

LAWS=NEW JERSEY
1986

New Jersey State Library

ACTS

OF THE

First Annual Session

OF THE

Two Hundred and Second Legislature

OF THE

STATE OF NEW JERSEY

AND

Thirty-First Under the New Constitution



New Jersey State Library

1986

The following laws, enacted by the First Annual Session of the Two Hundred and Second 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 Second Legislature

SENATORS

FIRST DISTRICT (Cape May, part of Cumberland) JAMES R. HURLEY	TWELFTH DISTRICT (Part of Monmouth) S. THOMAS GAGLIANO
SECOND DISTRICT (Part of Atlantic) WILLIAM L. GORMLEY	THIRTEENTH DISTRICT (Parts of Middlesex, Monmouth) RICHARD VAN WAGNER
THIRD DISTRICT (Salem, parts of Cumberland, Gloucester) RAYMOND J. ZANE	FOURTEENTH DISTRICT (Parts of Mercer, Middlesex, Somerset) FRANCIS J. McMANIMON
FOURTH DISTRICT (Parts of Atlantic, Camden, Gloucester) DANIEL J. DALTON	FIFTEENTH DISTRICT (Part of Mercer) GERALD R. STOCKMAN
FIFTH DISTRICT (Parts of Camden, Gloucester) WALTER RAND	SIXTEENTH DISTRICT (Parts of Hunterdon, Morris, Somerset) JOHN H. EWING
SIXTH DISTRICT (Part of Camden) LEE B. LASKIN	SEVENTEENTH DISTRICT (Parts of Middlesex, Union) JOHN A. LYNCH
SEVENTH DISTRICT (Parts of Burlington, Camden) CATHERINE A. COSTA	EIGHTEENTH DISTRICT (Part of Middlesex) PETER P. GARIBALDI
EIGHTH DISTRICT (Part of Burlington) C. WILLIAM HAINES	NINETEENTH DISTRICT (Part of Middlesex) LAURENCE S. WEISS
NINTH DISTRICT (Parts of Burlington, Ocean) LEONARD T. CONNORS, JR.	TWENTIETH DISTRICT (Parts of Middlesex, Union) RAYMOND LESNIAK
TENTH DISTRICT (Part of Ocean) JOHN F. RUSSO	TWENTY-FIRST DISTRICT (Part of Union) C. LOUIS BASSANO
ELEVENTH DISTRICT (Part of Monmouth) FRANK PALLONE, JR.	TWENTY-SECOND DISTRICT (Parts of Essex, Union) DONALD T. DiFRANCESCO

TWENTY-THIRD DISTRICT
(Parts of Hunterdon, Mercer,
Morris, Sussex, Warren)
WALTER E. FORAN*

TWENTY-FOURTH DISTRICT
(Parts of Sussex, Warren)
WAYNE DUMONT, JR.

TWENTY-FIFTH DISTRICT
(Part of Morris)
JOHN H. DORSEY

TWENTY-SIXTH DISTRICT
(Parts of Morris, Passaic)
LEANNA BROWN

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

TWENTY-EIGHTH DISTRICT
(Part of Essex)
JOHN P. CAUFIELD**
RONALD L. RICE††

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

THIRTIETH DISTRICT
(Part of Essex)
CARMEN A. ORECHIO

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

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

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

THIRTY-FOURTH DISTRICT
(Parts of Essex, Passaic)
JOSEPH L. BUBBA

THIRTY-FIFTH DISTRICT
(Parts of Bergen, Passaic)
FRANK X. GRAVES, JR.

THIRTY-SIXTH DISTRICT
(Parts of Bergen, Passaic)
JOSEPH HIRKALA***

THIRTY-SEVENTH DISTRICT
(Part of Bergen)
MATTHEW FELDMAN

THIRTY-EIGHTH DISTRICT
(Part of Bergen)
PAUL J. CONTILLO

THIRTY-NINTH DISTRICT
(Part of Bergen)
GERALD CARDINALE

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

* Died in office 12/8/86.

** Died in office 8/24/86.

†† Sworn in 11/18/86.

*** Died in office 1/1/87.

MEMBERS OF THE GENERAL ASSEMBLY

- FIRST DISTRICT
(Cape May, part of Cumberland)
JOSEPH W. CHINNICI
GUY F. MUZIANI
- SECOND DISTRICT
(Part of Atlantic)
DOLORES G. COOPER
J. EDWARD KLINE
- THIRD DISTRICT
(Salem, parts of Cumberland, Gloucester)
JACK COLLINS
GARY W. STUHLTRAGER
- FOURTH DISTRICT
(Parts of Atlantic, Camden, Gloucester)
ANTHONY S. MARSELLA
DENNIS L. RILEY
- FIFTH DISTRICT
(Parts of Camden, Gloucester)
WAYNE R. BRYANT
FRANCIS J. GORMAN
- SIXTH DISTRICT
(Part of Camden)
JOHN A. ROCCO
THOMAS J. SHUSTED
- SEVENTH DISTRICT
(Parts of Burlington, Camden)
THOMAS P. FOY
BARBARA F. KALIK
- EIGHTH DISTRICT
(Part of Burlington)
HAROLD L. COLBURN
ROBERT C. SHINN, JR.
- NINTH DISTRICT
(Parts of Burlington, Ocean)
JOHN T. HENDRICKSON, JR.
JEFFREY W. MORAN
- TENTH DISTRICT
(Part of Ocean)
JOHN PAUL DOYLE
ROBERT W. SINGER
- ELEVENTH DISTRICT
(Part of Monmouth)
JOSEPH A. PALAIA
ANTHONY M. VILLANE, JR.
- TWELFTH DISTRICT
(Part of Monmouth)
JOHN O. BENNETT
MARIE S. MUHLER*
- THIRTEENTH DISTRICT
(Parts of Middlesex, Monmouth)
JOSEPH AZZOLINA
JOANN H. SMITH
- FOURTEENTH DISTRICT
(Parts of Mercer, Middlesex, Somerset)
JOSEPH L. BOCCHINI, JR.
JOHN K. RAFFERTY
- FIFTEENTH DISTRICT
(Part of Mercer)
GERALD S. NAPLES
JOHN S. WATSON
- SIXTEENTH DISTRICT
(Parts of Hunterdon, Morris, Somerset)
WALTER J. KAVANAUGH
JOHN S. PENN
- SEVENTEENTH DISTRICT
(Parts of Middlesex, Union)
DAVID C. SCHWARTZ
ROBERT G. SMITH
- EIGHTEENTH DISTRICT
(Part of Middlesex)
THOMAS H. PATERNITI
FRANK M. PELLY
- NINETEENTH DISTRICT
(Part of Middlesex)
ALAN J. KARCHER
GEORGE J. OTLOWSKI
- TWENTIETH DISTRICT
(Parts of Middlesex, Union)
THOMAS J. DEVERIN
GEORGE HUDAK

* Resigned 10/20/86.

10 MEMBERS OF THE GENERAL ASSEMBLY

TWENTY-FIRST DISTRICT
(Part of Union)
PETER J. GENOVA
CHUCK HARDWICK

TWENTY-SECOND DISTRICT
(Parts of Essex, Union)
ROBERT D. FRANKS
MAUREEN B. OGDEN

TWENTY-THIRD DISTRICT
(Parts of Hunterdon, Mercer,
Morris, Sussex, Warren)
KARL WEIDEL*
RICHARD A. ZIMMER
C. RICHARD KAMIN†

TWENTY-FOURTH DISTRICT
(Parts of Sussex, Warren)
GARABED "CHUCK"
HAYTAIAN
ROBERT E. LITTELL

TWENTY-FIFTH DISTRICT
(Part of Morris)
ARTHUR R. ALBOHN
RODNEY P.
FRELINGHUYSEN

TWENTY-SIXTH DISTRICT
(Parts of Morris, Passaic)
RALPH A. LOVEYS
ROBERT J. MARTIN

TWENTY-SEVENTH DISTRICT
(Part of Essex)
MILDRED BARRY GARVIN
HARRY A. McENROE

TWENTY-EIGHTH DISTRICT
(Part of Essex)
MICHAEL F. ADUBATO
JAMES ZANGARI

TWENTY-NINTH DISTRICT
(Part of Essex)
WILLIE B. BROWN
EUGENE H. THOMPSON

THIRTIETH DISTRICT
(Part of Essex)
MARION CRECCO
JOHN V. KELLY

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

THIRTY-SECOND DISTRICT
(Part of Hudson)
CHARLES J. CATRILLO
FRANK J. GARGIULO

THIRTY-THIRD DISTRICT
(Part of Hudson)
JOSE O. ARANGO
RONALD A. DARIO

THIRTY-FOURTH DISTRICT
(Parts of Essex, Passaic)
NEWTON E. MILLER
GERALD H. ZECKER

THIRTY-FIFTH DISTRICT
(Parts of Bergen, Passaic)
JOHN A. GIRGENTI
VINCENT "OZZIE"
PELLECCHIA

THIRTY-SIXTH DISTRICT
(Parts of Bergen, Passaic)
PAUL DiGAETANO
KATHLEEN A. DONOVAN

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

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

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

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

* Resigned 6/13/86.

† Sworn in 8/26/86.

L A W S

ACTS

ENACTED BY THE

First Annual Session

OF THE

Two Hundred and Second Legislature

CHAPTER 1

AN ACT concerning county and municipal budgets for the 1986 local budget year.

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

1. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval and adoption of local budgets for 1986 shall be as follows:

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

(1) In the case of a county, not later than February 28 of the fiscal year; and

(2) In the case of a municipality, not later than March 14 of the fiscal year.

b. The budget shall be adopted in the case of a county not later than March 28, and in the case of a municipality not later than April 22 of the fiscal year, except that the governing body may adopt the budget at any time within 10 days after the Director of the Division of Local Government Services in the Department of Community Affairs has certified his approval thereof and returned the same, if the certification is later than the date of the advertised hearing.

2. Notwithstanding the provisions of any law to the contrary, the dates concerning budget transmission to the county board of taxation, county board advisement to the director of the failure

to receive a budget, and the filling out of the table of aggregates for late budgets for the year 1986 shall be as follows:

a. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board of taxation not later than May 5 of the fiscal year.

b. Where the county board of taxation has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district not later than May 5 of the fiscal year, the board shall immediately notify the director of that failure.

c. Immediately upon receipt of the director's certificate and in any event on or before May 12 of the fiscal year, the county board of taxation shall fill out the table of aggregates required by R. S. 54:4-52 and shall determine the amount of "other local taxes" for the year based upon the certificate of the director.

If the local unit has adopted a budget for the fiscal year and has transmitted a certified copy thereof to the county board on or before May 12 of the fiscal year, the board may substitute the adopted budget in the place of the amount certified by the director, but no substitution shall be made after May 12 of the fiscal year.

3. Notwithstanding the provisions of any law to the contrary, the date concerning the preparation of the table of aggregates for the year 1986 shall be extended from May 3 to May 13.

In the event a county board of taxation is unable to prepare the table of aggregates on or before May 13 due to the failure of any of the several taxing districts of the county to transmit an adopted budget showing the amount to be raised by taxation for the purposes of the taxing district, the board shall prepare a certified schedule of the general tax rate for each of those taxing districts which has submitted an adopted budget. Each certified schedule so prepared shall be signed by the members of the county board of taxation and, within three days thereafter, shall be transmitted to the Director of the Division of Taxation, the county treasurer and the clerk and tax collector of the affected municipality.

4. Notwithstanding the provisions of any law to the contrary, the date concerning the delivery of the corrected, revised and completed duplicates by the county board of taxation to the collectors of the various taxing districts in the county for the year 1986 shall be extended from May 13 to May 23.

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

1986 budget, shall, by resolution, adopted prior to March 1, 1986, make appropriations, in addition to any temporary appropriations made pursuant to N. J. S. 40A:4-19, to provide for the period between February 25, in the case of a county, or March 20, in the case of a municipality, and the adoption of the 1986 budget. The total of the appropriations so made shall not exceed $\frac{1}{2}$ of the total of the appropriations made for all purposes in the budget for the 1985 fiscal year, excluding, in both instances, appropriations made for the interest and debt redemption charges, capital improvement fund and public assistance.

6. Notwithstanding the provisions of P. L. 1979, c. 268 (C. 40A:4-45.3a) to the contrary, any referendum conducted during the 1986 budget year by a municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3), for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, shall be held on Tuesday, February 25, or Tuesday, March 25, 1986, as the governing body shall determine. The municipal budget proposing the increase shall be introduced and approved in the manner otherwise provided in N. J. S. 40A:4-5 at least 20 days prior to the date on which the referendum is to be held, and shall be published in the manner otherwise provided in N. J. S. 40A:4-6 at least 12 days prior to the referendum date.

7. Notwithstanding the provisions of N. J. S. 40A:4-27 or of any other law to the contrary, a local unit may anticipate as a miscellaneous revenue in its 1986 budget the total amount of all payments due and payable to the local unit during the fiscal year, directly or indirectly as a result of the sale of property by the local unit, when the obligation to make the payment is entered into prior to March 15, 1986.

8. Notwithstanding the provisions of section 3-16 of P. L. 1950, c. 210 (C. 40:69A-46), the mayor shall submit to the council his recommended 1986 budget on or before February 14, 1986.

9. Notwithstanding the provisions of section 9-17 of P. L. 1950, c. 210 (C. 40:69A-97), the municipal manager shall submit to the council his recommended 1986 budget on or before February 14, 1986.

10. This act shall take effect immediately, shall apply to the 1986 local budget year and shall expire December 31, 1986.

Approved February 20, 1986.

CHAPTER 4

AN ACT concerning limitations upon ownership of bank stocks, amending P. L. 1981, c. 484, amending and supplementing P. L. 1957, c. 70, and repealing sections 4, 5, 7, 8, 9 and 10 of P. L. 1957, c. 70.

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

C. 17:9A-344.1 Findings, declarations.

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

a. The limitation on aggregate average deposits held by banks, other than savings banks, transacting business in this State was established 17 years ago when the banking industry was significantly different;

b. The advent of regional banking in various areas of the nation and the likelihood of coast-to-coast interstate banking require the reassessment of the current percentage limitations on aggregate average deposits to which this 1986 amendatory and supplementary act addresses itself;

c. The percentage limitations on aggregate deposits established by this 1986 amendatory and supplementary act shall be in effect for three and one-half years after the effective date of this 1986 amendatory and supplementary act;

d. The potential for a continually changing banking industry requires that this new current percentage limitation on aggregate average deposits be reexamined by the Legislature within three and one-half years of the effective date of this 1986 amendatory and supplementary act to ensure that the banking institutions in the State may grow in a limited, well-regulated manner, consistent with the best interests of the personal and business citizens of the State of New Jersey; and

e. The Legislature shall reestablish a reasonable percentage limitation on aggregate average deposits within three and one-half years after the effective date of this 1986 amendatory and supplementary act.

2. Section 1 of P. L. 1957, c. 70 (C. 17:9A-344) is amended to read as follows:

C. 17:9A-344 Definitions.

1. As used in this act,

(a) "Bank" means an institution organized under the laws of the United States, a state of the United States, the District of Columbia, or a territory or possession of the United States, which does business in the United States that is not incidental to the institution's activities outside the United States and which (1) accepts deposits that the depositor has a legal right to withdraw on demand and (2) engages in the business of making commercial loans, except that "bank" does not include an organization operating under section 25 or section 25(a) of the "Federal Reserve Act," 38 Stat. 251 (12 U. S. C. §§ 601-604(a)) or 41 Stat. 378 (12 U. S. C. § 611 et seq.) or a federally or State chartered savings and loan association. A "bank located outside of this State" means a bank which has its principal, head or main office outside of this State. A "bank located in this State" means a bank which has its principal, head or main office in this State;

(b) "Company" means a corporation, joint stock company, business trust, investment trust, general or limited partnership, voting trust, association, and any similar organized group of persons, whether incorporated or not, and whether or not organized under the laws of this State or any other state or any territory or possession of the United States or under the laws of a foreign country, territory, colony or possession thereof, other than a corporation all the capital of which is owned by the United States; "company" includes subsidiary and parent companies;

(c) "Stock" means a security issued by a bank or corporation which presently entitles the holder thereof to vote at meetings of shareholders of the bank or corporation for the election of directors, but does not include a security which entitles the holder thereof to vote for the election of directors only as a result of the failure to pay a dividend or to fulfill an obligation or satisfy a condition specified by the terms of the security;

(d) "Bank stock" means stock issued by a bank;

(e) "Subsidiary" of a company means (1) a corporation more than 50% of whose stock is owned by such company, and (2) an unincorporated company in which such company directly or indirectly owns more than a 50% share or interest;

(f) "Parent company" means a company of which another company is a subsidiary;

(g) "Own," "owner," "owned" and "ownership," when applied to stock, mean direct and indirect ownership of such stock, and

includes stock not owned, but directly controlled with power to vote;

(h) "Foreign bank" means an institution organized under the laws of a foreign country which engages in the business of banking, is recognized as a banking entity by the bank supervisory or monetary authority of the country of its organization or principal banking operations, receives deposits to a substantial extent in the regular course of business and has the power to accept deposits which the depositor has a legal right to withdraw on demand;

(i) "Foreign bank holding company" means a company organized under the laws of a foreign country, which has one or more subsidiaries which are foreign banks and which has more than half of its consolidated assets located, or consolidated revenues derived, outside of the United States. As used in this subsection, "revenues" means gross income and "consolidated" means consolidated in accordance with generally accepted accounting principles in the United States;

(j) "Bank holding company located in this State" means a bank holding company subject to the "Bank Holding Company Act of 1956," 70 Stat. 133 (12 U. S. C. § 1-41 et seq.), which is either organized under the laws of this State or the operations of whose banking subsidiaries are principally conducted in this State within the meaning of the "Bank Holding Company Act of 1956";

(k) "Foreign country" means the government of a country other than the United States or its territories or possessions;

(l) "Depository institution" means a banking institution as defined in subsection (2) of section 1 of P. L. 1948, c. 67 (C. 17:9A-1), or a State or federally chartered savings and loan association or a federally chartered savings bank with its principal office in this State; provided, however, that if a savings and loan association or savings bank, regardless of where it is chartered or where its principal office is located (other than in this State), accepts deposits at offices in this State which are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation or any successor to either thereof, that savings and loan association or savings bank shall be deemed to be a depository institution solely for the purpose under section 2 of P. L. 1957, c. 70 (C. 17:9A-345) of having the deposits of its offices located in this State included in the aggregate average deposits of depository institutions in the State.

3. Section 2 of P. L. 1957, c. 70 (C. 17:9A-345) is amended to read as follows:

C. 17:9A-345 Limitations on acquisitions.

2. Except as otherwise provided by section 3 of this act,

(a) No company or person which owns more than 25% of the stock of any bank located in this State or savings bank located in this State shall acquire ownership of more than 10% of the stock of another bank located in this State or savings bank located in this State or assume the deposit liabilities of another bank located in this State or savings bank located in this State in a manner which requires the approval of a federal regulatory authority pursuant to subsection (c) of section 18 of the "Federal Deposit Insurance Act," 64 Stat. 891 (12 U. S. C. § 1828(c)), or subsection (d) (11) and subsection (o) (2) (D) of section 5 of the "Home Owner's Loan Act of 1933," 48 Stat. 132 (12 U. S. C. § 1464(d)) if, at the time of that transaction, or if, as a result of that transaction, the company or person owns, or would own, more than 10% of the stock of one or more banks located in this State or savings banks located in this State, whose aggregate average deposits exceed 12% for the first year following enactment of this 1986 amendatory and supplementary act, 13% for the second year following enactment of this 1986 amendatory and supplementary act, and 13.5% for the third year and for the first half of the fourth year following enactment of this 1986 amendatory and supplementary act, of the aggregate average deposits of all depository institutions as of the two call dates for which published figures are available next preceding that transaction; and

(b) No company or person which owns more than 25% of the stock of either a bank located outside of this State or a foreign bank shall own or acquire ownership of more than 5% of the stock of a bank located in this State.

(c) Acquisition of ownership of more than a stated percentage of the stock of a bank shall include any acquisition of one or more shares after which the company or person owns more than the stated percentage.

In applying this section to a company, all bank stock owned by a subsidiary of such company and by the parent company of such company shall be deemed to be owned by such company.

(d) Nothing in this section shall prevent a company or person from acquiring the stock of a bank or assuming the deposit liabilities of a bank if the commissioner determines that the bank is in an unsound or unsafe condition, as determined by an evaluation of

the bank's capital adequacy, asset quality, management, earnings or liquidity. The commissioner may rely upon a written evaluation of a bank's safety and soundness prepared by a federal or other state bank regulatory agency.

4. Section 3 of P. L. 1981, c. 484 (C. 17:9A-345a) is amended to read as follows:

C. 17:9A-345a Ownership of subsidiary stock.

3. A company or person which owns the stock of a bank holding company located in this State shall not be deemed to own any stock of a bank subsidiary of the bank holding company unless the company or person controls the bank holding company, in which event the company or person shall be deemed to own the same proportional share of stock of each bank subsidiary as the amount of stock which it owns of the bank holding company bears to the total outstanding stock of the bank holding company. As used in this section, "controls" means the direct or indirect power to vote 25% or more of all shares of stock entitled to vote in the election of directors or the power to control the election of a majority of the directors.

C. 17:9A-348.1 Penalties for violations.

5. (New section) Upon a finding by the commissioner, after notice and an opportunity for a hearing, of a violation by a company or person of any provision of section 2 of P. L. 1957, c. 70 (C. 17:9A-345), or any regulation or order of the commissioner issued pursuant to section 6 of P. L. 1981, c. 484, the commissioner may order the company or person to cease any violation and to divest itself or himself of ownership of sufficient shares of stock of a bank located in this State to eliminate the violation, or to pay a civil penalty not to exceed \$1,000.00 per day for each day that the violation shall continue, or both, the penalty being recoverable in a summary proceeding under "the penalty enforcement law," N. J. S. 2A:58-1 et seq.

6. Section 6 of P. L. 1957, c. 70 (C. 17:9A-349) is amended to read as follows:

C. 17:9A-349 Transfer of unlawfully acquired stock.

6. A company or person which owns bank stock or assumes deposit liabilities of a bank contrary to the provisions of this act shall nevertheless be empowered to transfer such stock or divest of such deposit liabilities at any time in the same manner and with the same effect as if its acquisition of such stock or assumption of such liabilities had been lawful.

7. (New section) The Commissioner of Banking shall monitor the effect of this 1986 amendatory and supplementary act and shall report to each member of the Legislature and the appropriate committees responsible for banking legislation at the end of two and one-half years after the effective date of this 1986 amendatory and supplementary act, whether or not the percentage limitation on aggregate average deposits of depository institutions in effect at that time should be adjusted.

In making this recommendation, the commissioner shall consider: (a) whether the citizens and businesses of this State are provided with adequate banking services and a substantial degree of competition exists among the providers of such services; (b) the effect of this legislation on the safety and soundness of the banking industry in this State; and (c) such other factors as the commissioner may deem appropriate in protecting the public interest.

In making this recommendation, the commissioner shall also consider whether savings banks or savings and loan associations, or both, should be subject to the limitations of section 2 of P. L. 1957, c. 70 (C. 17:9A-345).

8. (New section) Following the receipt of the report of the Commissioner of Banking as set forth in section 7 of this 1986 amendatory and supplementary act, but within three and one-half years of the effective date of this 1986 amendatory and supplementary act, the Legislature shall reestablish a reasonable percentage limitation on aggregate average deposits of all depository institutions in accordance with those principles that are in the best interests of the personal and business citizens of the State of New Jersey.

9. (New section) The percentage limitation on aggregate average deposits of all depository institutions set forth in section 2 of P. L. 1957, c. 70 (C. 17:9A-345), as amended by this 1986 amendatory and supplementary act, shall terminate on the day next following three and one-half years after the effective date of this 1986 amendatory and supplementary act, if the Legislature has not acted in accordance with section 8 of this 1986 amendatory and supplementary act.

Repealer.

10. Sections 4, 5, 7, 8, 9, and 10 of P. L. 1957, c. 70 (C. 17:9A-347, C. 17:9A-348, C. 17:9A-350 through C. 17:9A-353) are repealed.

11. This act shall take effect immediately.

Approved March 28, 1986.

CHAPTER 5

AN ACT permitting certain bank holding companies to acquire banks or bank holding companies and supplementing P. L. 1948, c. 67 (C. 17:9A-1 et seq.).

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

C. 17:9A-370 Definitions.

1. As used in this act:

a. "Bank," "bank holding company," and "control" shall have the meanings set forth in the federal "Bank Holding Company Act of 1956," 70 Stat. 133 (12 U. S. C. § 1841 et seq.); provided, however, the term "bank" shall not include a state or federally chartered mutual or capital stock savings bank and shall not include an institution which limits its activities to the conduct of activities that may be performed by a trust company (including activities of a fiduciary, agency or custodial nature) as those activities are permitted by the Board of Governors of the Federal Reserve System under section 4 of the federal "Bank Holding Company Act of 1956," 70 Stat. 135 (12 U. S. C. § 1843).

b. "Banking subsidiary" means a bank or bank holding company, more than 50% of the stock of which is controlled by a bank holding company.

c. "Central-Atlantic Region" means the states of New Jersey, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

d. "Commercial bank deposits" means the total domestic deposits in commercial banks in each state according to the most recent statistics of the Federal Deposit Insurance Corporation or the Federal Reserve System or, if those statistics are not available, from sources designated by the commissioner.

e. "Commissioner" means the Commissioner of Banking of New Jersey.

f. "Eligible state" means any state which meets either or both of the following conditions:

(1) Any state in the Central-Atlantic Region, when at least three of those states (in addition to this State), each of which has at least

\$20,000,000,000.00 in commercial bank deposits, have reciprocal legislation in effect, and

(2) Any state or territory of the United States, when at least 13 states in addition to this state (for this purpose the District of Columbia is included as a state, but all other territories are excluded), at least four (other than this state) of which are among the 10 states (other than this State) with the largest amount of commercial bank deposits, have reciprocal legislation in effect.

g. "Eligible bank holding company" means a bank holding company:

(1) Located in an eligible state which has reciprocal legislation in effect, other than this State;

(2) Which is not directly or indirectly controlled by a bank holding company which is not located in an eligible state; and

(3) Which has at least 75% of the total aggregate deposits of its banking subsidiaries in banking subsidiaries located in an eligible state or eligible states.

h. (1) "Location" or "located" when referring to a bank means the state in which the amount of aggregate deposits of all of its offices in that state is greater than the amount of aggregate deposits of all its offices in any one other state or foreign jurisdiction.

