a 12-9 victory over Kashima Little League of Kashima, Japan, to give this State its first Little League World Series Champion since 1975; and

WHEREAS, The outstanding young athletes from the Toms River East American Little League All-Star Team, superbly guided by their coaches, performed with praiseworthy determination throughout their remarkable season, which included an overall 5-0 record during the Little League World Series; and

WHEREAS, Their talent and exemplary efforts in seeking and achieving youth baseball's pinnacle of athletic excellence have earned the members of the Toms River East American Little League All-Star Team the respect and admiration of the Legislature and the people of this State; and

WHEREAS, It is altogether fitting and proper that the Legislature honor the Toms River East American Little League All-Star Team for winning the 1998 Little League World Series Championship by designating that portion of State Highway Route No. 37, situated in the township of Dover, Ocean County, as the "Little League World Champions Boulevard"; now, therefore,

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

1. The Commissioner of Transportation shall designate that portion of State Highway Route No. 37, which is situated in the township of Dover, Ocean County, as the "Little League World Champions Boulevard."

2. The commissioner is authorized to erect appropriate and permanent route and directional signs bearing that designation, and indicating that the portion of the highway bearing that designation is located within the township of Dover, at appropriate sites on each side of the highway corresponding to the points of entry and exit to the township of Dover.

3. This joint resolution shall take effect immediately.

Approved October 20, 1998.

JOINT RESOLUTION NO. 6

A JOINT RESOLUTION designating August 29th of each year as "Toms River East Little League World Series Champions Day."

WHEREAS, It is a dream of every young ballplayer to one day play in Williamsport, Pennsylvania, the birthplace of Little League baseball and host of the Little League World Series; and

WHEREAS, The Toms River East American All Stars began the 1998 Little League playoffs as one of three all star teams in Toms River, one of 6,500 all star teams in the nation and one of over 7,500 all star teams worldwide seeking to win the Little League World Series; and

WHEREAS, After staging a number of improbable come-from-behind victories in playoff games throughout the summer months, the Toms River East American All Stars captured the State and Eastern Regional Championships to advance to the Little League World Series tournament in Williamsport; and

WHEREAS, Though the smallest team to play in the tournament and considered a longshot to advance any further, the Toms River East American All Stars continued their magical journey by proceeding undefeated to the World Series final, thus becoming the first United States Champions from New Jersey since 1975; and

WHEREAS, On the afternoon of August 29, 1998, before a crowd of 42,000 fans in Williamsport and 11 million television viewers nationwide, the Toms River East American All Stars completed a thrilling 12 to 8 victory over a worthy opponent, Kashima, Japan, to become crowned as the 1998 Little League World Series Champions; and

Whereas, As a result of their memorable and distinctive victory in Williamsport, the Toms River East All Stars became only the seventh American team to defeat an international opponent in the history of the Little League World Series, the first team from the State of New Jersey to ever accomplish such a feat, and the first American team to score a dozen runs in the World Series since 1959; and

WHEREAS, By winning the Little League World Series, these 11 and 12-year-old boys not only brought pride and community spirit to Toms River and the State of New Jersey, but also exemplified true sportsmanship, demonstrated the importance of leadership and camaraderie in achieving team goals and, most importantly, managed to have fun and show the world their love for the game of baseball; now, therefore,

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

C.36:2-47 "Toms River East Little League World Champions Day"; designated.

1. August 29th of each year is hereby designated as "Toms River East Little League World Champions Day" in New Jersey in recognition of the extraordinary accomplishments of the team informally known as the "Toms River East Twelve," the "Windsor Avenue Wonders" and the "Beasts from the East."

2. All citizens of this State and each of its communities are encouraged to join in the observance of this day of public recognition and appreciation for a team that brought pride to, not only the good people of Toms River, but the entire State of New Jersey.

3. Duly authenticated copies of this joint resolution shall be transmitted to all Toms River East American All Star players and coaches.

4. This joint resolution shall take effect immediately and be retroactive to August 29, 1998.

Approved October 20, 1998.

JOINT RESOLUTION NO. 7

A JOINT RESOLUTION creating a commission to develop recommendations to increase regional and intergovernmental transportation decision-making among various levels of government and to identify incentives to promote such cooperation.

WHEREAS, In past years, New Jersey has experienced explosive growth in certain regions which has resulted in increased development, congested highways, and disjointed economic development; and

WHEREAS, Although the "New Jersey Transportation Development District Act of 1989," P.L.1989, c.100 (C.27:1C-1 et seq.) authorizes the creation of special transportation financing districts to provide funds to mitigate traffic congestion in areas of major development, there is no regional review of major or significant developments that have impacts beyond one specific municipality or county, and such developments present special problems and needs that are regional in nature; and

WHEREAS, It is, therefore, altogether fitting and proper, and within the public interest, to create a special commission to develop recommendations to increase regional transportation decision-making among various levels of government, to mitigate the traffic impacts of major developments or redevelopments and to identify incentives to promote such cooperation; now, therefore,

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

1. There is created a commission to be known as the "Regional Intergovernmental Transportation Coordinating Study Commission" to consist of 18 members as follows:

a. Two members of the Senate, who shall not be of the same political party, to be appointed by the Senate President, one of whom shall be the chair of the Senate Transportation Committee;

b. Two members of the General Assembly, who shall not be of the same political party, to be appointed by the Speaker of the General Assembly, one of whom shall be the chair of the Assembly Transportation Committee;

c. The Commissioner of Transportation, ex officio, or a designated representative; and the Director of the Office of State Planning in the Department of the Treasury, ex officio, or a designated representative;

d. Twelve public members, to be appointed by the Governor, who shall include a representative of the New Jersey League of Municipalities, a representative of the New Jersey Association of Counties, a representative of the New Jersey County Planners Association, a representative of the Consulting Engineers Council of New Jersey, a representative of the North Jersey Transportation Planning Authority, a representative of the Delaware Valley Regional Planning Commission, a representative of the South Jersey Transportation Planning Organization, a representative of the New Jersey Builders Association, a representative of the New Jersey Business and

Industry Association, a representative of the business community in the northern region of the State, a representative of the business community in the central region of the State, and a representative of the business community in the southern region of the State.

The members of the commission shall serve without compensation, but may be reimbursed for necessary expenses incurred in the performance of their duties.

2. a. The commission shall organize as soon as may be practicable after the appointment of a majority of its members and shall select a chairperson from among the members. The members shall select a secretary, who need not be a member of the commission.

The commission shall meet at the call of the chairperson and shall hold a public hearing as prescribed in section 4 of this joint resolution. The commission 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 for its purposes, and to employ stenographic and clerical assistance and incur traveling and other miscellaneous expenses as may be necessary in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes.

b. The commission may establish three subcommittees, one focusing on the northern region, one focusing on the central region, and one focusing on the southern region of the State.

3. The commission shall develop recommendations to increase regional transportation decision-making among various levels of government, especially with regard to major developments or redevelopments, and to identify incentives to promote such cooperation. The commission shall identify and make recommendations concerning the following: a means of coordinating actions among various levels of government to make needed transportation investments that reduce traffic congestion and negative regional impacts while attracting new development and revitalizing older areas consistent with community, county and State goals; identifying and removing obstacles to improved regional transportation decision-making and identifying the consequences of not overcoming them; institutional frameworks and partnership agreements in which municipalities can work among themselves and with counties to promote regional decision-making and coordinated economic development, and statutory changes needed to achieve these frameworks; objectives that should be considered in the development of municipal partnerships and performance goals to measure success; incentives, including financial incentives, that may encourage

municipalities and counties to enter into partnership agreements, and statutory changes needed to implement such incentives; mechanisms to link performance with the incentives; and other opportunities to promote public-private partnerships, and statutory changes necessary to promote inventive financing mechanisms and private sector contributions.

The commission shall also review the provisions of the "New Jersey Transportation Development District Act of 1989," P.L.1989, c.100 (C.27:1C-1 et seq.), and the regulations promulgated to implement its provisions and make recommendations for modifications to the act or the regulations which would encourage regional and intergovernmental transportation concerning transportation planning decision-making.

In developing its recommendations, the commission shall consult with regional planning agencies in the State.

4. Within nine months after the commission organizes, the commission shall prepare and make public an interim report outlining its progress. Following the issuance of the interim report, the commission shall provide at least five days' notice to the public of the time and place of a public hearing to be held to receive public comment on the interim report. The commission shall prepare and submit a final report, no later than one year after the commission organizes, to the Governor, the President of the Senate and the Speaker of the General Assembly, the Minority Leader of the Senate and the Minority Leader of the General Assembly, and the members of the Senate Transportation Committee and the Assembly Transportation Committee, or the respective successor committees.

5. This joint resolution shall take effect immediately and shall expire 30 days after the commission submits its final report, as prescribed in section 4 of this joint resolution.

Approved November 9, 1998.

JOINT RESOLUTION NO. 8

A JOINT RESOLUTION designating November 20 of each year as "Bill of Rights Day in New Jersey".

WHEREAS, The Bill of Rights, the first ten amendments to the Constitution of the United States, limits governmental power and protects individual rights; and

WHEREAS, The Bill of Rights traces its roots to the signing of England's Magna Carta in 1215; and

WHEREAS, The American colonies drafted their charters with declarations of inalienable rights which were later threatened by the British crown, leading to the war for independence; and

WHEREAS, After gaining independence, seven of the thirteen states adopted constitutions that included some form of a bill of rights and five states listed individual rights in the bodies of their constitutions; and

WHEREAS, The failure of the United States Constitution to include a bill of rights gave rise to popular dissatisfaction and debate, resulting in Congressional submission of amendments for ratification by the states; and

WHEREAS, The Bill of Rights guarantees certain fundamental rights and privileges of individuals, such as freedom of religion, speech, press and assembly, and offers protection against deprivation of life, liberty or property without due process of law; and

WHEREAS, The United States Bill of Rights has served as a worldwide standard for subsequent attempts to safeguard human rights; and

WHEREAS, On November 20, 1789, New Jersey ratified certain amendments to the Constitution of the United States; now therefore,

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

C.36:2-48 "Bill of Rights Day in New Jersey," designated.

1. November 20 of each year is designated as "Bill of Rights Day in New Jersey" to recognize and to heighten awareness of the importance of the Bill of Rights to the people of this State and of our Nation.

C.36:2-49 Bill of Rights, school instruction.

2. The first ten amendments to the United States Constitution shall be a topic of instruction in the schools of New Jersey on November 20 in commemoration of the importance of the Bill of Rights and pursuant to N.J.S.18A:35-2.

3. The Governor shall call upon the appropriate agencies of State and local government and private organizations to acknowledge and commemorate "Bill of Rights Day in New Jersey" in an appropriate manner.

4. This joint resolution shall take effect immediately.

Approved November 9, 1998.

AMENDMENTS
ADOPTED IN 1998
TO THE 1947 CONSTITUTION

Amendments Adopted in 1998 to the 1947 Constitution

ARTICLE IV, SECTION VII PARAGRAPH 2

Amend Article IV, section VII by amending paragraph 2 to read as follows:

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization:

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations or clubs to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein;

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights to participate, and the awarding of prizes, in the specific kinds of games of chance sometimes known as raffles, conducted by the drawing for prizes or by the allotment of prizes by chance, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic,

religious or public-spirited uses, and in the case of senior citizen associations or clubs to the support of such organizations, in any municipality, in which such law shall be adopted by a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by law and for the Legislature, from time to time, to restrict and control, by law, the conduct of such games of chance;

C. It shall be lawful for the Legislature to authorize the conduct of State lotteries restricted to the selling of rights to participate therein and the awarding of prizes by drawings when the entire net proceeds of any such lottery shall be for State institutions, State aid for education;

D. It shall be lawful for the Legislature to authorize by law the establishment and operation, under regulation and control by the State, of gambling houses or casinos within the boundaries, as heretofore established, of the city of Atlantic City, county of Atlantic, and to license and tax such operations and equipment used in connection therewith. Any law authorizing the establishment and operation of such gambling establishments shall provide for the State revenues derived therefrom to be applied solely for the purpose of providing funding for reductions in property taxes, rental, telephone, gas, electric, and municipal utilities charges of eligible senior citizens and disabled residents of the State, and for additional or expanded health services or benefits or transportation services or benefits to eligible senior citizens and disabled residents, in accordance with such formulae as the Legislature shall by law provide. The type and number of such casinos or gambling houses and of the gambling games which may be conducted in any such establishment shall be determined by or pursuant to the terms of the law authorizing the establishment and operation thereof;

E. It shall be lawful for the Legislature to authorize, by law, (1) the simultaneous transmission by picture of running and harness horse races conducted at racetracks located within or outside of this State, or both, to gambling houses or casinos in the city of Atlantic City and (2) the specific kind, restrictions and control of wagering at those gambling establishments on the results of those races. The State's share of revenues derived therefrom shall be applied for services to benefit eligible senior citizens as shall be provided by law; and

F. It shall be lawful for the Legislature to authorize, by law, the specific kind, restrictions and control of wagering on the results of live or simulcast running and harness horse races conducted within or outside of this State. The State's share of revenues derived therefrom shall be used for such purposes as shall be provided by law.

Adopted November 3, 1998.

Effective December 3, 1998.

**ARTICLE VIII, SECTION II
PARAGRAPH 7**

Amend Article VIII, section II by adding a new paragraph 7 to read as follows:

7. (a) Commencing July 1, 1999, there shall be credited in each State fiscal year, until June 30, 2009, to a special account in the General Fund \$98,000,000 from the State revenue annually collected from the State tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, or from any other State law of similar effect. The dedication and use of those moneys credited pursuant to this subparagraph shall be subject and subordinate to (1) all appropriations of revenues from taxes made by laws enacted prior to the effective date of this paragraph in accordance with Article VIII, Section II, paragraph 3 of the State Constitution in order to provide the ways and means to pay the principal and interest on bonds of the State presently outstanding or authorized to be issued under those laws, or (2) any other use of those revenues enacted into law prior to the effective date of this paragraph. The amount credited each State fiscal year pursuant to this subparagraph shall be dedicated and shall be appropriated from time to time by the Legislature only to: provide funding, including loans or grants, for the acquisition and development of lands for recreation and conservation purposes, for the preservation of farmland for agricultural or horticultural use and production, and for historic preservation; and satisfy any payments relating to bonds, notes, or other obligations, including refunding bonds, issued by an authority or similar entity established by law to provide funding, including loans and grants, for the acquisition and development of lands for recreation and conservation purposes, for the preservation of farmland for agricultural or horticultural use and production, and for historic preservation.

(b) Commencing July 1, 2009 and ending June 30, 2029, there shall be credited in each State fiscal year to a special account in the General Fund from the State revenue annually collected from the State tax imposed under the "Sales and Use Tax Act," P.L.1966, c.30 (C.54:32B-1 et seq.), as amended and supplemented, or from any other State law of similar effect, the lesser of \$98,000,000 or the amount necessary in each State fiscal year to satisfy any payments relating to bonds, notes, or other obligations, including refunding bonds, issued by an authority or similar entity established by law to provide funding, including loans and grants, for the acquisition and development of lands for recreation and conservation purposes, for the preservation of farmland for agricultural or horticultural use and production, and for historic preservation. The dedication and use

of those moneys credited pursuant to this subparagraph shall be subject and subordinate to (1) all appropriations of revenues from taxes made by laws enacted prior to the effective date of this paragraph in accordance with Article VIII, Section II, paragraph 3 of the State Constitution in order to provide the ways and means to pay the principal and interest on bonds of the State presently outstanding or authorized to be issued under those laws, or (2) any other use of those revenues enacted into law prior to the effective date of this paragraph. The amount credited each State fiscal year pursuant to this subparagraph shall be dedicated and shall be appropriated from time to time by the Legislature only to satisfy any payments relating to bonds, notes, or other obligations, including refunding bonds, issued by an authority or similar entity established by law to provide funding, including loans and grants, for the acquisition and development of lands for recreation and conservation purposes, for the preservation of farmland for agricultural or horticultural use and production, and for historic preservation.

(c) Moneys credited to the special account pursuant to this paragraph shall not be used for (1) payments related to bonds, notes, or other obligations which in aggregate principal amount exceed \$1,000,000,000 plus costs of issuance; or (2) payments relating to bonds, notes, or other obligations, except refunding bonds, issued after June 30, 2009.

(d) The authority or similar entity established by law as described in this paragraph shall consist of members appointed by the Governor and of members appointed by the Legislature.

(e) All moneys derived from repayments of any loan issued from the amounts dedicated pursuant to subparagraph (a) of this paragraph, and all income derived from the investment of moneys in the special account established pursuant to this paragraph, shall be credited to that special account, and shall be dedicated and shall be appropriated from time to time by the Legislature only for the purpose of providing funding, including loans or grants, for the acquisition and development of lands for recreation and conservation purposes, for the preservation of farmland for agricultural or horticultural use and production, and for historic preservation. Notwithstanding any provision of this paragraph to the contrary, the dedication of moneys derived from loan repayments and investments shall not expire.

(f) It shall not be competent for the Legislature, under any pretense whatever, to borrow, appropriate, or use the amounts credited to the special account established pursuant to this paragraph, or any portion thereof, for any purpose or in any manner other than as enumerated in this paragraph.

Adopted November 3, 1998.

Effective December 3, 1998.

EXECUTIVE ORDERS

(931)

EXECUTIVE ORDER NO. 78

WHEREAS, Beginning February 4, 1998 and continuing February 5, 1998 heavy rains, strong winds and high tides have created flooding, hazardous road conditions, and threatened homes and other structures in the coastal areas of the State; and

WHEREAS, The aforesaid severe weather conditions constitute a disaster from a natural cause which threatens and presently endangers the health, safety and resources of the residents of one or more municipalities or counties of this State, and which is in some parts of the State and may become in other parts of the State too large in scope to be handled by the normal municipal operating services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey:

1. Do declare and proclaim that a State of Emergency has existed and presently exists in Atlantic, Cape May, Monmouth and Ocean Counties.

2. Empower, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. A:9-33 et seq.) as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. Authorize, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) as supplemented and amended, the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of the Division of State Police, to determine the control and direction of the flow of vehicular traffic on any State or interstate highway,

and its access roads, including the right to detour, reroute or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies. I further authorize all law enforcement officers to enforce any such orders of the Superintendent of State Police with their respective municipalities.

4. Authorize, the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

5. Authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure or vehicle during the course of this emergency.

6. Authorize, in accordance with the Laws of 1963, Chapter 100 (N.J.S.A. 38A:3-6.1), the Adjutant General to order to active duty such members of the New Jersey National Guard that, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare and to authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

7. Reserve, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended, the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

8. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated February 6, 1998.

EXECUTIVE ORDER NO. 79

WHEREAS, Governor Kean established the Governor's Advisory Committee on Public/Private Volunteer Partnerships ("Advisory Committee"); and

WHEREAS, Executive Order No. 71 (1992) issued by Governor Florio renamed the Advisory Committee the Governor's Advisory Council on Volunteerism and Community Service ("Advisory Council"); and

WHEREAS, Executive Order No. 34 (1995) continued the Advisory Council and, among other things, changed the membership of the Council; and

WHEREAS, In order for the Advisory Council to better encourage and support volunteerism in the State of New Jersey, it is advisable to change the membership of the Advisory Council to include the Commissioners of Transportation and Environmental Protection and the Adjutant General of the Department of Military and Veterans' Affairs, as these Departments administer Statewide volunteer programs;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive Order No. 34 (1995) shall remain in full force and effect except as modified herein.

2. Paragraph 3 of Executive Order No. 34 (1995) is hereby amended as follows:

The Advisory Council shall consist of not more than 42 members, including ex-officio members. The Commissioners of the Departments of Commerce, Community Affairs, Education, Environmental Protection, Health and Senior Services, Human Services and Transportation, the Adjutant General of the Department of Military and Veterans' Affairs, the Attorney General, the Executive Director of the Administrative Office of the Courts and the Executive Director of the New Jersey Commission on Community Service, or their designees, as well as one representative of a federal volunteer program, shall serve on the Advisory Council as ex officio members.

3. This Order shall take effect immediately.

Dated February 10, 1998.

EXECUTIVE ORDER NO. 80

WHEREAS, Torrential rains, strong winds and high tides created flooding, hazardous road conditions and threatened homes and other structures within

the Counties of Atlantic, Cape May, Monmouth and Ocean, beginning February 4, 1998 and continuing through February 5, 1998; and

WHEREAS, Conditions and issues related to the severe weather conditions required that I invoke the emergency powers vested in the Governor by the Constitution and Statutes of this State, including, but not limited to, the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4); and

WHEREAS, I issued Executive Order No. 78 on February 6, 1998, declaring a State of Emergency, which Order provided, among other things, that members of the New Jersey National Guard be ordered to active duty to provide aid and recovery assistance to those localities where there was a threat to the public health, safety and welfare and authorized the employment of any supporting vehicles, equipment, communications or supplies as were necessary to support the members so ordered; and

WHEREAS, The severe weather conditions which were the cause for the issuance of that Order have subsided;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The State of Emergency that prompted the issuance of Executive Order No. 78 having subsided, Executive Order No. 78 is hereby rescinded.
2. The State Director of Emergency Management remains authorized and empowered to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need shelter as a consequence of the emergency.
3. The State Director of Emergency Management remains authorized to order the evacuation of all persons from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by the emergency.
4. The Department heads of the various agencies of State government who are called upon to provide assistance in the aftermath of the emergency

shall continue to lend assistance to ensure the protection of the health, safety and resources of the residents of Atlantic, Cape May, Monmouth and Ocean Counties and the State of New Jersey.

5. This Order shall take effect immediately.

Dated March 10, 1998.

EXECUTIVE ORDER NO. 81

WHEREAS, Assembly Bill No. 292, enacted into law on this date makes several changes to the Tenants Property Tax Rebate Act, P.L. 1976, c.63 (C.54:4-6.2 et seq.), which requires landlords to rebate reductions in property taxes to their residential tenants; and

WHEREAS, Assembly Bill No. 292 redefines the property subject to the Tenants Property Tax Rebate Act, identifies the reductions to be rebated, changes the calculation of the property tax reduction to be rebated and clarifies the landlord and tenant procedures for making and receiving rebates; and

WHEREAS, Those changes to the Tenants Property Tax Rebate Act contained in Assembly Bill No. 292 have generated interest and discussion regarding many and varied issues involving landlords and tenants in the State of New Jersey; and

WHEREAS, It is important for government officials, landlords, tenants and private investors to work together in order to promote cooperation to ensure both the proper and safe development of multi-family housing communities and the maintenance of existing communities;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The creation of the Landlord-Tenant Task Force (hereinafter Task Force) to study the issues affecting landlords and tenants and their relationship in multi-family housing communities.

2. A charge to the Task Force to consider issues which will include, but not be limited to:

- a. the State's current laws concerning property tax rebates by landlords to tenants;
- b. the existing laws regarding rent control and the sharing of tax rebates;
- c. the effect of rent control on property costs;
- d. the feasibility of using Alternative Dispute Resolution to resolve landlord-tenant disputes prior to the filing of a complaint in the Superior Court, Special Civil Part;
- e. the problems relating to landlord-tenant proceedings in Superior Court, Special Civil Part;
- f. the increase and improvement of multi-family housing communities in the State; and
- g. the development of laws that clearly delineate the responsibilities of the landlord and the tenant.

3. The Task Force shall convene by July 1, 1998, and shall complete its study and report to me within one hundred and twenty (120) days of the date the Task Force first convenes.

4. The Task Force shall identify and report back to me articulating their concerns, agreements and disagreements and making recommendations regarding these issues.

5. The Task Force shall consist of the Attorney General, or his designee; the Commissioner of the Department of Community Affairs, or her designee; a member of the Senate to be appointed by the Senate President; a member of the General Assembly to be appointed by the Speaker of the General Assembly; and one member from each of the following organizations to be appointed by the Governor: the New Jersey State Bar Association, the New Jersey Tenants Organization, the New Jersey Apartment Association, the League of Municipalities, the New Jersey Builders Association, and the New Jersey Bankers Association. The

Governor shall designate a chairman and vice-chairman of the Task Force from among the members of the Task Force.

The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties subject to the availability of funds therefor. The Department of Community Affairs and all other State departments and agencies are hereby directed, to the extent not inconsistent with law and within budgetary constraints, to cooperate with the Task Force and to furnish it with such information, personnel, and assistance as are necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Dated May 4, 1998.

EXECUTIVE ORDER NO. 82

WHEREAS, Ellis Island, New Jersey has played a singularly important role in the history of the United States and the State of New Jersey as an immigration station to which millions of Americans and New Jersey residents can trace their roots;

WHEREAS, The historic significance of Ellis Island, New Jersey was acknowledged by the United States when the Island was designated as part of the Statute of Liberty/Ellis Island National Monument and placed under the operation supervision of the National Parks Service;

WHEREAS, The structures presently existing on the Island are a significant part of the rich history of Ellis Island, New Jersey;

WHEREAS, Some of the structures on Ellis Island, including the Main Building, have been maintained and restored successfully through private and public efforts and placed to beneficial use as an immigration museum and administrative offices;

WHEREAS, The Supreme Court of the United States in an opinion dated May 26, 1998 recognized and acknowledged New Jersey's sovereignty and governmental control over a substantial portion of Ellis Island, as defined in the Court's opinion;

WHEREAS, Many of the structures on the portion of Ellis Island that is within New Jersey's territory are presently in a state of disrepair and disuse;

WHEREAS, The State of New Jersey seeks to cooperate with, consult, and assist the National Parks Service in determining the most beneficial future use of the structures on Ellis Island, New Jersey and in selecting alternatives for maintaining and restoring said structures;

WHEREAS, The citizens of the State of New Jersey, as well as the citizens of the United States, would benefit from the maintenance, restoration, and beneficial use of the structures on Ellis Island, New Jersey;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The creation of the Advisory Committee on the Preservation and Use of Ellis Island (the Advisory Committee).

2. The Advisory Committee is charged with investigating all potential future uses of the structures on Ellis Island, New Jersey, examining available alternatives to maintain, restore, and put to beneficial use the structures on Ellis Island, New Jersey in a manner consistent with the historic significance of the Island, recommending to the Governor and the State Historic Preservation Officer a plan to maintain, restore, and put to beneficial use the structures on Ellis Island, New Jersey and cooperating with and assisting the State of New York and the City of New York, when appropriate, with respect to the maintenance, restoration, and use of the structures on the portion of Ellis Island within the State of New York.

3. The Advisory Committee shall be composed of up to 13 members, as follows:

- a. The Attorney General or his designee;
- b. The State Treasurer or his designee;
- c. The State Historic Preservation Officer;
- d. The Secretary of State or her designee;
- e. The Director, Division of Taxation or his designee;
- f. A Senator to be appointed by the President of the Senate;
- g. An Assembly Member to be appointed by the Speaker of the General Assembly;

- h. The Mayor of Jersey City or his designee;
- i. A member of the New Jersey Congressional delegation; and
- j. No more than four members of the public to be appointed by the Governor based upon professional experience and expertise in urban planning, history, architecture and/or historic restoration.

The Governor shall designate a chair and vice-chair from among the members of the Advisory Committee. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties subject to the availability of funds therefor.

4. The Advisory Committee shall organize and meet as soon as possible after the appointment of its members. The chair shall appoint a secretary who need not be a member of the Advisory Committee. Vacancies on the Advisory Committee shall be filled in the same manner as the original appointment.

5. All State departments and agencies are hereby directed, to the extent not inconsistent with the law and within budget constraints, to cooperate with the Advisory Committee and to respond to requests for such information, personnel and assistance as are necessary to accomplish the purpose of this Order.

6. This Order shall take effect immediately.

Dated May 27, 1998.

EXECUTIVE ORDER NO. 83

WHEREAS, An Executive Reorganization Plan transferring certain responsibilities for reports, receipts and correspondence processing functions from the Department of Labor and consolidating them in the Division of Revenue within the Department of the Treasury was filed with the Legislature on March 30, 1998 as Reorganization Plan No. 003-1998; and

WHEREAS, This Reorganization Plan is to become effective on May 29, 1998 or at such later date as the Governor may establish, if not disapproved by the Legislature; and

WHEREAS, It is necessary to delay the effective date of this Reorganization Plan until July 1, 1998, to synchronize the effective date of this Plan with the start of Fiscal Year 1999;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution, by the Statutes of this State and by Reorganization Plan No. 003-1998, do hereby ORDER and DIRECT:

1. That the effective date for Reorganization Plan No. 003-1998 shall be July 1, 1998.
2. This Order shall take effect immediately.

Dated May 27, 1998.

EXECUTIVE ORDER NO. 84

WHEREAS, The Brain Injury Association of New Jersey has identified traumatic brain injury as the leading cause of death and disability among children and young adults in this country; and

WHEREAS, Since the late 1970's, advances in medical technology have enabled many persons with severe brain injury to survive these injuries; and

WHEREAS, Persons with brain injury may need specialized rehabilitation programs geared to the specific needs of these individuals to live their lives to the maximum potential; and

WHEREAS, Establishing records and providing treatment methods and services to people with brain injury must be a priority for the State;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established in the Department of Human Services the New Jersey Advisory Council on Traumatic Brain Injury.
2. The Council shall be composed of 18 public members, all of whom shall be appointed by the Governor, including 8 individuals who are

survivors of traumatic brain injury or the family members of such individuals, and at least 1 individual representing each of the following groups: public or private health-related organizations, disability advisory or planning groups within the State, the Brain Injury Association of New Jersey, injury control programs at the State or local level, and the Center for Health Statistics for data research purposes. Initial terms of the public members shall be staggered as follows: 6 members shall serve for a term of 1 year; 6 members shall serve for a term of 2 years; and 6 members shall serve for a term of 3 years. Thereafter members shall serve for terms of 3 years. Vacancies shall be filled for the unexpired term.

3. The Commissioners of the Departments of Human Services, Education, Health and Senior Services, Community Affairs, Labor, Banking and Insurance, Law and Public Safety, and Treasury and/or their designees, shall also serve on the Council.

4. The Commissioner of the Department of Human Services or his or her designee shall chair the Council.

5. The Council shall:

a. Advise and make recommendations to the Department of Human Services and the other related State agencies on ways to improve services regarding traumatic brain injury, including the coordination of such services between public and private entities;

b. Encourage citizen participation through the establishment of public hearings and other types of community outreach and prevention activities;

c. Encourage and stimulate research and prevention activities; and

d. Oversee any programs created under federal Public Law 104-166 known as the Traumatic Brain Injury Act and any successive amendments to said Act, and report to the federal government regarding such programs.

6. The Council shall meet quarterly and members shall serve without compensation.

7. This Order shall take effect immediately.

Dated May 28, 1998.

EXECUTIVE ORDER NO. 85

WHEREAS, Alexander P. Waugh, Sr., born in Caldwell in 1907, devoted his life in public service to the people of the State of New Jersey; and

WHEREAS, In 1933, he was elected to the General Assembly and served until 1934; and

WHEREAS, From 1933 until 1937, he served as a municipal court judge in Verona, Essex County; and

WHEREAS, In 1942, he served as the mayor of Verona; and

WHEREAS, In 1948, he was appointed as a judge of the Essex County District Court, and, in 1954, he was elevated to the Essex County Court; and

WHEREAS, In 1956, he was appointed to Superior Court of New Jersey in Essex County by Governor Robert Meyner; and

WHEREAS, He was elevated to Assignment Judge of Essex County by Chief Justice Arthur Vanderbilt, a post he held until 1965; and

WHEREAS, He later served as an Assignment Judge in the Morris/Sussex/Warren vicinage until his retirement from the bench in 1972; and

WHEREAS, Although retired from the bench for more than 25 years, he played a critical role in advising Governors on the appointment of judges to the bench in New Jersey, and the judiciary of this State has greatly benefited from his guidance; and

WHEREAS, He also was instrumental in developing the integrity of our nation's legal system by chairing the National Council of State Trial Judges from 1968 to 1969, and as a founder and director of the National Judicial College; and

WHEREAS, He has been a mentor to both the bench and the bar and has upheld the highest standards of professional integrity as both a judge and a lawyer; and

WHEREAS, He was devoted to his wife and family and was considerate and compassionate to his friends and colleagues; and

WHEREAS, It is with deep sadness that we mourn the loss of Judge Alexander P. Waugh, Sr. and extend our sincere sympathies to his family and friends; and

WHEREAS, It is fitting and appropriate for the State of New Jersey to mourn the passing of Judge Alexander P. Waugh, Sr. and to honor his distinguished career in public service to our State;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Friday, July 3, 1998 and through and including Friday, July 10, 1998 in recognition and mourning of the passing of Judge Alexander P. Waugh, Sr.

2. This Order shall take effect immediately.

Dated July 1, 1998.