(2) "Location" or "located" when referring to a bank holding company means the state in which the amount of aggregate deposits of all of its banking subsidiaries in that state is greater than the amount of aggregate deposits of all of its banking subsidiaries in any one other state or foreign jurisdiction.

i. "Reciprocal legislation" means statutory law of a state of the United States (including the District of Columbia) which authorizes or permits a bank holding company located in this State to acquire banks or bank holding companies located in that state on terms and conditions substantially the same as the terms and conditions pursuant to which a bank holding company located in that state may acquire banks or bank holding companies located in that state. The fact that the law of that other state imposes limitations or restrictions on the acquisition of banks or bank holding companies located in that state by a bank or bank holding company located in this State shall not necessarily mean that the law of that state is not reciprocal legislation; provided, however, that if the law of the other state limits acquisitions by a bank or bank holding company located in this State to banks or bank holding companies which are not in competition with banks or bank hold-

ing companies located in or chartered by that state or to banks or bank holding companies which do not have customary banking deposit and commercial loan powers, the law of that other state shall not be reciprocal legislation. If the reciprocal legislation of that other state imposes limitations or restrictions on the acquisition or ownership of a bank or bank holding company located in that state by a bank holding company located in this State, substantially the same limitations and restrictions shall be applicable to the eligible bank holding company located in that other state with respect to its acquisition of banks or bank holding companies located in this State.

C. 17:9A-371 Conditions for acquisition of State banks.

2. a. Notwithstanding the provisions of any other law of this State, an eligible bank holding company may acquire and retain control of a bank or banks located in this State providing the following conditions are complied with:

(1) At the time of the acquisition of control of the bank or banks located in this State, the bank holding company is an eligible bank holding company located in an eligible state which has reciprocal legislation in effect;

(2) The eligible bank holding company shall have more than 50% of the total aggregate deposits of its banking subsidiaries in banking subsidiaries located in an eligible state or eligible states each of which has reciprocal legislation in effect; and

(3) At the time of the acquisition of control of the bank or banks located in this State, the acquisition will not result in the eligible bank holding company exceeding the limitations on stock ownership imposed by subsection (a) of section 2 of P. L. 1957, c. 70 (C. 17:9A-345). This paragraph shall not prevent (a) an eligible bank holding company which does not own more than 25% of the stock of a bank located in this State from acquiring ownership and thereafter owning more than 10% of the stock of another bank located in this State or several other banks located in this State, the deposits of which in the aggregate exceed the deposit limitations in subsection (a) of section 2 of P. L. 1957, c. 70 (C. 17:9A-345); provided, however, in the event of the ownership of more than 10% of the stock of more than one bank located in this State, such banks located in this State must have been controlled by one company at the time of the acquisition, or (b) a company which, immediately prior to the acquisition of control of a bank or banks located outside of this State, is a bank holding company

located in this State whose subsidiaries which are banks located in this State have in the aggregate deposits in excess of the deposit limitations in subsection (a) of section 2 of P. L. 1957, c. 70 (C. 17:9A-345) from acquiring control of or controlling a bank or banks located outside of this State. For purposes of this paragraph, the terms "bank," "company," "bank located outside of this State," "bank located in this State," "stock," "subsidiary," "own," "owner," "owned," "ownership," and "bank holding company located in this State" shall have the meanings given those terms in P. L. 1957, c. 70 (C. 17:9A-344 et seq.).

The commissioner shall have the authority to promulgate regulations for enforcement of the conditions of this subsection.

b. Nothing in this act shall be deemed to eliminate, reduce or waive any rights of any shareholders of the bank or bank holding company being acquired pursuant to any applicable law regarding those rights.

c. In the event an eligible bank holding company which controls a bank or banks in this State and in one or more eligible states shall cease to be an eligible bank holding company (1) as a result of obtaining control of a bank or banks located in a state which is not an eligible state or this State, or (2) as a result of having control of it obtained by a bank or bank holding company which is not an eligible bank holding company, then such bank holding company shall within one year make such divestitures as are necessary to comply with the provisions of this act. The commissioner shall promulgate regulations to provide a procedure for divestiture.

d. Notwithstanding the provisions of this act, a bank holding company shall not be required to divest its control of any bank as a result of any subsequent change in, or invalidity of, the laws of this State, another state or the United States or as a result of a state ceasing for any other reason to be an eligible state.

C. 17:9A-372 Acquisitions by State holding companies.

3. a. Notwithstanding the provisions of any other law of this State, a bank holding company located in this State may acquire a bank or bank holding company located in any eligible state other than this State.

b. Nothing in this act or in any other law of this State shall be deemed to prohibit or limit a bank holding company located in this State from acquiring a bank or bank holding company located in any jurisdiction other than an eligible state, which acquisition is otherwise permitted by applicable law of the United States or

any other state, provided that, if the bank holding company becomes a bank holding company not located in this State, it must comply with the provisions of this act if it is to continue to control a bank or bank holding company located in this State.

c. This act shall not apply to the acquisition of a bank located in this State by a bank holding company located in this State.

4. This act shall take effect on the 30th day after enactment but section 2 of this act shall remain inoperative until such time as the commissioner determines that the number of eligible states, as defined in and required by subsection (f) of section 1 of this act has been established and until the enactment of Senate Bill No. 1466 of 1986.

Approved March 28, 1986.

CHAPTER 6

AN ACT concerning oversight and examination of certain banks by the Commissioner of Banking, requiring approval by the commissioner of certain changes in the control of banks and supplementing P. L. 1948, c. 67 (C. 17:9A-1 et seq.).

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

C. 17:9A-373 Definitions.

1. As used in this act:

(a) "Bank" shall have the same definition as provided in section 1 of P. L. 1948, c. 67 (C. 17:9A-1), except that bank shall also include any person who controls a bank, when used in section 4 of this act;

(b) "Bank holding company" means a company which controls a banking institution;

(c) "Banking institution" means a bank or a national banking association having its principal office in this State;

(d) "Commissioner" means the Commissioner of Banking of New Jersey;

(e) "Company" means any corporation, partnership, business trust, association, or similar organization, or any other trust, un-

less by its terms it must terminate within 25 years or not later than 21 years and 10 months after the death of individuals living on the effective date of the trust, but shall not include any corporation the majority of the shares of which are owned by the United States or by any state;

(f) (1) "Control" of a bank or banking institution means:

(i) ownership, control, or power to vote 25% or more of the outstanding shares of any class of voting securities of the bank or banking institution, directly or indirectly, or acting through one or more persons;

(ii) control in any manner over the election of a majority of the directors, trustees, general partners, or individuals exercising similar functions of the bank or banking institution; or

(iii) the power to exercise, directly or indirectly, a controlling influence over the management or policies of the bank or banking institution, as determined by the commissioner after notice and opportunity for hearing;

(2) A person which is a bank, as defined in section 1 of P. L. 1957, c. 70 (C. 17:9A-344), shall not be deemed to control voting securities or assets of a bank acquired (i) in good faith in a fiduciary capacity, except where those voting securities are held in a trust that constitutes a company or (ii) in the regular course of securing or collecting a debt previously contracted in good faith, which securities are disposed of within a period of two years after the date on which they were acquired or after the enactment of this act, whichever is later;

(3) A person is deemed to control voting securities or assets owned, controlled, or held directly or indirectly:

(i) by any subsidiary of the person; or

(ii) in a fiduciary capacity, including by pension and profit-sharing trusts, for the benefit of the shareholders, members, employees, or individuals serving in similar capacities, of the person or of any of its subsidiaries; or

(iii) in a fiduciary capacity for the benefit of the person or any of its subsidiaries;

(g) "Insured banking institution" means a banking institution the deposits of which are insured in accordance with the provisions of the "Federal Deposit Insurance Act," 64 Stat. 873 (12 U. S. C. § 1811 et seq.);

(h) "Outstanding shares" means any voting securities, but does not include securities owned by the United States or by a company wholly owned by the United States;

(i) "Subsidiary" means a person that is controlled by another person;

(j) "United States" means the United States and includes any of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa, and the Virgin Islands;

(k) (1) "Voting securities" means shares of common or preferred stock, general or limited partnership shares or interests or similar interests if the shares or interests, by statute, charter, or in any manner, entitle the holder:

(i) to vote for or to select directors, trustees, partners, or persons exercising similar functions for the issuing company;
or

(ii) to vote on or to direct the conduct of the operations or other significant policies of the issuing person;

(2) Preferred shares, limited partnership shares or interests, or similar interests are not "voting securities" if:

(i) any voting rights associated with the shares or interests, including the right to select or vote for the selection of directors, trustees, or partners or persons exercising similar functions, (aa.) are limited solely to the type customarily provided by statute with regard to matters that would significantly and adversely affect the rights or preference of the security or other interest, such as the issuance of additional amounts or classes of senior securities, the modification of the terms of the security or interest, the dissolution of the issuing person, or the payment of dividends by the issuing person when preferred dividends are in arrears, or (bb.) entitle the holder thereof to vote for the election of directors, trustees or partners or persons exercising similar functions only as the result of the failure to pay a dividend or to fulfill an obligation or satisfy a condition specified by the terms of such shares or interests; and

(ii) the shares or interests represent an essentially passive investment or financing device and do not otherwise provide the holder with control over the issuing person.

C. 17:9A-374 Reporting requirements.

2. (a) A bank holding company shall, upon the request of the commissioner, provide to the commissioner a copy of the bank holding company's filings with the bank regulatory authorities of the United States and the Securities and Exchange Commission.

(b) A person, other than a bank holding company, a state of the United States, the United States or a corporation the majority of the shares of which are owned by the United States or by any state, which controls a bank shall annually provide the following information to the commissioner on or before April 30:

(i) The identity, personal history, business background and experience of the person, including material business activities and affiliations during the past five years, and a description of any material pending legal or administrative proceedings in which the person is a party and any criminal indictment or conviction of the person issued by a state or federal court;

(ii) A statement of the assets and liabilities of the person, for each of five preceding fiscal years, together with related statements of income and source and application of funds for each of those fiscal years, prepared in accordance with generally accepted accounting principles consistently applied; and

(iii) Any additional relevant information in that form which the commissioner may require by regulation or by specific request.

(c) The commissioner may by regulation or on an individual basis exempt persons from the reporting requirements of this section.

C. 17:9A-375 Examination of holding companies.

3. (a) The commissioner shall have the right to examine any company which controls a bank, the cost of which examination shall be assessed against and paid by the company in an amount to be set by regulation of the commissioner.

(b) The examination authorized by this section shall be conducted jointly, concurrently or in lieu of examinations made by a federal or other state bank regulatory agency. The commissioner shall use, to the extent he deems feasible, filings and reports made by the company to federal or other state bank regulatory authorities.

(c) A copy of any examination report prepared by the New Jersey Department of Banking may be given to any federal or other state bank regulatory authority pursuant to a written agreement providing for the exchange of reports of examinations between

(g) The commissioner may disapprove any proposed acquisition if:

(i) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;

(ii) The competence, experience, or integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank or in the interest of the public to permit such person to control the bank; or

(iii) Any acquiring person neglects, fails, or refuses to furnish all the information required by the commissioner.

(h) In lieu of the notice provided for in subsection (f) of this section, whenever any insured banking institution makes a loan or loans, secured, or to be secured, by 25% or more of the outstanding voting securities of the bank, the president or other chief executive officer of the lending insured banking institution shall promptly report such fact to the commissioner upon obtaining knowledge of the loan or loans, except that no report need be made in those cases where the borrower has been the owner of record of the voting securities for a period of at least one year or where the voting securities are that of a newly organized bank prior to its opening.

(i) The reports required by subsection (h) of this section shall contain as much of the information required under subsection (f) of this section, and any other relevant information, as the commissioner may require, by regulation or by specific request, in connection with any particular report.

(j) Within 12 months after a change of control, a bank shall report promptly to the commissioner any changes or replacement of its chief executive officer or of any director, including in the report a statement of the past and current business and professional affiliations of any new chief executive officer or directors.

(k) This section shall not apply to the following transactions:

(i) Any transaction subject to subsection (c) of section 18 of the "Federal Deposit Insurance Act," 64 Stat. 891 (12 U. S. C. § 1828 (c));

(ii) The acquisition of additional shares of a class of voting securities of a bank or person by any person who has lawfully acquired and maintained control of 25% or more of that class

of voting securities after filing the notice required under this section;

(iii) The acquisition of voting securities in good faith in a fiduciary capacity, except that in circumstances described in subparagraph (ii) of paragraph (2) of subsection (f) of section 1 of this act, the person in control of such voting securities shall within 60 days of such acquisition provide the commissioner with a notice containing the information specified in subsection (f) of this section and dispose of such voting securities if the commissioner objects to such control, or in situations where the fiduciary has sole discretionary voting authority, the fiduciary shall within 60 days of obtaining such voting authority provide the commissioner with a notice containing the information specified in subsection (f) and dispose of such sole voting power if the commissioner objects to such voting authority;

(iv) The acquisition of voting securities, which would otherwise require a notice under this section, in satisfaction of a debt previously contracted in good faith if the commissioner is notified within 60 calendar days after such acquisition and the acquiring party provides any relevant information requested by the commissioner;

(v) The acquisition of voting securities through inheritance or a bona fide gift if the commissioner is notified within 60 calendar days after such acquisition and the acquiring party provides any relevant information requested by the commissioner;

(vi) The acquisition of the power to vote voting securities through receipt of a revocable proxy in connection with a proxy solicitation for the purposes of conducting business at a regular or special meeting of a bank or person in control of a bank, if the proxy terminates within a reasonable time after the meeting;

(vii) The receipt of voting securities through a stock dividend or stock split if the proportional interest of the recipient in a bank or person in control of a bank remains substantially the same;

(viii) The acquisition of voting securities acquired in connection with the underwriting of securities if such securities are held only for a period of time as will permit the sale thereof on a reasonable basis;

(ix) Acquisition by any corporation the majority of the shares of which are owned by the United States;

(x) Transactions entered into prior to the effective date of this act;

(xi) Any transaction for which the approval of the commissioner is required prior to consummation other than pursuant to this section;

(xii) Transactions which the commissioner shall determine to be exempt from the application of this section; or

(xiii) Acquisition by any company which immediately prior to that acquisition could be examined by the commissioner pursuant to section 3 of this act, but in such case the commissioner shall be notified within 30 calendar days after that acquisition.

C. 17:9A-377 Fees.

5. The following fees shall be paid to the commissioner for the use of the State. The fees shall be in the minimum amount indicated or in such amount as provided by regulation of the commissioner, which amount shall not exceed the maximum amount provided below:

	Minimum	Maximum
(a) Filings pursuant to subsection (a) of section 2, per item filed	\$ 50.00	\$ 100.00
(b) Filings pursuant to subsection (b) of section 2, per item filed	\$ 50.00	\$ 100.00
(c) Notice pursuant to subsection (a) of section 4	\$625.00	\$2,500.00
(d) Request for hearing pursuant to subsection (d) of section 4	\$625.00	\$2,500.00
(e) Report required by subsection (h) of section 4	\$ 50.00	\$ 100.00
(f) Report required by subsection (i) of section 4	\$ 50.00	\$ 100.00
(g) Report required by subsection (j) of section 4	\$ 50.00	\$ 100.00
(h) Notice required by paragraph (iii) of subsection (k) of section 4	\$ 50.00	\$ 100.00
(i) Notice required by paragraph (iv) of subsection (k) of section 4	\$ 50.00	\$ 100.00
(j) Notice required by paragraph (v) of subsection (k) of section 4	\$ 50.00	\$ 100.00

C. 17:9A-378 Other authority unimpaired.

6. The provisions of this act shall not be deemed to remove, impair, supersede or repeal any authority of the commissioner to approve or review any transaction under "The Banking Act of 1948," P. L. 1948, c. 67 (C. 17:9A-1 et seq.).

C. 17:9A-379 Rules, regulations.

7. The commissioner shall promulgate the rules and regulations necessary to carry out the purposes of this act.

C. 17:9A-380 Penalties for violations.

8. Upon a finding by the commissioner, after notice and an opportunity to be heard, of a violation by any person of any of the provisions of this act, or any regulation or order of the commissioner issued pursuant thereto, the commissioner may order the person to cease any violations or to pay a civil penalty not in excess of \$1,000.00 per day for each day that the violation has continued, or both, the penalty being recoverable in a summary proceeding under "the penalty enforcement law," N. J. S. 2A:58-1 et seq.

9. If any section or portion of a section of this act shall be invalid for any reason, the invalidity shall not affect the validity of the remaining sections or portions of sections.

C. 17:9A-381 Short title.

10. This act shall be known and may be cited as the "New Jersey Banking Oversight and Change of Control Act."

11. This act shall take effect on the 60th day after the enactment into law of Senate Bill No. 3503 of 1985.

Approved March 28, 1986.

CHAPTER 7

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, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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. 1985, c. 209, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF HEALTH

20 PHYSICAL AND MENTAL HEALTH

21 Health Services

4220 Division of Community Health Services

02-4220 Local and Community Health Services \$99,000

Special Purpose:

Purchase of additional PKU formula . . . (\$99,000)

2. This act shall take effect immediately.

Approved March 28, 1986.

CHAPTER 8

AN ACT concerning certain patients in nursing homes and amending P. L. 1945, c. 169 and P. L. 1985, c. 303.

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

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

C. 10:5-5 Definitions.

5. As used in this act, unless a different meaning clearly appears from the context:

a. "Person" includes one or more individuals, partnerships, associations, organizations, labor organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and fiduciaries.

b. "Employment agency" includes any person undertaking to procure employees or opportunities for others to work.

c. "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining, or of dealing with employers concerning grievances,

terms or conditions of employment, or of other mutual aid or protection in connection with employment.

d. "Unlawful employment practice" and "unlawful discrimination" include only those unlawful practices and acts specified in section 11 of this act.

e. "Employer" includes all persons as defined in subsection a. of this section unless otherwise specifically exempt under another section of this act, and includes the State, any political or civil subdivision thereof, and all public officers, agencies, boards or bodies.

f. "Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person.

g. "Liability for service in the Armed Forces of the United States" means subject to being ordered as an individual or member of an organized unit into active service in the Armed Forces of the United States by reason of membership in the National Guard, naval militia or a reserve component of the Armed Forces of the United States, or subject to being inducted into such armed forces through a system of national selective service.

h. "Division" means the "Division on Civil Rights" created by this act.

i. "Attorney General" means the Attorney General of the State of New Jersey or his representative or designee.

j. "Commission" means the Commission on Civil Rights created by this act.

k. "Director" means the Director of the Division on Civil Rights.

l. "A place of public accommodation" shall include, but not be limited to: any tavern, roadhouse, hotel, motel, trailer camp, summer camp, day camp, or resort camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house, or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water, or in the air, any stations and terminals thereof; any bathhouse,

boardwalk, or seashore accommodation; any auditorium, meeting place, or hall; any theatre, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, high school, academy, college and university, or any educational institution under the supervision of the State Board of Education, or the Commissioner of Education of the State of New Jersey. Nothing herein contained shall be construed to include or to apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution, and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or postsecondary school from using in good faith criteria other than race, creed, color, national origin or ancestry, in the admission of students.

m. "A publicly assisted housing accommodation" shall include all housing built with public funds or public assistance pursuant to P. L. 1949, c. 300, P. L. 1941, c. 213, P. L. 1944, c. 169, P. L. 1949, c. 303, P. L. 1938, c. 19, P. L. 1938, c. 20, P. L. 1946, c. 52, and P. L. 1949, c. 184, and all housing financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof.

n. The term "real property" includes real estate, lands, tenements and hereditaments, corporeal and incorporeal, and leaseholds, provided, however, that, except as to publicly assisted housing accommodations, the provisions of this act shall not apply to the rental: (1) of a single apartment or flat in a two-family dwelling, the other occupancy unit of which is occupied by the owner as his residence or the household of his family at the time of such rental; or (2) of a room or rooms to another person or persons by the owner or occupant of a one-family dwelling occupied by him as his residence or the household of his family at the time of such rental. Nothing herein contained shall be construed to bar any religious or denominational institution or organization, or any

organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, in the sale, lease or rental of real property, from limiting admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

o. "Real estate broker" includes a person, firm or corporation who, for a fee, commission or other valuable consideration, or by reason of promise or reasonable expectation thereof, lists for sale, sells, exchanges, buys or rents, or offers or attempts to negotiate a sale, exchange, purchase, or rental of real estate or an interest therein, or collects or offers or attempts to collect rent for the use of real estate, or solicits for prospective purchasers or assists or directs in the procuring of prospects or the negotiation or closing of any transaction which does or is contemplated to result in the sale, exchange, leasing, renting or auctioning of any real estate, or negotiates, or offers or attempts or agrees to negotiate a loan secured or to be secured by mortgage or other encumbrance upon or transfer of any real estate for others; or any person who, for pecuniary gain or expectation of pecuniary gain conducts a public or private competitive sale of lands or any interest in lands. In the sale of lots, the term "real estate broker" shall also include any person, partnership, association or corporation employed by or on behalf of the owner or owners of lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission or otherwise, to sell such real estate, or any parts thereof, in lots or other parcels, and who shall sell or exchange, or offer or attempt or agree to negotiate the sale or exchange, of any such lot or parcel of real estate.

p. "Real estate salesman" includes any person who, for compensation, valuable consideration or commission, or other thing of value, or by reason of a promise or reasonable expectation thereof, is employed by and operates under the supervision of a licensed real estate broker to sell or offer to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real estate, or offers or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon or transfer of real estate, or to lease or rent, or offer to lease or rent any real estate for others, or to collect rents for the use of real estate, or to solicit for prospective purchasers or lessees of real estate, or who is employed

by a licensed real estate broker to sell or offer to sell lots or other parcels of real estate, at a stated salary, or upon a commission, or upon a salary and commission, or otherwise to sell real estate, or any parts thereof, in lots or other parcels.

q. "Handicapped" means suffering from physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or from any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

r. "Blind person" means any individual whose central visual acuity does not exceed 20/200 in the better eye with correcting lens or whose visual acuity is better than 20/200 if accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.

s. "Guide dog" means a dog used to assist deaf persons or which fitted with a special harness so as to be suitable as an aid to the mobility of a blind person, and is used by a blind person who has satisfactorily completed a specific course of training in the use of such a dog, and has been trained by an organization generally recognized by agencies involved in the rehabilitation of the blind or deaf as reputable and competent to provide dogs with training of this type.

t. "Guide or service dog trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of the blind, handicapped or deaf as reputable and competent to provide dogs with training, and who is actually involved in the training process.

u. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, but shall not include any single family residence

the occupants of which rent, lease, or furnish for compensation not more than one room therein.

v. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally or customarily permitted or invited.

w. "Deaf person" means any person whose hearing is so severely impaired that he is unable to hear and understand normal conversational speech through the unaided ear alone, and who must depend primarily on supportive device or visual communication such as writing, lip reading, sign language, and gestures.

x. "Atypical hereditary cellular or blood trait" means sickle cell trait, hemoglobin C trait, thalassemia trait, Tay-Sachs trait, or cystic fibrosis trait.

y. "Sickle cell trait" means the condition wherein the major natural hemoglobin components present in the blood of the individual are hemoglobin A (normal) and hemoglobin S (sickle hemoglobin) as defined by standard chemical and physical analytic techniques, including electrophoresis; and the proportion of hemoglobin A is greater than the proportion of hemoglobin S or one natural parent of the individual is shown to have only normal hemoglobin components (hemoglobin A, hemoglobin A₂, hemoglobin F) in the normal proportions by standard chemical and physical analytic tests.

z. "Hemoglobin C trait" means the condition wherein the major natural hemoglobin components present in the blood of the individual are hemoglobin A (normal) and hemoglobin C as defined by standard chemical and physical analytic techniques, including electrophoresis; and the proportion of hemoglobin A is greater than the proportion of hemoglobin C or one natural parent of the individual is shown to have only normal hemoglobin components (hemoglobin A, hemoglobin A₂, hemoglobin F) in normal proportions by standard chemical and physical analytic tests.

aa. "Thalassemia trait" means the presence of the thalassemia gene which in combination with another similar gene results in the chronic hereditary disease Cooley's anemia.

bb. "Tay-Sachs trait" means the presence of the Tay-Sachs gene which in combination with another similar gene results in the chronic hereditary disease Tay-Sachs.

cc. "Cystic fibrosis trait" means the presence of the cystic fibrosis gene which in combination with another similar gene results in the chronic hereditary disease cystic fibrosis.

dd. "Service dog" means any dog individually trained to a handicapped person's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or retrieving dropped items.

ee. "Qualified Medicaid applicant" means an individual who is a qualified applicant pursuant to P. L. 1968, c. 413 (C. 30:4D-1 et seq.).