EXECUTIVE ORDER NO. 86

WHEREAS, Executive Order No. 81 (1998) established the Landlord-Tenant Task Force; and

WHEREAS, The Task Force was created to promote cooperation among government officials, landlords, tenants and private investors and to ensure the proper and safe development of multi-family housing communities as well as the maintenance of existing communities; and

WHEREAS, In order for the Task Force to better encourage discussion and cooperation among more varied interest groups in the State of New Jersey, it is advisable to amend the membership of the Task Force to add one member from the Mobile Homeowners Association and one member from the Affordable Housing Network;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT that:

1. Executive Order No. 81 (1998) shall remain in full force and effect except as modified herein.

2. Paragraph 3 of Executive Order No. 81 (1998) is hereby amended as follows:

The Task Force shall convene by October 1, 1998, and shall complete its study and report back to me within one hundred and twenty (120) days of the date the Task Force first convenes.

3. The first paragraph of paragraph 5 of Executive Order No. 81 (1998) is hereby amended as follows:

The Task Force shall consist of the Attorney General, or his designee; the Commissioner of the Department of Community Affairs, or her designee; a member of the Senate to be appointed by the Senate President; a member of the General Assembly to be appointed by the Speaker of the General Assembly; and one member from each of the following organizations to be appointed by the Governor: the New Jersey State Bar Association, the New Jersey Tenants Organization, the New Jersey Apartment Association, the League of Municipalities, the New Jersey Builders Association, the New Jersey Bankers Association, the Mobile Homeowners Association and the Affordable Housing Network. The Governor shall designate a chair and vice-chair of the Task Force from among the members of the Task Force.

4. This Order shall take effect immediately.

Dated July 27, 1998.

EXECUTIVE ORDER NO. 87

WHEREAS, Rapidly changing technology and increasing citizen expectations have made the effective use of information technology a critical element of governance; and

WHEREAS, Information technology provides a powerful tool that can transform the ability of citizens and businesses to access government information and services and improve the breadth and quality of those services; and

WHEREAS, The State must become more flexible and responsive in its use of information technology to meet citizen expectations and the challenges and opportunities of the 21st century; and

WHEREAS, The State must commit to building an information technology infrastructure that supports the effective use of information technology throughout State government; and

WHEREAS, The State must integrate and coordinate information technology planning and budgeting on a statewide basis to effectively realize operating efficiencies;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established an Office of Information Technology that is allocated in but not of the Department of the Treasury. The Office of Information Technology shall be independent of any supervision by the Department.

2. The Office of Telecommunications and Information Systems created by Executive Order No. 84 (Kean) is abolished and all of its functions, powers, and duties, except as herein otherwise provided, are continued in the Office of Information Technology established under this Executive Order.

3. All appropriations and other moneys available and to become available to the Office of Telecommunications and Information Systems are hereby continued in the Office of Information Technology and shall be available for the objects and purposes for which appropriated, subject to any terms or conditions of such appropriations.

4. Employees of the Office of Telecommunications and Information Systems shall become employees of the Office of Information Technology and shall retain their present employment status under Title 11A and their collective bargaining status. Future employees of the Office of Information Technology shall be hired consistent with Title 11A.

5. The Office of Information Technology shall be headed by a Governing Board, which shall meet at least quarterly and shall consist of seven members as follows:

- a. The Chief Information Officer, as the chair;
- b. The State Treasurer or designee;
- c. Two voting Executive Branch agency members, appointed by and serving at the pleasure of the Governor and until a successor is appointed; and
- d. Three voting public members, appointed by and serving at the pleasure of the Governor, who shall be New Jersey residents employed by, owners of, or members of the Board of Directors of a business that is located in New Jersey. Public members shall possess both business and information technology leadership expertise. Public members shall not receive compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of their official duties.

6. The Governing Board shall set policy for the Office of Information Technology, review and approve the annual budget request for the Office of Information Technology, and appoint and advise the Chief Technology Officer. The Governing Board shall review and approve the strategic plan for the Office of Information Technology and shall ensure that such plan is consistent with the strategic direction established by the Executive Branch agencies as embodied in the Statewide Strategic Plan for Information Technology.

7. The Chief Information Officer, working with Executive Branch agencies, shall develop and implement the Statewide Strategic Plan for Information Technology and shall lead, coordinate and integrate statewide information technology policies and activities.

8. The Office of Information Technology shall be managed by a Chief Technology Officer, who shall be appointed by, and serve at the pleasure of, the Governing Board. The Chief Technology Officer shall have technical proficiency and managerial expertise in the information technology field and shall be responsible for the day-to-day operations of the Office of Information Technology. The Chief Technology Officer shall develop a strategic plan for the Office of Information Technology that is consistent with the Statewide Strategic Plan for Information Technology.

9. The Chief Technology Officer shall chair the Information Technology Coordinating Team, consisting of the Chief Information Officer from each Executive Branch agency. The Information Technology Coordinating Team shall work cooperatively with the Chief Information Officer to develop and implement the Statewide Strategic Plan for Information Technology.

10. All agencies of the State government are directed to cooperate fully with the Office of Information Technology and with each other to ensure the effective use of information technology in State government.

11. This Order shall take effect immediately.

Dated September 4, 1998.

EXECUTIVE ORDER NO. 88

WHEREAS, I appointed the members of the Property Tax Commission in December 1997 and charged them with recommending ways to help county school and municipal officials ease the heavy burden of property taxes on New Jersey residents; and

WHEREAS, The Commission has held 10 meetings, numerous subcommittee meetings and four public hearings to gather data and opinions from private citizens, policy experts, local officials and State legislators; and

WHEREAS, The Commission sought to address both the cost of New Jersey's method of providing local government services as well as the State's historically heavy reliance on the property tax to fund these government services; and

WHEREAS, The Commission has concluded that while New Jersey citizens ought to continue holding local control in deciding which services they will receive, it is equally important for New Jersey to reduce property taxes by finding more efficient ways to provide these services; and

WHEREAS, The Commission recommends, therefore, that New Jersey implement a host of legislative and regulatory changes to encourage sharing of services; and

WHEREAS, The Commission has made specific recommendations urging State government agencies to take an active role in encouraging and facilitating shared and regional services; and

WHEREAS, I agree that State agencies can and should encourage and facilitate shared and regional services wherever appropriate;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State, do hereby ORDER and DIRECT:

1. All State agencies shall review their rules, regulations and program requirements that might impact the implementation of interlocal shared service programs or activities to identify within the next ten months, and thereafter remove where appropriate, any restrictions or impediments to such programs or activities.
2. All State agencies that regulate local activities or conduct local program analyses, including the Local Government Budget Review Program, upon request by one or more localities, shall provide coordinated staff assistance to local officials with planning and evaluating new interlocal shared service programs and activities.
3. The Department of Education and the Department of Community Affairs shall work together to encourage interlocal cooperative efforts between school districts and municipalities.
4. The Commissioner of Education shall conduct studies to identify within the next six months existing models of regional and shared services among school districts and shall thereafter, where appropriate, develop new models. Such models may pertain to general education or central office functions, including management, administrative, and support services. The Commissioner shall promote regionalization and shared services by establishing workshops and showcases where school officials can share their experiences and accomplishments and by publishing and distributing highlights of successful efforts.
5. This Order shall take effect immediately.

Dated September 16, 1998.

EXECUTIVE ORDER NO. 89

WHEREAS, New Jersey has one of the largest senior citizen populations in the nation; and

WHEREAS, Currently, one in seven residents of this State is at least sixty-five years of age and, it is anticipated that, in thirty years, one in four New Jerseyans will be at least sixty-five years old; and

WHEREAS, These demographic projections indicate a critical need to anticipate and develop responses to the likely need of large numbers of elderly residents of this State for elder care and the needs of their care givers;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER AND DIRECT:

1. There is hereby established in the Department of Health and Senior Services the New Jersey Advisory Council on Elder Care.

2. The Council shall be composed of 17 members as follows: three members of the Senate to be appointed by the President of the Senate, no more than two of whom shall be members of the same political party; three members of the General Assembly, to be appointed by the Speaker of the General Assembly, no more than two of whom shall be members of the same political party; the Commissioner of the Department of Health and Senior Services, a Deputy Commissioner of the Department of Health and Senior Services, and the Director of Senior Services or their designees; and eight public members, all of whom shall be appointed by the Governor, who shall have an interest or expertise in issues pertaining to elder care.

3. It shall be the responsibility of the New Jersey Advisory Council on Elder Care to gather and evaluate information on the current and perceived future service needs of senior citizens and those caring for them, and to determine the current needs of independent elders and those anticipated during the next 25 years. The Council shall, in particular, focus on the following issues: (1) the kinds of support or choices that care givers need now and will need in the future to help their patients, parents or loved ones maintain their dignity and independence; (2) the expectations that middle-aged persons currently have about the kind of care they will receive as senior citizens during the next 25-year period and how they expect to pay for that care; (3) the service delivery system that needs to be established or modified to meet anticipated elder care needs, and the kinds of legislative or policy decisions necessary for this purpose; and (4) the kinds of

accommodations that need to be made for senior citizens who want to utilize various long-term care options.

4. The Council shall:

a. Organize as soon as practicable following the appointment of its members. The Governor shall appoint a chairperson from among its members. The council members shall serve without compensation.

b. The Council shall meet at the call of the chairperson at the times and in the places deemed appropriate and necessary to fulfill its charge. The Council shall be entitled to call to its assistance and avail itself of the services of officials and employees of any State department, board, bureau, commission or agency as it may require and as may be available to it for its purposes.

5. The Council shall present a report of its findings and recommendations to the Governor and the Legislature no later than six months after the date of its initial meeting.

6. This Order shall take effect immediately.

Dated September 28, 1998.

EXECUTIVE ORDER NO. 90

WHEREAS, Executive Order No. 82 (Whitman) created the Advisory Committee on the Preservation and Use of Ellis Island (the Advisory Committee); and

WHEREAS, The Advisory Committee is charged with investigating all potential future uses of the structures on Ellis Island, New Jersey, examining available alternatives to maintain, restore, and put to beneficial use the structures on Ellis Island, New Jersey in a manner consistent with the historic significance of the Island, recommending to the Governor and the State Historic Preservation Officer a plan to maintain, restore, and put to beneficial use the structures on Ellis Island, New Jersey and cooperating with and assisting the State of New York and the City of New York, when appropriate, with respect to the maintenance, restoration, and use of the structures on the portion of Ellis Island within the State of New York; and

WHEREAS, The addition of more public members would be instrumental in ensuring that the Advisory Committee accomplishes its objectives;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 3, section j of Executive Order No. 82 (Whitman) shall be replaced with the following language:

j. No more than seven members of the public to be appointed by the Governor, including but not limited to individuals with professional experience and expertise in urban planning, history, architecture and/or historic restoration.

2. All other provisions of Executive Order No. 82 (Whitman) shall remain in full force and effect.

3. This Order shall take effect immediately.

Dated October 5, 1998.

EXECUTIVE ORDER NO. 91

I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. November 27, 1998, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 27, 1998.

Dated November 16, 1998.

REORGANIZATION PLANS

(955)

**REORGANIZATION PLAN NO. 001-1998
A PLAN FOR THE TRANSFER, CONSOLIDATION, AND
REORGANIZATION OF THE NEW JERSEY
YOUTH CORPS PROGRAM INTO THE DEPARTMENT OF
HUMAN SERVICES**

PLEASE TAKE NOTICE that on February 10, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 001-1998 (hereinafter referred to as the "Plan"), to provide for the transfer, consolidation, and reorganization of the New Jersey Youth Corps Program into the Department of Human Services.

This Plan is part of the continuing effort to consolidate and align the structure of the Executive Branch in the interests of efficiency and economy, without qualitative or quantitative diminution of services to the public.

GENERAL STATEMENT OF PURPOSE

This Plan will foster the efficient implementation of a coherent public policy for the delivery of services for the New Jersey Youth Corps Program, for both the providers and the youth involved in the program. Currently, three departments of the Executive Branch are directly or indirectly involved with this program. In 1984 the Department of Community Affairs was given legal authority to create the New Jersey Youth Corps and has retained its legal jurisdiction over the program. The Department of Education assumed administrative and fiscal oversight of the program from the Department of Community Affairs in 1991. Recently, the Department of Education transferred administrative oversight of the program to the Department of Human Services through a Memorandum of Understanding but retained fiscal management of the program.

Citizens of this State will benefit from having one department in State government responsible for both the administrative and fiscal management of the New Jersey Youth Corps Program, and New Jersey law will accurately reflect the location of the program within State government. The Plan will ensure the coordinated delivery of services and simplify the process for providers to obtain program funds.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation, and reorganization provided for in this Plan, that

each aspect is necessary to accomplish the purposes set forth in section 2 of that Act and that each aspect will:

1. promote more effective management of the Executive Branch by consolidating education and community service type programs within one agency;
2. promote better and more efficient execution of the laws and provide for the expeditious administration of the public business by consolidating and integrating similar functions within one agency;
3. group, coordinate and consolidate functions in a more consistent and practical manner;
4. promote economy to the fullest extent consistent with the efficient operations of the Executive Branch;
5. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; and
6. eliminate duplication and overlapping of effort that has resulted from the New Jersey Youth Corps Program not being administered by the department whose mission best reflects the efforts of this community service type program and, thereby, better utilizing State resources.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. a. The functions, powers and duties of the Department of Community Affairs, pursuant to P.L.1984, c.198, as amended, (C.9:25-1 et seq.) to provide for the administration of the New Jersey Youth Corps Program under that department's jurisdiction shall be transferred to the New Jersey Department of Human Services.
- b. The powers, functions and duties hereby transferred in a. above shall be organized and implemented within the Department of Human Services, as determined by the Commissioner of Human Services.
- c. All positions in the Department of Education relating to the New Jersey Youth Corps Program (one filled position and one vacant position) shall be transferred to the Department of Human Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375. (C.52:14D-1 et seq.).

d. All records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Education in connection with the administration of the New Jersey Youth Corps Program shall be transferred to the Department of Human Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

e. Whenever in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise relating to New Jersey Youth Corps Program reference is made to the Department of Education or the Department of Community Affairs, the same shall mean the Department of Human Services.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulation shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

3. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan or the application thereof to any person or circumstance or the exercise of any power or authority hereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of the Plan are declared to be severable.

5. This Plan is intended to protect and promote the public health, safety and welfare and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

A copy of this Plan was filed on February 10, 1998, with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on April 11, 1998, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than April 11, 1998, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading "Reorganization Plans."

Filed February 10, 1998.

Effective April 11, 1998.

**REORGANIZATION PLAN NO. 002-1998
A PLAN TO PROVIDE FOR THE TRANSFER, CONSOLIDA-
TION AND REORGANIZATION OF CERTAIN
FUNCTIONS RELATED TO THE SAFE CONSTRUCTION AND
MAINTENANCE OF BUILDINGS AND
STRUCTURES FROM THE DEPARTMENTS OF LABOR AND
THE TREASURY TO THE DEPARTMENT OF
COMMUNITY AFFAIRS; THE TRANSFER, CONSOLIDATION
AND REORGANIZATION OF THE NEW
JERSEY REDEVELOPMENT AUTHORITY IN THE DEPART-
MENT OF COMMERCE AND ECONOMIC
DEVELOPMENT TO THE DEPARTMENT OF COMMUNITY
AFFAIRS; AND THE TRANSFER OF THE
OFFICE OF NEIGHBORHOOD EMPOWERMENT TO THE
NEW JERSEY REDEVELOPMENT AUTHORITY;
AND THE TRANSFER, CONSOLIDATION AND REORGANI-
ZATION OF THE STATE PLANNING
COMMISSION AND THE OFFICE OF STATE PLANNING
FROM THE DEPARTMENT OF THE TREASURY
TO THE DEPARTMENT OF COMMUNITY AFFAIRS**

PLEASE TAKE NOTICE that, on March 30, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 002-1998 (the "Plan"), to provide for the transfer, consolidation and reorganization of certain functions related to the safe construction and maintenance of buildings and structures from the Department of Labor and the Division of Property Management and Construction in the Department of the Treasury to the Department of Community Affairs; the transfer, consolidation and reorganization of the New Jersey Redevelopment Authority in the Department of Commerce and Economic Development to the Department of Community Affairs; the transfer and consolidation of the Office of Neighborhood Empowerment with the New Jersey Redevelopment Authority; the transfer, consolidation and reorganization of the State Planning Commission and the Office of State Planning from the Department of the Treasury to the Department of Community Affairs; and the transfer, consolidation and reorganization of the Office of Legal Services in the Department of Community Affairs to the Department of the Treasury.

This Plan is part of the continuing effort to consolidate and align the structure and functions of the Executive Branch in the interest of efficiency and economy, without qualitative or quantitative diminution of services to the public.

GENERAL STATEMENT OF PURPOSE

This Plan consolidates, within the Department of Community Affairs, State activities relating to land use planning, development and redevelopment as well as construction standards, building and safety code enforcement.

One of the purposes of this Plan is to foster the efficient implementation of a coherent and integrated public policy for the construction and maintenance of safe buildings and structures in the State of New Jersey. The Division of Workplace Standards in the Department of Labor, whose core mission involves protection of workers through enforcement of wage and hour laws, administers six programs that are closely related to the work of the Division of Codes and Standards and the Division of Fire Safety in the Department of Community Affairs. These six programs include asbestos contractor licensing; ski lift safety; boilers and pressure vessels; liquefied petroleum gas storage; carnival and amusement ride safety; and lead contractor licensing. The liquefied petroleum gas storage program is directly related to, and substantially overlaps with, the programs of the Division of Fire Safety. The asbestos and lead contractor licensing programs regulate portions of activities currently regulated by the Division

of Codes and Standards. The ski lift, amusement ride and boiler and pressure vessel programs are similarly related to the enforcement by the Division of Codes and Standards of the State Uniform Construction Code, which is applicable to all buildings and structures in the State. To avoid duplication of effort and provide better coordination of these functions, this Plan transfers and consolidates these programs within the Department of Community Affairs.

Currently, the Division of Property Management and Construction, formerly the Division of Building and Construction, in the Department of the Treasury, performs certain inspection functions. Specifically, the Division of Property Management and Construction is responsible for code enforcement for buildings for which it is overseeing construction, while the Department of Community Affairs has the same responsibility with regard to all other construction by State agencies, including independent authorities and State colleges. Accordingly, consolidation of all inspection functions for State buildings into the Department of Community Affairs will eliminate duplication of effort and may result in long-term fiscal savings.

This Plan also consolidates the State's urban policy and redevelopment functions within the Department of Community Affairs. First, the Plan transfers the New Jersey Redevelopment Authority, which provides services related to residential, commercial and industrial development, to the Department of Community Affairs. Second, the Plan places the Office of Neighborhood Empowerment, which is currently in, but not of, the Department of Community Affairs and is subject to the supervision and control of the Urban Coordinating Council, under the supervision and control of the newly transferred New Jersey Redevelopment Authority. These changes will allow for a more efficient use of resources targeted for urban development initiatives and provide for a more integrated and comprehensive approach to urban revitalization.

This Plan will also foster the development of comprehensive planning strategies by consolidating within the Department of Community Affairs the State's planning and land use development functions. The State Planning Commission and the Office of State Planning were established within the Department of the Treasury under the State Planning Act, N.J.S.A. 52:18A-196 et seq., to provide sound and integrated Statewide planning and to coordinate Statewide planning with local and regional planning. As recognized in the State Planning Act, the achievement of sound and integrated Statewide planning, and the benefits to be derived from such planning, require the participation by the State and its counties and

municipalities in a cooperative planning process. The Department of Community Affairs, by virtue of its various statutory responsibilities to assist and work with local governments, is the department of State government most appropriately suited to achieve these goals.

Finally, this Plan, in conjunction with Reorganization Plan No. 004-1998, which is also being filed this day, consolidates legal representation for the poor into one State department. The Office of Legal Services, formerly known as the Office of Poverty and Law, in the Department of Community Affairs was originally established to develop and coordinate legal aid programs and to provide some direct legal services to organizations and agencies serving low-income New Jerseyans. The Office of Legal Services has evolved over 25 years to provide a service that is functionally related to the work of the Office of the Public Defender. More specifically, the Office of Legal Services assists in civil matters, while the Office of the Public Defender assists in criminal matters. Pursuant to Reorganization Plan No. 004-1998, the Office of the Public Defender would be transferred from the Department of State to the Department of the Treasury. This Plan transfers the Office of Legal Services from the Department of Community Affairs to the Department of the Treasury.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L. 1969, c.203 (C. 52:14C-1 et seq.), I find, with respect to the transfer, consolidation and reorganization provided for in this Plan, that each aspect is necessary to accomplish the purposes set forth in section 2 of the Act and that each aspect will:

1. promote the more effective management of the Executive Branch by consolidating similar functions and activities within one agency;
2. promote better and more efficient execution of the laws and expeditious administration of the public business by consolidating and integrating within one agency similar functions;
3. group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes;
4. promote economy to the fullest extent consistent with the efficient operations of the Executive Branch;
5. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; and

6. eliminate the duplication of effort that has resulted from the statutory allocation to multiple departments of responsibilities concerning certain inspections and code-related functions, urban redevelopment and revitalization, and State and local planning.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. a. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to section 9 of P.L.1984, c.173, as amended, to enforce, in conjunction with the Commissioner of Health and Senior Services, the "Asbestos Control and Licensing Act of 1984," P.L.1984, c.173, as amended (C.34:5A-32 et seq.), are continued and shall henceforth be exercised by the Department of Community Affairs.

b. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to sections 4 through 15 of P.L.1975, c.226 (C.34:4A-4 through 15), to enforce the "Ski Lift Safety Act," P.L.1975, c.226 (C.34:4A-1 et seq.), are continued and shall henceforth be exercised by the Department of Community Affairs.

c. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to P.L.1913, c.363, as amended, and P.L.1918, c.213, as amended (C.34:7-1 et seq. and 34:7-14 et seq.), to license engineers and firemen and to regulate and inspect steam boilers, pressure vessels and refrigeration plants, in accordance with Chapter 7 of Title 34 of the Revised Statutes, are continued and shall henceforth be exercised by the Commissioner of Community Affairs. The Board of Boiler, Pressure Vessel and Refrigeration Rules, established pursuant to P.L.1917, c.185, section 1, as amended (C.34:1-47), is continued and is hereby transferred to the Department of Community Affairs.

d. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to section 2 of P.L.1950, c.139, as amended (C.21:1B-2) and section 1 of P.L.1972, c.107 (C.21:1B-9) to regulate the design, construction, location, installation and operation of equipment for storing, handling and utilizing liquefied petroleum gases, in accordance with

P.L.1950, c.139, as amended (C.21:1B-1 et seq.), are continued and shall henceforth be exercised by the Department of Community Affairs.

e. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to section 8 of P.L.1975, c.105, as amended (C.5:3-38), to enforce the "Carnival-Amusement Rides Safety Act," P.L.1975, c.105, as amended (C.5:3-31 et seq.), are continued and shall henceforth be exercised by the Commissioner of Community Affairs. The Advisory Board on Carnival-Amusement Ride Safety, established by section 3 of P.L.1975, c.105 (C.5:3-35), is continued and is hereby transferred to the Department of Community Affairs.

f. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to section 24 of P.L.1993, c.288 (C.52:27D-437), to accept delegation of certain administrative and enforcement functions of the Department of Community Affairs relating to the certification of business firms to perform lead evaluation or abatement work on public buildings, commercial buildings, bridges or any other buildings or structures that do not contain dwelling units, are continued and shall henceforth be exercised by the Department of Community Affairs.

g. The powers, functions and duties hereby transferred shall be organized and implemented within the Department of Community Affairs as determined by the Commissioner of Community Affairs.

h. All employees of the Department of Labor who are employed in the programs hereby transferred shall be employees of the Department of Community Affairs and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Labor for purposes of the programs hereby transferred, including, without limitation, any fees, penalties or other monies authorized to be collected and applied to the enforcement and administration costs of the Department of Labor for any of the programs hereby transferred, are transferred to the Department of Community Affairs pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

i. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may

involve the programs or the jurisdiction hereby transferred, there shall be any reference to the Department of Labor and except where the context clearly requires otherwise, the same shall mean the Department of Community Affairs.

2. a. The authority conferred upon the Division of Property Management and Construction, formerly the Division of Building and Construction, in the Department of the Treasury, pursuant to section 11 of P.L.1975, c.217, as amended (C.52:27D-129), to conduct field inspections for purposes of enforcing the State Uniform Construction Code in buildings built under the supervision of the said Division, are continued and shall henceforth be exercised by the Department of Community Affairs.

b. The powers, functions and duties hereby transferred shall be organized and implemented within the Department of Community Affairs as determined by the Commissioner of Community Affairs.

c. All employees of the Department of the Treasury who are employed in the programs hereby transferred shall be employees of the Department of Community Affairs and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of the Treasury for purposes of the programs hereby transferred, including, without limitation, any fees, penalties or other monies authorized to be collected and applied to the enforcement and administration costs of the Department of the Treasury for any of the programs hereby transferred, are transferred to the Department of Community Affairs pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the programs or the jurisdiction hereby transferred, there shall be any reference to the Division of Property Management and Construction in the Department of the Treasury, and except where the context clearly requires otherwise, the same shall mean the Department of Community Affairs.

3. a. The New Jersey Redevelopment Authority allocated to, but not of, the Department of Commerce and Economic Development, established as the New Jersey Urban Development Corporation pursuant to section 4 of P.L.1985, c.227 (C.55:19-4), and reconstituted as the New Jersey Redevel-

opment Authority allocated to, but not of, the Department of Commerce and Economic Development pursuant to section 4 of P.L.1996, c.62 (C.55:19-23), is hereby continued, transferred and allocated to the Department of Community Affairs, but notwithstanding this allocation, the New Jersey Redevelopment Authority shall be independent of any supervision or control by the Department of Community Affairs or by any other board or officer thereof.

b. All employees of the New Jersey Redevelopment Authority shall continue to be employees of the Redevelopment Authority as constituted in but not of the Department of Community Affairs and shall be transferred pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C. 52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Commerce and Economic Development for purposes of the New Jersey Redevelopment Authority are transferred to the Department of Community Affairs pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C. 52:14D-1 et seq.).

c. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the New Jersey Redevelopment Authority, there shall be any reference to the Department of Commerce and Economic Development or the Commissioner of Commerce and Economic Development, and except where the content clearly requires otherwise, the same shall mean the Department of Community Affairs or the Commissioner of Community Affairs, as the case may be.

4. a. The Office of Neighborhood Empowerment allocated to, but not of, the Department of Community Affairs, and placed under the supervision and control of the Urban Coordinating Council allocated to, but not of, the Department of Community Affairs, pursuant to section 47 of P.L.1996, c.62 (C. 55:19-62), is hereby continued and transferred to the supervision and control of the New Jersey Redevelopment Authority allocated to, but not of, the Department of Community Affairs. The executive director of the Office of Neighborhood Empowerment shall report to the New Jersey Redevelopment Authority.

b. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the Office of Neighborhood Empowerment, there shall be any reference to the Urban Coordinating Council, and except where the context

clearly requires otherwise, the same shall mean the New Jersey Redevelopment Authority.

5. a. The State Planning Commission in the Department of the Treasury, established pursuant to section 2 of P.L.1985, c.398 (N.J.S.A. 52:18A-197), is hereby continued and transferred to the Department of Community Affairs.

b. The Office of State Planning in the Department of the Treasury, established pursuant to section 6 of P.L.1985, c.398 (N.J.S.A. 52:18A-201), is hereby continued and transferred to the Department of Community Affairs.

c. All employees of the Department of the Treasury who are employed in the Office of State Planning shall be employees of the Department of Community Affairs and shall be transferred to that Department pursuant to the State Agency Transfer Act, P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of the Treasury for purposes of the State Planning Commission or the Office of State Planning are transferred to the Department of Community Affairs pursuant to the State Agency Transfer Act, P.L.1971, c.375 (C.52:14D-1 et seq.).

d. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the State Planning Commission or the Office of State Planning, there shall be any reference to the Department of the Treasury or of the Treasurer, and except where the context clearly requires otherwise, the same shall mean the Department of Community Affairs or the Commissioner of Community Affairs, as the case may be.

6. a. All of the powers, functions and duties exercised by the Commissioner of Community Affairs, the Department of Community Affairs, or any Division, Bureau or Office therein, pursuant to section 8 of P.L.1996, c.52 for the provision to the poor of legal assistance in civil matters by Legal Services of New Jersey, are continued and shall henceforth be exercised by the Department of the Treasury.

b. The powers, functions and duties hereby transferred shall be organized and implemented within the Department of the Treasury as determined by the State Treasurer.

c. All employees of the Department of Community Affairs who are employed in the program hereby transferred shall be employees of the Department of the Treasury and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Community Affairs for purposes of the program hereby transferred, including, without limitation, any fees, penalties or other monies authorized to be collected and applied to the enforcement and administration costs of the Department of Community Affairs for the program hereby transferred, are transferred to the Department of the Treasury pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the program or the jurisdiction hereby transferred, there shall be any reference to the Office of Legal Services in the Department of Community Affairs, and except where the context clearly requires otherwise, the same shall mean the Department of the Treasury.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulation shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

3. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan or the application thereof to any person or circumstance or the exercise of any power or authority hereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid

provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of the Plan are declared to be severable.

5. This Plan is intended to protect and promote the public health, safety and welfare and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

A copy of this Reorganization Plan was filed on March 30, 1998 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on May 29, 1998, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Plan, or at a date later than May 29, 1998, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public laws and the New Jersey Register under a heading of "Reorganization Plans."

Filed March 30, 1998.
Effective May 29, 1998.

REORGANIZATION PLAN NO. 003-1998
A PLAN FOR THE REORGANIZATION AND TRANSFER OF
CERTAIN RESPONSIBILITIES FOR
REPORTS, RECEIPTS AND CORRESPONDENCE PROCESS-
ING FUNCTIONS FROM THE DEPARTMENT
OF LABOR TO THE DEPARTMENT OF THE TREASURY

PLEASE TAKE NOTICE that on March 30, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan, No. 003-1998 (the Plan), to provide for the transfer of responsibilities for certain receipts processing functions and data entry functions as well as all or a portion of the organizational units responsible for such functions from the Department of Labor to the Division of Revenue in the Department of the Treasury.

This Plan furthers an ongoing effort to streamline and make more effective the operations of the Executive Branch in the interests of efficiency by consolidating certain receipts processing functions and data entry functions in the Department of Labor into a single organization without qualitative or quantitative diminution of services to the public.

GENERAL STATEMENT OF PURPOSE

The Plan is designed to further the process of consolidating in a single organization all responsibility for revenue management, including processing of cash receipts, and the data entry related to these receipts and reports. This Plan deals with certain report and remittance processing activities in the Department of Labor, relating to the following programs: Unemployment Insurance Tax, State Disability Benefits Tax, the Second Injury Fund, Temporary Disability Insurance Assessments, CAARS Assessments (Catastrophic Illness in Children, Worker and Community Right to Know, Pollution Prevention Control), Health Care Subsidy and Workforce Development Partnership, (hereinafter referred to as the Programs). In particular, this Plan transfers to the Division of Revenue the responsibility for receiving reports, for receiving billings and correspondence, for remittance processing, for data entry and for imaging under all of the Programs listed above.

There are several reasons why consolidation of certain Department of Labor receipt processing, data entry and report processing functions is in the best interest of the State. Centralizing receipts processing in the Division of Revenue has allowed that division to define and control the policies and procedures governing the processing of cash receipts. Centralizing receipts processing and related data entry functions for these Programs in the Division of Revenue will assist the State by providing specialized receipts processing and related services in an efficient and cost-effective manner.