2. Section 6 of P. L. 1985, c. 303 (C. 30:4D-17.3) is amended to read as follows:

C. 30:4D-17.3 Criminal, civil violations.

6. a. No person shall at any time knowingly charge, solicit, accept or receive, in addition to any amount otherwise required to be paid under P. L. 1968, c. 413 (C. 30:4D-1 et seq.), any gift, money, donation or other consideration other than a charitable, religious, or philanthropic contribution from an organization or from a person unrelated to the patient as a precondition of admitting a patient to a skilled nursing facility or intermediate care facility or as a requirement for a patient's continued stay in the facility when the cost of the services provided therein to the patient is paid for in whole or in part under P. L. 1968, c. 413 (C. 30:4D-1 et seq.). A person who violates this subsection is guilty of a crime of the third degree.

b. No person shall knowingly require as a condition of accepting payment under P. L. 1968, c. 413 (C. 30:4D-1 et seq.) that a qualified applicant or his family member pay or enter into an agreement to pay as a private patient at a skilled nursing or intermediate care facility for any period. A person who violates this subsection is guilty of a crime of the third degree.

c. No person shall knowingly require as a condition of continued stay at a skilled nursing facility or intermediate care facility approved as a Medicaid provider that a qualified applicant as defined pursuant to P. L. 1968, c. 413 (C. 30:4D-1 et seq.) or his family member pay any sum of money, or other consideration, including the furnishing of an agreement by a family member which obligates that party to pay for care rendered a qualified applicant. A person who violates this subsection is guilty of a crime of the third degree.

d. The provisions of subsections a., b. and c. of this section shall not apply to agreements to provide continuing care between a life care community, as defined by regulation, and a person financially eligible for benefits under P. L. 1968, c. 413 (C. 30:4D-1 et seq.).

e. Any person who violates subsection a. of this section, in addition to any other penalties provided by law, is civilly liable: (1) to the paying individual for the amount of any gift, money, donation or other consideration, and for interest on the amount of any gift, money, donation or other consideration at the maximum legal rate in effect on the date of payment; (2) to the State for payment of any amount not to exceed threefold the amount of any gift, money, donation or other consideration referred to in subsection a. of this section; and (3) to the State for payment in the sum of \$5,000.00 for each claim submitted for reimbursement for a period in which a gift, money, donation or other consideration referred to in subsection a. of this section was charged, solicited, accepted, or received.

f. Any person who violates subsection b. or c. of this section in addition to any other penalties provided by law is civilly liable to the paying individual for the amount paid on behalf of a qualified applicant plus interest at the maximum legal rate in effect on the date of payment and attorney's fees; and to the State for payment of a penalty in the amount of \$5,000.00.

g. The Attorney General may bring a civil action in the name of the paying individual and the Department of Human Services for the collection and enforcement of civil penalties provided for in this section.

A paying individual may bring a civil action in the Superior Court to enforce his rights under this section.

A civil penalty incurred pursuant to this section may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law," N. J. S. 2A:58-1 et seq.

3. Section 9 of P. L. 1985, c. 303 (C. 30:4D-17.6) is amended to read as follows:

C. 30:4D-17.6 Withdrawal as Medicaid provider.

9. a. If a skilled nursing or intermediate care facility notifies the commissioner within 180 days following the date of enactment of this amendatory and supplementary act that the facility shall no longer be a Medicaid provider and that (1) the facility has one or more Medicaid qualified applicants residing therein or (2)

the facility has one or more patients residing therein who are paying privately for their care at the facility under the terms of an agreement entered into before August 24, 1985 and who will become Medicaid qualified applicants upon the expiration of the agreement, the commissioner may, at the request of the facility, permit the facility to continue to provide skilled nursing or intermediate care services to those Medicaid current and prospective qualified applicants residing therein without being required to admit any new Medicaid qualified applicants.

The commissioner may grant a facility's request to do so if the request is in the best interests of the Medicaid qualified applicants residing therein. For the period of time that any Medicaid qualified applicants continue to reside in the facility, that facility shall comply with all applicable provisions of P. L. 1963, c. 413 (C. 30:4D-1 et seq.).

b. If a skilled nursing or intermediate care facility which withdraws as a Medicaid provider pursuant to this section subsequently reapplies to the department to become a Medicaid provider, the commissioner may require as a condition of becoming a Medicaid provider that the facility enter into a three year Medicaid provider contract with the department.

4. This act shall take effect immediately.

Approved March 28, 1986.

CHAPTER 9

AN ACT concerning a minimum salary for teaching staff members, amending N. J. S. 18A:29-5, and amending and supplementing P. L. 1985, c. 321.

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

1. N. J. S. 18A:29-5 is amended to read as follows:

\$18,500 minimum salary.

18A:29-5. The minimum salary of a full-time teaching staff member in any school district or educational services commission who is certified by the local board of education or the board of directors of the educational services commission as performing

his duties in an acceptable manner for the previous academic year pursuant to N. J. A. C. 6:3-1.19 and 6:3-1.21 and who is not employed as a substitute on a day-to-day basis shall be \$18,500.00 for an academic year and a proportionate amount for less than an academic year.

For the purpose of this amendatory and supplementary act, "full-time" means the number of days of employment in each week and the period of time in each day required by regulations of the State board to qualify a person as a full-time teaching staff member.

In addition this minimum salary shall apply to all new full-time teaching staff members hired for the 1985-86 academic year and thereafter.

2. Section 4 of P. L. 1985, c. 321 (C. 18A:29-5.3) is amended to read as follows:

C. 18A:29-5.3 Mandatory minimum.

4. No salary schedule adopted by any board of education or any educational services commission shall provide for salaries lower than as prescribed by this amendatory and supplementary act.

3. Section 7 of P. L. 1985, c. 321 (C. 18A:29-5.6) is amended to read as follows:

C. 18A:29-5.6 Funding.

7. a. The actual salary paid to each teacher under each district's or educational services commission's 1984-85 approved salary guide shall be considered a base salary for purposes of this act.

b. In addition to all other funds to which the local district or educational services commission is entitled under the provisions of P. L. 1975, c. 212 (C. 18A:7A-1 et seq.) and other pertinent statutes, each board of education or board of directors of an educational services commission shall receive from the State during the 1985-86 academic year and for two years thereafter an amount equal to the sum of the amounts by which the actual salary prescribed for each current full-time teaching staff member under the salary schedule adopted by the local board of education or board of directors for the 1984-85 academic year in the manner prescribed by law is less than \$18,500.00, provided that the teaching staff member has been certified by the local board of education or board of directors as performing his duties in an acceptable manner for the 1984-85 school year pursuant to

N. J. A. C. 6:3-1.19 and 6:3-1.21. Each local board of education or board of directors shall receive from the State on behalf of the newly employed full-time teaching staff members for the 1985-86 academic year and for two years thereafter an amount equal to the sum of the amounts by which the actual salary prescribed for each newly employed full-time teaching staff member under the salary schedule adopted by the local board of education or board of directors for the 1984-85 academic year is less than \$18,500.00. All adjustments for teachers who are hired or who leave employment during the school year and who make less than \$18,500.00 shall be made in the school year following the year in which they were hired or left employment.

e. For the 1988-89 academic year and thereafter, this act shall be funded in accordance with the recommendations of the State and Local Expenditure and Revenue Policy Commission created pursuant to P. L. 1984, c. 213. If the commission's recommendations for funding this program are not enacted into law, this act shall be funded in accordance with subsection d. of this section and sections 9 and 10 of this act.

d. For the purpose of funding this act in the 1988-89 academic year as determined pursuant to this section, each teacher's salary based on the 1984-85 salary guide shall be increased by the product of the base salary multiplied by 21%.

e. In each subsequent year the product of the base salary times 7% shall be cumulatively added to each teacher's salary as calculated in subsection d. of this section in determining the aid payable. In any year subsequent to the 1987-88 academic year in which the base salary plus the cumulative increases under this section exceed \$18,500.00, aid will no longer be payable.

4. Section 8 of P. L. 1985, c. 321 (C. 18A:29-5.7) is amended to read as follows:

C. 18A:29-5.7 Reports; installment payments.

8. Each local board of education or board of directors of an educational services commission shall report such information as shall be prescribed by the commissioner within 60 days of the effective date of this amendatory and supplementary act and within 60 days of initial employment of any full-time teaching staff member and thereafter as the commissioner shall require. Each local board of education or board of directors shall receive the prescribed amount from the State in 10 equal monthly install-

ments in sufficient amount to pay the State's obligation in full prior to June 30 of the academic year in which the amount being reimbursed by the State is actually paid to the full-time teaching staff member by the local board of education or educational services commission.

C. 18A:6-62.1 Tuition rate determination.

5. (New section) Tuition rates for the 1985-86 school year and subsequent years for educational services commissions shall be determined after excluding the applicable salaries funded by section 7 of P. L. 1985, c. 321 (C. 18A:29-5.6) and shall be certified by the Commissioner of Education.

6. This act shall take effect immediately.

Approved March 28, 1986.

CHAPTER 10

AN ACT to amend the "Public School Education Act of 1975," approved September 29, 1975, (P. L. 1975, c. 212).

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

1. Section 3 of P. L. 1975, c. 212 (C. 18A:7A-3) is amended to read as follows:

C. 18A:7A-3 Definitions.

3. For the purposes of this act, unless the context clearly requires a different meaning:

"Adjusted net current expense budget" means the balance after deducting (1) State support for categorical programs pursuant to section 20 of P. L. 1975, c. 212 (C. 18A:7A-20), (2) the difference between the transportation amount in the current expense budget and 10% of the estimated approved transportation amount, and (3) all other revenue in the current expense budget except the amount to be raised by local taxation, equalization State support, and State support for approved transportation, appropriation from free balances, and miscellaneous revenue.

"Adjusted net current expenses per pupil" means the quotient resulting from dividing the adjusted net current budget by the resident enrollment.

“Adjusted State average net current expense budget per pupil” means the quotient resulting from dividing the total adjusted net current expense budgets of all districts in the State by the total resident enrollment in the State.

“Administrative order” means a written directive ordering specific corrective action by a district which has shown insufficient educational progress within a reasonable period of time in meeting goals and standards.

“Approved special class pupil” means a pupil enrolled in any class for atypical pupils pursuant to chapter 46 of Title 18A of the New Jersey Statutes.

“Approved special education services pupil” means a pupil receiving specific services pursuant to chapter 46 of Title 18A of the New Jersey Statutes but excluding pupils attending county special services school districts.

“Bilingual education pupil” means a pupil enrolled in a program of bilingual education approved by the State board.

“Budgeted capital outlay” means those capital outlay expenditures that are included in the annual school budget.

“Categorical programs” means those programs and services recognized in this act as requiring per pupil expenditures over and above those applicable to regular programs, as provided in section 20 of this act.

“Current expense” means all expenses of the school district, as enumerated in N. J. S. 18A:22-8, other than those required for interest and debt redemption charges and any budgeted capital project.

“Debt service” means and includes payments of principal and interest upon school bonds and other obligations issued to finance the acquisition of school sites and the acquisition, construction or reconstruction of school buildings, including furnishings, equipment and the costs of issuance of such obligations and shall include payments of principal and interest upon bonds heretofore issued to fund or refund such obligations, and upon municipal bonds and other obligations which the commissioner approves as having been issued for such purposes. Debt service pursuant to the provisions of P. L. 1971, c. 10 (C. 18A:58-33.6 et seq.) and P. L. 1968, c. 177 (C. 18A:58-33.2 et seq.) is excluded.

“District equalized valuation per pupil” means the quotient resulting from dividing the total equalized valuations in the school district by the resident enrollment of the district; provided that in

the determination of the equalized valuation per pupil of a county vocational school the total equalized valuations in the county shall be divided by the total resident enrollment in all school districts of the county to obtain the county vocational school equalized valuation per pupil.

“Equalized valuation” means the equalized valuation of the taxing district or taxing districts as certified by the Director of the Division of Taxation on October 1 of the prebudget year.

With respect to regional districts and their constituent districts, however, the equalized valuations as described above shall be allocated among the regional and constituent districts in proportion to the number of pupils in each of them.

“Evening school pupils” means the equated full-time resident enrollment of pupils enrolled in an accredited evening high school, an evening vocational high school, and in other evening schools except schools offering programs for self-improvement and social enrichment.

“Goals” means a written statement of educational aspirations for learner achievement and the educational process stated in general terms.

“Guaranteed valuation per pupil” means the product, rounded to the nearest dollar, of 1.344 times the State average valuation per pupil for the year in which the calculation of aid is made.

“Joint Committee on the Public Schools” means the committee created pursuant to P. L. 1975, c. 16 (C. 52:9R-1 et seq.).

“Local vocational pupils” means the full-time equivalent of pupils enrolled in approved categorical vocational programs in school districts designated as local area vocational school districts.

“Minimum aid guaranteed valuation per pupil” means the product, rounded to the nearest whole dollar, of 11.5 times the State average equalized valuation per pupil for the year in which the calculation of aid is made.

“Needs assessment” means a written analysis of the current status of an educational system in terms of achieving its goals.

“Net current expense budget” means the balance after deducting (1) State support for categorical programs pursuant to section 20 of this act, (2) the difference between the transportation amount in the current expense budget and 10% of the estimated approved transportation amount, and (3) all other revenue in the current expense budget except the amount to be raised by local

taxation, equalization State support, the State support for approved transportation.

“Net current expense per pupil” means the quotient resulting from dividing the net current expense budget by the resident enrollment.

“Net debt service and budgeted capital outlay” means the balance after deducting all revenues from the school debt service and budgeted capital outlay budgets of the school district and the school debt service amount included in the municipal budget, except the amount to be raised by local taxation and State support.

“Objective” means a written statement of the intended outcome of a specific educational process.

“Prebudget year” means the school year preceding the year in which the school budget will be implemented.

“Resident enrollment” means the number of pupils who are residents of the district and are enrolled in day or approved evening schools on the last school day of September of the prebudget year and are attending: (1) the public schools of the district; (2) another school district or a State college demonstration school to which the district of residence pays tuition; or (3) a State facility; provided that a district shall count pupils regularly attending both the schools of the district and of a county vocational school in the same county on an equated full-time basis.

Handicapped children between three and five years of age and receiving programs and services pursuant to N. J. S. 18A:46-6 shall be included in the resident enrollment of the district on an equated full-time basis.

“Standards” means the process and stated levels of proficiency used in determining the extent to which goals and objectives are being met.

“State average net current expense budget per pupil” means the quotient resulting from dividing the total net current expense budgets of all districts in the State by the total resident enrollment in the State.

“State average valuation per pupil” means the quotient resulting from dividing the total equalized valuations in the State as certified by the Director of the Division of Taxation on October 1 by the total resident enrollment in the State. In the event that the equalized table certified by the Director of the Division of Taxation shall be revised by the tax court on or before January 30 of the next succeeding year, such revised valuation shall be used in any

recomputation of aid for an individual district filing such appeal but will have no effect upon the State average valuation per pupil.

“State compensatory education pupil” means a pupil who is enrolled in preventive and remedial programs offered during the normal school day, or in programs offered beyond the normal school day or during summer vacation, which are integrated and coordinated with programs operated during the regular school day and year. Said programs shall be approved by the State board, supplemental to the regular programs and designed to assist pupils who have academic, social, economic or environmental needs that prevent them from succeeding in regular school programs.

“State facility” means a State residential facility for the retarded; a day training center which is operated by or under contract with the State and in which all the children have been placed by the State, including a private school approved by the Department of Education which is operated under contract with the Bureau of Special Residential Services in the Division of Developmental Disabilities in the Department of Human Services; a State residential youth center; a State training school or correctional facility; a State child treatment center or psychiatric hospital.

“State support limit” means the sixty-fifth percentile net current expense budget per pupil for the prebudget year when all district figures are ranked from low to high. The State support limit shall be calculated and applied separately for (a) limited purpose regional districts offering grades 9 through 12, (b) limited purpose regional districts offering grades 7 through 12, provided, however, that the figure used for such districts shall be not less than 90% of the sixty-fifth percentile for limited purpose regional districts offering grades 9 through 12, (c) constituent districts of limited purpose regional districts offering grades 9 through 12, (d) constituent districts of limited purpose regional districts offering grades 7 through 12, provided, however, that the figure used for such districts shall be not less than 90% of the sixty-fifth percentile for constituent districts of limited purpose regional districts offering grades 9 through 12, and (e) all other districts.

2. This act shall take effect immediately.

Approved April 23, 1986.

CHAPTER 11

AN ACT providing for the establishment of hospital respite care programs for senior citizens and making an appropriation.

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

C. 26:2H-12.3 Hospital respite care program.

1. A general hospital which has had an average of 20% or more of its beds vacant on weekends over a six month period may apply to the Commissioner of Health for permission to establish a hospital respite care program for senior citizens. Under such a program, otherwise empty hospital facilities, in a section separate from medical and surgical patients, shall be used to provide shelter, food, recreation and supervision to senior citizens age 65 or older who are ordinarily dependent upon family members or others for their care. The purpose of the hospital respite care program is to provide quality care to the elderly while enabling those who ordinarily care for an elderly person to be temporarily relieved of the stress of this responsibility. A hospital having an overall vacancy rate in excess of 20% over a six month period may also apply to the commissioner for permission to offer this service on weekdays for periods determined by the commissioner.

C. 26:2H-12.4 Requirements; rate approval.

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. However, rates to be charged by the hospital for this service are subject to the approval of the Hospital Rate Setting Commission pursuant to section 5 of P. L. 1978, c. 83 (C. 26:2H-4.1).

C. 26:2H-12.5 Rules, regulations.

3. The Commissioner of Health shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), promulgate such rules and regulations as may be necessary to effectuate the purposes of this act.

4. There is appropriated \$50,000.00 from the General Fund to the Department of Health to effectuate the purposes of this act.

5. This act shall take effect July 1, 1986.

Approved May 2, 1986.

CHAPTER 12

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

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

C. 18A:72-25.1 Wage deductions for student loan arrears.

1. Whenever any officer or employee of a county or municipality has failed to make scheduled payments to the Higher Education Assistance Authority on any note held by that authority pursuant to N. J. S. 18A:72-16, upon showing that these payments are more than 60 days overdue, the chief financial officer of the appropriate local unit shall deduct from the wages of the employee the full amount of both any arrears payment and any scheduled payment due to the Higher Education Assistance Authority until such time as the note is fully satisfied. The chief financial officer shall transmit the payments to the Higher Education Assistance Authority but the local unit shall retain an amount not to exceed 1% of the moneys collected to defray the cost of collection.

C. 18A:72-25.2 Guidelines.

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

C. 18A:72-25.3 Not execution against wages.

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

4. This act shall take effect immediately.

Approved May 7, 1986.

CHAPTER 13

AN ACT providing civil immunity from liability to certain volunteer athletic coaches and officials and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:62A-6 Immunity of volunteer athletic coaches.

1. a. Notwithstanding any provisions of law to the contrary, no person who provides services or assistance free of charge, except for reimbursement of expenses, as an athletic coach, manager, or official for a sports team which is organized or performing pursuant to a non-profit or similar charter shall be liable in any civil action for damages to a player or participant as a result of his acts of commission or omission arising out of and in the course of his rendering that service or assistance.

b. The provisions of subsection a. of this section shall apply not only to organized sports competitions, but shall also apply to practice and instruction in that sport.

c. Nothing in this section shall be deemed to grant immunity to any person causing damage by his willful, wanton, or grossly negligent act of commission or omission, nor to any coach, manager, or official who has not participated in a safety orientation and training program established by the league or team with which he is affiliated.

d. Nothing in this section shall be deemed to grant immunity to any person causing damage as the result of his negligent operation of a motor vehicle.

e. Nothing in this section shall be deemed to grant immunity to any person for any damage caused by that person permitting a sport competition or practice to be conducted without supervision.

f. Nothing in this act shall apply to an athletic coach, manager, or official who provides services or assistance as part of a public or private educational institution's athletic program.

2. This act shall take effect immediately.

Approved May 12, 1986.

CHAPTER 14

AN ACT concerning ballots for school elections and amending
N. J. S. 18A:14-57.

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

1. N. J. S. 18A:14-57 is amended to read as follows:

Vote counting.

18A:14-57. Immediately after the close of the polls, the election officers shall proceed to count the votes for each candidate and the votes for and against the adoption of each proposal, resolution or question submitted to the voters at the election. The counting shall be open and public but the number of persons permitted to be present shall not be such as to hinder, delay or inconvenience the election officers in counting and ascertaining the result. The election officers shall keep tally sheets of the votes as counted which shall be signed by the judge of the election and two clerks of the election.

Notwithstanding the provisions of N. J. S. 18A:14-55 to the contrary, a ballot shall not be declared invalid because the mark made with ink or the mark made with lead pencil appears other than black.

2. This act shall take effect immediately.

Approved May 20, 1986.

CHAPTER 15

AN ACT establishing an optional Senior Citizen Pen Pal Pilot
Program in the public schools.

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

1. The Commissioner of Education shall establish an optional Senior Citizen Pen Pal Pilot Program in the public schools. The program shall involve pupils from various school districts in corresponding with senior citizens who live in their town or in another local community. The purposes of the program are to help pupils

to better understand and relate to senior citizens and the concerns of senior citizens, to enable students to learn about life in another locality, to involve senior citizens with young people and provide senior citizens with the opportunity to share their knowledge and experience.

The program shall attempt to have pupils from a particular school correspond with senior citizens living in various localities and shall, where possible, provide for pupils and senior citizens to meet for a visit after a period of correspondence.

2. The Commissioner of Education shall compile and analyze information received from the participating school districts on the effectiveness of the program in accomplishing its goals. The commissioner shall then report the progress of the program as reported to his office by those participating school districts, to the Governor and the Legislature within one year after the effective date of this act.

3. The State Board of Education shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), promulgate such rules and regulations as may be necessary to effectuate the purposes of this act.

4. This act shall take effect immediately and shall expire two years following enactment.

Approved May 20, 1986.

CHAPTER 16

AN ACT concerning juveniles and amending P. L. 1982, c. 77.

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

1. Section 4 of P. L. 1982, c. 77 (C. 2A:4A-23) is amended to read as follows:

C. 2A:4A-23 Definition of delinquency.

4. Definition of delinquency. As used in this act, "delinquency" means the commission of an act by a juvenile which if committed by an adult would constitute:

a. A crime;

b. A disorderly persons offense or petty disorderly persons offense; or

c. A violation of any other penal statute, ordinance or regulation.

But, the commission of (1) an act which constitutes a violation of chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile of or over the age of 17 years; (2) an act relating to the ownership or operation of a motorized bicycle which constitutes a violation of chapter 3 or 4 of Title 39 of the Revised Statutes by a juvenile of any age; (3) an act which constitutes a violation of article 3 or 6 of chapter 4 of Title 39 of the Revised Statutes pertaining to pedestrians and bicycles, by a juvenile of any age; or (4) the commission of an act which constitutes a violation of P. L. 1981, c. 318 (C. 26:3D-1 et seq.), P. L. 1981, c. 319 (C. 26:3D-7 et seq.), P. L. 1981, c. 320 (C. 26:3D-15 et seq.), P. L. 1985, c. 185 (C. 26:3E-7 et seq.), P. L. 1985, c. 186 (C. 26:3D-32 et seq.), N. J. S. 2C:33-13, P. L. 1985, c. 318 (C. 26:3D-38 et seq.), P. L. 1985, c. 381 (C. 26:3D-46 et seq.), or of any amendment or supplement thereof, by a juvenile of any age shall not constitute delinquency as defined in this act. The municipal court having jurisdiction over a case involving a violation by a juvenile of a section of Title 26 listed in this subsection, or N. J. S. 2C:33-13, shall forward a copy of the record of conviction in that case to the Family Part intake service of the county where the municipal court is located.

2. This act shall take effect immediately.

Approved May 20, 1986.

CHAPTER 17

AN ACT concerning payment of certain State aid to school districts and amending P. L. 1974, c. 79.

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

1. Section 7 of P. L. 1974, c. 79 (C. 18A:58-37.7) is amended to read as follows:

C. 18A:58-37.7 State aid to school districts.

7. The sums payable as State aid to school districts pursuant to this act shall be paid in full no later than July 31. The State

Treasurer shall make such payment to each board of education upon a certificate of the commissioner and warrant of the Director of the Division of Budget and Accounting.

A district shall refund any unexpended State aid after completion of the school year if the expenditures incurred by the district pursuant to P. L. 1974, c. 79 (C. 18A:58-37.1 et seq.) are less than the amount of State aid received therefor. The refund shall be paid no later than December 1.

2. This act shall take effect on July 1, 1986.

Approved May 20, 1986.

CHAPTER 18

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, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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

1. In addition to the sums appropriated under P. L. 1985, c. 209, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES	
DEPARTMENT OF HUMAN SERVICES	
80 Special Government Services	
83 Services to Veterans	
7520 Division of Veterans' Services	
19-7520 Management and Field Services	\$10,000
Special Purpose:	
World War I Veterans Convention, Ocean City, N. J. on May 21, 1986 . (	\$10,000)

2. This act shall take effect immediately.

Approved May 20, 1986.

CHAPTER 19

AN ACT concerning parimutuel wagering and the distribution and disposition of the parimutuel pool at horse race meetings, amending various parts of the statutory law, supplementing P. L. 1940, c. 17 (C. 5:5-22 et seq.), and repealing section 8 of P. L. 1967, c. 40.