To more efficiently direct, administer and control the State's revenue management functions, specifically the processing of cash receipts and related data entry functions in connection with Unemployment Insurance Tax, State Disability Benefits Tax, the Second Injury Fund, Temporary Disability Insurance Assessments and CAARS Assessments, this Plan provides for the consolidation and coordination of the aspects of these Programs indicated below into the Division of Revenue within the Department of the Treasury. This consolidation will improve the State's overall ability to collect revenue and improve service to the business

community. Moreover, the consolidation will eliminate duplication of effort in the area of receipts processing.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.) I find with respect to the reorganization, transfer and consolidation provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purposes set forth in Section 2 of the Act and that each aspect will:

1. promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions and the expeditious administration of the public business;
2. reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive Branch;
3. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
4. group, coordinate and consolidate agencies and functions of the Executive Branch, as nearly as may be, according to major purposes;
5. eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The functions, powers and duties relating to receiving reports, receiving billings, receiving correspondence, remittance processing, data entry and imaging related to the Division of Employer Accounts and the Division of Accounting assigned to the Department of Labor under the following statutes are continued and are transferred to the Division of Revenue:

- a. P.L.1936, c.270, s.7, as amended, (C.43:21-7). (Unemployment Insurance and Temporary Disability Insurance Contributions)
- b. P.L.1971, c.346, s.4, as amended, (C.43:21-7.3). (Payments by Governmental Entities and Instrumentalities)

- c. P.L.1992, c.160, ss.28 through 34 inclusive, as amended, (C.43:21-7a et seq.). (Health Care Subsidy Fund Contributions)
- d. P.L.1971, c.346, s.3, as amended, (C.43:21-7.2). (Contributions from Non- profit Organizations)
- e. P.L.1936, c.270, s.14, as amended, (C.43:21-14). (Collection of Contributions from Employers and Workers)
- f. P.L.1984, c.24, s.16, as amended, (C.43:21-14.3). (Unemployment Insurance Interest Repayment)
- g. P.L.1936, c.270, s.16, as amended, (C.43:21-16). (Collection of Fines and Penalties)
- h. P.L.1948, c.110, s.22, as amended, (C.43:21-46). (Collection of Assessments for Deficiency in the Temporary Disability Fund)
- i. P.L.1948, c.110, s.24, as amended, (C.43:21-48). (Collection of Administrative Cost Assessments)
- j. P.L.1948, c.110, s.31(b), as amended, (C.43:21-55(b)). (Collection of Fines and Penalties, Temporary Disability Fund)
- k. P.L.1992, c.44, s.2, as amended, (C.34:15D-13). (Collection of Workforce Development Partnership Fund Contributions)
- l. P.L.1923, c.81, s.1, as amended, (C.34:15-94). (Collection of Second Injury Fund Assessments, Surcharges and Penalties)
- m. P.L.1966, c.157, s.2 (C.34:15-39.2). (Collection of Fines and Penalties-- Discrimination Against Employee Claiming Workers' Compensation Benefits)
- n. P.L.1917, c.178, Art. I, s.5, as amended, (C.34:15-79). (Collection of Fines, Penalties and Assessments for Failure to Satisfy Statutory Obligations Under Workers' Compensation)
- o. P.L.1995, c.393, s.2 (C.34:15-89.1). (Collection of Fines and Penalties for Failure or Refusal to Submit Reports to Compensation Rating and Inspection Bureau)

p. P.L.1924, c.187, s.6 (C.34:15-101). (Collection of Fines and Penalties-- Failure to Comply With Reporting Requirements)

q. P.L.1966, c.126, ss.10 and 12, as amended, (C.34:15-120.1 and 34:15- 120.3). (Uninsured Employer's Fund)

r. P.L.1988, c.25, s.9 (C.34:15-120.11). (Uninsured Employers-- Penalties, Fines and Assessments)

s. P.L.1983, c.315, s.26b, as amended, (C.34:5A-26b). (Collection of Worker and Community Right to Know Fund Fee and Pollution Prevention Fund Fee)

t. P.L.1987, c.370, s.10 (C.26:2-157). (Catastrophic Illness in Children Relief Fund)

2. All functions, powers and duties not transferred to the Division of Revenue by this Plan remain with the Department of Labor.

3. The Office of Assistant Commissioner for Finance and Controller created under Reorganization Plan No. 1-1982 is hereby denominated as the Assistant Commissioner for Administration and Finance.

4. Such programmatic, administrative and support staff presently performing functions relating to receiving reports, receiving billings, receiving correspondence, remittance processing, data entry and imaging related to the programs set forth herein within the Department of Labor as may be agreed upon by the Commissioner of Labor and the Treasurer are transferred to the Division of Revenue, with all of their present functions, powers and duties. A proportionate share of the equipment, support services or funds to purchase such services utilized for the support of Programs' functions listed above within the Department of Labor shall be transferred to the Division of Revenue. These transfers shall be made as determined by agreement between the Commissioner of Labor and the Treasurer after considering the number and type of positions presently utilized for support of these functions, the appropriateness of transferring personnel, positions or funding, and any obligations or limitations under Federal law. The Division of Revenue shall comply with all Federal requirements applicable to functions, powers and duties transferred pursuant to this Plan.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically,

this reorganization will more efficiently direct, administer and control the State's revenue management functions, in particular the processing of cash receipts and the data entry related to those receipts. This Plan provides for the consolidation and coordination of these activities into a single organization, the Division of Revenue within the Department of the Treasury. This consolidation will improve the State's overall ability to collect revenue. Moreover, the consolidation will eliminate duplication of effort in the area of receipts processing and the data entry related to those receipts.

2. Monies collected or received by the Division of Revenue shall be deposited in such accounts or funds and shall otherwise be disposed of as may be provided by State or Federal law for deposit or disposition of such monies.

3. All acts or parts of acts or Plans or parts of Plans inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

4. Unless otherwise specified in this Plan all transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

5. If any provisions of this Plan or the application thereof to any person or circumstances or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of this Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provision not contrary to law. To this end, the provisions of this Plan are declared to be severable.

6. This Plan is intended to make the operations of the Executive Branch more efficient and effective with regard to revenue management practices and shall be liberally construed to attain the objectives and effect the purposes thereof.

A copy of this Reorganization Plan was filed on March 30, 1998 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on May 29, 1998, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than May 29, 1998, should the

Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed March 30, 1998.

Effective July 1, 1998 per Executive Order No. 83.

**REORGANIZATION PLAN NO. 004-1998
A PLAN FOR THE TRANSFER, CONSOLIDATION AND
REORGANIZATION OF CERTAIN FUNCTIONS
OF THE DEPARTMENT OF STATE**

PLEASE TAKE NOTICE that on March 30, 1998, Governor Christine Todd Whitman hereby issues the following Reorganization Plan No. 004-1998 to provide for the increased efficiency, coordination and integration of the State's arts, cultural and historical programs and services by: (1) the transfer of management of the Old Barracks and the War Memorial from the Department of the Treasury to the Department of State; (2) the transfer of the functions, powers and duties of the New Jersey Historic Trust from the Department of Environmental Protection to the Department of State; (3) the transfer of the functions, powers and duties of the Office of Administrative Law, Office of the Public Defender and Division of Commercial Recording from the Department of State to the Department of the Treasury; (4) the transfer of the functions, powers and duties of the Division of Elections from the Department of State to the Department of Law and Public Safety; and (5) the transfer of the functions, powers and duties of the Address Confidentiality Program from the Department of State to the Department of Community Affairs.

GENERAL STATEMENT OF PURPOSE

The purpose of this Reorganization Plan is to consolidate State arts, cultural and historical programs and services in one executive department, the Department of State. Pursuant to its present statutory authority, the Department of State contains the New Jersey Historical Commission, the Division of State Museum, the Division of State Library, the Council on the Arts and the Division of Archives and Records Management. Under this

Plan, the management of the War Memorial and the Old Barracks will be transferred to the Department, along with the New Jersey Historic Trust. The resources and expertise of the State's arts, cultural and historical programs would thus be integrated and coordinated within one department. This Reorganization Plan adopts many of the recommendations of the Task Force on New Jersey History, which sought a means to bring State cultural and historic services sharing a common focus together with unified management. As a consequence, not only will this Reorganization result in greater efficiency and coordination of executive branch operations, it will also foster greater public appreciation of New Jersey's rich history.

In keeping with this goal, the Plan also transfers certain offices and programs currently in the Department of State to other departments. Article V, Section IV, paragraph 1 of the New Jersey Constitution requires that all executive and administrative offices, departments and instrumentalities of State government be allocated among and within the principal departments of the Executive Branch according to major purposes. Consequently, the Office of Administrative Law and Office of the Public Defender presently in, but not of, the Department of State are transferred to and constituted in but not of the Department of the Treasury.

The Division of Commercial Recording which is responsible for recording and keeping documents pertaining to all corporate charters, other commercial filings, other filings requiring public notice, filings concerning notaries public, collecting the fees associated with such filings and preparing monthly abstracts of corporate certificates for use by the Division of Taxation in computing annual corporate license fees and franchise taxes is also transferred to the Department of the Treasury. The official who would most appropriately exercise this authority is the State Treasurer who is responsible for collection of revenue, and other corporate, business and tax filings.

Title 19 of the New Jersey Statutes assigns various responsibilities to the Secretary of State with regard to voter registration, petitions for elective office, primary and general elections, national convention delegates and electoral college. These responsibilities are currently carried out by the Division of Elections. The official who would most appropriately exercise this authority is the Attorney General. The Department of Law and Public Safety already exercises authority in preserving the integrity of the electoral process and ensuring Statewide application of the election laws.

Finally, the Address Confidentiality Program, established pursuant to P.L.1997, c.369, establishes a program to ensure the confidentiality of the

addresses of victims of domestic violence. The Division on Women in the Department of Community Affairs currently operates programs for victims of domestic violence, such as the Office on the Prevention of Violence Against Women. The consolidation of the Address Confidentiality Program within the Department of Community Affairs will allow for more effective coordination of these programs.

NOW, THEREFORE, in accordance with the provisions of the Executive Reorganization Act of 1969, P.L.1969, c.203 (C.52:14C-1 et seq.), I find with respect to the reorganization included in this Plan that it is necessary to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. promote more effective management of the Executive Branch because it will group similar functions within already existing agencies;
2. promote better and more efficient execution of the law by integrating similar functions within already existing agencies;
3. group, coordinate and consolidate functions in a more consistent and practical way according to major purposes;
4. reduce expenditures by more closely aligning similar functions; and
5. eliminate some overlapping and duplication within the Executive Branch by consolidating and reallocating certain functions and responsibilities and thereby better utilize the resources of the Executive Branch.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The management of the Old Barracks and the War Memorial is transferred from the Department of the Treasury to the Department of State.
2. The New Jersey Historic Trust, created pursuant to P.L.1967, c.124, as amended (C.13:1B-15.111), and its functions, powers and duties as set forth in P.L.1967, c.124, as amended (C.13:1B-15.114, 115) and personnel are continued and transferred to the Department of State. The functions, powers and duties of the Commissioner of the Department of Environmental Protection with regard to the Trust shall be organized and implemented within the Department of State as determined by the Secretary of State.

3. The Office of Administrative Law, created pursuant to P.L.1978, c.67, as amended (C.52:14F-1 et seq.), and allocated in but not of the Department of State, and its functions, powers and duties and personnel are continued, transferred to, and is constituted, in but not of, the Department of the Treasury. This includes the responsibility for accepting the filing of rules and regulations as provided for by Article V, Section IV, paragraph 6 of the New Jersey Constitution.

4. The Office of the Public Defender, created pursuant to P.L.1967, c.43, as amended (C.2A:158A-1 et seq.), and allocated in but not of the Department of State pursuant to P.L.1994, c.58 (C.52:27E-55), and its functions, powers and duties and personnel are continued, transferred to, and is constituted, in but not of, the Department of the Treasury.

5. The Division of Commercial Recording, created pursuant to P.L.1982, c.150, as amended (C.52:16A-35 et seq.), and its functions, powers and duties and personnel are continued and transferred to the Department of the Treasury. These functions, powers and duties and personnel shall be organized and implemented within the Department of the Treasury as determined by the State Treasurer.

6. The functions, powers and duties and personnel of the Secretary of State under Title 19 of the New Jersey Statutes are continued and transferred to the Department of Law and Public Safety. The Division of Elections and its functions, powers and duties and personnel are continued and transferred to the Department of Law and Public Safety. These functions, powers and duties shall be organized and implemented within the Department of the Law and Public Safety as determined by the Attorney General.

7. The Address Confidentiality Program, created pursuant to P.L.1997, c.369, and its functions, powers and duties and personnel are continued and transferred to the Department of Community Affairs. These functions, powers and duties and personnel shall be organized and implemented within the Department of Community Affairs as determined by the Commissioner of the Department of Community Affairs.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the

fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulation shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

3. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

4. If any provision of this Plan or the application thereof to any person or circumstance or the exercise of any power or authority hereunder is held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of the Plan are declared to be severable.

5. This Plan is intended to protect and promote the public health, safety and welfare and shall be liberally construed to attain the objectives and effect the purposes thereof.

6. All transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

A copy of this Reorganization Plan was filed on March 30, 1998 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on May 29, 1998 unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than May 29, 1998, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed March 30, 1998,
Effective May 29, 1998.

**REORGANIZATION PLAN NO. 005-1998
A PLAN FOR THE REORGANIZATION AND TRANSFER OF
CERTAIN SCHOOL BUS SAFETY AND
INSPECTION FUNCTIONS FROM THE DEPARTMENT OF
EDUCATION AND STATE BOARD OF
EDUCATION TO THE DEPARTMENT OF TRANSPORTATION**

PLEASE TAKE NOTICE that on March 30, 1998, Governor Christine Todd Whitman hereby issues this Executive Reorganization Plan No. 005-1998 (the "Plan") to provide for the reorganization and transfer of certain school bus safety and inspection functions from the Department of Education and the State Board of Education to the Department of Transportation.

This Plan represents the Administration's ongoing effort to promote effective execution of the State's school bus safety and inspection programs to ensure the safety, protection, and well-being of the children of New Jersey.

GENERAL STATEMENT OF PURPOSE

In the course of conducting school bus safety inspections from July through September 1997, the Division of State Police in conjunction with the Division of Motor Vehicles uncovered significant equipment violations on many buses. In response to these inspections, the School Bus Safety Task Force (the "Task Force") was created on September 23, 1997.

The Task Force studied the State's school bus safety and inspection programs and made two recommendations: (1) that the existing system of in-lane inspections for school buses be changed to a system of in-terminal inspections; and (2) that certain school bus safety and inspection functions be transferred from the Department of Education and State Board of Education to the Department of Transportation. The system of in-terminal inspections is expected to go into effect in July 1998.

With respect to school bus safety and inspection functions, presently, school bus inspections are performed by the Division of Motor Vehicles in the Department of Transportation, yet the Department of Education sets inspection standards for school buses. The transfer of school bus safety and inspection functions from the Department of Education to the Department of Transportation will promote efficiency by requiring a single State agency to establish school bus safety standards and to conduct the inspections necessary to ensure compliance with these standards.

The particular functions which are transferred to the Department of Transportation pursuant to this Plan represent about 10 percent of the work function of the Department of Education's Office of Pupil Transportation. The remaining 90 percent of the work of the Office of Pupil Transportation-- including the administration of the State aid program and pupil transportation contracts, facilitation of consolidated transportation services, operational functions and other functions unrelated to school bus safety and inspections-- is not affected by this Plan.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203, (C.52:14C-1 et seq.) (the "Act"), I find, with respect to the reorganization and transfer provided for in this Plan, that each aspect of this Plan is necessary to accomplish the purposes set forth in section 2 of that Act and each aspect will:

1. promote the better execution of the laws, the more effective management of the Executive Branch, and the expeditious administration of the public business by consolidating the functions of establishing school bus safety standards and conducting inspections in one agency;
2. promote economy to the fullest extent consistent with the efficient operation of the Executive Branch;
3. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
4. group, coordinate, and consolidate agencies and functions of the Executive Branch in a more consistent and practical manner;
5. reduce the number of agencies by consolidating those having similar functions under a single head and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Executive Branch; and
6. eliminate the duplication of effort that has resulted from the statutory allocation, to both the Department of Education and Department of Transportation, of responsibilities concerning school bus safety standards and inspections.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The functions, powers and duties of the State Board of Education and the Department of Education concerning the establishment of standards for the construction, design, equipment and maintenance of school buses and the inspection of school buses pursuant to sections 1, 2, 4 and 5 of P.L.1965, c.119 (C.39:3B-1, 2, 4 and 5), except that operational functions referenced in section 5 of P.L.1965, c.119 (C.39:3B-5) including, but not limited to such functions as contract awards, scheduling, route approval and pupil policy, shall remain within the State Board of Education; section 1 of P.L.1986, c.92 (C.39:3B-5.4); section 1 of P.L.1992, c.92 (C.39:3B-10); and section 1 of P.L.1992, c.93 (C.39:3B-12); are continued and are transferred to the Division of Motor Vehicles in the Department of Transportation. The functions, powers and duties of the State Board of Education and the Department of Education transferred under this Plan to make rules and regulations shall be exercised by the Director of the Division of Motor Vehicles.

2. All records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Office of Pupil Transportation in the Department of Education for establishing school bus safety standards and inspection programs are transferred under this Plan to the Department of Transportation.

3. Whenever, in any law, rule, regulation, order, contract, document, or judicial or administrative proceeding, or otherwise thereunder concerning the functions of the Office of Pupil Transportation in the Department of Education transferred under this Plan, reference is made to the Commissioner of Education or State Board of Education, the same shall mean and refer to the Director of the Division of Motor Vehicles.

4. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

5. Unless otherwise specified in this Plan, all transfers directed by this Plan shall be affected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.230. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the

fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. If any provision of this Plan or the application thereof to any person or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

3. This Plan is intended to protect and promote the public health, safety, and welfare and shall be liberally construed to obtain the objectives and effect the purposes thereof.