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

1. Section 44 of P. L. 1940, c. 17 (C. 5:5-64) is amended to read as follows:

C. 5:5-64 Distribution of parimutuel pools.

44. Each holder of a permit shall distribute all sums deposited in any pool where the patron is required to select one horse to the winners thereof, less an amount which in harness races shall not exceed 17% of the total deposits plus the breaks and which in other races shall not exceed 17% of the total deposits plus the breaks. In every pool where the patron is required to select two horses, the holder of each permit for either harness or running track shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 19% of the total deposits plus the breaks. In every pool where the patron is required to select three or more horses, every holder of a permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 25% of the total deposits plus the breaks. Every permitholder shall distribute to the persons holding winning tickets in any of the aforementioned pools, as a minimum, a sum not exceeding \$0.10, calculated on the basis of each dollar deposited in any pool after the deduction of the said 17%, 19% or 25%, as the case may be. Should the amount remaining in the pool be insufficient to pay the winners the minimum, the breakage accruing in that race, or any necessary portion thereof, shall be applied toward making up any such deficiency. The breaks are hereby defined as the odd cents over any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a patron. Every permitholder engaged in the business of conducting running race meetings under this act, except the New Jersey Sports and Exposition Authority established pursuant to P. L. 1971, c. 137 (C. 5:10-1 et seq.) and the Garden State Racetrack as provided

New Jersey State Library

in section 5 of P. L. 1982, c. 201 (C. 5:5-98), shall distribute as purse money the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided. Every permitholder engaged in the business of conducting harness race meetings under this act, except the New Jersey Sports and Exposition Authority and the Garden State Racetrack as provided in section 5 of P. L. 1982, c. 201 (C. 5:5-98), shall retain for his own uses and purposes 50% of the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in the pool as herein provided, and shall distribute as purse money the remaining 50%. The New Jersey Sports and Exposition Authority shall retain all breaks commencing on May 10, 1971 as revenue to the authority, except as the same shall have been applied toward making up a deficiency in a pool as herein provided.

Every permitholder shall submit to the commission every seventh day of any and every race meeting a report under oath showing the daily and total amount of such breaks, together with such other information as the commission may require. All sums held by any permitholder for payment of outstanding parimutuel tickets not claimed by the person or persons entitled thereto within six months from the time such tickets are issued shall be paid upon the expiration of such six-month holding period as follows:

a. In the case of running and harness races, 50% of those sums shall be paid to the racing commission;

b. In the case of running races, 50% of those sums shall be paid to the commission and set aside in the special trust account established pursuant to section 46 b. (1) (e) and section 46 b. (2) (e) of P. L. 1940, c. 17 (C. 5:5-66); and

c. In the case of harness races, 25% of those sums shall be retained by the permitholder to supplement purses for sire stakes races on which there is parimutuel wagering, and 25% shall be retained by the permitholder to supplement overnight purses.

Where it is shown to the satisfaction of the commission that the reason for the parimutuel tickets being outstanding and unclaimed is the loss, misplacement or theft of said tickets within the confines and control of the parimutuel department of any permitholder, and it is further shown to the satisfaction of the commission that said parimutuel tickets have been cashed by such parimutuel department, the commission may adjust and credit the permitholder's account accordingly and the permitholder shall reimburse any

employee who has been held personally accountable and paid for such lost, stolen or misplaced tickets.

All outstanding parimutuel ticket money shall be deposited in an account separate and apart from the track's mutuel or general treasury account. The outstanding parimutuel ticket account shall be subject to the rules and regulations prescribed by the Division of New Jersey Racing Commission.

2. Section 1 of P. L. 1984, c. 236 (C. 5:5-64.1) is amended to read as follows:

C. 5:5-64.1 Harness race pools.

1. Notwithstanding the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5-64) or any other law to the contrary, a holder of a permit to conduct harness race meetings who operates a racetrack at which harness race meetings were conducted during calendar year 1984, but which were suspended for 30 days or more during that calendar year because of fire, and a holder of a permit to conduct harness race meetings who conducted harness race meetings at the aforementioned racetrack during 1984 and who continues to conduct harness race meetings at that racetrack, shall distribute all sums deposited in any pool where the patron is required to select one horse to the winners thereof, less an amount which shall not exceed 17% of the total deposits plus the breaks. In every pool where the patron is required to select two horses, the holder of the permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 19% of the total deposits plus the breaks. In every pool where the patron is required to select three or more horses, the holder of the permit shall distribute all sums deposited in each pool to the winners thereof, less an amount which shall not exceed 25% of the total deposits plus the breaks. The permitholder shall distribute to the persons holding winning tickets in any of the aforementioned pools, as a minimum, a sum not exceeding \$0.10, calculated on the basis of each dollar deposited in any pool after the deduction of the 17%, 19% or 25%, as the case may be. Should the amount remaining in the pool be insufficient to pay the winners the minimum, the breakage accruing in that race, or any necessary portion thereof, shall be applied toward making up any such deficiency. The breaks are hereby defined as the odd cents over any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a patron. The permitholder shall retain for his own uses and purposes 50% of the breaks as herein defined, except as the same shall have been applied toward

(d) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

(3) Retain 7.20% of so much of such total contributions for his own uses and purposes. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permit holder shall retain 7.70% of the total contributions and for pools where the patron is required to select three or more horses, the permit holder shall retain 9.20% of the total contributions. Each permit holder shall contribute out of its 9.20% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(4) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 7.40% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.2% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the tracks. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permit holder shall distribute as purse money 7.90% of the total contributions and for pools where the patron is required to select three or more horses, the permit holder shall distribute as purse money 9.40% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permit holder shall retain out of the 9.40% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

b. In the case of running races:

(1) Where the amount derived from the parimutuel handle, excluding the handle derived from intertrack wagering, does not exceed \$1 million per day based on such contributions accumulated and averaged during the calendar year, the permit holder shall:

(a) Pay to the commission 30% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year; but notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall pay to the commission 1.30% of the total contributions.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permitholder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 5% of 1% of such total contributions to be used and distributed for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration, as provided in section 5 of P. L. 1967, c. 40 (C. 5:5-88).

(c) Retain 9.85% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.92% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.33% of the total contributions. Each permitholder shall contribute out of its 13.33% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 6.00% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 6.93% of such contributions and for pools where the patron is required to

select three or more horses, the permitholder shall distribute as purse money 9.02% of the total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.02% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(e) 80% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey; to improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in open and closed races at New Jersey race tracks and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such New Jersey bred money earners and awards to the New Jersey Thoroughbred Breeders' Association for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the commission. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(f) (Deleted by amendment, P. L. 1986, c. 19.)

(g) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subparagraph (e) of this paragraph.

(2) Where the amount derived from the parimutuel handle, excluding the handle derived from intertrack wagering, exceeds \$1 million per day based on such contributions accumulated and averaged during the calendar year, the permitholder shall:

(a) Pay to the commission 50% of 1% of so much of the total contributions to all parimutuel pools conducted or made during such calendar year.

Payment on account of such sums to be paid to the commission shall be made every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from any permit-holder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

(b) Hold and set aside in an account designated as a special trust account 5% of 1% of such total contributions to be used and distributed for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration, as provided in section 5 of P. L. 1967, c. 40 (C. 5:5-88).

(c) Retain 9.07% of such total contributions for his own uses and purposes. For pools where the patron is required to select two horses, the permitholder shall retain 10.14% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall retain 13.31% of the total contributions. Each permitholder shall contribute out of its 13.31% share of pools, where the patron is required to select three or more horses, a sum deemed necessary by the racing commission, to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(d) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 6.58% of such contributions. Notwithstanding the foregoing, for pools where the patron is required to select two horses, the permitholder shall distribute as purse money 7.51% of such contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 9.85% of the total contributions. Expenditures for programs designed to aid the horsemen and the New

Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.5% of the sum available for distribution as purse money from all parimutuel pools. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permit-holder. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, each permitholder shall retain out of the 9.85% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

(e) 80% of 1% of all pools shall be deducted and set aside in a special trust account for the establishment and support by the commission of the thoroughbred breeding industry in New Jersey; to improve purses for closed races; to provide awards for owners and breeders of registered New Jersey bred horses who earn portions of purses in open and closed races at New Jersey race tracks and to owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such New Jersey bred money earners and awards to New Jersey thoroughbred breeders' associations for programs beneficial to thoroughbred breeding in this State. The New Jersey thoroughbred award program shall be administered and disbursed by the commission. The special trust account to be established pursuant to this paragraph shall be separate and apart from the special trust account established and maintained pursuant to subparagraph (b) of this paragraph.

(f) (Deleted by amendment, P. L. 1986, c. 19.)

(g) Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, 49% of 1% of the total contributions shall be held and set aside in the special trust account referred to in subparagraph (e) of this paragraph.

4. Section 5 of P. L. 1982, c. 201 (C. 5:5-98) is amended to read as follows:

C. 5:5-98 Garden State Racetrack.

5. The permitholder shall distribute the sums deposited in parimutuel pools to winners thereof in accordance with section 44 of

P. L. 1940, c. 17 (C. 5:5-64) and shall dispose of the deposits remaining undistributed as follows:

a. In the case of harness races:

(1) Hold and set aside in an account designated as a special trust account 1% of such total contributions in all pools, to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40 (C. 5:5-88), for the following purposes and no other:

(a) 42½% thereof to increase purses and grant awards for starting horses, as provided or as may be provided by rules of the New Jersey Racing Commission, with payment to be made in the same manner as payment of other purses and awards;

(b) 49% thereof for the establishment of a Sire Stakes Program for standardbred horses, with payment to be made to the Department of Agriculture for administration as provided;

(c) 5½% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of New Jersey bred horses which are registered with the Standardbred Breeders' and Owners' Association of New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Standardbred Breeders' and Owners' Association of New Jersey, which sire such registered New Jersey bred money earners;

(d) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

Payment of the sums held and set aside pursuant to subparagraphs (c) and (d) shall be made to the commission every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

(2) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 5% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed

3.5% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the permitholder. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the permitholder shall distribute as purse money 5.5% of the total contributions and for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 7% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, the permitholder shall retain out of the 7% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of the commission.

b. In the case of running races:

(1) Hold and set aside in an account designated as a special trust account 5% of 1% of such total contributions to be used and distributed for State horse breeding and development programs, research, fairs, horse shows, youth activities, promotion and administration, as provided in section 5 of P. L. 1967, c. 40 (C. 5:5-88).

(2) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 4.24% of such total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.9% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the permitholder. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the permitholder shall distribute as purse money 7.24% of the total contributions.

(3) 60% of 1% of all pools shall be deducted and set aside in the special trust account established pursuant to section 46 b. (1) (e) and 46 b. (2) (e) of P. L. 1940, c. 17 (C. 5:5-66). The commission may, however, reduce this amount for a period of time

to be determined by the commission upon a request by the permit-holder and a determination by the commission that the payment of that amount would cause extreme financial hardship for the permit-holder. In no event shall the commission reduce the amount to less than 10% of 1% of total contributions to all parimutuel pools at running race meetings at the racetrack. The permit-holder may request an extension of the period of reduction or a further reduction or, subsequent to any restoration of the amount specified above, another reduction.

For pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in the special trust account established pursuant to section 46 b. (1) (e) and 46 b. (2) (e) of P. L. 1940, c. 17 (C. 5:5-66).

Payment of the sums held and set aside pursuant to paragraphs (1) and (3) of this subsection shall be made to the commission every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

In addition to the amounts above, an amount equal to $\frac{1}{2}$ of 1% of all parimutuel pools shall be deposited annually in the General Fund. All amounts remaining in parimutuel pools, including the breaks, after the distribution and payments required by this section shall constitute revenues of the permit-holder. Except as otherwise provided in this section, the permit-holder shall not be required to make any payments to the commission or others in connection with contributions to parimutuel pools.

The provisions of this section shall apply each year for 10 years after the commencement of horse race meetings at the Garden State Racetrack. At the end of the 10-year period, the provisions of section 46 of P. L. 1940, c. 17 (C. 5:5-66) concerning the distribution of undistributed deposits shall apply.

5. Section 7 of P. L. 1971, c. 137 (C. 5:10-7) is amended to read as follows:

C. 5:10-7 Authority racing permit.

7. a. The authority is hereby authorized, licensed and empowered to apply to the Racing Commission for a permit or permits to hold and conduct, at any of the projects set forth in paragraphs (1) and (5) of subsection a. of section 6 of P. L. 1971, c. 137 (C. 5:10-6), horse race meetings for stake, purse or reward, and

to provide a place or places on the race meeting grounds or enclosure for wagering by patrons on the results of such horse races by the parimutuel system, and to receive charges and collect all revenues, receipts and other sums from the ownership and operation thereof; provided that only the authority through its employees shall conduct such horse race meetings and wagering and the authority is expressly prohibited from placing in the control of any other person, firm or corporation the conduct of such horse race meetings, or wagering.

b. Except as otherwise provided in this section, such horse race meetings and parimutuel wagering shall be conducted by the authority in the manner and subject to compliance with the standards set forth in P. L. 1940, c. 17 (C. 5:5-22 et seq.) and the rules, regulations and conditions prescribed by the Racing Commission thereunder for the conduct of horse race meetings and for parimutuel betting at such meetings.

c. Application for said permit or permits shall be on such forms and shall include such accompanying data as the Racing Commission shall prescribe for other applicants. The Racing Commission shall proceed to review and act on any such application within 30 days after its filing and the Racing Commission is authorized in its sole discretion to determine whether a permit shall be granted to the authority. If, after such review, the Racing Commission acts favorably on such application, a permit shall be granted to the authority without any further approval and shall remain in force and effect so long as any bonds or notes of the authority remain outstanding, the provisions of any other law to the contrary notwithstanding. In granting a permit to the authority to conduct a horse race meeting, the Racing Commission shall not be subject to any limitation as to the number of tracks authorized for the conduct of horse race meetings pursuant to any provision of P. L. 1940, c. 17 (C. 5:5-22 et seq.). Said permit shall set forth the dates to be allotted to the authority for its initial horse race meetings. Thereafter application for dates for horse race meetings by the authority and the allotment thereof by the Racing Commission, including the renewal of the same dates theretofore allotted, shall be governed by the applicable provisions of P. L. 1940, c. 17 (C. 5:5-22 et seq.). Notwithstanding the provisions of any other law to the contrary, the Racing Commission shall allot annually to the authority (1) for the Meadowlands Complex, in the case of harness racing, not less than 100 racing days, and in the case of running racing, not less than 56 racing days, if and to the

extent that application is made therefor, and (2) for any other project which is set forth in paragraph (5) of subsection a. of section 6 of P. L. 1971, c. 137 (C. 5:10-6), and which was previously operated by a permitholder other than the authority, racing days shall be limited, in type of racing and amount of days, to those allotted by the Racing Commission to the prior permitholder for the year 1985, as of December 13, 1984; except that the authority may apply to the Racing Commission for an extension of the number and type of racing days pursuant to section 2 of P. L. 1984, c. 247 (C. 5:5-43.1).

d. No hearing, referendum or other election or proceeding, and no payment, surety or cash bond or other deposit, shall be required for the authority to hold or conduct the horse race meetings with parimutuel wagering herein authorized.

e. The authority shall determine the amount of the admission fee for the races and all matters relating to the collection thereof.

f. Distribution of sums deposited in parimutuel pools to winners thereof shall be in accordance with the provisions of section 44 of P. L. 1940, c. 17 (C. 5:5-64) pertaining thereto. The authority shall make disposition of the deposits remaining undistributed as follows:

(1) In the case of harness races:

(a) Hold and set aside in an account designated as a special trust account 1% of such total contributions in all pools, to be used and distributed as hereinafter provided and as provided in section 5 of P. L. 1967, c. 40, for the following purposes and no other:

(i) 42½% thereof to increase purses and grant awards for starting horses, as provided or as may be provided by rules of the New Jersey Racing Commission, with payment to be made in the same manner as payment of other purses and awards;

(ii) 49% thereof for the establishment of a Sire Stakes Program for standardbred horses, with payment to be made to the Department of Agriculture for administration as hereinbefore provided;

(iii) 5½% thereof for contributions and awards designed to improve and promote the standardbred breeding industry in New Jersey through payment of awards to owners and breeders of New Jersey bred horses which are registered with the Standardbred Breeders' and Owners' Association of

New Jersey and which earn portions of purses in open events on New Jersey tracks, and to owners of stallions posted on the official stallion roster of the Standardbred Breeders' and Owners' Association of New Jersey, which sire such registered New Jersey bred money earners;

(iv) 3% thereof for other New Jersey horse breeding and promotion conducted by the New Jersey Department of Agriculture.

Payment of the sums held and set aside pursuant to subparagraphs (iii) and (iv) shall be made to the commission every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

(b) Distribute as purse money and for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey 5% of such total contributions. Expenditures for programs designed to aid the horsemen and the Standardbred Breeders' and Owners' Association of New Jersey shall not exceed 3.5% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the Standardbred Breeders' and Owners' Association of New Jersey and the authority. Notwithstanding the foregoing, for pools where the patron is required to select two or more horses, the authority shall distribute as purse money 5.5% of the total contributions and for pools where the patron is required to select three or more horses, the authority shall distribute as purse money 7% of the total contributions. Notwithstanding the foregoing, for pools where a patron is required to select three or more horses, the authority shall retain out of the 7% to be distributed as purse money a sum deemed necessary by the racing commission, for use by the commission to finance a prerace blood testing program, and such other testing programs which the commission shall deem proper and necessary and which shall be subject to the regulation and control of said commission.

(2) In the case of running races:

(a) Hold and set aside in an account designated as a special trust account 5% of 1% of such total contributions, to be used and distributed for State horse breeding and development pro-

grams, research, fairs, horse shows, youth activities, promotion and administration, as provided in section 5 of P. L. 1967, c. 40 (C. 5:5-88).

(b) Distribute as purse money and for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association 4.24% of such total contributions. Expenditures for programs designed to aid the horsemen and the New Jersey Horsemen's Benevolent and Protective Association shall not exceed 2.9% of the sum available for distribution as purse money. The formula for distribution of the purse money as either overnight purses or special stakes shall be determined by an agreement between the New Jersey Horsemen's Benevolent and Protective Association and the authority. Notwithstanding the foregoing, for pools where the patron is required to select three or more horses, the authority shall distribute as purse money 7.24% of the total contributions.

(c) 10% of 1% of all pools shall be deducted and set aside in the special trust account established pursuant to section 46 b. (1) (e) and 46 b. (2) (e) of P. L. 1940, c. 17 (C. 5:5-66).

For pools where a patron is required to select three or more horses, 50% of 1% of the total contributions shall be held and set aside in that special trust account.

Payment of the sums held and set aside pursuant to subparagraphs (a) and (c) of this subsection shall be made to the commission every seventh day of any and every race meeting in the amount then due, as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require.

In addition, as an initial payment to the State, an amount equal to $\frac{1}{2}$ of 1% of all parimutuel pools shall be deposited annually in the General State Fund. All amounts remaining in parimutuel pools, including the breaks, after such distribution and payments shall constitute revenues of the authority. Except as otherwise expressly provided in this section 7, the authority shall not be required to make any payments to the Racing Commission or others in connection with contributions to parimutuel pools.

In the event that a written agreement between the authority and the respective horsemen's associations shall require the distribution of additional sums of money to increase purses or contributions to the special trust accounts hereinabove provided, or both,

any such distribution to be made in the year 1981 shall be made by the authority only from, and to the extent of, available moneys from the preceding year set aside for such purpose, after application of the authority's revenues, moneys or other funds as provided in subsection c. (1), (2), (3), (4), (5), (6) and (7) of section 6 of P. L. 1971, c. 137 (C. 5:10-6).

g. All sums held by the authority for payment of outstanding parimutuel tickets not claimed by the person or persons entitled thereto within the time provided by law shall be paid upon the expiration of such time, without further obligation to such ticket-holder, as follows:

(1) In the case of running and harness races, 50% of those sums shall be paid to the Racing Commission;

(2) In the case of running races, 50% of those sums shall be paid to the commission and set aside in the special trust account established pursuant to section 46 b. (1) (e) and section 46 b. (2) (e) of P. L. 1940, c. 17 (C. 5:5-66); and

(3) In the case of harness races, 25% of those sums shall be retained by the permitholder to supplement purses for sire stakes races on which there is parimutuel wagering, and 25% shall be retained by the permitholder to supplement overnight purses.

h. No admission or amusement tax, excise tax, license or horse racing fee of any kind shall be assessed or collected from the authority by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

i. Any horse race meeting and the parimutuel system of wagering upon the results of horse races held at such race meeting shall not under any circumstances, if conducted as provided in the act and in conformity thereto, be held or construed to be unlawful, other statutes of the State to the contrary notwithstanding.

j. Each employee of the authority engaged in the conducting of horse race meetings shall obtain the appropriate license from the Racing Commission, subject to the same terms and conditions as is required of similar employees of other permitholders. The Racing Commission may suspend any member of the authority upon approval of the Governor and the license of any employee of the authority in connection with the conducting of horse race meetings, pending a hearing by the Racing Commission, for any violation of the New Jersey laws regulating horse racing or any

rule or regulation of the commission. Such hearing shall be held and conducted in the manner provided in said laws.

6. (New section) a. Any unexpended moneys in the special trust account established under section 46 b. (1) (e) (ii) and section 46 b. (2) (e) (ii) of P. L. 1940, c. 17 (C. 5:5-66) and abolished by this 1986 amendatory and supplementary act which were derived from races conducted in the calendar year 1985 shall not revert to the State General Treasury but shall be carried forward and transmitted to the special trust account now constituted under section 46 b. (1) (e) and section 46 b. (2) (e) of that act pursuant to this 1986 amendatory and supplementary act.

b. The provisions of this 1986 amendatory and supplementary act concerning the sums held by a permitholder for the payment of outstanding parimutuel tickets shall be applicable to all such sums being held as of January 1, 1986.

7. (New section) A permitholder may conduct a system of wagering in which the bettor selects the winning horse in each of six consecutive races designated by the permitholder. The races in which this system of wagering is to be conducted shall be approved by the racing commission and shall be clearly designated in the program for the races conducted at a horse race meeting.

8. (New section) The parimutuel pool of bettors participating in the wagering authorized under section 7 of this 1986 amendatory and supplementary act shall be separate from all other wagering pools on races conducted by the permitholder. Tickets for this wagering shall be sold in denominations of not less than \$1.00 and only from machines capable of issuing six numbers.

9. (New section) The pool for distribution to winners in the case of races in which the system of wagering authorized under section 7 of this 1986 amendatory and supplementary act is conducted shall be distributed as follows:

a. 100% of the pool shall be paid to the winner or winners of those races each day.

b. If there is no winner, 25% of the pool shall be paid to the bettor or bettors who selected the largest number of winning horses in those races, and 75% of the pool shall be carried over and added to the pool on the next day on which this system of wagering is conducted.

c. If, on the last day on which this system of wagering is conducted at a horse race meeting during a calendar year, no bettor

selects the winning horses in those races, the total amount of the pool which exists on that day in connection with those races shall be paid to the bettor or bettors who selected the largest number of winning horses in those races. In no event shall any part of the pool be carried over to the next year's race meeting.

10. (New section) The racing commission shall adopt, in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the rules and regulations necessary to effectuate the purposes of sections 7 through 9 of this 1986 amendatory and supplementary act. Any rules and regulations or portions thereof which are in effect on the effective date of this 1986 amendatory and supplementary act and which are consistent with the provisions of this act shall continue in effect until amended or repealed by the commission in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

Repealer.

11. Section 8 of P. L. 1967, c. 40 (C. 5:5-90) is repealed.

12. This act shall take effect immediately and shall be retroactive to January 1, 1986 and sections 7 through 10 shall expire on December 31, 1988.

Approved May 27, 1986.

CHAPTER 20

AN ACT concerning the composition of the Superior Court and amending N. J. S. 2A:2-1.

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

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

Superior Court judges.

2A:2-1. a. The Superior Court shall consist of not less than 343 judges. Each judge shall receive such annual salary as shall be fixed by law.

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

Atlantic	8
Bergen	24
Burlington	5
Camden	14
Cape May	3
Cumberland	5
Essex	28
Gloucester	8
Hudson	18
Hunterdon	2
Mercer	8
Middlesex	18
Monmouth	16
Morris	11
Ocean	12
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
Warren	2

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. This act shall take effect immediately.

Approved May 27, 1986.

CHAPTER 21

AN ACT concerning participation in the alternate benefit program by certain employees of the New Jersey Commission on Science and Technology and supplementing chapter 66 of Title 18A of the New Jersey Statutes.

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

C. 18A:66-170.3 Continuation in alternate benefit program.

1. Notwithstanding the provisions of any law to the contrary, any former employee of the Department of Higher Education or of the Commission on Science and Technology, created pursuant to Executive Order No. 12 of 1982, who was a participant in the alternate benefit program and who has continued in uninterrupted service with the New Jersey Commission on Science and Technology, created pursuant to P. L. 1985, c. 102 (C. 52:9X-1 et seq.), may continue to participate in the alternate benefit program on the same terms as if the employee was an eligible employee of the Department of Higher Education.

2. This act shall take effect immediately, and be retroactive to April 8, 1985.

Approved June 2, 1986.

CHAPTER 22

AN ACT concerning motor vehicle inspections and licensing of private inspection centers, amending sections 39:8-1, 39:8-2 and 39:8-4 of the Revised Statutes, P. L. 1975, c. 156 and P. L. 1983, c. 236, and repealing sections 1 and 5 through 15 of P. L. 1983, c. 236.

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

1. R. S. 39:8-1 is amended to read as follows:

Motor vehicle inspection.

39:8-1. The director shall require every motor vehicle registered in this State which is used over the highways of this State, except vehicles and traction equipment registered pursuant to R. S. 39:3-24 and historic motor vehicles registered as such, to have such motor vehicles inspected by designated examiners or at official inspection stations to be designated by the director or at licensed private inspection centers. The director shall have the discretion to determine what motor vehicle equipment shall be subject to inspection under the provisions of this chapter.

2. R. S. 39:8-2 is amended to read as follows:

Examiners; rules, regulations.

39:8-2. The director may designate and appoint, subject to existing laws, competent examiners of motor vehicles to examine motor vehicles required to be inspected in accordance with the provisions of this chapter. Such examiners may be delegated to enforce the provisions of the motor vehicle and traffic law.

The director may make rules and regulations with respect to the character of the inspections to be made, with respect to the frequency of inspections of new motor vehicles and with respect to the approval or rejection of motor vehicles as a result of such inspections. All other vehicles required by the director to be inspected under this chapter shall be inspected at least annually.

Rules and regulations relating to the frequency and character of vehicle emission inspections shall be promulgated in cooperation with the Department of Environmental Protection.

The director shall furnish to designated examiners official certificates of approval, the form, content and use of which he shall prescribe.

The director may, with the approval of the State House Commission, purchase, lease or acquire by the exercise of the power of eminent domain any property for the purpose of assisting him in carrying out the provisions of this chapter. Such property may also be used by the director for the exercise of the duties and powers conferred upon him by the other chapters of this Title.

The director shall conduct random roadside examinations of motor vehicles required to be inspected in this State to provide a continuous monitoring of motor vehicles. Each year at least 1% of the total number of motor vehicles registered in the State shall be inspected by roadside examination teams under the supervision of the director.

The director shall conduct inspections and audits of licensed private inspection centers to insure accurate test equipment calibration and use, and compliance with the provisions of this act. These inspections and audits shall be conducted monthly, except that at the discretion of the director, more frequent audits and inspections may be conducted.

The director shall make a charge of \$2.50 for the initial inspection for each vehicle subject to inspection, which amount shall be paid to the director or his representative when payment of the registration fees fixed in chapter 3 of this Title is made. The fee

is not applicable to inspection by licensed private inspection centers.

3. R. S. 39:8-4 is amended to read as follows:

Reinspection.

39:8-4. If inspections as required by R. S. 39:8-1 disclose the necessity for adjustments, corrections or repairs, the director may require the owner of any such motor vehicle to have such adjustments, corrections or repairs made and thereafter reinspected at a motor vehicle inspection station or at a licensed private inspection center within the period designated by the director.

The director may cause a certificate of approval to be issued for a motor vehicle needing an adjustment, correction or repair in order to conform to the requirements of chapter 3 and chapter 8 of this Title, but which, in the director's determination, is nevertheless safe. In such cases the director shall issue notice to the vehicle owner to have the adjustment, correction or repair made within a specified period of time, subject to the penalties of R. S. 39:8-9.

4. Section 3 of P. L. 1975, c. 156 (C. 39:8-11) is amended to read as follows:

C. 39:8-11 Private inspection centers.

3. The director may, after appropriate inquiry and investigation, license to operate private inspection centers as many qualified and properly equipped persons engaged in the business of motor vehicle repairs and service as are necessary, to conduct initial motor vehicle inspections, and to certify that the specific items for which a vehicle was initially rejected have been adjusted, corrected or repaired by him or under his direction, and that the condition of the items conforms to the standards established by law or regulation. The certification shall be evidenced by a private inspection approval sticker placed on the vehicle as prescribed by the director.

5. Section 4 of P. L. 1975, c. 156 (C. 39:8-12) is amended to read as follows:

C. 39:8-12 Certification, rejection.

4. A licensee shall inspect and certify or reject a motor vehicle presented to him for an initial inspection. Certification shall indicate that the licensee or his employee has inspected the motor vehicle as prescribed by the director and has found that the motor vehicle conforms to the standards established by law or regulation.

A licensee shall reinspect and certify or reject any previously rejected vehicle presented to him for adjustment, correction or

repair, and any vehicle presented by an owner who himself has made the necessary adjustment, correction or repair. Such certification shall indicate that the licensee or his employee has reinspected the items for which a vehicle has been rejected, as prescribed by the director, and has found that the condition of the items conforms to the standards established by law or regulation.

6. Section 5 of P. L. 1975, c. 156 (C. 39:8-13) is amended to read as follows:

C. 39:8-13 Charges.

5. a. A licensee may charge any owner whose vehicle was adjusted, corrected or repaired by or under the direction of the licensee an amount for certification to be determined by the director.

b. A licensee may charge any owner who himself has made the necessary adjustments, corrections or repairs an amount for reinspection computed at the hourly rate charged by the licensee for normal on premises repairs, and an amount for certification. The director shall determine the average length of time required to reinspect a specific rejected item, which shall be the maximum time for which a licensee may charge, and shall determine the charge for certification.

c. Licensees shall post a schedule of charges for initial inspection, reinspection and for certification in a prominent place on the premises, and shall file a copy thereof with the director.

d. A licensee may charge an owner whose motor vehicle has been initially inspected by or under the direction of the licensee an amount to be determined by the director.

e. No licensed private inspection center shall require, as a condition of performing the inspection, that any needed repairs or adjustments be done by the person or at the facility of the person performing the inspection.

f. No service or adjustment shall be performed on the vehicle at the licensed private inspection center where the vehicle was initially inspected unless the customer signs a written acknowledgment and waiver indicating that he understands his right to have service and adjustment done elsewhere and expressly waives his right.

7. Section 6 of P. L. 1975, c. 156 (C. 39:8-14) is amended to read as follows:

C. 39:8-14 Self inspections.

6. The director may license any person who is the owner or lessee of 10 or more motor vehicles to initially inspect, reinspect

and certify those vehicles if such person has available to him the equipment, facilities and qualified employees, or other qualified person under his control by contract, necessary to make the required initial inspection, adjustments, corrections or repairs. When the licensee, or his employee, or other qualified person under his control conducts an initial inspection, he shall certify that he or his employee or other qualified person under his control by contract has inspected the motor vehicle as prescribed by the director and has found that the motor vehicle conforms to the standards established by law or regulation. When a motor vehicle is reinspected, the licensee shall certify that the items for which a vehicle was initially rejected have been adjusted, corrected or repaired by him or under his direction and that the condition of the items conforms to the standards established by law or regulation. The certification shall be evidenced by a private inspection approval sticker placed on the vehicle as prescribed by the director.

8. Section 7 of P. L. 1975, c. 156 (C. 39:8-15) is amended to read as follows:

C. 39:8-15 Validity of licenses.

7. Every private inspection center license issued on or after May 1 in any year shall be valid through June 30 of the following year.

9. Section 8 of P. L. 1975, c. 156 (C. 39:8-16) is amended to read as follows:

C. 39:8-16 Application, renewal of license.

8. An application or renewal for a private inspection center license shall be in such form and shall contain such information as the director may prescribe, and shall be accompanied annually by a nonrefundable \$25.00 fee, which shall be remitted to the General Treasury. The director shall require a licensee to have in effect at all times liability insurance or such other proof of financial responsibility as he may prescribe, and may require such other qualifications of a licensee and his premises as are necessary.

10. Section 9 of P. L. 1975, c. 156 (C. 39:8-17) is amended to read as follows:

C. 39:8-17 Approval stickers.

9. The director shall provide each licensee as many numbered private inspection approval stickers as may be required, and may charge the licensee \$1.00 for each sticker. There shall be no refund or credit for expired or unused private inspection approval stickers.

Every licensee shall keep such records of inspections, reinspections and approval stickers issued as the director may prescribe, shall make such records available to the director upon demand, shall institute such safeguards to secure the stickers from theft, loss or fraudulent use as the director may prescribe, shall return any unused expired stickers to the director, and shall upon request account to the director for all stickers.

11. Section 10 of P. L. 1975, c. 156 (C. 39:8-18) is amended to read as follows:

C. 39:8-18 Violations, penalties.

10. A person who affixes a private inspection approval sticker to a motor vehicle without having reinspected the specific item for which the vehicle was initially rejected, or without having determined that the condition of the item conforms to standards established by law or regulation, shall be guilty of violating the provisions of this chapter, and shall be fined not less than \$1,000.00 or more than \$1,500.00 and shall have the license suspended for a period of at least one year but not more than three years for a first offense or not less than \$2,000.00 or more than \$3,500.00 and shall have the license permanently revoked for a subsequent offense. This section shall be enforced pursuant to R. S. 39:8-9.

A person who charges a fee for repair work not performed or performed unnecessarily and affixes a private inspection approval sticker shall be punished under the terms of P. L. 1960, c. 39 (C. 56:8-1 et seq.), and any regulation adopted thereunder.

12. Section 11 of P. L. 1975, c. 156 (C. 39:8-19) is amended to read as follows:

C. 39:8-19 Denial, suspension, revocation of license.

11. a. The director may deny, suspend or revoke a private inspection center license or refuse renewal thereof for cause, including but not limited to one or more of the following:

(1) Violation of any provision of this act or of any regulation adopted thereunder, including a finding of guilt made pursuant to section 10 of this act;

(2) Fraud or misrepresentation in securing the license or in the conduct of the licensed activity;

(3) Making initial inspection or reinspection service charges in excess of those posted on the licensed premises and filed with the director;

(4) Conviction of a crime involving moral turpitude;

(5) Violation of P. L. 1960, c. 39 (C. 56:8-1 et seq.) or of any regulation adopted thereunder;

(6) Other good cause.

b. The director may suspend a license for such period as he deems fit, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.). If the director determines that the public interest requires suspension of a license pursuant to this act prior to hearing, the director may do so, provided that the licensee is afforded the opportunity to request in writing a hearing within 10 days of the effective date of the suspension, and an administrative adjudication shall be held as soon thereafter as possible.

c. The suspension or revocation of a private inspection center license shall not of itself be cause for the denial, suspension or revocation of any other business license held by the private inspection center licensee, issued by the State or any of its political subdivisions.

13. Section 12 of P. L. 1975, c. 156 (C. 39:8-20) is amended to read as follows:

C. 39:8-20 Return of records.

12. Any licensee who discontinues operation of a private inspection center, or whose license has been suspended or revoked, or whose renewal thereof has been denied, shall forthwith deliver to the director the license, all unused private inspection approval stickers, all reinspection records and other items issued to the licensee or required by the director to be kept in connection with the operation of the private inspection center. Any person who fails to deliver these items to the director is a disorderly person.

14. Section 13 of P. L. 1975, c. 156 (C. 39:8-21) is amended to read as follows:

C. 39:8-21 Disorderly persons offenses.

13. Any person who shall display or cause or permit to be displayed any sign, mark, or advertisement as a private inspection center when a license has not been issued by the director or is not then in effect, or who shall transfer or attempt to transfer a private inspection center license is a disorderly person.

15. Section 14 of P. L. 1975, c. 156 (C. 39:8-22) is amended to read as follows:

C. 39:8-22 Personnel, expenditures.

14. The director may, subject to existing law, employ such persons and make such expenditures as are necessary to supervise the operation of licensed private inspection centers to insure compliance with the provisions of this act and the regulations adopted pursuant thereto.

16. Section 16 of P. L. 1983, c. 236 is amended to read as follows:

16. This act shall take effect immediately.

C. 39:8-37 Redesignation.

17. (New section) All reinspection centers licensed pursuant to P. L. 1975, c. 156 (C. 39:8-11 et seq.) shall be redesignated by virtue of this 1986 amendatory and supplementary act as private inspection centers with the authority to make initial motor vehicle inspections, reinspections and repairs to the extent and under the conditions permitted herein. All reinspection center licenses shall be renewed as if they were private inspection center licenses upon their expiration.

C. 39:8-38 Standards for emissions test equipment.

18. (New section) All licensed private inspection centers shall use emissions test equipment which has been certified by the Department of Environmental Protection. The department shall adopt standards for the certification of the equipment, which shall include but not be limited to all of the following:

a. An automated system to control test sequencing, the automatic pass or fail decision, and the format for the test report and recorded magnetic tape file;

b. An exhaust gas analysis portion;

c. A device to accept and record vehicle identification information; and

d. A device to provide a printed record of the test results to the consumer.

C. 39:8-39 Training courses.

19. (New section) A licensee or his employee shall not perform initial inspections or reinspections and make repairs for compensation pursuant to this act unless qualified by the completion of training courses prescribed by the division, in cooperation with the Department of Environmental Protection, through regulations which establish standards for the training and certification of mechanics employed at private inspection centers.

C. 39:8-40 Encouragement of participation.

20. (New section) The director may promulgate rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), to effectuate the purposes of this act. The director shall also take the appropriate steps necessary to ensure the widespread participation in the public and private motor vehicle inspection program by the private commercial sector and by the public at large.

Repealer.

21. Section 1 of P. L. 1983, c. 236 (C. 39:8-25) and sections 5 through 15 of P. L. 1983, c. 236 (C. 39:8-26 through 39:8-36) are repealed.

22. This act shall take effect immediately.

Approved June 2, 1986.

 CHAPTER 23

AN ACT concerning examination permits for handicapped persons
and amending R. S. 39:3-13.

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

1. R. S. 39:3-13 is amended to read as follows:

Examination permits.

39:3-13. The director may, in his discretion, issue to a person over 17 years of age an examination permit, under the hand and seal of the director, allowing such person, for the purpose of fitting himself to become a licensed driver, to operate a designated class of motor vehicles for a specified period of not more than 90 days, while in the company and under the supervision of a driver licensed to operate such designated class of motor vehicles. An examination permit issued to a handicapped person, as determined by the Division of Motor Vehicles after consultation with the Department of Education, shall be valid for nine months or until the completion of the road test portion of his license examination, whichever period is shorter. The permit shall be sufficient license for the person to operate such designated class of motor vehicles in this State during the period specified, while in the company of and under the control

of a driver licensed by this State to operate such designated class of motor vehicles. Such person, as well as the licensed driver, shall be held accountable for all violations of this subtitle committed by such person while in the presence of the licensed driver.

No examination for a driver's license shall be given unless the applicant has first secured a special learner's permit or examination permit and no road test shall be scheduled for an applicant who has secured an examination permit until at least 20 days shall have elapsed following the validation of the examination permit for practice driving, except that in the case of an omnibus or school bus endorsement no road test shall be scheduled until at least 10 days shall have elapsed.

Every applicant for an examination permit to qualify for an omnibus endorsement or an articulated vehicle endorsement shall be a holder of a valid basic driver's license.

The required fees for special learners' permits and examination permits shall be as follows:

Basic driver's license	\$5.00
Motorcycle license or endorsement	5.00
Omnibus or school bus endorsement	25.00
Articulated vehicle endorsement	15.00

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

The specified period for which a permit is issued may be extended for not more than an additional 60 days, without payment of added fee, upon application made by the holder thereof, where the holder has applied to take the examination for a driver's license prior to the expiration of the original period for which the permit was issued and the director was unable to schedule an examination during said period.

2. This act shall take effect immediately.

Approved June 3, 1986.

CHAPTER 24

AN ACT concerning the "Teachers' Pension and Annuity Fund Law" and amending N. J. S. 18A:66-2.

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

1. N. J. S. 18A:66-2 is amended to read as follows:

Definitions.

18A:66-2. As used in this article:

a. "Accumulated deductions" means the sum of all the amounts, deducted from the compensation of a member or contributed by him or in his behalf, including interest credited to January 1, 1956, standing to the credit of his individual account in the annuity savings fund.

b. "Annuity" means payments for life derived from the accumulated deductions of a member as provided in this article.

c. "Beneficiary" means any person receiving a retirement allowance or other benefit as provided in this article.

d. "Compensation" means the contractual salary, for services as a teacher as defined in this article, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary or extracurricular duties beyond the regular school day or the regular school year.

e. "Employer" means the State, the board of education or any educational institution or agency of or within the State by which a teacher is paid.

f. "Final compensation" means the average annual compensation for which contributions are made for the three years of creditable service in New Jersey immediately preceding his retirement or death, or it shall mean the average annual compensation for New Jersey service for which contributions are made during any three fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

g. "Fiscal year" means any year commencing with July 1, and ending with June 30, next following.

h. "Pension" means payments for life derived from appropriations made by the State or employers to the Teachers' Pension and Annuity Fund.

i. "Annuity reserve" means the present value of all payments to be made on account of any annuity or benefit in lieu of an annuity, granted under the provisions of this article, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

j. "Pension reserve" means the present value of all payments to be made on account of any pension or benefit in lieu of a pension granted to a member from the Teachers' Pension and Annuity Fund, computed on the basis of such mortality tables recommended by the actuary as the board of trustees adopts, with regular interest.

k. "Present-entrant" means any member of the Teachers' Pension and Annuity Fund who had established status as a "present-entrant member" of said fund prior to January 1, 1956.

l. "Rate of contribution initially certified" means the rate of contribution certified by the retirement system in accordance with N. J. S. 18A :66-29.

m. "Regular interest" shall mean interest as determined annually by the State Treasurer after consultation with the directors of the Divisions of Investment and Pensions and the actuary of the fund. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

n. "Retirement allowance" means the pension plus the annuity.

o. "School service" means any service as a "teacher" as defined in this section.

p. "Teacher" means any regular teacher, special teacher, helping teacher, teacher clerk, principal, vice-principal, supervisor, supervising principal, director, superintendent, city superintendent, assistant city superintendent, county superintendent, State Commissioner or Assistant Commissioner of Education, members of the State Department of Education who are certificated, unclassified professional staff and other members of the teaching or professional staff of any class, public school, high school, normal school, model school, training school, vocational school, truant reformatory school, or parental school, and of any and all classes or schools within the State conducted under the order and superintendence, and wholly or partly at the expense of the State Board of Education, of a duly elected or appointed board of education, board of

school directors, or board of trustees of the State or of any school district or normal school district thereof, and any persons under contract or engagement to perform one or more of these functions. No person shall be deemed a teacher within the meaning of this article who is a substitute teacher. In all cases of doubt the board of trustees shall determine whether any person is a teacher as defined in this article.

q. "Teachers' Pension and Annuity Fund," hereinafter referred to as the "retirement system," is the corporate name of the arrangement for the payment of retirement allowances and other benefits under the provisions of this article, including the several funds placed under said system. By that name all its business shall be transacted, its funds invested, warrants for money drawn, and payments made and all of its cash and securities and other property held.

r. "Veteran" means any honorably discharged officer, soldier, sailor, airman, marine or nurse who served in any Army, Air Force 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, Air Force 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 such service through voluntary enlistment, and was a citizen of the United States at the time of such enlistment, and who did not, during or by reason of such service, renounce or lose his United States citizenship, and any officer, 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 or shall be discharged or released therefrom under conditions other than dishonorable, in any of the following wars, uprisings, insurrections, expeditions or emergencies, and who has presented to the retirement system evidence of such record of service in form and content satisfactory to said retirement system:

(1) The Indian wars and uprisings during any of the periods recognized by the War Department of the United States as periods of active hostility;

(2) The Spanish-American War between April 20, 1898, and April 11, 1899;

(3) The Philippine insurrections and expeditions during the periods recognized by the War Department of the United States as of active hostility from February 4, 1899, to the end of 1913;

(4) The Peking relief expedition between June 20, 1900, and May 27, 1902;

(5) The army of Cuban occupation between July 18, 1898, and May 20, 1902;

(6) The army of Cuban pacification between October 6, 1906, and April 1, 1909;

(7) The Mexican punitive expedition between March 14, 1916, and February 7, 1917;

(8) The Mexican border patrol, having actually participated in engagements against Mexicans between April 12, 1911, and June 16, 1919;

(9) World War I, between April 6, 1917, and November 11, 1918;

(10) World War II, between September 16, 1940, and September 2, 1945, who shall have served at least 90 days in such active service, exclusive of any period he was assigned (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not he has completed the 90-day service as herein provided;

(11) Korean conflict after June 23, 1950, and prior to July 27, 1953, who shall have served at least 90 days in such active service, exclusive of any period he was assigned (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of his civilian course and was pursued to completion, or (2) as a cadet or midshipman at one of the service academies, any part of which 90 days was served between said dates; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran, whether or not he has completed the 90-day service as herein provided; and provided further that any member classed as a veteran pursuant to this subsection prior to August 1, 1966, shall continue to be classed as a veteran, whether or not he completed the 90-day service between said dates as herein provided;

(12) Vietnam conflict, after December 31, 1960, and prior to the date of termination as proclaimed by the Governor, who shall have served at least 90 days in such active service, exclusive of any period he was assigned (1) for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of his

quantities required by using agencies; (2) to provide expeditious and cost-efficient local deliveries to using agencies; or (3) to enable using agencies to purchase materials, supplies, services or equipment which are compatible with those previously purchased.

b. Where multiple contracts have been awarded pursuant to subsection a. of this section, a using agency shall make purchases from that contractor whose contract terms and conditions are most advantageous to the agency, price and other factors considered.

c. All purchases made by using agencies under subsection b. of this section shall be reported to the director, in a manner prescribed by the director. The report shall include the reasons for selecting a particular contractor under subsection b. of this section.

d. An award to more than one bidder shall not be made when a single contractor can serve the purchasing needs of using agencies. Any multiple awards shall be made only to the number of vendors necessary to serve the using agencies' needs.

2. This act shall take effect immediately.

Approved June 17, 1986.

CHAPTER 27

AN ACT concerning the establishment of special county commissions on child abuse and missing children, supplementing Title 30 of the Revised Statutes, and making an appropriation.

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

C. 9:6A-10 Definitions.

1. For the purposes of this act:

a. "Child" means a person under 18 years of age.

b. "Child abuse" means abuse, abandonment, cruelty or neglect of a child as defined in R. S. 9:6-1, endangering the welfare of a child as defined in N. J. S. 2C:24-4 or any sexual offense as defined in chapter 14 of Title 2C of the New Jersey Statutes which is committed against a child.

C. 9:6A-11 County commissions encouraged.

2. The Department of Human Services shall establish a program, using county human services advisory councils, to encourage each county in this State to establish a special county commission on

child abuse and missing children. The special county commission shall address the problems of child abuse and missing children in the county and its activities may include, but shall not be limited to, arranging for educational programs for parents and children, providing information concerning the available services in the county and in the State for abused children and their parents and the parents of missing children, and coordinating the provision of services and programs concerning child abuse and missing children that are offered in the county and neighboring counties.

C. 9:6A-12 \$2,500 grants.

3. The department shall pay \$2,500.00 to any county that establishes or has established a special county commission on child abuse and missing children for the costs of establishing or operating the commission.

C. 9:6A-13 Rules, regulations.

4. In accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the department shall promulgate rules and regulations necessary to carry out the purposes of this act.

5. There is appropriated from the General Fund \$60,000.00 to the department to effectuate the purposes of this act.

6. This act shall take effect immediately.

Approved June 17, 1986.

CHAPTER 28

AN ACT to amend the title of "An act relating to the control of radiation, creating a Commission on Radiation Protection in the Department of Health and prescribing its functions, powers and duties," approved July 8, 1958 (P. L. 1958, c. 116), so that the same shall read "An act relating to the control of radiation, creating a Commission on Radiation Protection in the Department of Environmental Protection and prescribing its functions, powers and duties," and to amend the body of said act.

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

Title amended.

1. The title of P. L. 1958, c. 116 is amended to read as follows :

An act relating to the control of radiation, creating a Commission on Radiation Protection in the Department of Environmental Protection and prescribing its functions, powers and duties.

2. Section 3 of P. L. 1958, c. 116 (C. 26:2D-3) is amended to read as follows :

C. 26:2D-3 Commission on Radiation Protection.

3. There is hereby created in the Department of Environmental Protection the Commission on Radiation Protection, which shall consist of 10 members, three of whom shall be the Commissioner of Environmental Protection, the Commissioner of Health, and the Commissioner of Labor, or their designees, who shall serve ex officio and seven members with scientific training in medicine, radiology, nonionizing radiation, infrasonics, ultrasonics, radiation physics, medical physics, epidemiology, atomic energy or biology or engineering, to be appointed by the Governor, with the advice and consent of the Senate.

3. Section 4 of P. L. 1958, c. 116 (C. 26:2D-4) is amended to read as follows :

C. 26:2D-4 Commissioners' terms.

4. Commissioners appointed by the Governor shall be appointed for a term of four years commencing on July 1 of the year of appointment, except that of those first appointed, two shall be appointed for terms of one year, one for a term of two years, one for a term of three years, and one for a term of four years, which terms shall commence on July 1, 1958. Of the two commissioners first appointed to the commission pursuant to the provisions of this 1986 amendatory act, one commissioner shall serve a term of four years and one commissioner shall serve a term of two years. Each commissioner shall hold over after the expiration of his term until his successor has been appointed and has qualified.

Vacancies shall be filled for the unexpired terms only in the manner provided for the original appointments.

4. Section 6 of P. L. 1958, c. 116 (C. 26:2D-6) is amended to read as follows :

C. 26:2D-6 Organization; officers.

6. The commission annually shall organize as soon as possible after July 1, and shall elect a chairman, vice-chairman and a secretary from its own membership. Five members of the commis-

sion shall constitute a quorum to transact its business. Codes, rules and regulations shall be adopted, amended or repealed by an affirmative vote of at least six members.

5. This act shall take effect immediately.

Approved June 17, 1986.

CHAPTER 29

AN ACT to amend the "Hazardous Discharge Bond Act," (P. L. 1981, c. 275), to authorize hazardous discharge bond fund revenues to be applied to hazardous waste cleanup operations without regard to the availability of any other State or federal cleanup funds, providing for the submission of this act to the people at a general election, and providing an appropriation therefor.