A copy of this Plan was delivered to the Senate and the General Assembly on March 30, 1998. On the same date, a copy of this Plan was also transmitted to and filed with the Secretary of State and Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective 60 days from the date it was delivered to the Senate and the General Assembly unless it is disapproved by each the Senate and the General Assembly by the passage of a Concurrent Resolution stating, in substance, that the Legislature does not favor this Plan, or at a date later than May 29, 1998, should the Governor establish such a later date for the effective date of this Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and the New Jersey Register under the heading of "Reorganization Plans."

Filed March 30, 1998.

Effective May 29, 1998.

**REORGANIZATION PLAN NO. 006-1998
A PLAN FOR THE REORGANIZATION OF THE DEPARTMENT OF LABOR CREATING A SECOND
OFFICE OF DEPUTY COMMISSIONER**

PLEASE TAKE NOTICE that on June 11, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 006-1998 (Plan) to create a second office of Deputy Commissioner in the Department of Labor (Department) and to provide for the reorganization of certain responsibilities of Assistant Commissioners within the Department. This Plan furthers an ongoing effort to streamline and make more effective the operations of the Executive Branch in the interests of efficiency and customer service by giving the Commissioner of Labor (Commissioner) the flexibility to focus implementation and oversight of major new programmatic initiatives under a second Deputy Commissioner in the Department and to coordinate the departmental activities of the Assistant Commissioners.

GENERAL STATEMENT OF PURPOSE

The Department of Labor is presently organized and administered pursuant to Reorganization Plan No. 001-1982. That 1982 Reorganization Plan created a single office of Deputy Commissioner with responsibility for all day to day operations of the Department, long-term planning, budgeting and policy implementation and monitoring and evaluation of all departmental programs. The Plan also detailed the specific title and role of each of the Assistant Commissioners with respect to the programs implemented by the Department at that time. The Department, however, has recently been charged with undertaking and implementing major new programmatic initiatives in a way designed to provide one stop services to fulfill the unemployment insurance, employment services and training needs of New Jersey citizens and to coordinate these services with other agencies such as the Department of Human Services and the Department of Education. These initiatives include tasks relating to the implementation of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (P.L.104-193), the Work First New Jersey program under P.L.1997, c.13, 14, 37 and 38 (codified primarily in Title 44 of the Revised Statutes), the New Jersey Child Support Program Improvement Act, P.L.1998, c.1 (codified primarily in chapter 17 of Title 2A of the Revised Statutes), the Federal Job Training Partnership Act, 29 U.S.C. s. 1501 et seq., the New Jersey Employment and Workforce Development Act (Workforce New Jersey program), P.L.1992, c.43, as amended (C.34:15D-1 et seq.) and the Unemployment Compensation Law, P.L.1936, c.270, as amended (C.43:21-1 et seq.).

The present organization of the Department does not meet the needs of the Department for a flexible organizational structure that facilitates operational management of these new programs. These new initiatives require hands-on leadership and comprehensive coordination to ensure that

the Department can continue to provide quality service to the public and can meet Federal and State goals for placing citizens in positions of gainful employment. In particular, the creation of a second Deputy Commissioner coupled with the authority of the Commissioner to prescribe the functions, powers, duties and responsibilities of the principal officers of the Department will permit the Commissioner to establish a specific focal point for the implementation of the Workforce New Jersey program and other statutory programs, with common goals and objectives, while providing coordinated managerial oversight of delivery service.

The Plan will also provide the Commissioner with authority to coordinate the responsibilities of the two Deputy Commissioners in a way that best serves the organizational and management needs of the Department for the most efficient and economical conduct of the public business. In addition, the Plan will enable the Commissioner to reassign and coordinate the responsibilities of the Assistant Commissioners who are also responsible for department programs and operations.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.) I find with respect to the reorganization, transfer and consolidation provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purposes set forth in Section 2 of that Act and that each aspect will:

1. promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions and the expeditious administration of the public business;
2. reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive Branch;
3. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
4. group, coordinate and consolidate functions of the Executive Branch, as nearly as may be, according to major purposes; and
5. eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. The office of Deputy Commissioner created pursuant to Reorganization Plan No. 001-1982 is continued. The functions, powers and duties of the Deputy Commissioner shall be those functions, powers and duties as may be prescribed by the Commissioner of Labor. This Deputy Commissioner shall be under the direction and supervision of the Commissioner.

2. There is hereby created in the Department of Labor a second office of the Deputy Commissioner. This Deputy Commissioner shall be appointed by and serve at the pleasure of the Commissioner. This Deputy Commissioner shall receive such compensation as may be provided by law applicable to comparable officers in the Executive Branch. I find that the appointment and compensation of this Deputy Commissioner are necessary to effectuate the reorganization made by this Plan. This Deputy Commissioner, under the direction and supervision of the Commissioner, shall be responsible for implementing such of the functions, powers, duties and responsibilities of the principal officers of the Department of Labor under PRWORA, P.L.1997, c.13, 14, 37 and 38, the New Jersey Child Support Program Improvement Act, P.L.1998, c.1, the Federal Job Training Partnership Act, 29 U.S.C. s.1501 et seq., the New Jersey Employment and Workforce Development Act, P.L.1992, c.43 (C.34:15D-1 et seq.) and the Unemployment Compensation Law, P.L.1936, c.270, as amended (C.43:21-1 et seq.), as the Commissioner may prescribe. This Deputy Commissioner shall have such additional functions, powers, duties and responsibilities as may be prescribed by the Commissioner.

3. The offices of Assistant Commissioners created pursuant to Reorganization Plan No. 001-1982 are continued. The functions, powers and duties of the Assistant Commissioners shall be those functions, powers and duties as may be prescribed by the Commissioner. The Commissioner shall specify the title of such Assistant Commissioners. The Commissioner may assign Assistant Commissioners to oversee specific programs or functions operated or performed by the Department as he deems appropriate.

4. As authorized under P.L.1948, c.446, ss.3 and 4 (C.34:1A-3 and -4), the Commissioner may delegate responsibility for supervision of specific programs or functions operated or performed by the Department to such Deputy Commissioner, Assistant Commissioner or other subordinate officer as the Commissioner deems appropriate.

5. The Assistant Commissioners of the Department shall be under the supervision of the Commissioner and such Deputy Commissioner or subordinate officer as the Commissioner deems appropriate.

GENERAL PROVISIONS

I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, the reorganization will permit the more efficient direction, administration and management of the work of the Department of Labor, in particular the new programmatic initiatives under the Workforce New Jersey program and other State and Federal initiatives. This Plan gives the Commissioner the flexibility to consolidate and coordinate responsibility and management of these activities under a single Deputy Commissioner with direct responsibility to the Commissioner. This consolidation will improve the State's overall ability to implement these new initiatives and to meet Federal and State goals for moving unemployed persons into jobs.

All acts or parts of acts or plans or parts of plans inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies provided that nothing in this Plan shall be deemed to supersede the provisions of Reorganization Plan No. 006-1998.

Unless otherwise specified in this Plan all transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

If any provisions of this Plan or the application thereof to any person or circumstances or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of this Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provision not contrary to law. To this end, the provisions of this Plan are declared to be severable.

This Plan is intended to make the operations of the Executive Branch more efficient and effective with regard to the management and operation of the Department of Labor and shall be liberally construed to attain the objectives and affect the purposes thereof.

A copy of this Reorganization Plan was filed on June 11, 1998, with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on August 10, 1998, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than August 10, 1998,

should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed June 11, 1998.

Effective August 10, 1998.

**REORGANIZATION PLAN NO. 007-1998
A PLAN FOR THE TRANSFER, CONSOLIDATION AND
REORGANIZATION OF CERTAIN FUNCTIONS
OF THE DEPARTMENT OF BANKING AND INSURANCE TO
IMPLEMENT THE OFFICE OF THE
INSURANCE FRAUD PROSECUTOR**

PLEASE TAKE NOTICE that on June 25, 1998, Governor Christine Todd Whitman hereby issues the following Reorganization Plan, No. 007-1998 ("Plan"), relating to the Office of the Insurance Fraud Prosecutor, established pursuant to P.L.1998, c.21 (hereinafter, the "Automobile Insurance Cost Reduction Act of 1998"). This Plan provides for the transfer of certain personnel, funding, and statutory and regulatory authority and responsibilities from the Division of Insurance Fraud Prevention in the Department of Banking and Insurance to the Division of Criminal Justice in the Department of Law and Public Safety.

This Plan is part of an ongoing effort to consolidate and align the structure and functions of the Executive Branch in the interests of efficiency and economy. Accordingly, this Plan consolidates insurance fraud investigation, prosecution and enforcement functions in the Department of Law and Public Safety, so that the Insurance Fraud Prosecutor, under the direction and supervision of the Attorney General, may coordinate and lead the State's anti- fraud efforts.

GENERAL STATEMENT OF PURPOSE

This Plan is designed to implement the statutory mandate of the Automobile Insurance Cost Reduction Act of 1998 to establish the Office of the Insurance Fraud Prosecutor within the Division of Criminal Justice in the Department of Law and Public Safety. The Office of the Insurance Fraud Prosecutor is charged with investigating and prosecuting insurance

fraud and coordinating the conduct of all criminal, civil and administrative matters involving insurance fraud. Under the Automobile Insurance Cost Reduction Act of 1998 and this Plan, the Office will also enhance the State's fully integrated law enforcement system by serving as the focal point for coordinating all insurance-related anti-fraud activity of State and local departments and agencies.

NOW, THEREFORE, pursuant to "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the reorganization, transfer and consolidation provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purposes set forth in Section 2 of the Act and that each aspect will:

1. promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business;
2. reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive Branch;
3. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
4. group, coordinate and consolidate agencies and functions of the Executive Branch, as nearly as may be, according to major purposes;
5. consolidate those agencies having similar functions under a single head; and
6. eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. Except as provided in paragraph 2, the functions, powers and duties of the Commissioner of Banking and Insurance and the Director and the Division of Insurance Fraud Prevention under P.L.1983, c.320, as amended (C.17:33A-1 et seq.), and P.L.1983, c.248, s.3, as amended (C.45:9-19.3), are continued and are transferred to the Attorney General and the Department of Law and Public Safety.

2. The functions, powers and duties allocated under the following statutory provisions are continued as presently allocated:

(a) P.L.1983, c.320, s.5b, as amended (C.17:33A-5e), administration of the New Jersey Automobile Full Insurance Underwriting Association and Market Transition Facility Auxiliary Fund.

(b) P.L.1983, c.320, s.6, as amended (C.17:33A-6), statement to be contained in insurance claim forms.

(c) P.L.1983, c.320, ss.8e through h, as amended (C.17:33A-8e through h), the Insurance Fraud Advisory Board and, subject to s.46 of P.L.1998, c.21, the certification and appointment of expenses for the administration of the New Jersey Fraud Prevention Act.

(d) P.L.1983, c.320, ss.9c and 12 (C.17:33A-9c and C.17:33A-12), to the extent those sections authorize promulgation of regulations necessary for the implementation of P.L.1993, c.362, s.1 (C.17:33A-15).

(e) P.L.1993, c.362, s.1, as amended (C.17:33A-15), filing, approval and monitoring of Insurance Fraud Prevention Plans, subject to s.36 of P.L.1998, c.21.

3. All functions, powers and duties of the Commissioner of the Department of Banking and Insurance not transferred to the Attorney General and the Department of Law and Public Safety pursuant to this Plan, including, but not limited to, the functions, powers and duties of the Commissioner under P.L.1995, c.156, as amended (C.17:1C-19 et seq.), shall remain with the Commissioner and the Department of Banking and Insurance.

4. The official titles of the Director and the Division of Insurance Fraud Prevention in the Department of Banking and Insurance created pursuant to P.L.1983, c.320, s.8, as amended (C.17:33A-8), are hereby changed to the Director and the Division of Anti-Fraud Compliance.

5. Except for positions required to perform the functions, powers and duties delineated in paragraph 2, all programmatic, administrative, investigatory and support staff positions (filled and vacant) within the Division of Insurance Fraud Prevention in the Department of Banking and Insurance are transferred to the Department of Law and Public Safety. Persons transferred shall serve in such capacity and perform such duties as may be designated by the Attorney General. All positions transferred shall

be subject to the provisions of P.L.1970, c.74, s.4, as amended (C.52:17B-100) and P.L.1977, c.275, s.1 (C.52:17B-100.1), to the extent those provisions are applicable. All records, property, furnishings, office equipment, etc., support services or funds to purchase such services, and the unexpended balance of funds appropriated or otherwise available to the Department of Banking and Insurance deemed necessary by the Attorney General for the functions, powers and duties of the aforesaid positions (filled and vacant) in the Division of Insurance Fraud Prevention are transferred to the Department of Law and Public Safety. The transfer of specific resources shall be effectuated as determined by agreement between the Commissioner of Banking and Insurance and the Attorney General consistent with this Plan.

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, the reorganization will more efficiently direct, administer and control the State's responsibilities for investigating and prosecuting insurance fraud. This Plan provides for the consolidation and coordination of these responsibilities into a single department and provides that the Office of the Insurance Fraud Prosecutor will serve as the focal point for all civil, criminal and administrative prosecutions of insurance fraud. This consolidation will improve the State's overall ability to investigate and prosecute insurance fraud. Moreover, the consolidation will eliminate duplication of effort in these areas.

2. Penalties collected or received pursuant to P.L.1983, c.320, as amended, shall be deposited in such accounts or funds, and shall otherwise be disposed of, as may be provided by that law for the deposit or disposition of such penalties.

3. All act or parts of acts or plans or parts of plans inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

4. Unless otherwise specified in the Automobile Insurance Cost Reduction Act of 1998 or this Plan, all transfers directed by this Plan shall be affected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

5. If any provision of this Plan, or the application thereof to any person or circumstances or the exercise of any power or authority hereunder, is held invalid or contrary to law, such holding shall not affect other provisions or applications of this Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provision not contrary to law. To this end, the provisions of this Plan are declared to be severable.

6. This Plan is intended to make the operations of the Executive Branch more efficient and effective with regard to the detection, investigation and prosecution of insurance fraud and shall be liberally construed to attain the objectives and effect the purposes thereof.

This Plan was delivered to the Senate and General Assembly on June 25, 1998. A copy of this Plan was filed on that same date with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on August 24, 1998, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than August 24, 1998, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed in the annual edition of the Public Laws and the New Jersey Register under the heading of "Reorganization Plans."

Filed June 25, 1998.

Effective August 24, 1998.

**REORGANIZATION PLAN NO. 008-1998
A PLAN FOR THE ABOLITION OF THE STATE BOARD OF
PUBLIC MOVERS AND WAREHOUSEMEN
AND PROVIDING FOR THE TRANSFER OF CERTAIN RE-
SPONSIBILITIES TO THE DIVISION OF
CONSUMER AFFAIRS IN THE DEPARTMENT OF LAW AND
PUBLIC SAFETY**

PLEASE TAKE NOTICE that on December 10, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 008-1998 (Plan), providing for the abolition of the State Board of Public Movers and Warehouse-

men (Board) and the position of Executive Secretary to the Board and providing for the transfer of responsibilities for certain functions to the Division of Consumer Affairs in the Department of Law and Public Safety.

The Plan furthers an ongoing effort to streamline and make more effective the operations of the Executive Branch in the interests of efficiency and economy, without quantitative or qualitative diminution of services to the public by consolidating regulatory and administrative responsibilities in the Department of Law and Public Safety.

GENERAL STATEMENT OF PURPOSE

The professional and occupational boards have been allocated to the Division of Consumer Affairs (Division) in the Department of Law and Public Safety. These boards have similar administrative, staffing and supervisory needs. The Attorney General and the Division of Consumer Affairs have been given the responsibility under the Consumer Affairs Act of 1971, P.L.1971, c.34, as amended (C.52:17B-118 et seq.), P.L.1948, c.439, as amended (C.52:17B-1 et seq.), for addressing those needs and have provided those services in a coordinated, centralized fashion, where possible, through shared personnel with similar knowledge and administrative skills, in specialized organizational units. This practice of consolidating functions promotes economy and efficiency by providing flexibility and promoting economies of scale.

Until now, the Board of Public Movers and Warehousemen, like the 30 other professional and occupational licensing boards located within the Division, has had the responsibility for (1) issuing licenses to applicants, (2) meting out discipline to those found to be in violation of the "Public Movers and Warehousemen Licensing Act," P.L.1981, c.311, as amended (C.45:14D-1 et seq.) and the regulations promulgated thereunder, and (3) establishing, through regulation, appropriate standards for the rendition of services. In many regulated professions, special knowledge must be applied in evaluating credentials setting forth education and work experience and in assessing when services rendered evidence malpractice or professional misconduct. There are many efficiencies to be derived from having a cadre of board members, who are themselves professionals, fully familiar with training prerequisites and accepted practice standards. Board members in those instances serve as a ready reservoir of expertise for the handling of consumer complaints, since they are capable of evaluating alleged breaches of duty, without the need for engaging expensive expert evaluators. As to other vocations, however, implementation of a regulatory scheme primarily

designed to afford consumers protection from unfair commercial practices can be more expeditiously handled, at a reduced cost, by administrative personnel trained to process application forms efficiently and to resolve consumer disputes through mandated restitution, where warranted, after investigation and hearing or an alternative dispute resolution process.