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

1. Section 15 of P. L. 1981, c. 275 is amended to read as follows:

15. a. The moneys in the "Hazardous Discharge Fund" are specifically dedicated and shall be applied to the cost of the purposes set forth in section 4 of this act, 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.

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 money in the treasury of the State to the credit of the fund such as he may deem necessary.

The sum so transferred shall be returned to the treasury of this State by the treasurer thereof from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purpose provided in this act, moneys in the 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.

2. For the purpose of complying with the provisions of the State Constitution this act shall, at the general election to be held in the month of November, 1986, be submitted to the people. In order to inform the people of the contents of this act, it shall be the duty of the Secretary of State, after this section shall take effect, and at least 15 days prior to that election, to cause this act to be published in at least 10 newspapers published in the State and to notify the clerk of each county of this State of the passage of this act, and the said clerks respectively, in accordance with the instructions of the Secretary of State, shall cause to be printed on each of the said ballots, the following:

If you approve the act entitled below, make a cross (X), plus (+), or check (✓) mark in the square opposite the word "Yes."

If you disapprove 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 such markings respectively.

	Yes.	<p style="text-align: center;">USE OF 1981 HAZARDOUS DISCHARGE BOND MONEYS FOR HAZARDOUS WASTE CLEANUP PURPOSES INDEPENDENTLY OF OTHER STATE OR FEDERAL CLEANUP MONIES</p> <p>Shall the amendment to the 1981 "Hazardous Discharge Bond Act" authorizing hazardous discharge bond revenues to be applied to hazardous waste cleanup operations without regard to the availability of other State or federal cleanup funds, be approved?</p>
	No.	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>Approval of this amendment would permit the State to use the 1981 Hazardous Discharge Bond monies for hazardous waste cleanup purposes without first determining that no other State or federal source of funds are available, thus giving the State greater flexibility in financing and implementing its hazardous waste cleanup efforts.</p>

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in the ballot. No other requirements of law of any kind or character as to notice or procedure except as herein provided need be adhered to.

The votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of the election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there shall be a majority of all the votes cast for and against it at the election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

3. There is appropriated the sum of \$5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 2.

4. This section and sections 2 and 3 shall take effect immediately and the remainder of this act shall take effect as and when provided in section 2.

Approved June 23, 1986.

CHAPTER 30

AN ACT providing immunity from liability for civil damages to persons for certain actions in response to hazardous discharges and supplementing Title 2A of the New Jersey Statutes.

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

C. 2A:62A-7 Third party immunity.

1. a. Notwithstanding the provisions of any other law to the contrary, no individual, partnership, corporation, association, or other entity shall be liable for civil damages as a result of acts taken or omitted in anticipation of, in preparation for, or in the course of rendering care, assistance, or advice with respect to an incident creating a danger to persons, property, or the environ-

ment as a result of an imminent, potential, or actual hazardous discharge. This limitation on potential liability shall not be construed to cover the action of the person responsible for the hazardous discharge, but is applicable only to third parties rendering assistance to mitigate the effects of a hazardous discharge.

b. For the purposes of this act, hazardous discharge means a discharge of a hazardous substance required to be reported to the Department of Environmental Protection pursuant to P. L. 1976, c. 141 (C. 58:10-23.11 et seq.) and any rules and regulations adopted pursuant thereto.

C. 2A:62A-8 Limitations.

2. Notwithstanding the provisions of section 1 of this act to the contrary, this act shall not apply to the rendering of care or assistance, if rendered for remuneration in excess of reimbursement for out of pocket expenses incurred in rendering the care or assistance, or with the expectation of remuneration from the recipients of the care or assistance or from another person on their behalf; or to acts or omissions concerning the operation of a motor vehicle while traveling to and from the scene of a hazardous discharge to render care, assistance, or advice. This act shall not apply to actions taken against the advice or direction of the Department of Environmental Protection, or police, fire, or other emergency response personnel.

C. 2A:62A-9 Gross negligence, intentional misconduct.

3. Section 1 of this act shall not preclude liability for civil damages as the result of gross negligence or intentional misconduct. Reckless, willful, or wanton misconduct constitutes gross negligence for the purposes of this act.

4. This act shall take effect immediately.

Approved June 23, 1986.

CHAPTER 31

AN ACT concerning certain bidding requirements and amending
P. L. 1984, c. 150.

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

1. Section 1 of P. L. 1984, c. 150 is amended to read as follows:
 1. The leasing of telephone wiring and equipment installed and in service as of January 1, 1984 is exempt from the bidding requirements of section 4 of P. L. 1971, c. 198 (C. 40A:11-4) until December 31, 1986 or where a contract concerning the leasing of the wiring and equipment is in effect on the effective date of this act until the expiration date of the contract.
 2. This act shall take effect immediately.

Approved June 23, 1986.

CHAPTER 32

AN ACT concerning the referral of handicapped children for adult educational services.

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

C. 18A:46-18.2 Definitions.

1. For the purposes of this act:
 - a. "Multidisciplinary treatment team" means an evaluation team consisting of a psychologist, a learning disability teacher consultant, a social worker and any other professional who may be involved in the evaluation or treatment of a child in a State facility.
 - b. "State facility" means a State residential facility for the developmentally disabled, a day training center which is operated by or under contract with the State and in which all the children have been placed by the State, a State residential youth center, a State training school or correctional facility, and a State child treatment center or psychiatric hospital.

C. 18A:46-18.3 Notice to parents.

2. a. The multidisciplinary treatment team at a State facility shall provide written notice to the parent or legal guardian of a child who is placed in the facility, when the child attains the age of 18, or, if the child is over the age of 18 when placed in the facility, at the time of placement, that the child is not entitled to receive tuition free educational services after the age of 21.
- b. Written notice given pursuant to this section shall describe in detail the parent's or guardian's opportunity to consent to having

the child's name or other relevant information forwarded in a report to the Commissioner of the Department of Human Services or the Commissioner of the Department of Corrections, as appropriate, for the purposes of determining whether the child will likely need services after the age of 21 and, if so, recommending possible adult educational services. For the purposes of this subsection, "relevant information" means that information in the possession of and used by the multidisciplinary treatment team to ascertain the physical, mental, emotional and cultural-educational factors which contribute to the child's handicapping condition, including but not limited to: (1) results of physical and psychological examinations performed by private and school district physicians and psychologists; (2) relevant information presented by the parent or legal guardian and teacher; (3) school data which bear on the child's progress, including the child's most recent individualized educational program; (4) results of the most recent examinations and evaluations performed; and (5) results of other suitable evaluations and examinations possessed by the team. Nothing in this subsection shall be construed to require a multidisciplinary treatment team to perform any examination or evaluation not otherwise required by law.

c. Upon the written consent of the parent or legal guardian, the multidisciplinary treatment team shall forward the child's name and other relevant information in a report to the Commissioner of Human Services or the Commissioner of Corrections, as appropriate, for the development of a recommendation for adult educational services. A copy of the report shall also be submitted to the Commissioner of Education at the same time that the report is submitted to the Commissioner of Human Services.

C. 18A:46-18.4 Recommendation for adult educational services.

3. a. The Commissioner of Human Services or the Commissioner of Corrections, as appropriate, or their designees, in consultation with the Commissioner of Education, or his designee, shall determine whether a child, whose report is submitted to the Department of Human Services or the Department of Corrections, as appropriate, pursuant to subsection c. of section 2 of this act, will likely need adult educational services and, if the need will likely exist, develop a recommendation of all appropriate educational programs operated or approved by the Department of Human Services, Corrections or Education which may be available when the child

attains the age of 21. If necessary and appropriate, the Commissioner of Human Services or the Commissioner of Corrections, as appropriate, may conduct an evaluation of the child to determine if adult educational services will be needed. The recommendation of all programs shall be made available to the parent or guardian of the child as soon as practicable but not later than six months before the child attains the age of 21.

b. If the Commissioner of Human Services or Commissioner of Corrections, as appropriate, determines, pursuant to subsection a. of this section, that the child will not require adult educational services, the commissioner shall notify the child's parent or guardian in writing of the determination. The notice shall be given as soon as practicable but no later than six months before the child attains the age of 21.

C. 18A:46-18.5 Annual report.

4. The multidisciplinary treatment team shall prepare and submit an annual report to the Departments of Education, Corrections and Human Services on October 1, 1986 and thereafter on or before October 1 of each year. The annual report shall contain the number of cases submitted to the Commissioner of Human Services and the Commissioner of Corrections pursuant to subsection c. of section 2 of this act, the type and severity of the handicapping condition involved with each case, and other necessary information. The annual report shall not contain individually identifying information.

C. 18A:46-18.6 Rules, regulations.

5. The Commissioner of Human Services and the Commissioner of Corrections shall adopt, within six months from the date that this act takes effect, rules and regulations in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) that are appropriate to implement this act.

6. This act shall take effect immediately.

Approved June 23, 1986.

CHAPTER 33

AN ACT concerning State parolees under the federal Witness Protection Program and amending P. L. 1979, c. 441.

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

1. Section 15 of P. L. 1979, c. 441 (C. 30:4-123.59) is amended to read as follows:

C. 30:4-123.59 Parolee supervision.

15. a. Each parolee shall at all times remain in the legal custody of the Commissioner of Corrections, except that the commissioner, after providing notice to the Attorney General, may consent to the supervision of a parolee by the federal government pursuant to the Witness Security Reform Act, Pub. L. 98-473 (18 U. S. C. 3251 et seq.). A parolee, except those under the Witness Security Reform Act, shall remain under the supervision of the Bureau of Parole of the Department of Corrections in accordance with the rules of the board.

b. Each parolee shall agree, as evidenced by his signature to abide by specific conditions of parole established by the appropriate board panel which shall be enumerated in writing in a certificate of parole and shall be given to the parolee upon release. Such conditions shall include, among other things, a requirement that the parolee conduct himself in society in compliance with all laws and refrain from committing any crime, a requirement that the parolee obtain permission from his parole officer for any change in his residence, and a requirement that the parolee report at reasonable intervals to an assigned parole officer. In addition, based on prior history of the parolee, the member or board panel certifying parole release pursuant to section 11 may impose any other specific conditions of parole deemed reasonable in order to reduce the likelihood of recurrence of criminal behavior. Such special conditions may include, among other things, a requirement that the parolee make full or partial restitution, the amount of which restitution shall be set by the sentencing court upon request of the board.

c. The appropriate board panel may in writing relieve a parolee of any parole conditions, and may permit a parolee to reside

outside the State pursuant to the provisions of the Uniform Act for Out-of-State Parolee Supervision (N. J. S. 2A:168-14 et seq.), the Interstate Compact on Juveniles, P. L. 1955, c. 55 (C. 9:23-1 to 9:23-4), and, with the consent of the Commissioner of Corrections after providing notice to the Attorney General, the federal Witness Security Reform Act, if satisfied that such change will not result in a substantial likelihood that the parolee will commit an offense which would be a crime under the laws of this State. The appropriate board panel may revoke such permission, except in the case of a parolee under the Witness Security Reform Act, or reinstate relieved parole conditions for any period of time during which a parolee is under its jurisdiction.

d. The appropriate board panel may parole an inmate to any residential facility funded in whole or in part by the State if the inmate would not otherwise be released pursuant to section 9 without such placement. Such facility shall receive the parolee and shall not discharge or otherwise release the parolee without the consent of the board panel.

e. The assigned parole officer shall provide assistance to the parolee in obtaining employment, education or vocational training or in meeting other obligations.

f. The board panel on juvenile commitments and the assigned parole officer shall insure that the least restrictive available alternative is used for any juvenile parolee.

g. If the board has granted parole to any inmate from a State correctional facility and the court has imposed a fine on such inmate, the appropriate board panel shall release such inmate on condition that he make specified fine payments to the Bureau of Parole. For violation of such conditions, or for violation of a special condition requiring restitution, parole may be revoked only for refusal or failure to make a good faith effort to make such payment.

h. Upon collection of the fine the same shall be paid over by the Department of Corrections to the State Treasury.

2. This act shall take effect immediately.

Approved June 23, 1986.

CHAPTER 34

AN ACT concerning obstructing administration of law or other governmental function and amending N. J. S. 2C:29-1.

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

1. N. J. S. 2C:29-1 is amended to read as follows:

Obstructing administration of law or other governmental function.

2C:29-1. Obstructing Administration of Law or Other Governmental Function. a. A person commits an offense if he purposely obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from lawfully performing an official function by means of intimidation, force, violence, or physical interference or obstacle, or by means of any independently unlawful act. This section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

b. An offense under this section is a crime of the fourth degree if the actor obstructs the detection or investigation of a crime or the prosecution of a person for a crime, otherwise it is a disorderly persons offense.

2. This act shall take effect immediately.

Approved June 23, 1986.

CHAPTER 35

AN ACT concerning first aid or rescue squad personnel and amending R. S. 34:15-36.

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

1. R. S. 34:15-36 is amended to read as follows:

Definitions.

34:15-36. "Willful negligence" within the intent of this chapter shall consist of (1) deliberate act or deliberate failure to act, or (2) such conduct as evidences reckless indifference to safety, or (3) intoxication, operating as the proximate cause of injury, or (4) unlawful use of a controlled dangerous substance as defined in the "New Jersey Controlled Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-1 et seq.).

"Employer" is declared to be synonymous with master, and includes natural persons, partnerships, and corporations; "employee" is synonymous with servant, and includes all natural persons, including officers of corporations, who perform service for an employer for financial consideration, exclusive of casual employments, which shall be defined, if in connection with the employer's business, as employment the occasion for which arises by chance or is purely accidental; or if not in connection with any business of the employer, as employment not regular, periodic or recurring; provided, however, that forest fire wardens and forest fire fighters employed by the State of New Jersey shall, in no event, be deemed casual employees.

Employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer; provided, however, when the employee is required by the employer to be away from the employer's place of employment, the employee shall be deemed to be in the course of employment when the employee is engaged in the direct performance of duties assigned or directed by the employer; but the employment of employee paid travel time by an employer for time spent traveling to and from a job site or of any employee who utilizes an employer authorized vehicle shall commence and terminate with the time spent traveling to and from a job site or the authorized operation of a vehicle on business authorized by the employer. Travel by a policeman, fireman, or a member of a first aid or rescue squad, in responding to and returning from an emergency, shall be deemed to be in the course of employment.

Employment shall also be deemed to commence when an employee is traveling in a ridesharing arrangement between his or her place

of residence or terminal near such place and his or her place of employment, if one of the following conditions is satisfied: the vehicle used in the ridesharing arrangement is owned, leased or contracted for by the employer, or the employee is required by the employer to travel in a ridesharing arrangement as a condition of employment.

“Disability permanent in quality and partial in character” means a permanent impairment caused by a compensable accident or compensable occupational disease, based upon demonstrable objective medical evidence, which restricts the function of the body or of its members or organs; included in the criteria which shall be considered shall be whether there has been a lessening to a material degree of an employee’s working ability. Subject to the above provisions, nothing in this definition shall be construed to preclude benefits to a worker who returns to work following a compensable accident even if there be no reduction in earnings. Injuries such as minor lacerations, minor contusions, minor sprains, and scars which do not constitute significant permanent disfigurement, and occupational disease of a minor nature such as mild dermatitis and mild bronchitis shall not constitute permanent disability within the meaning of this definition.

“Disability permanent in quality and total in character” means a physical or neuropsychiatric total permanent impairment caused by a compensable accident or compensable occupational disease, where no fundamental or marked improvement in such condition can be reasonably expected.

Factors other than physical and neuropsychiatric impairments may be considered in the determination of permanent total disability, where such physical and neuropsychiatric impairments constitute at least 75% or higher of total disability.

“Ridesharing” means the transportation of persons in a motor vehicle, with a maximum carrying capacity of not more than 15 passengers, including the driver, where such transportation is incidental to the purpose of the driver. This term shall include such ridesharing arrangements known as carpools and vanpools.

2. This act shall take effect on the 30th day after enactment.

Approved June 23, 1986.

CHAPTER 36

AN ACT concerning the membership of the Criminal Disposition Commission and amending N. J. S. 2C:48-1.

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

1. N. J. S. 2C:48-1 is amended to read as follows:

Composition.

2C:48-1. Composition. There is hereby created a Criminal Disposition Commission, consisting of 12 members consisting of two members of the Senate, no more than one of whom shall be of the same political party, appointed by the President of the Senate; two members of the General Assembly, no more than one of whom shall be of the same political party, appointed by the Speaker of the General Assembly; the Chief Justice of the Supreme Court or his designee, the Attorney General or his designee, the Public Advocate or his designee, the Chairman of the State Parole Board or his designee, the Commissioner of the Department of Corrections or his designee, the President of the New Jersey Prosecutors Association or his designee and two public members to be appointed by the Governor. The legislative members shall serve for terms coextensive with their respective terms as a member of the House of the Legislature from which they are appointed and the two public members shall serve for a term of three years except that one of the initial appointments shall be for a term of one year. Members shall be eligible for reappointment to the commission, and vacancies in the commission shall be filled in the same manner as the original appointment, but for the unexpired term only. The members of the commission shall serve without compensation, but shall only be reimbursed for necessary expenses actually incurred in the performance of their duties under this chapter. The commission shall choose a chairman from among its members.

2. This act shall take effect immediately.

Approved June 23, 1986.

CHAPTER 37

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, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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. 1985, c. 209, the following sum is appropriated out of the General Fund for the following purpose:

DIRECT STATE SERVICES

DEPARTMENT OF CORRECTIONS

16. Detention and Rehabilitation

7025 System-Wide Program Support

13-7025 Institutional Program Support	\$13,500,000
---	--------------

Special Purpose:

Increased Operating Costs	(\$13,500,000)
---------------------------------	----------------

2. This act shall take effect immediately.

Approved June 25, 1986.

CHAPTER 38

AN ACT concerning motor vehicles, amending R. S. 39:3-40, and supplementing chapter 3 of the Revised Statutes.

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

1. R. S. 39:3-40 is amended to read as follows:

Penalties for driving while prohibited.

39:3-40. No person to whom a driver's license has been refused or whose driver's license or reciprocity privilege has been suspend-

ed or revoked, or who has been prohibited from obtaining driver's license, shall personally operate a motor vehicle during the period of refusal, suspension, revocation, or prohibition.

No person whose motor vehicle registration has been revoked shall operate or permit the operation of such motor vehicle during the period of such revocation.

A person violating this section shall be subject to the following penalties:

- a. Upon conviction for a first offense, a fine of \$500.00;
- b. Upon conviction for a second offense, a fine of \$750.00 and imprisonment in the county jail for not more than five days;
- c. Upon conviction for a third offense, a fine of \$1,000.00 and imprisonment in the county jail for 10 days;
- d. Upon conviction, the court shall impose or extend a period of suspension not to exceed six months;
- e. Upon conviction, the court shall impose a period of imprisonment for not less than 45 days, if while operating a vehicle in violation of this section a person is involved in an accident resulting in personal injury to another person.

Notwithstanding subsections a. through e., any person violating this section while under suspension issued pursuant to R. S. 39:4-50, upon conviction, shall be fined \$500.00, shall have his license to operate a motor vehicle suspended for an additional period of not less than one year nor more than two years, and may be imprisoned in the county jail for not more than 90 days.

2. (New section) A person who, on the effective date of this 1986 amendatory and supplementary act, is serving a mandatory sentence as provided for by subsection e. of R. S. 39:3-40, and has not been paroled or discharged, may move to have his sentence reviewed by the court. For good cause shown, the court may reduce that sentence in accordance with R. S. 39:3-40 as amended by this act.

3. This act shall take effect immediately.

Approved June 26, 1986.

CHAPTER 39

AN ACT concerning the operation of vessels by persons under the influence of intoxicating liquors or drugs, amending P. L. 1954, c. 236, P. L. 1952, c. 157, P. L. 1982, c. 77, and supplementing Title 12 of the Revised Statutes.

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

1. Section 19 of P. L. 1954, c. 236 (C. 12:7-34.19) is amended to read as follows:

C. 12:7-34.19 Penalties for operating vessel under influence of liquor, drugs.

19. a. No person shall operate a vessel while under the influence of intoxicating liquor, a narcotic, hallucinogenic, or habit-producing drug or with a blood alcohol concentration of 0.10% or more by weight of alcohol.

No person shall permit another who is under the influence of intoxicating liquor, a narcotic, hallucinogenic, or habit-producing drug or who has a blood alcohol concentration of 0.10% or more by weight of alcohol to operate any vessel owned by the person or in his custody or control.

As used in this section, "vessel" means a power vessel as defined in section 1 of P. L. 1954, c. 236 (C. 12:7-34.1) or a vessel which is 12 feet or greater in length.

Any person who violates this section shall be subject to the following:

(1) For a first offense, to a fine of not less than \$250.00 nor more than \$400.00; and to the revocation of the right to operate a vessel on the waters of this State for a period of not less than six months nor more than one year from the date of conviction.

(2) For a second offense, to a fine of not less than \$500.00 nor more than \$1,000.00; to the performance of community service for a period of 30 days, in the form and on the terms as the court deems appropriate under the circumstances; to imprisonment for a term of not less than 48 hours nor more than 90 days, which shall not be suspended or served on probation; and to the revocation of the right to operate a vessel on the waters of this State for a period of two years after the date of conviction.

(3) For a third or subsequent offense, to a fine of \$1,000.00; to imprisonment for a term of not less than 180 days, except that the

court may lower this term for each day not exceeding 90 days during which the person performs community service, in the form and on the terms as the court deems appropriate under the circumstances; and to the revocation of the right to operate a vessel on the waters of this State for a period of 10 years after the date of conviction.

b. A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against him in order to render him liable to the punishment imposed by this section against a second or subsequent offender. If a second offense occurs more than 10 years after the first offense, the court shall treat a second conviction as a first offense for sentencing purposes and, if a third offense occurs more than 10 years after the second offense, the court shall treat a third conviction as a second offense for sentencing purposes.

c. If a court imposes a term of imprisonment under this section, the person may be sentenced to the county jail, to the workhouse of the county where the offense was committed, or to an inpatient rehabilitation program approved by the Director of the Division of Alcoholism in the Department of Health.

d. If the right to operate a vessel is under revocation or suspension for a violation of a provision of this title at the time of a conviction for a violation of this section, the revocation period imposed under this section shall commence as of the date of termination of the existing revocation or suspension period.

e. In addition to any other requirements provided by law, a person convicted under this section shall satisfy the screening, evaluation, referral and program requirements of the Bureau of Alcohol Countermeasures in the Division of Alcoholism in the Department of Health. A fee of \$40.00 shall be payable to the Alcohol Education, Rehabilitation and Enforcement Fund established under section 3 of P. L. 1983, c. 531 (C. 26:28-32), by the convicted person in order to defray the costs of the screening, evaluation and referral by the Bureau of Alcohol Countermeasures and the cost of an education or rehabilitation program. Failure to satisfy this requirement shall result in the immediate forfeiture of the right to operate a vessel on the waters of this State or the continuation of revocation until the requirements are satisfied.

2. Section 27 of P. L. 1954, c. 236 (C. 12:7-34.27) is amended to read as follows:

C. 12:7-34.27 Suspension, revocation of licenses.

27. Any judge or the Director of the Division of Motor Vehicles in the Department of Law and Public Safety shall revoke or suspend a license to operate a vessel of any person, where the holder is or shall have been convicted of homicide or of operating a vessel while under the influence of intoxicating liquor, or a narcotic, hallucinogenic or habit-producing drug. A license may be suspended or revoked for any other violation of any of the provisions of this act or of any rule or regulation prescribed by the director. A conviction by a court of competent jurisdiction shall not be essential to sustain a suspension or a revocation, except as hereinbefore expressly provided. Where revocation or suspension is permissive, the holder shall have an opportunity to be heard. A license may be temporarily suspended without notice, pending hearing and any prosecution or investigation. Attendance of witnesses may be compelled by subpoena. Failure of the holder or any other person possessing the license card to deliver the same to the suspending or revoking officer shall constitute a violation of this act. Officers suspending or revoking licenses shall promptly place such license cards in the custody of the division, except where the division shall otherwise direct. Power to restore a license shall be exclusively in the division. Wherever revocation is mandatory hereunder, no new license shall be issued to the person whose license is revoked, for at least six months after the date of such revocation, nor thereafter, except at the direction of the director. Where revocation is permissive, no new license shall be issued until after the expiration of 30 days from the date of the revocation, nor thereafter, except at the direction of the director.

3. Section 29 of P. L. 1954, c. 236 (C. 12:7-34.29) is amended to read as follows:

C. 12:7-34.29 Notification to division.

29. Upon the suspension or revocation of any license, the judge or officer suspending or revoking the same shall forthwith transmit to the Director of the Division of Motor Vehicles in the Department of Law and Public Safety a certificate of the fact and the ground upon which the license was suspended or revoked.

4. Section 3 of P. L. 1952, c. 157 (C. 12:7-46) is amended to read as follows:

C. 12:7-46 Penalties for violations.

3. a. No person shall operate a vessel while under the influence of intoxicating liquor, a narcotic, hallucinogenic, or habit-producing

drug or with a blood alcohol concentration of 0.10% or more by weight of alcohol. No person shall permit another who is under the influence of intoxicating liquor, a narcotic, hallucinogenic or habit-producing drug, or who has a blood alcohol concentration of 0.10% by weight of alcohol, to operate any vessel owned by the person or in his custody or control.

As used in this section, "vessel" means a power vessel as defined by section 2 of P. L. 1962, c. 73 (C. 12:7-34.37) or a vessel which is 12 feet or greater in length.