Movers seeking licensure need not present extensive evidence of their work backgrounds and educational qualifications. Rather, movers are required to establish evidence of a business address, insurance coverage and financial solvency. Administrative staff of the Regulated Business Unit of the Division currently review and process applications and maintain up-to-date lists of current licensees with respect to a wide variety of other business--such as employment agencies, health clubs and ticket brokers. They are fully able to provide similar services with respect to licensees. Consumers also need to have an easy means to verify licensure status and obtain complaint histories and ready recourse to a process which will hold licensees accountable and provide redress, if necessary. These needs also can be met through the existing structural organization of the Division and its centralized units dedicated to performing these functions for consumers--the Centralized Licensing Unit for issuing renewals, a Consumer Service Center for verifying licensure status and processing complaints and an Alternative Dispute Resolution Unit for mediating claims (if possible) without resort to more costly enforcement options.

Consumers, of course, have a right to expect that they will be dealt with fairly and honestly and that care will be taken with the goods that are entrusted to licensed movers and warehousemen. Ample authority is already vested in the Attorney General and the Division to pursue violators. Overcharges and fraudulent practices can be effectively prosecuted pursuant to the "Consumer Fraud Act," P.L.1960, c.39, as amended (C.56:8-1 et seq.). The Division has broad powers to protect consumers by investigating, detecting and prosecuting deception and fraud in connection with the sale of goods or services provided, including the services provided by public movers and warehousemen. Furthermore, under the Public Movers and Warehousemen Licensing Act, the Attorney General has authority, acting independently from the Board, to investigate and prosecute violations of the Act. Violations under review more often deal with unscrupulous or fraudulent business practices or failures to provide required disclosures, written estimates or information concerning insurance options--not deviations from complex practice standards which would likely be readily evident only to a group of professional peers. Authority exists to order penalties and consumer restitution after a hearing conducted by the Director

of the Division or a designee. As with other regulated businesses, the Director of the Division already has the authority to promulgate and implement such regulations deemed necessary to protect consumers from fraudulent and unethical practices, while at the same time assuring that there is sufficient competition in the marketplace to provide consumers with an adequate choice of licensed movers, offering services at fair prices.

Upon implementation of this Reorganization Plan the Division will assume the responsibility for the regulation of the fewer than 400 public movers and warehousemen who are currently licensed in this State. This will eliminate the need to retain an Executive Secretary to the Board and other staff to oversee this small regulated community. This current staffing arrangement is inefficient and duplicates the supervisory and staffing services that can be provided in a streamlined, economical fashion by administrative personnel within the Division. Abolishing the Board and the position of Executive Secretary and transferring their functions, powers and duties to the Division will result in a reduction of costs of providing services to the public.

Pursuant to N.J.S.A. 45:1-3.2, the regulated community bears the brunt of the costs of administering the Board. Prior to 1991 annual licensure fees were set at \$225. Increased costs forced the Board to increase its licensure fee to \$400 in 1991, an annual figure higher than that established by any other licensing board in this State.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.) (Act), I find, with respect to the transfer, reorganization and consolidation provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purposes set forth in Section 2 of the Act and that each aspect will:

1. Promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business;
2. Reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive Branch;
3. Increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
4. Group, coordinate and consolidate agencies and functions of the Executive Branch, as nearly as may be, according to major purposes;

5. Reduce the number of agencies by consolidating those having similar functions under a single head and abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Executive Branch; and

6. Eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. (a) The State Board of Public Movers and Warehousemen and the position of Executive Secretary to the Board, established pursuant to P.L.1981, c.311, s.4, as amended, (C.45:14D-4), are abolished and the terms of office of the members of the Board and the Executive Secretary incumbent at the time this plan takes effect are terminated. The functions, powers and duties of the Board and its Executive Secretary under the "Public Movers and Warehousemen Licensing Act," P.L.1981, c.311 (C.45:14D-1 et seq.) are continued and are transferred to the Division of Consumer Affairs.

(b) The authority, pursuant to P.L.1981, c.311, as amended (C.45:14D-1 et seq.), to provide the immediate supervision of the work of regulating the profession is continued and transferred to the Director of the Division of Consumer Affairs, to be exercised through such employee or employees as the Director of the Division of Consumer Affairs may designate.

(c) For the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Director of the Division of Consumer Affairs or a designee shall constitute the agency head and shall have final decision making authority.

(d) I find this plan is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203 (C.52:14C-2). In addition to the reasons set forth above, this Plan will result in increased efficiency due to economies of scale, and also will result in greater coordination and improved functioning of the State's regulation of public movers and warehousemen and the other occupational and professional boards. Further, this Plan will streamline State government for the benefit of all New Jersey citizens.

2. All records, property, appropriations, and any unexpended balance of funds appropriated or otherwise available to the Board are transferred to the

Division of Consumer Affairs as necessary to perform the functions transferred to that Division under this Plan, as determined by the Attorney General.

3. Whenever in P.L.1981, c.311, as amended (C.45:14D-1 et seq.), or in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise thereunder, reference is made to the Executive Secretary or Executive Director of the State Board of Public Movers and Warehousemen or to the State Board of Public Movers and Warehousemen, the same shall mean and refer to the Director of the Division of Consumer Affairs or to such employee or employees as the Director may designate.

4. All Acts and parts of Acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

5. Unless otherwise specified in this Plan, all transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

6. If any provision of this Plan or the application thereof to any person, or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

7. This Plan is intended to protect and promote the public health, safety and welfare, and shall be liberally construed to obtain the objectives and effect the purposes thereof.

A copy of this Reorganization Plan was filed on December 10, 1998 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on February 8, 1999, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than February 8, 1999, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual

edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed December 10, 1998.
Effective February 8, 1999.

INDEX

(1001)

AGRICULTURE

"Right to Farm Act"; revised, C.4:1C-10.1 et seq., amends C.4:1C-3 et al., Ch.48.

State Transfer of Development Rights Bank, administrative costs; expiration date, extended, amends P.L.1993, c.339, s.8, Ch.13.

AMUSEMENTS

Carnival amusement ride safety, law, violations, fines, penalties; revised, C.5:3-36.1 et al., amends C.5:3-33 et al., Ch.10.

ANIMALS

Domestic companion animal, theft; third degree crime, amends N.J.S.2C:20-1 et seq., Ch.100.

Horses; sales, regulation; mistreatment, prohibited, amends R.S.39:4-23 et al., Ch.105.

APPROPRIATIONS

Annual, Ch.45.

Commerce and Economic Development, Department:

New Jersey Economic Development Authority, infectious disease research complex; \$16,300,000, Ch.30.

Community Affairs, Department:

Downtown business improvement loan fund, \$5,000,000, Ch.115.

Morris County Life Safety Complex, refurbishment, expansion, \$2,000,000, Ch.107.

Newark Boys Chorus School, \$25,000, Ch.58.

Corrections, Department:

From "Public Purpose Buildings and Community-Based Facilities Construction Fund" for various projects, \$8,926,336, Ch.69.

Delaware Bay Schooner Project, maintenance, operation of A.J. Meerwald, \$95,000, Ch.9.

Environmental Protection, Department:

Environmental infrastructure projects, various, Ch.84.

From 1995 New Jersey Inland Blue Acres Fund, acquisition, certain; Passaic River floodway, \$15 million, Ch.83.

Metedeconk Creek and Toms River Watershed Management project, \$100,000, Ch.67.

Farmland preservation, conservation, bond monies, \$22.5 million; southern NJ preservation projects, funding eligibility approved, Ch.6; central NJ preservation, Ch.7; northern NJ preservation, Ch.8.

Health and Senior Services, Department:

Coriell Institute - New Jersey Cord Blood Resource Center, \$5,000,000, Ch.142.

APPROPRIATIONS (continued)

Higher Education, Commission:

Independent colleges, various, construction projects, \$994,500, Ch.70.

Human Services, Department:

Drug Utilization Review Board, \$90,000, Ch.41.

Establishment of regional child abuse diagnostic, treatment centers; \$1.5 million, Ch.19.

Substance abuse assessment for parents, certain circumstances, \$50,000, Ch.127.

Law and Public Safety, Department:

"High Technology Crimes and Interactive Computer Services Protection Act," \$150,000, Ch.134.

"Natural Resources Bond Act of 1980," "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985"; revision referendum, \$5,000, Ch.66.

New Jersey Environmental Infrastructure Trust:

Clean water projects, financial assistance, \$5 million, Ch.87.

Drinking water projects, financial assistance, \$50 million, Ch.86.

Environmental infrastructure projects, loans, \$100 million, Ch.85.

New Jersey Historic Trust, preservation projects in northern New Jersey, \$7,894,048, Ch.64; southern New Jersey, \$3,599,211, Ch.65.

Office of Administrative Law, \$228,596, Ch.42.

PAAD program, language concerning prescription refills; amended, Ch.124.

School Transportation Study Commission, \$10,000, Ch.110.

Supplemental, various, State funds \$105,403,932, federal funds \$579,254, Passaic River/Newark Bay, \$15,000,000; Ch.34.

BANKING

Account information of senior or vulnerable customers, release, certain; permitted, C.17:16T-1 et seq., Ch.121.

Check cashers; social security check charges, limited, amends C.17:15A-43, Ch.98.

"New Jersey Money Transmitters Act," C.17:15C-1 et seq., repeals R.S.17:15-1 et al., Ch.14.

State-chartered banks, power to issue senior debt; clarified, amends C.17:9A-131.20 et al., Ch.47.

State-chartered credit unions, field of membership, changes; permitted, C.17:13-92.1, amends C.17:13-81 et al., Ch.133.

BONDS

"Natural Resources Bond Act of 1980," "Resource Recovery and Solid Waste Disposal Facility Bond Act of 1985"; revision referendum, Ch.66.

CHILDREN

- "Catastrophic Illness in Children Relief Fund," eligibility threshold; lowered, amends C.26:2-149 et al., Ch.143.
- Child abuse, neglect, pamphlet, distribution to parents of newborn infants; required, C.26:2H-12.6a, Ch.136.
- Child abuse, regional diagnostic, treatment centers; established, C.9:6-8.99 et seq., Ch.19.
- Child care centers, smoking prohibited, C.30:5B-5.3, amends C.30:5B-9, Ch.35.
- "New Jersey Child Support Program Improvement Act," C.2A:17-56.7a et al., amends C.2A:17-56.8 et al., repeals C.2A:17-56.7 et al., Ch.1.
- Removal of child from home due to abuse, neglect, demonstration of substance abuse treatment by parents, certain; required, C.9:6-8.58a et seq., Ch.127.
- "Uniform Interstate Family Support Act," C.2A:4-30.65 et seq., repeals C.2A:4-30.24 et al., Ch.2.

CIVIL ACTIONS

- Firefighter, paid, volunteer; immunity from liability, accidents, emergencies, certain, C.2A:62A-1.2, Ch.101.
- "Garage Keepers Lien Act," public sale provisions; revised, amends N.J.S.2A:44-21 et al., repeals N.J.S.2A:44-25 et al., Ch.122.

CIVIL SERVICE

- Examinations, police, fire, certain; application fees, amends C.11A:4-1.1, Ch.63.
- Veterans' benefits, participants, certain, in Somalia, Bosnia and Herzegovina military operations; qualified, amends N.J.S.11A:5-1 et al., Ch.49.

COLLEGES AND UNIVERSITIES

- County college joinder agreements, cost sharing options; established, amends N.J.S.18A:64A-17 et al., Ch.140.
- Volunteer fire companies, first aid, rescue squad, association members, earning of tuition credit at certain county institutions; permitted, C.18A:71-78.1 et seq., Ch.145.

COMMERCE AND INDUSTRY

- "Business Employment Incentive Program," grants, certain; availability, amends C.34:1B-125 et al., Ch.33.
- Limited liability companies, single member; allowed, amends C.42:2B-2 et al., Ch.79.

COMMERCE AND INDUSTRY (continued)

Local-State Business Incentive Promotion Program, established,

C.34:1B-165 et seq., Ch.94.

"New Jersey Commerce and Economic Growth Commission Act of 1998,"

C.52:27C-61 et seq., amends C.52:14-15.107 et al., Ch.44.

CONSTITUTION, STATE

Horse racing, wagering controls, legislative enactments authorized, amends Article IV, Section VII, paragraph 2; adopted.

Sales tax, certain revenue dedication for open space, farmland, historic preservation, Article VIII, Section II, paragraph 7; adopted.

CONSUMER AFFAIRS

"High Technology Crimes and Interactive Computer Services Protection Act," C.52:17B-191 et al., Ch.134.

Sale of baby food, non-prescription drugs, cosmetics, certain; unlawful, C.56:8-2.27, repeals C.56:8-2.24, Ch.5.

Telecommunications service providers, changes; authorizing procedures, C.56:8-86 et seq., Ch.82.

CORPORATIONS

Proxy voting, telephonic; permitted, amends N.J.S.14A:5-19, Ch.144.

CORRECTIONS

Adult Diagnostic and Treatment Center; parole procedures, revised, C.2C:47-5.1, amends N.J.S.2C:47-5 et al., Ch.73.

Inmates' access to victim information, certain prohibited; stalking, harassment crimes, certain, upgraded, C.47:1A-2.2 et al., amends C.2C:12-10 et al., Ch.17.

Inmates, certain, change in custody status, notification, certain; required, C.30:4-91.8, Ch.68.

Mentally ill inmates, cooperation in treatment program; parole requirement, amends C.30:4-123.53 et al., Ch.112.

"New Jersey Sexually Violent Predator Act"; C.30:4-27.24 et seq., amends N.J.S.2C:47-5 et al., Ch.71.

COUNTIES

County adjuster; appointment by governing body, amends R.S.30:4-34, Ch.92.

County college joinder agreements, cost sharing options; established, amends N.J.S.18A:64A-17 et al., Ch.140.

Crisis intervention services programs for law enforcement officers, establishment; permitted, C.40A:14-195 et seq., Ch.148.

COUNTIES (continued)

Land, Washington Township to Gloucester Township, certain, annexation by County of Camden; authorized, Ch.53.

Veterans' memorials, certain, county, municipal appropriations; permitted, C.40:10-11, Ch.117.

COURTS

Indigent defendants; financial investigation, responsibilities, amends C.2A:158A-15.1, repeals C.2A:158A-15, Ch.77.

CRIMES AND OFFENSES

Adult Diagnostic and Treatment Center; sex offenders, sentencing; statutes, certain, revised, C.2C:47-4.1 et seq., amends N.J.S.2C:47-1 et al., repeals N.J.S.2C:47-4, Ch.72.

Carjacking; added to "felony-murder," amends N.J.S.2C:11-3, Ch.25.

Child pornography, depiction, dissemination on Internet, crime, penalties; increased, amends N.J.S.2C:24-4, Ch.126.

Commission of crime, employing juvenile; offense, created, C.2C:24-9, Ch.102.

Electrical contracting without business permit; fourth degree crime, C.2C:21-33, Ch.151.

Firearm possession penalties, commission of CDS-related offenses, certain; provided, C.2C:39-4.1, Ch.26.

Inmates' access to victim information, certain prohibited; stalking, harassment crimes, certain, upgraded, C.47:1A-2.2 et al., amends C.2C:12-10 et al., Ch.17.

Theft, vandalism, certain circumstances; penalties increased, C.2C:17-3.1, amends N.J.S.2C:17-3 et al., repeals C.39:4-183.5 et al., Ch.54.

Workers' compensation fraud; crime of fourth degree, C.34:15-57.4, Ch.74.

CRIMINAL PROCEDURE

Competency evaluations, court-ordered, administered at jail or prison; hospital designation for involuntary commitment of patients, C.30:1-2.4, amends N.J.S.2C:4-5, Ch.111.

Indigent defendants; financial investigation, responsibilities, amends C.2A:158A-15.1, repeals C.2A:158A-15, Ch.77.

DOMESTIC RELATIONS

Marriages, solemnization by judges of U.S. Court of Appeals for the Third Circuit; permitted, amends R.S.37:1-13, Ch.24.

"New Jersey Child Support Program Improvement Act," C.2A:17-56.7a et al., amends C.2A:17-56.8 et al., repeals C.2A:17-56.7 et al., Ch.1.