A person who violates this section shall be subject to the following:

(1) For a first offense, to a fine of not less than \$250.00 nor more than \$400.00; and to the revocation of the right to operate a vessel on the waters of this State for a period of not less than six months nor more than one year from the date of conviction.

(2) For a second offense, to a fine of not less than \$500.00 nor more than \$1,000.00; to the performance of community service for a period of 30 days, in the form and on the terms as the court deems appropriate under the circumstances; and to imprisonment for a term of not less than 48 hours nor more than 90 days, which shall not be suspended or served on probation; and to the revocation of the right to operate a vessel on the waters of this State for a period of two years after the date of conviction.

(3) For a third or subsequent offense, to a fine of \$1,000.00; to imprisonment for a term of not less than 180 days, except that the court may lower this term for each day not exceeding 90 days during which the person performs community service, in the form and on the terms as the court deems appropriate under the circumstances; and to the revocation of the right to operate a vessel on the waters of this State for a period of 10 years from the date of conviction.

b. A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against him in order to render him liable to the punishment imposed by this section against a second or subsequent offender. If a second offense occurs more than 10 years after the first offense, the court shall treat a second conviction as a first offense for sentencing purposes and, if a third offense occurs more than 10 years after the second offense, the court shall treat a third conviction as a second offense for sentencing purposes.

c. If a court imposes a term of imprisonment under this section, the person may be sentenced to the county jail, to the workhouse

of the county where the offense was committed, or to an inpatient rehabilitation program approved by the Director of the Division of Motor Vehicles and the Director of the Division of Alcoholism in the Department of Health.

d. If the right to operate a vessel is under revocation or suspension for a violation of provision of this title at the time of a conviction for a violation of this section, the revocation period imposed under this section shall commence as of the date of termination of the existing revocation or suspension period.

e. In addition to any other requirements provided by law, a person convicted under this section shall satisfy the screening, evaluation, referral and program requirements of the Bureau of Alcohol Countermeasures in the Division of Alcoholism in the Department of Health. A fee of \$40.00 shall be payable to the Alcohol Education, Rehabilitation and Enforcement Fund established under section 3 of P. L. 1983, c. 531 (C. 26:28-32), by the convicted person in order to defray the costs of the screening, evaluation and referral by the Bureau of Alcohol Countermeasures and the cost of an education or rehabilitation program. Failure to satisfy this requirement shall result in the immediate forfeiture of the right to operate a vessel on the waters of this State, or the continuation of revocation until the requirements are satisfied.

5. Section 4 of P. L. 1982, c. 77 (C. 2A:4A-23) is amended to read as follows:

C. 2A:4A-23 Definition of delinquency.

4. Definition of delinquency. As used in this act, "delinquency" means the commission of an act by a juvenile which if committed by an adult would constitute:

- a. A crime;
- b. A disorderly persons offense or petty disorderly persons offense; or
- c. A violation of any other penal statute, ordinance or regulation.

But, the commission of (1) an act which constitutes a violation of chapter 3, 4, 6 or 8 of Title 39 of the Revised Statutes by a juvenile of or over the age of 17 years; (2) an act relating to the ownership or operation of a motorized bicycle which constitutes a violation of chapter 3 or 4 of Title 39 of the Revised Statutes by a juvenile of any age; (3) an act which constitutes a violation of article 3 or 6 of chapter 4 of Title 39 of the Revised Statutes

pertaining to pedestrians and bicycles, by a juvenile of any age; or (4) the commission of an act which constitutes a violation of P. L. 1981, c. 318 (C. 26:3D-1 et seq.), P. L. 1981, c. 319 (C. 26:3D-7 et seq.), P. L. 1981, c. 320 (C. 26:3D-15 et seq.), P. L. 1985, c. 185 (C. 26:3E-7 et seq.), P. L. 1985, c. 186 (C. 26:3D-32 et seq.), N. J. S. 2C:33-13, P. L. 1985, c. 318 (C. 26:3D-38 et seq.), P. L. 1985, c. 381 (C. 26:3D-46 et seq.), or of any amendment or supplement thereof, by a juvenile of any age; or (5) an act which constitutes a violation of section 19 of P. L. 1954, c. 236 (C. 12:7-34.19), section 3 of P. L. 1952, c. 157 (C. 12:7-46) or section 9 of P. L. 1986, c. 39 (C. 12:7-57) shall not constitute delinquency as defined in this act. The municipal court having jurisdiction over a case involving a violation by a juvenile of a section of Title 26 listed in this subsection, or N. J. S. 2C:33-13, shall forward a copy of the record of conviction in that case to the Family Part intake service of the county where the municipal court is located.

C. 12:7-54 Presumptions.

6. (New section) In a prosecution for a violation of section 19 of P. L. 1954, c. 236 (C. 12:7-34.19) or section 3 of P. L. 1952, c. 157 (C. 12:7-46), relating to the operation of a vessel while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged, as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

a. If there was at that time 0.05% or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

b. If there was at that time in excess of 0.05% but less than 0.10% by weight of alcohol in the defendant's blood, this fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but this fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

The provisions of this section shall not be construed to require that evidence of the amount of alcohol in the defendant's blood has to be presented, nor shall they be construed to limit the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

C. 12:7-55 Implied consent.

7. (New section) a. A person who operates a power vessel or a vessel which is 12 feet or greater in length on the tidal or non-tidal

waters of this State shall be deemed to have given his consent to the taking of samples of his breath for the purpose of making chemical tests to determine the content of alcohol in his blood, except that the taking of samples shall be made in accordance with the provisions of this amendatory and supplementary act and at the request of the State Marine Police Force or a law enforcement officer who has reasonable grounds to believe that the person has been operating a vessel in violation of the provisions of section 19 of P. L. 1954, c. 236 (C. 12:7-34.19) or section 3 of P. L. 1952, c. 157 (C. 12:7-46).

b. A record of the taking of the sample, disclosing the date and time thereof, as well as the result of any chemical test, shall be made and a copy shall be furnished or made available to the person so tested, upon his request.

c. In addition to the samples taken and tests made at the direction of the State Marine Police Force or a law enforcement officer, the person tested shall be permitted to have samples taken and chemical tests of his breath, urine or blood made by a person or physician of his own selection.

d. The State Marine Police Force or a law enforcement officer shall inform the person tested of his rights under subsections b. and c. of this section.

e. No chemical test, as provided in this section, or specimen necessary for a test, may be made or taken forcibly and against physical resistance thereto by the defendant. The State Marine Police Force or a law enforcement officer shall, however, inform the person arrested of the consequences of refusing to submit to the test, in accordance with section 9 of this amendatory and supplementary act. A standard statement, prepared by the Director of the Division of Motor Vehicles in the Department of Law and Public Safety, shall be read by the State Marine Police Force or a law enforcement officer to the person under arrest.

C. 12:7-56 Methods, techniques.

8. (New section) Chemical analyses of the arrested person's breath, to be considered valid under the provisions of this amendatory and supplementary act, shall have been performed according to methods approved by the Attorney General and by a person certified for this purpose by the Attorney General. The Attorney General is authorized to approve satisfactory techniques or methods, to ascertain the qualifications and competence of individuals to conduct the analyses, and to make certifications of the individuals. Certifications shall be subject to termination or

revocation at the discretion of the Attorney General. The Attorney General shall prescribe a form for reports of the chemical analysis of breath to be used by law enforcement officers and others acting in accordance with the provisions of this amendatory and supplementary act. The forms shall be sequentially numbered. Each chief of police, in the case of forms distributed to law enforcement officers and others in his municipality, or the other officer, board, or official having charge or control of the law enforcement department, where there is no chief, and the Director of the Division of Motor Vehicles and the Superintendent of State Police, in the case of forms distributed to law enforcement officers and other personnel in their divisions, shall be responsible for the furnishing and proper disposition of the forms. Each responsible party shall prepare or have prepared records and reports relating to the forms and their disposition, in the manner and at such times as the Attorney General shall prescribe.

C. 12:7-57 Revocation for refusal to submit to chemical test.

9. (New section) a. A judge shall revoke the right of a person to operate a power vessel or a vessel which is 12 feet or greater in length, if after being arrested for a violation of section 19 of P. L. 1954, c. 236 (C. 12:7-34.19) or section 3 of P. L. 1952, c. 157 (C. 12:7-46), the person refuses to submit to the chemical test provided for in section 7 of this amendatory and supplementary act when requested to do so. The revocation shall be for six months unless the refusal was in connection with a second offense under section 19 of P. L. 1954, c. 236 (C. 12:7-34.19) or section 3 of P. L. 1952, c. 157 (C. 12:7-46), in which case the revocation period shall be for two years. If the refusal was in connection with a third or subsequent offense under section 19 of P. L. 1954, c. 236 (C. 12:7-34.19) or section 3 of P. L. 1952, c. 157 (C. 12:7-46), the revocation shall be for 10 years. The court shall also fine a person convicted under this section not less than \$250.00 nor more than \$500.00.

b. The court shall determine by a preponderance of the evidence whether the arresting officer had probable cause to believe that the person had been operating or was in actual physical control of the vessel while under the influence of intoxicating liquor, or a narcotic, hallucinogenic or habit-producing drug, whether the person was placed under arrest, and whether the person refused to submit to the test upon request of the officer. If these elements of the violation are not established, no conviction shall issue.

c. In addition to any other requirements provided by law, a person whose right to operate a vessel is revoked for refusing to

submit to a chemical test shall satisfy the screening, evaluation, referral and program requirements of the Bureau of Alcohol Countermeasures in the Division of Alcoholism in the Department of Health. A fee of \$40.00 shall be payable to the Alcohol Education, Rehabilitation and Enforcement Fund established under section 3 of P. L. 1983, c. 531 (C. 26:28-32), by the convicted person in order to defray the costs of the screening, evaluation and referral by the Bureau of Alcohol Countermeasures and the cost of an education or rehabilitation program. Failure to satisfy this requirement shall result in the immediate revocation of the right to operate a vessel on the waters of this State or the continuation of revocation until the requirements are satisfied. The revocation for a first offense shall be independent of a revocation imposed because of a conviction under the provisions of section 19 of P. L. 1954, c. 236 (C. 12:7-34.19) or section 3 of P. L. 1952, c. 157 (C. 12:7-46); the revocation for a second or subsequent offense shall be concurrent with a revocation imposed because of a conviction under the provisions of section 19 of P. L. 1954, c. 236 (C. 12:7-34.19) or section 3 of P. L. 1952, c. 157 (C. 12:7-46).

C. 12:7-58 Work release, outpatient rehabilitation programs.

10. (New section) a. A person who has been convicted of violating section 19 of P. L. 1954, c. 236 (C. 12:7-34.19) or section 3 of P. L. 1952, c. 157 (C. 12:7-46), and who has been imprisoned in a county jail or workhouse in the county in which the offense was committed, shall not be released after commitment until the term of imprisonment imposed has been served. A person imprisoned in the county jail or workhouse may, at the discretion of the court, be released on a work release program.

b. A warden or other officer having custody of the county jail or workhouse shall not release a person until the sentence has been served, except that a person may be released by the court on a work release program. A person sentenced to an inpatient rehabilitation program may be released by the court, upon the petition of the treating agency, to an outpatient rehabilitation program for the duration of the original sentence.

c. This section shall not be construed to interfere in any way with the operation of a writ of habeas corpus, a proceeding in lieu of the prerogative writ, or an appeal.

C. 12:7-59 Written notice of penalties.

11. (New section) A person shall receive written notice of the penalties under section 19 of P. L. 1954, c. 236 (C. 12:7-34.19), section 3 of P. L. 1952, c. 157 (C. 12:7-46), and section 9 of P. L.

1986, c. 39 (C. 12:7-57), when that person is issued a license to operate a vessel, a registration certificate, a certificate of number or a certificate of ownership under chapters 7 and 7A of Title 12 of the Revised Statutes.

12. This act shall take effect immediately but shall remain inoperative until 180 days after enactment.

Approved June 26, 1986.

CHAPTER 40

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, 1986 and regulating the disbursement thereof,” approved June 28, 1985 (P. L. 1985, c. 209).

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

1. Upon certification by the Director of the Division of Budget and Accounting in the Department of the Treasury that federal funds to support the expenditure listed below are available, the following sum is appropriated for the purpose specified:

FEDERAL FUNDS	
DEPARTMENT OF LABOR	
51 Economic Planning, Development and Security	
54 Manpower and Employment Services	
09-4545 Employment Services	\$5,200,000
Special Purpose:	
Reemployment Demonstration Proj-	
ect	(\$5,200,000)

2. The Department of Labor shall submit a detailed budget for the expenditure of these funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer. The Director of the Division of Budget and Accounting shall inform both the Department of Labor and the Legislative Budget and Finance Officer, in writing, of his approval or modification of the detailed budget.

3. This act shall take effect immediately.

Approved June 26, 1986.

CHAPTER 41

AN ACT making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1987 and regulating the disbursement thereof.

ANTICIPATED RESOURCES FOR THE
FISCAL YEAR 1986-87

GENERAL FUND

Undesignated fund balance, July 1, 1986	\$391,793,000
--	---------------

Major Taxes

Sales	\$2,767,000,000
Corporation business	1,100,000,000
Motor fuels	319,000,000
Motor vehicle fees	337,500,000
Cigarette	217,000,000
Transfer inheritance	165,000,000
Public utility excise	117,000,000
Insurance premiums	126,000,000
Alcoholic beverage wholesale sales	85,000,000
Alcoholic beverage excise	59,000,000
Corporation business—Banks and financial institutions	62,000,000
Business personal property	26,000,000
Realty transfer	50,000,000
Motor fuel use—Motor carrier	24,500,000
Pari-mutuel	6,000,000
Savings institutions	12,000,000
 Total—Major Taxes	 <u>\$5,473,000,000</u>

Miscellaneous Taxes, Fees, Revenues

Executive Branch—

Department of Agriculture:

Animal health—laboratory test fees	\$50,000
Other animal, plant disease and pest control fees	15,000
Seed certification programs	5,000
Fertilizer inspection fees	150,000
Milk control licenses and fees	390,000

Department of Banking:

Bank assessments	1,618,000
Examination fees	1,700,000
Licenses and other fees	877,000
New Jersey Cemetery Board	86,000

Department of Community Affairs:

Boarding home fees	415,000
Construction fees	1,250,000
Housing inspection fees	2,350,000
Planned real estate development fees	450,000

Department of Education:

Katzenbach School for the Deaf—Tuition	2,648,000
Licensing fees—Miscellaneous	195,000
Non-public schools textbook recoveries	625,000

Department of Energy:

Assessments—Cable TV	1,310,000
Assessments—Public Utility	17,450,000
Fees, fines and penalties	125,000

Department of Environmental Protection:

Air pollution fees	425,000
Examination licensing fees	17,000
Forest Management sales	43,000
Hunters' and Anglers' License Fund	7,100,000
Marina rentals	819,000
Marine Lands Management—Delineation and title determination	900,000

Franchise	35,000
Vending machine commissions	150,000
Miscellaneous Executive Commissions:	
Delaware River Joint Toll Bridge Commission Pennsylvania share	1,101,000
Other Sources:	
Miscellaneous revenue	1,500,000
Inter-Departmental Accounts:	
Administration and investment of pension and social security funds	17,500,000
Employee maintenance deductions	1,650,000
Health benefits contribution reimbursement from special funds	20,000,000
Indirect cost recovery—Federal	8,000,000
Other fringe benefit reimbursement from special funds	2,000,000
Pension contribution reimbursement from special funds	30,000,000
Public employer's contribution reimbursement	10,000,000
Reimbursement from Rutgers—Employer's share of employees' benefits	3,500,000
Rent of State building space	2,000,000
Social security contribution from special funds	22,000,000
Judicial Branch—	
Court fees	14,000,000
Violent Crimes Compensation Act	3,000,000
 Total—Miscellaneous Taxes, Fees, Revenues	 \$686,200,000

Interfund Transfers

Beaches and Harbor Fund	\$600,000
Clean Waters Fund	1,400,000
Community Development Bond Fund	500,000
Correctional Facilities Construction Fund	3,000,000
Disability Benefit Liability Fund	85,000
Emergency Flood Control Fund	300,000

Energy Conservation Fund	700,000
Farmland Preservation Fund	400,000
Fund for Support of Free Public Schools	4,000,000
Higher Education Assistance Fund	2,000,000
Higher Education Buildings Construction Fund (Act of 1971)	50,000
Housing Assistance Fund	25,000
Human Services Facilities Construction Fund	300,000
Institutional Construction Fund 1978	100,000
Institutions Construction Fund	50,000
Jobs, Science and Technology Fund	712,000
Medical Education Facilities Fund	50,000
Mortgage Assistance Fund	100,000
Motor Vehicle Security—Responsibility Fund	18,000
Natural Resources Fund	1,700,000
New Jersey Bridge Rehabilitation and Improvement Fund	1,500,000
1983 New Jersey Green Acres Fund	500,000
Outstanding Checks Account	565,000
Outstanding Checks (6 years and over)	800,000
Public Building Construction Fund	50,000
Public Purpose Buildings Construction Fund	2,500,000
Shore Protection Fund	500,000
State Disability Benefits Fund	13,559,000
State Land Acquisition and Development Fund	1,500,000
State Lottery Fund	425,000,000
State of New Jersey Cash Management Fund	250,000
State Recreation and Conservation Land Acqui- sition and Development Fund (Act of 1974)	1,000,000
State Recreation and Conservation Land Acqui- sition Fund (Act of 1971)	200,000
State Transportation Fund	400,000
State Water Development Fund	20,000
Transportation Rehabilitation and Improvement Fund of 1979	5,500,000
Unclaimed Bank Deposits Escheat Reserve Fund	1,875,000

Unclaimed Domestic Life Insurance Escheat Reserve Fund	770,000
Unclaimed Personal Property Trust Fund	4,705,000
Unemployment Benefit Liability Fund	85,000
Unemployment Compensation Auxiliary Fund	22,792,000
Unsatisfied Claim and Judgment Fund	755,000
Water Conservation Fund	1,110,000
Water Supply Fund	1,625,000
Worker and Community Right to Know Fund	145,000
	<hr/>
Total—Interfund Transfers	\$503,796,000
	<hr/>

Federal Revenue

Executive Branch—

Department of Agriculture:

Bridgeton clerical assistance	\$11,000
Brucellosis eradication	24,000
Cooperative gypsy moth suppression	600,000
Cooperative inspection service	45,000
Food distribution administrative expense fund	53,000
Jobs bill	1,500,000
Peach Market News Project	24,000
Plant pest survey and detection program	28,000

Department of Community Affairs:

Community services block grant	9,840,000
Energy Conservation and Production Act of 1976	5,136,000
Food Distribution Act—Title VII—USDA	4,372,000
Housing Act of 1937—Section VIII	41,362,000
Older Americans Act of 1965—Title III	23,982,000
Small cities block grant	9,277,000

Department of Corrections:

Correction training and technical assistance ..	30,000
Alcohol education counselor	37,000

Patterns of family violence among juvenile offenders—Research project	75,000
Project HELP developmental disabilities grant	75,000
Department of Defense:	
Army facilities—Service contract	1,129,000
Air national guard security agreements—	
Atlantic City and McGuire A. F. B.	346,000
Atlantic City air base—Service contract	873,000
Facilities management support personnel	130,000
Fire fighter/crash rescue service agreement—	
Atlantic City	280,000
McGuire Air Force Base—Service contract ..	1,072,000
National guard communications services	180,000
Training and equipment pool sites	580,000
Department of Education:	
Adult basic education program	3,273,000
Child nutrition	86,314,000
Consumer and useful homemaking education .	906,000
Drug and alcohol abuse program	169,000
Education block grant Chapter II	15,815,000
Education consolidation and improvement act	
—Title I administration	1,260,000
Education consolidation and improvement act	
—Title I delinquent	1,349,000
Education consolidation and improvement act	
—Title I disadvantaged	115,177,000
Education consolidation and improvement act	
—Chapter I handicapped	3,940,000
Education for economic security act	2,027,000
Elementary and secondary education act—	
Title VI handicapped	48,387,000
Emergency immigration education assistance .	1,015,000
Library services and construction act—Title I.	1,174,000
Library services and construction act—Title II	1,769,000
Library services and construction act—Title III	530,000
Migrant education programs	2,412,000

National origin desegregation	380,000
Pre-school incentive grant	1,362,000
Race desegregation	387,000
Sex desegregation	308,000
Services to deaf/blind children	199,000
State planning grant	89,000
Vocational education—Title II, A & B	19,070,000
Veterans readjustment benefits	240,000
Common core data survey	17,000
Transition program for refugee children	257,000
SEA project—Bilingual education	83,000
Career education—Research and development ..	126,000
Department of Energy:	
Energy extension service	240,000
Institutional conservation program schools and hospitals	150,000
Number 2 distillate data collection grants	12,000
State energy conservation program	753,000
Department of Environmental Protection:	
Air pollution maintenance program	3,536,000
Coastal zone management 4th year implementation	2,150,000
Consolidated forest management	110,000
Construction grants program	5,000,000
Hazardous waste—resource conservation recovery act	5,000,000
Hazardous waste site inventory	1,300,000
Land and water conservation fund	2,000,000
Hunters' and anglers' fund	1,450,000
Safe drinking water act	500,000
Toxic clean-up—Super fund grants	34,070,000
Water pollution control program	1,700,000
Rural Community fire protection program ...	36,000
Survey and planning operational	396,000
Cooperative pesticide enforcement	187,000
Pesticide technology	18,000

Economics of recreational fishing	24,000
Habitat development and maintenance	36,000
Aquatic recreation	55,000
Anadromous herring run restoration	25,000
Resource planning and acquisition	100,000
Northeast hazardous waste coordination committee	300,000
Hunter safety training	400,000
Toxics and fisheries	75,000
Aquatic recreational resource awareness and education	51,000
Crystalline rock nuclear study	54,000
Cooperative radiation monitoring	41,000
Routine compliance testing for diagnostic x-ray system	10,000
EPA/State pilot project	100,000
Monitoring and planning—205J	1,000,000
Forest resource management—Cooperative forest fire control	175,000
Northeast regional biomass program	30,000
Marine fisheries enforcement	35,000
Marine fisheries coordination	25,000
Marine fisheries technical assistance	74,000
Life history investigation of winter flounder .	45,000
Marine fisheries investigation and management F-1-5-R-22	270,000
Endangered species E-I-6	16,000
Trapper education project	20,000
Striped bass monitoring	27,000
Shellfish research and inventory	85,000
Fisheries management council	30,000
Underground injection control	100,000
Inventory of NJ coastal waters	122,000
Department of Health:	
Alcohol drug abuse and mental health block grant	20,840,000

Certification for Title XVIII and XIX eligibility	1,305,000
Family planning Title X	2,085,000
Health planning and resource development ...	448,000
Immunization project	549,000
Maternal and child health block grant	8,736,000
Preventive health services block grant	2,632,000
Supplemental food program—WIC	34,000,000
Health insurance benefits	42,000
Sexually transmitted disease training center program	285,000
Capacity building—Occupational safety and health	52,000
Venereal disease project	1,399,000
Microfilming of health statistics	3,000
Vital statistics component	118,000
National death index	23,000
Homemaker—Home health aide training	85,000
SEER project	727,000
AIDS surveillance	105,000
AIDS information and research	229,000
Food inspection program	150,000
Tuberculosis control program	131,000
Health program for Indo-Chinese refugees ...	166,000
Tumors among blacks	341,000
Department of Higher Education:	
Basic educational opportunity grant	15,620,000
College work study	2,986,000
Education for economic security act—Title II .	790,000
Supplemental educational opportunity grant program—Initial and continuing	1,586,000
National direct student loan program	3,130,000
State student incentive grant program	1,970,000
State loan administrative cost deduction and allowance	6,648,000
Veterans programs	199,000
Veterans cost of instruction	11,000

College library resource program	2,000
Small business administration	3,000
Cooperative education program	183,000
Special services for disadvantaged students ..	75,000
Project base bilingual and special education ..	55,000
Nursing student loans	101,000
Upward bound program	175,000
Career education for deans and departmental chairmen	191,000
HEH—Humanities based general education ..	50,000
Bilingual education personnel training program	141,000
NSF—Sulphur project	120,000
Masters in public administration fellowship program	25,000
Mathematical research and bayesian inference grant	17,000
New jazz program	8,000
General analysis grant	31,000
Binding proteins	25,000
Bilingual education program	20,000
Business and international education program	18,000
Teaching WAC	11,000
Undergraduate biochemistry laboratory instrumentation	45,000
Organization of linguistic ability	133,000
Global prospective on literature	20,000
Child development associate program	78,000
Health career opportunity grant	40,000
Development of nutrition education curriculum	97,000
RF/Microwave design laboratory	19,000
FIPSE legal skill development program	50,000
NJ chapter of the AIA student association ...	19,000
Energy conservation—Power house	65,000
Alcoholism program	50,000
Fellowship agreement	1,000
Chapter I—Parent/Infant program	9,000

Cooperative education demonstration project . . .	415,000
NEA—PAC audience development and program enrichment	10,000
NEA—Support of PAC dance company artists fees	10,000
Department of Human Services:	
AFDC—Homemaker home health aide— Title XIX	5,500,000
Automated child support enforcement system (ACSES)	1,028,000
Child support and paternity Title IV-D	33,510,000
Child welfare Title IV-B	5,644,000
Community care waiver ICF/MR	18,351,000
Deaf blind training grant Title VI-C	286,000
Dependent children assistance Title IV-A	293,499,000
Developmental disabilities	1,226,000
DYFS restricted grants	551,000
Family assistance management information system	3,485,000
Food stamp program	29,480,000
Foster care Title IV-E	13,314,000
Foster grandparents program	725,000
Grant diversion project	379,000
Intermediate care facilities—Mental Retardation—Title XIX	97,000,000
Low income energy assistance block grant	82,761,000
Medical assistance Title XIX	693,857,800
Refugee resettlement programs	7,343,000
Rehabilitation of the blind—Section 120	11,021,000
Social services block grant	81,756,000
Supplemental security income	8,000,000
Work incentive program Title IV-C	7,752,000
Department of Labor:	
Jobs training partnership act— Administration	3,184,000