DOMESTIC RELATIONS (continued)

Paternity acknowledgement of biological father, certain, before preliminary hearing; required, C.9:3-45.1, amends C.9:3-45 et al., Ch.20.

"Uniform Interstate Family Support Act," C.2A:4-30.65 et seq., repeals C.2A:4-30.24 et al., Ch.2.

DRUGS

Drugs, Schedule II, dispensation for long-term care facility, hospice; by prescription facsimile, amends R.S.45:14-14, Ch.78.

ELECTIONS

Petitions for direct nomination, deadline changed, candidacy, certain; prohibited, C.19:13-8.1, amends R.S.19:13-8 et al., Ch.147.

Superintendents of elections, commissioners of registration, certain; salary increase, permitted, amends R.S.19:32-1 et al., Ch.91.

ENVIRONMENT

Maps filed with department; exempted from digital form resubmission, C.58:10-23.11d17 et al., amends C.46:23-9.10, Ch.23.

Underground storage tanks, owners, operators, compliance; deadline extended, C.58:10A-29.1, amends C.58:10A-29 et al., Ch.59.

EXECUTIVE ORDERS

Advisory Committee on the Preservation and Use of Ellis Island; created, No.82; modified, No.90.

Governor's Advisory Committee on Public/Private Volunteer Partnerships, membership changed, Executive Order 34 (1995) modified, No.79.

Implementation of interlocal shared service programs, activities; encouraged, No.88.

Judge Alexander P. Waugh, Sr.; death commemorated, No.85.

Landlord-Tenant Task Force; created, No.81; modified, No.86.

New Jersey Advisory Council on Elder Care; established, No.89.

New Jersey Advisory Council on Traumatic Brain Injury; established, No.84.

Office of Information Technology; established, No.87.

Reorganization Plan No.003-1998, effective date July 1, 1998, No.83.

State employees, November 27, 1998; granted as a day off, No.91.

State of emergency, severe weather conditions in Atlantic, Cape May, Monmouth and Ocean counties, declared, No.78; rescinded, No.80.

FIRE SAFETY

Fire police, training, jurisdiction; expanded, amends R.S.15:8-4, Ch.61.

FIRE SAFETY (continued)

Firefighter, paid, volunteer; immunity from liability, accidents, emergencies, certain, C.2A:62A-1.2, Ch.101.

New Jersey State Firemen's Association; maximum membership age, raised, amends R.S.43:17-9, Ch.90.

New Jersey State Firemen's Association; members, certain, permitted, Ch.93.

GAMES AND GAMBLING

Poker dealers at casinos, tips and gratuities; distribution, amends C.5:12-100, Ch.141.

State lottery prizes, assignment; circumstances, certain, amends C.5:9-13, Ch.103.

HANDICAPPED PERSONS

"Division of Developmental Disabilities Community Placement and Services Assessment Act," C.30:6D-43 et seq., Ch.40.

HEALTH

"Catastrophic Illness in Children Relief Fund," eligibility threshold; lowered, amends C.26:2-149 et al., Ch.143.

Certificate of need, process for obtaining; revised, C.26:2H-6.1 et al., amends C.26:2H-2 et al., repeals C.26:2H-5.9 et al., Ch.43.

Child abuse, neglect, pamphlet, distribution to parents of newborn infants; required, C.26:2H-12.6a, Ch.136.

Hepatitis C, newly diagnosed cases; reports, information provided, C.26:2T-1 et seq., Ch.116.

Hospital charity care program; demonstration program, task force study, amends C.26:2H-18.58 et al., Ch.37.

Organ, tissue donation of decedent; documented intent, nonrevocable, amends C.26:6-60, Ch.81.

Physician assistants, writing prescriptions in outpatient settings, certain; permitted, amends C.45:9-27.16 et al., Ch.125.

HIGHWAYS

"Joann H. Smith Memorial Highway"; designated, J.R.4.

"Little League World Champions Boulevard," designated, J.R.5.

Skateboard, roller skating, regulation on roadways, public properties; permitted, C.39:4-10.10a et seq., Ch.36.

HOLIDAYS

"Bill of Rights Day in New Jersey," November 20, designated, C.36:2-48 et seq., J.R.8.

HOLIDAYS (continued)

- "Grandparents' Day", Sunday after Labor Day; designated, amends C.36:2-15, Ch.75.
- "National Critical Viewing Day"; designated, J.R.2.
- "Peace Officers Memorial Day," May 15, designated, C.36:2-50, Ch.150.
- "Thomas Mundy Peterson Day," March 31 annually; designated, C.36:2-46, J.R.1.
- "Toms River East Little League World Series Champions Day," August 29, designated, C.36:2-47, J.R.6.

HOSPITALS

- Hospital charity care program; demonstration program, task force study, amends C.26:2H-18.58 et al., Ch.37.

HOUSING

- Low, moderate income housing; municipal funds, certain, permitted, amends C.52:27D-311, Ch.89.
- "Senior and Disabled Cooperative Housing Finance Incentive Act," C.55:14K-72 et seq., Ch.128.

HUMAN SERVICES

- Ann Klein Forensic Center, formerly The Forensic Psychiatric Hospital; renamed, C.30:1-7.5, amends R.S.30:1-7, Ch.152.
- "Division of Developmental Disabilities Community Placement and Services Assessment Act," C.30:6D-43 et seq., Ch.40.
- Drug Utilization Review Board; established, C.30:4D-17.17a et al., amends C.30:4D-17.16 et al., repeals C.30:4D-17.17, Ch.41.
- Holocaust reparations, excluded from gross income for tax, PAAD eligibility purposes, C.54A:6-29 et al., Ch.113.
- "New Jersey Supplementary Food Stamp Program Act," C.44:10-79 et seq., amends C.2C:20-35 et al., Ch.32.
- PAAD program, appropriations language concerning prescription refills; amended, Ch.124.

INSURANCE

- "Automobile Insurance Cost Reduction Act," C.39:6A-1.1 et al., amends C.39:6A-2 et al., Ch.21.
- "Automobile Insurance Cost Reduction Act," provisions, certain; revised, amends C.39:6A-3.1 et al., C.22.
- Domestic mutual life insurers, conversion to domestic stock life insurers, C.17:17C-1 et seq., Ch.46.

INSURANCE (continued)

Health coverage, domestic violence injury treatment; required, C.17:48-6t et al., Ch.97.

Health service corporations, investments in subsidiary HMO; not limited, amends C.17:48E-17, Ch.132.

Notification of positive communicable disease results by insurer to applicants; required, C.17:23A-13.1 et seq., Ch.18.

INTERSTATE RELATIONS

Delaware River and Bay Authority; authorization for industrial park, certain, C.32:11E-1.8, Ch.29.

JOINT RESOLUTIONS

"Bill of Rights Day in New Jersey," November 20, designated, C.36:2-48 et seq., J.R.8.

"Little League World Champions Boulevard," designated, J.R.5.

"Joann H. Smith Memorial Highway"; designated, J.R.4.

"National Critical Viewing Day"; designated, J.R.2.

"Regional Intergovernmental Transportation Coordinating Study Commission"; created, J.R.7.

Steam Engine, certain, release to Steamtown National Historic Site, St. Louis County, Missouri; memorialized, J.R.3.

"Thomas Mundy Peterson Day," March 31 annually; designated, C.36:2-46, J.R.1.

"Toms River East Little League World Series Champions Day," August 29, designated, C.36:2-47, J.R.6.

LABOR

Minors, certain, employment as little league umpires during certain hours; permitted, amends C.34:2-21.3, Ch.138.

MILITARY AND VETERANS

New Jersey Distinguished Service Medal, eligibility for; expanded, amends N.J.S.38A:15-2, Ch.131.

Veterans' benefits, participants, certain, in Somalia, Bosnia and Herzegovina military operations; qualified, amends N.J.S.11A:5-1 et al., Ch.49.

Veterans' memorials, certain, county, municipal appropriations; permitted, C.40:10-11, Ch.117.

MOTOR VEHICLES

Division of Motor Vehicles, debts due to imposition of surcharges, extinguished at death, C.17:29A-35.1, Ch.129.

MOTOR VEHICLES (continued)

- Driver's license system, graduated for new drivers; created, C.27:5F-41 et al., amends R.S.39:3-10 et al., Ch.108.
- Drivers' school license; recognition of behind-the-wheel instructional experience, C.39:12-2.1, Ch.76.
- Semitrailers, trailers, house type, certain, width restrictions; revised, amends R.S.39:3-8 et al., Ch.135.
- Traffic, parking, regulation on public highways, transportation systems by Commissioner of Transportation; authorized, C.39:4-8.2 et seq., Ch.28.

MUNICIPALITIES

- Burlington Island, Board of Island Managers, leasing of property, certain, permitted; charter modified, Ch.119.
- Downtown business improvement zones, establishment, certain circumstances; authorized, C.40:56-71.1 et seq., Ch.115.
- Land, Washington Township to Gloucester Township, certain, annexation by County of Camden; authorized, Ch.53.
- Low, moderate income housing; municipal funds, certain, permitted, amends C.52:27D-311, Ch.89.
- Municipal clerk certification, registration; dates, certain; revised, amends C.40A:9-133.2 et al., Ch.27.
- Resort municipalities, crime statistics, seasonal population; considered, C.34:1-5.1 et seq., amends C.52:17B-5.4, Ch.50.
- Skateboard, roller skating, regulation on roadways, public properties; permitted, C.39:4-10.10a et seq., Ch.36.
- Town of Boonton, special charter; recall, initiative, referendum restored, Ch.4.
- Veterans' memorials, certain, county, municipal appropriations; permitted, C.40:10-11, Ch.117.

PENSIONS AND RETIREMENT

- Passaic County employees, certain, remaining in county retirement system after joining Social Security; permitted, amends C.43:15A-111, Ch.52.
- Police and Firemen's Retirement System, members, certain, deemed retired for ordinary disability as of date of death, C.43:16A-9.6, Ch.62.

PLANNING AND ZONING

- County planning board cross-acceptance, comparison phase; extended, C.52:18A-202a, amends C.52:18A-202, Ch.109.
- Family day care homes in residential districts, establishment; facilitated, repeals C.40:55D-66.4 et seq., Ch.139.
- Municipal Land Use Law, provisions; clarified, amends C.40:55D-5 et al., Ch.95.

POLICE

"Law Enforcement Officer Crisis Intervention Services" telephone hotline; established, C.11A:2-25 et seq., amends R.S.39:5-41, Ch.149.
"Peace Officers Memorial Day," May 15, designated, C.36:2-50, Ch.150.
Police training courses, enrollment of certain persons not holding police appointments; permitted, C.52:17B-69.1 et seq., amends C.52:17B-69, Ch.146.
Resort municipalities, crime statistics, seasonal population; considered, C.34:1-5.1 et seq., amends C.52:17B-5.4, Ch.50.

PROFESSIONS AND OCCUPATIONS

Charitable organizations, misleading fund raising practices; prohibited, amends C.45:17A-32, Ch.123.
Check cashing business; sale, provided, C.17:15A-32.1, Ch.104.
Journeyman, apprentice plumbers; requirements, established, C.45:14C-10.1 et seq., amends C.45:14C-15, Ch.96.
Manicure shop, licensed; oversight by licensed manicurist, amends C.45:5B-11, Ch.88.
Physician assistants, writing prescriptions in outpatient settings, certain; permitted, amends C.45:9-27.16 et al., Ch.125.
Public movers, warehousemen, licensure requirements; revised, binding estimates; required, C.45:14D-26 et seq., amends C.45:14D-2 et al., Ch.60.

REAL PROPERTY

Maps, certain, excluded from filing law provisions; exempted from digital form resubmission, C.46:23-9.17 et al., amends C.46:23-9.10, Ch.23.
Mortgage loans, certain, priority; clarified, amends C.46:9-8.1, Ch.130.

RECREATION

Swimming pools, certain, electrical inspections; required, C.52:27D-133.1 et seq., Ch.137.

REORGANIZATION PLANS

Community Affairs, Department, activities related to land use planning, development, redevelopment, construction standards, building, safety code enforcement; consolidated; Office of Legal Services to the Department of the Treasury, No.002-1998.
Labor, Department; reorganized, second Office of Deputy Commissioner; created, No.006-1998.
Labor, Department, transfer of certain receipts processing, data entry functions to Division of Revenue in Department of the Treasury, No.003-1998; effective date July 1, 1998 per Executive Order No.83.

REORGANIZATION PLANS (continued)

Law and Public Safety, Department, transfer, consolidation, reorganization of certain functions of Department of Banking and Insurance to Office of Insurance Fraud Prosecutor, No.007-1998.

New Jersey Youth Corps Program, transferred from Department of Community Affairs to Department of Human Services, No.001-1998.

Public Movers and Warehousemen, State board; abolished, transfer of certain responsibilities to Division of Consumer Affairs, No.008-1998.

State, Department, arts, cultural, historic programs, services; consolidated; State Department offices to the Department of the Treasury, Department of Law and Public Safety and Department of Community Affairs, No.004-1998.

Transportation, Department, transfer of certain school bus safety, inspection functions from Department of Education, No.005-1998.

SCHOOLS

Buses, crossing control arms; requirement, applicability, amends C.39:3B-1.1 et seq., repeals C.39:3B-1.4, Ch.80.

Employees, bus drivers, criminal history record checks, regulations; revised, C.18A:6-7.1c et al., amends C.18A:6-4.13 et al., repeals C.18A:6-7.1a, Ch.31.

"High Technology Crimes and Interactive Computer Services Protection Act," C.52:17B-191 et al., Ch.134.

Instructional materials, certain, sale, lease-back contracts; authorized, C.18A:7F-5.2, amends N.J.S.18A:20-4.2 et al., Ch.55.

Nonpublic school remedial programs on nonpublic school premises; permitted, amends C.18A:46A-5 et al., Ch.12.

Public school swimming instructors, certification; required, C.18A:26-2.3, Ch.120.

School Transportation Study Commission, established, Ch.110.

Tenure hearings, administrative, certain; regulations changed, C.52:14B-10.1, amends N.J.S.18A:6-16, Ch.42.

STATE GOVERNMENT

Division of Investment, salary of Director, Deputy Directors; determination, amends C.52:14-15.108 et al., Ch.38.

"New Jersey Commerce and Economic Growth Commission Act of 1998," C.52:27C-61 et seq., amends C.52:14-15.107 et al., Ch.44.

New Jersey State Tall Ship, A.J. Meerwald schooner; designated, C.52:9A-8, Ch.9.

Real property, surplus, certain, sale; authorized, Ch.56.

STATE GOVERNMENT (continued)

State House flags, flown half-staff for law enforcement officers, firefighters, paramedics, EMTs who died in the line of duty; required, C.52:3-12, Ch.16.

TAXATION

Direct-mail advertising processing services; sales tax imposition, clarified, amends C.54:32B-2 et al., Ch.99.

Gross income, gain on sale of principal residence; exclusion increased, C.54A:6-9.1 et seq., repeals N.J.S.54A-6-9, Ch.3.

Holocaust reparations, excluded from gross income for tax, PAAD eligibility purposes, C.54A:6-29 et al., Ch.113.

Motor fuel use tax returns, certain, late filing penalty; eliminated, amends C.54:39A-11, Ch.51.

Municipal electric utilities, sales, certain; exemption from sales tax, corporation business tax, amends C.54:10A-3 et al., Ch.114.

Roth IRA's, gross income tax exclusion; certain, C.54A:6-28 et al., amends N.J.S.54A:5-1, Ch.57.

Sales of donated goods, certain; exempt from sales tax, amends C.54:32B-9, Ch.118.

Special funds, contributions through gross income tax return, specified amounts; increased, amends C.54A:9-25.2 et al., Ch.153.

State tax indebtedness, sale; authorized, C.54:50-29 et seq., Ch.39.

State taxpayers, deficiencies; alternate remedy, penalty adjustments provided, amends C.54:10A-15.4 et al., Ch.106.

Tenants' Property Tax Rebate Act; revised, certain, amends C.54:4-6.3 et al., Ch.15.

TRANSPORTATION

"Regional Intergovernmental Transportation Coordinating Study Commission"; created, J.R.7.

Steam Engine, certain, release to Steamtown National Historic Site, St. Louis County, Missouri; memorialized, J.R.3.

WELFARE

"New Jersey Supplementary Food Stamp Program Act," C.44:10-79 et seq., amends C.2C:20-35 et al., Ch.32.

WORKERS' COMPENSATION

Backstretch employees, additional; workers compensation coverage from the New Jersey Horse Racing Injury Compensation Board, extended, amends C.34:15-131 et al., Ch.11.

Workers' compensation fraud; crime of fourth degree, C.34:15-57.4, Ch.74.