Jobs training partnership act—Title IIA (Basic)	38,500,000
Jobs training partnership act—Title IIB (Summer Youth)	19,000,000
Jobs training partnership act—Title III (Dislocated Workers)	3,437,000
Occupational safety health act	1,353,000
Vocational Rehabilitation Act of 1973	23,576,000
Miscellaneous vocational rehabilitation programs	1,031,000
Social Security Act Title II and XVI	27,456,000
Unemployment insurance program	47,325,000
Planning and research	4,960,000
Management and administration	24,804,000
Employment service programs	24,163,000
Disabled veterans outreach program	2,693,000
Department of Law and Public Safety:	
Emergency management assistance program ..	552,000
Federal highway safety programs	5,904,000
FEMA State assistance program	90,000
New charge resolution project	388,000
Justice assistance act grants	1,600,000
Juvenile justice administration and grants	1,300,000
Nuclear civil protection planning	168,000
Victim assistance grants	2,200,000
Emergency management training and education	78,000
Radiological defense officer project	76,000
State of New Jersey Improvement grant	25,000
Medicaid fraud unit	1,900,000
National shelter survey	47,000
Radiological systems maintenance	84,000
Recreational boating safety financial assistance	704,000
Warning and communication	90,000
Age discrimination project	85,000

Fair housing assistance program	65,000
Victim compensation awards	2,000,000
Department of the Public Advocate:	
Advocacy for the developmentally disabled	376,000
Clients assistance project	248,000
Department of State:	
Basic block grant	614,000
IMS museum grant	75,000
National historical publication commission	40,000
NEA museum grant	75,000
NEH Black migration project	50,000
NEH museum grant	75,000
Department of Transportation:	
Modal services	16,694,000
Consolidated primary projects	56,925,000
Hazard elimination program	5,400,000
Highway planning and research program	5,500,000
Metropolitan planning program	3,516,000
NJ Statewide public transportation planning grant	1,000,000
Railway and highway crossings	2,700,000
Research and demonstration projects	1,425,000
Rural projects	7,500,000
Interstate projects	121,000,000
Interstate 4R projects	63,000,000
Interstate transfer projects	51,000,000
Bridge replacement and other highway safety projects	107,700,000
Supportive services highway construction training and minority business enterprise programs	700,000
Urban systems projects	30,000,000
Advance right of way acquisition program	2,000,000
Rail freight capital projects	5,500,000

The Judiciary :

Effects of sentences on subsequent criminal behavior	3,000
Total—Federal Revenues	<u>\$2,699,154,800</u>
Total Revenues, General Fund	<u>\$9,362,150,800</u>
Total Resources, General Fund	<u><u>\$9,753,943,800</u></u>

Property Tax Relief Fund

Undesignated fund balance, July 1, 1986	\$25,580,000
Gross Income Tax	2,217,000,000
Total Resources, Property Tax Relief Fund	<u><u>\$2,242,580,000</u></u>

Gubernatorial Elections Fund

Undesignated fund balance, July 1, 1986	(\$3,092,668)
Taxpayers' Designations	1,600,000
Total Resources, Gubernatorial Elections Fund	<u><u>(\$1,492,668)</u></u>

Casino Control Fund

License Fees	\$51,017,000
Total Resources, Casino Control Fund	<u><u>\$51,017,000</u></u>

Casino Revenue Fund

Undesignated fund balance, July 1, 1986	\$100,819,000
Gross Revenue Tax	183,000,000
Investment Income	2,000,000
Total Resources, Casino Revenue Fund	<u><u>\$285,819,000</u></u>
Grand Total, Resources, All Funds	<u><u>\$12,331,867,132</u></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, 1987. Unless otherwise provided, the appropriations herein made shall be available during said fiscal year and for a period of one month thereafter for expenditures applicable to said fiscal year. Unless otherwise provided, at the expiration of said one-month period, all unexpended balances shall lapse into the State Treasury or to the credit of trust, dedicated or non-State funds as applicable, except those balances held by contracts on file as of June 30, 1987 with the Director of the Division of Budget and Accounting or held by encumbrance requests covering requisitions on file as of June 30, 1987 with the Director of the Division of Budget and Accounting, provided that contracts covering such requisitions are filed with the Director by July 31, 1987. Nothing contained in this section or in this act shall be construed to prohibit the payment due upon any contract made under any appropriation contained in any appropriation act of the previous year or years. On or before December 1, 1986 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, 1986, depicting the financial condition of the State and the results of operation for the fiscal year ending June 30, 1986.

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

01 Legislature

70 Government Direction, Management and Control

71 Legislative Activities

0001 Senate

01-0001 Senate	\$6,456,000
Total Appropriation, Senate	<u>\$6,456,000</u>

Personal Services:

Senators (40) (\$1,009,000)

Salaries and wages	(2,413,000)
Members' staff services	(2,100,000)
Materials and Supplies	(154,000)
Services Other Than Personal	(727,000)
Maintenance and Fixed Charges	(13,000)
Special Purpose:	
Compensation awards	(20,000)
Additions, Improvements and	
Equipment	(20,000)
The unexpended balance as of June 30, 1986 in this account is appropriated.	

0002 General Assembly

02-0002 General Assembly	\$11,617,000
Total Appropriation, General Assembly ...	<u>\$11,617,000</u>

Personal Services:

Members (80)	(\$2,009,000)
Salaries and wages	(3,869,000)
Members' staff services	(4,200,000)
Materials and Supplies	(181,000)
Services Other Than Personal	(1,263,000)
Maintenance and Fixed Charges	(20,000)

Special Purpose:

Compensation awards	(50,000)
Additions, Improvements and	
Equipment	(25,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

Total Appropriation, Legislature	<u>\$18,073,000</u>
--	---------------------

The amounts hereinabove appropriated for members' staff services for the Senate and General Assembly shall be used to increase each member's staff services allowance by \$15,000 and shall be available for retroactive payments for such purposes to January 1, 1986.

0003 Office of Legislative Services

03-0003	Legislative Support Services	\$16,009,000
---------	------------------------------------	--------------

Total Appropriation, Office of Legislative Services		\$16,009,000
--	--	--------------

Personal Services:

State Auditor	(\$65,000)
Salaries and wages	(9,934,000)
New positions	(68,000)
Materials and Supplies	(2,657,000)
Services Other Than Personal	(1,824,000)
Maintenance and Fixed Charges	(1,246,000)

Special Purpose:

Compensation awards	(30,000)
Affirmative action and equal em- ployment opportunity program	(18,000)
Additions, Improvements and Equipment	(167,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

*09 Legislative Commissions**0010 Intergovernmental Relations Commission*

09-0010	Intergovernmental Relations Commission	\$484,000
---------	--	-----------

Total Appropriation, Intergovernmental Relations Commission		\$484,000
--	--	-----------

Special Purpose:

Expenses of Commission	(\$10,000)
The Council of State Governments (	82,000)
Atlantic States Marine Fisheries Commission	(14,000)
National Conference of Commis- sioners on Uniform State Laws ..	(17,000)
Education Commission of the States	(61,000)
National Governors Association ...	(115,000)

Advisory Commission on Intergovernmental Relations (3,000)
 National Conference of State Legislatures (90,000)
 Governmental Accounting Standards Board (28,000)
 Northeast-Midwest Research Institute (29,000)
 Coalition of Northeast Governors . (35,000)
 The unexpended balance as of June 30, 1986 in this account is appropriated.

0014 Joint Committee on the Public Schools

The unexpended balance as of June 30, 1986 in this account is appropriated.

0018 State Commission of Investigation

09-0018	State Commission of Investigation	\$2,480,000
		<hr/>
	Total Appropriation, State Commission of Investigation	\$2,480,000
		<hr/>

Special Purpose:

Expenses of Commission (\$2,480,000)
 The unexpended balance as of June 30, 1986 in this account is appropriated.

0025 Commission to Study Sex Discrimination in the Statutes

09-0025	Commission to Study Sex Discrimination in the Statutes	\$125,000
		<hr/>
	Total Appropriation, Commission to Study Sex Discrimination in the Statutes	\$125,000
		<hr/>

Special Purpose:

Expenses of Commission (\$125,000)
 The unexpended balance as of June 30, 1986 in this account is appropriated.

0026 Commission on Business Efficiency in the Public Schools

09-0026 Commission on Business Efficiency in the Public Schools	\$55,000
--	----------

Total Appropriation, Commission on Business Efficiency in the Public Schools	\$55,000
---	----------

Special Purpose:

Expenses of Commission (\$55,000)

The unexpended balance as of June 30, 1986 in
this account is appropriated.

0039 County and Municipal Government Study Commission

09-0039 County and Municipal Government Study Commission	\$215,000
---	-----------

Total Appropriation, County and Municipal Government Study Commission	\$215,000
--	-----------

Special Purpose:

Expenses of Commission (\$215,000)

The unexpended balance as of June 30, 1986 in
this account is appropriated.

0041 New Jersey Statue of Liberty Centennial Commission

09-0041 New Jersey Statue of Liberty Centennial Commission	\$25,000
---	----------

Total Appropriation, New Jersey Statue of Liberty Centennial Commission	\$25,000
--	----------

Special Purpose:

Expenses of Commission (\$25,000)

The unexpended balance as of June 30, 1986 in
this account is appropriated.

0042 New Jersey Monorail Authority Study Commission

The unexpended balance as of June 30, 1986 in
this account is appropriated.

0043 Local Expenditure Limitations Advisory Commission

The unexpended balance as of June 30, 1986 in this account is appropriated.

0049 Christopher Columbus Quincentennial Observance Commission

The unexpended balance as of June 30, 1986 in this account is appropriated.

0050 Property Tax Assessment Study Commission

09-0050 Property Tax Assessment Study Commission	\$25,000
Total Appropriation, Property Tax Assessment Study Commission	\$25,000

Special Purpose:

Expenses of Commission (\$25,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

0051 Motor Vehicle Inspection System Study Commission

The unexpended balance as of June 30, 1986 in this account is appropriated.

0052 Commission on Legal and Ethical Problems In The Delivery of Health Care

09-0052 Commission on Legal and Ethical Problems In The Delivery of Health Care ...	\$100,000
Total Appropriation, Commission on Legal and Ethical Problems In The Delivery of Health Care	\$100,000

Special Purpose:

Expenses of Commission (\$100,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

Total Appropriation, Legislative Commissions	\$3,509,000
Total Appropriation, Legislative Branch	\$37,591,000

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	\$4,166,000
<hr/>	
Total Appropriation, Chief Executive's Office	\$4,166,000
<hr/>	

Personal Services:

Salaries and wages	(\$3,085,000)
Materials and Supplies	(139,000)
Services Other Than Personal	(512,000)
Maintenance and Fixed Charges	(55,000)

Special Purpose:

Allowance to the Governor of funds not otherwise appropriated, for official reception on behalf of the State, operation of an official resi- dence and other expenses	(75,000)
Additions, Improvements and Equip- ment	(300,000)
The unexpended balance as of June 30, 1986 in this account is appropriated.	

10 DEPARTMENT OF AGRICULTURE

40 *Community Development and Environmental Management*42 *Natural Resource Management*

01-3310 Animal Disease Control	\$904,000
02-3320 Plant Pest and Disease Control	1,785,000
03-3330 Resource Development Services	1,527,000*
<hr/>	
Total Appropriation, Natural Resource Management	\$4,216,000*
<hr/>	

Personal Services:

Salaries and wages	(\$2,677,000)
Materials and Supplies	(137,000)
Services Other Than Personal	(195,000)
Maintenance and Fixed Charges	(177,000)

Special Purpose:

Indemnities—cattle and swine disease	(7,000)
Laboratory safety equipment	(83,000)
Gypsy moth control	(100,000)
Grants to soil conservation districts	(431,000*)
Agricultural water use certification	(50,000)
Fish and seafood development and promotion	(200,000*)
Rural Advisory Council	(75,000*)
Future Farmers' Youth Development	(40,000)
Rural development services/food processing	(50,000*)
Additions, Improvements and Equip- ment	(34,000)

The unexpended balance as of June 30, 1986 in the Gypsy moth control account is appropriated for the same purpose.

Receipts from laboratory test fees in excess of \$50,000 are appropriated to support the Animal Health Laboratory program.

The unexpended balance as of June 30, 1986 in the Cattle and swine indemnities account is appropriated for the same purpose.

Receipts in excess of \$5,000 from the seed laboratory testing and certification programs are appropriated for program costs.

Receipts from the sale of beneficial insects are appropriated to support the biological control laboratory.

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

06-3360 Marketing Services	\$1,859,000
<hr/>	
Total Appropriation, Economic Planning and Development	\$1,859,000
<hr/>	

Personal Services:

Salaries and wages	(\$500,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(46,000)
Maintenance and Fixed Charges	(35,000)

Special Purpose:

Promotion/market development	(1,125,000)
Agricultural fairs	(100,000)
Wine promotion program	(40,000)
Additions, Improvements and Equip- ment	(2,000)

Receipts for the Poultry Products Promotion Council, P. L. 1957, c. 47 (C. 54:47A-1 et seq.), White Potato Industry Promotion Council, P. L. 1957, c. 169 (C. 54:47B-1 et seq.), Asparagus Industry Promotion Council, P. L. 1959, c. 18 (C. 54:47C-1 et seq.), Apple Industry Promotion Council, P. L. 1959, c. 80 (C. 54:47D-1 et seq.), Sweet Potato Commission, P. L. 1966, c. 283 (C. 54:47E-1 et seq.), Soybean Industry Promotion Council, P. L. 1971, c. 308 (C. 4:10-43 et seq.), South Jersey Dairy Industry Advisory Council, P. L. 1971, c. 308 (C. 4:10-43 et seq.), Sire Stakes Fund, P. L. 1971, c. 85 (C. 5:5-91 et seq.), Dairy Industry Advisory Council, P. L. 1971, c. 308 (C. 4:10-43 et seq.), New Jersey Horsebreeding and Development, P. L. 1940, c. 17 as amended by P. L. 1941, c. 137 (C. 5:5-22 et seq.), and the unexpended balances as of June 30, 1986 of such receipts are appropriated.

Receipts derived from the distribution of commodities, sale of containers and salvage of commo-

ties, in accordance with applicable Federal regulations, and the unexpended balance of such receipts as of June 30, 1986 are appropriated for expenses of commodity distribution.

52 Economic Regulation

04-3340 Dairy Industry Regulation	\$529,000
05-3350 Other Commodity Regulation	852,000
	<hr/>
Total Appropriation, Economic Regulation .	\$1,381,000
	<hr/>

Personal Services:

Salaries and wages	(\$1,213,000)
Materials and Supplies	(22,000)
Services Other Than Personal	(82,000)
Maintenance and Fixed Charges ...	(62,000)
Additions, Improvements and Equip- ment	(2,000)
Receipts from inspection fees derived from fruit, vegetable, fish and poultry inspections, and the unexpended balance as of June 30, 1986 of such receipts, are appropriated for the cost of conduct- ing fruit, vegetable, fish and poultry inspections.	

70 Government Direction, Management and Control

76 Management and Administration

99-3370 Management and Administrative Services	\$1,483,000
	<hr/>
Total Appropriation, Management and Administration	\$1,483,000
	<hr/>

Personal Services:

Salaries and wages	(\$1,058,000)
Materials and Supplies	(28,000)
Services Other Than Personal	(156,000)
Maintenance and Fixed Charges ...	(50,000)

Special Purpose:

Expenses of State Board of Agri- culture	(18,000)
---	-----------

Affirmative action and equal employment opportunity program	(18,000)	
Additions, Improvements and Equipment	(155,000)	
Total Appropriation, Department of Agriculture		<u><u>\$8,979,000*</u></u>

14 DEPARTMENT OF BANKING

50 *Economic Planning, Development and Security*52 *Economic Regulation*

01-3010 Regulation of Banking Industry		\$2,642,000
02-3020 Regulation of Savings and Loan Associations		1,281,000
03-3030 Consumer Complaints, Legal and Economic Research		669,000
99-3040 Management and Administrative Services		713,000
Total Appropriation, Economic Regulation		<u><u>\$5,305,000</u></u>

Personal Services:

Salaries and wages	(\$4,493,000)	
Materials and Supplies	(54,000)	
Services Other Than Personal	(555,000)	
Maintenance and Fixed Charges	(21,000)	

Special Purpose:

N. J. Banking Oversight and Change of Control Act	(75,000)	
Affirmative action and equal employment opportunity program	(10,000)	
Additions, Improvements and Equipment	(97,000)	

Total Appropriation, Department of Banking \$5,305,000

Receipts in excess of \$2,577,000 anticipated from examination and licensing fees are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

18 DEPARTMENT OF CIVIL SERVICE

70 *Government Direction, Management and Control*74 *General Government Services*

01-2710	Personnel Policy Development and General Administration	\$5,373,000
02-2720	Recruitment and Selection	5,188,000
03-2730	State Service Classification and Compensation	2,302,000
04-2740	Employee Development and Personnel Services	754,000
05-2750	Equal Employment Opportunity and Affirmative Action	728,000
06-2760	Local Government Classification and Placement	2,480,000
Total Appropriation, General Government Services		<u>\$16,825,000</u>

Personal Services:

Commissioners (4 @ \$14,500)	(\$58,000)
Salaries and wages	(12,076,000)
Materials and Supplies	(567,000)
Services Other Than Personal	(1,799,000)
Maintenance and Fixed Charges	(268,000)

Special Purpose:

Fire Fighter Promotional Testing ..	(500,000)
Affirmative action and equal employ- ment opportunity program	(53,000)
Automated placement system	(365,000)
Local government service automa- tion improvement	(400,000)
Microfilm service charges	(27,000)
Task Force on Equitable Com- pensation	(100,000)
Pay Equity Specification Study ..	(200,000)
Compensation awards	(29,000)

Additions, Improvements and Equipment	(383,000)	
Total Appropriation, Department of Civil Service		<u>\$16,825,000</u>

Receipts derived from training services are appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Special Purpose account, Task Force on Equitable Compensation is appropriated.

The unexpended balance as of June 30, 1986 in the Special Purpose account, Priority recruitment, selection and placement is appropriated.

The unexpended balance as of June 30, 1986 in the Special Purpose account, Design and implementation—Personnel management system is appropriated.

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

50 *Economic Planning, Development and Security*

51 *Economic Planning and Development*

20-2800 Economic Development		\$4,324,000
21-2850 International Trade		2,005,000
22-2860 Travel and Tourism		8,141,000
23-2870 Economic Planning and Research		511,000
25-2830 Urban Programs		200,000
99-2910 Management and Administrative Services		1,219,000
Total Appropriation, Economic Planning and Development		<u>\$16,400,000</u>

Personal Services:

Salaries and wages	(\$3,327,000)	
Positions established from lump sum appropriation	(188,000)	
Materials and Supplies	(198,000)	
Services Other Than Personal	(846,000)	
Maintenance and Fixed Charges	(156,000)	

Special Purpose :

Small business set-aside program .(	120,000)
Set-Aside Act for small, female and minority businesses	(75,000)
Economic development, advertising and promotion	(1,783,000)
Small Business Development Center(	250,000)
Office of Minority Business Enterprise	(200,000)
Minority and women owned business certification	(100,000)
New Jersey Products Trade Show (	400,000)
International trade advertising and promotion	(939,000)
International trade staff augmentation	(50,000)
Tourist welcome centers	(100,000)
Tourist matching grants for counties(	350,000)
Travel and tourism, advertising and promotion	(7,011,000)
Historical site and cultural promotion	(50,000)
Affirmative action and equal employ- ment opportunity program	(7,000)
Bureau of Hispanic Enterprise ....(	100,000)
Additions, Improvements and Equipment	(150,000)

The unexpended balance as of June 30, 1986, in the Employee Stock Option Program account is appropriated.

The unexpended balance as of June 30, 1986 in the Set-Aside Act for Small, Female and Minority Businesses account is appropriated.

The amount necessary to provide employer rebate awards as a result of the Urban Enterprise Zone program, P. L. 1983, c. 303 (C. 52:27H-60 et seq.), and the administrative costs incurred by the Department of Labor and the Division of Taxation to meet the statutory requirements of this

program are appropriated from the Unemployment Compensation Auxiliary Fund, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1986 in the New Jersey Development Authority for Small Businesses, Minorities and Women's Enterprise account is appropriated.

The unexpended balance as of June 30, 1986 in the Urban Development Corporation account is appropriated.

2890 New Jersey Commission on Science and Technology

24-2890 New Jersey Commission on Science and Technology	\$18,836,000
	<hr/>
Total Appropriation, New Jersey Commission on Science and Technology	\$18,836,000
	<hr/>

Personal Services:

Positions established from lump sum appropriation	(\$344,000)
New positions	(97,000)
Materials and Supplies	(25,000)
Services Other Than Personal	(75,000)
Maintenance and Fixed Charges	(67,000)

Special Purpose:

Telematics programs	(2,450,000)
Biotechnology programs	(3,696,000)
Food technology programs	(1,434,000)
Material sciences programs	(4,300,000)
Plastic Recycling Center	(200,000)
Innovation partnership in surface modification technology	(250,000)
Hazardous and toxic substance management programs	(2,150,000)
Fisheries development and aquaculture	(400,000)
Business development	(600,000)

Educational development	(400,000)	
Advanced scientific computer center	(2,330,000)	
Additions, Improvements and Equipment	(18,000)	
Total Appropriation, Department of Commerce and Economic Development ...		<u>\$35,236,000</u>

The unexpended balances as of June 30, 1986 from the Science and Technology special purpose accounts are appropriated.

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*

41 *Community Development Management*

01-8010 Housing Code Enforcement		\$3,125,000
02-8020 Housing Services		1,750,000
04-8030 Local Government Services		3,126,000
06-8015 Uniform Construction Code		1,604,000
12-8025 Boarding Home Regulation and Assis- tance		3,211,000
17-8017 Fire Safety		1,036,000
Total Appropriation, Community Develop- ment Management		<u>\$13,852,000</u>

Personal Services:

Board members (7 @ \$8,000)	(\$56,000)	
Salaries and wages	(8,080,000)	
Positions established from lump sum appropriation	(669,000)	
New positions	(52,000)	
Materials and Supplies	(153,000)	
Services Other Than Personal	(949,000)	
Maintenance and Fixed Charges	(568,000)	

Special Purpose:

Cooperative housing inspection ...	(800,000)	
Council on Affordable Housing ...	(500,000)	

Boarding Home Rental Assistance	
Fund	(1,756,000)
Compensation awards	(11,000)
Fire safety public education program	(200,000)
Additions, Improvements and Equipment	(58,000)

Receipts in excess of the amount anticipated for housing code enforcement, not to exceed \$450,000, are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Revenue derived from the sale of Truth in Renting statements, including fees, fines and penalties, is appropriated for administering the Truth in Renting Act, P. L. 1975, c. 310 (C. 46:8-43 et seq.).

Fees in excess of \$450,000 are appropriated for the cost of the Planned Real Estate Development Full Disclosure Act, P. L. 1977, c. 419 (C. 45:22A-21 et seq.).

In addition to the amount hereinabove for the Boarding Home Rental Assistance Fund, such additional funds as may be required for the purpose of the program are appropriated pursuant to section 17 of P. L. 1983, c. 530 (C. 55:14K-17) and subject to the approval of the Director of the Division of Budget and Accounting.

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

Such sums as may be required for the registration of builders and reviewing and paying claims under the New Home Warranty and Builders Registration Act, P. L. 1977, c. 467 (C. 46:3B-1 et seq.), are appropriated from the Home Warranty Security Fund in accordance with section 7 of P. L. 1977, c. 467 (C. 46:3B-7).

Uniform Construction Code fees received from those municipalities which elect to have the State of New Jersey perform code enforcement after

July 1, 1984 are appropriated for expenses of code enforcement in such municipalities.

Receipts in excess of the amount anticipated for Construction Code enforcement, not to exceed \$400,000 are appropriated for additional code enforcement activities, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 2 of P. L. 1979, c. 121 (C. 52:27D-124.1), a sum not to exceed \$1,325,000 is appropriated from the Uniform Construction Code Revolving Fund for the purpose of such fund; provided, however, that any receipts and balances in excess of \$1,325,000 in the Uniform Construction Code Revolving Fund shall lapse.

Pursuant to section 15 of P. L. 1983, c. 530 (C. 55:14K-15), the Commissioner shall determine, at least annually, the eligibility of each boarding house resident for rental assistance payments; and appropriations made from the General Fund to the Rental Assistance Fund created pursuant to section 14 of P. L. 1983, c. 530 (C. 55:14K-14) may be used by the Commissioner to make payments to the Housing Finance Agency, in the form of rental assistance or otherwise, necessary to meet debt service on Housing Finance Agency Life Safety Improvement Loans.

Receipts derived from Fire Safety activities in accordance with fee structures promulgated by the Department of Community Affairs may be expended for the conduct of the Fire Safety Program subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1986 in the Council on Affordable Housing account is appropriated.

Additional sums, not to exceed \$250,000, required to allow the Local Finance Board to exercise supervisory responsibility over municipalities subject to section 21 of P. L. 1981, c. 211 (C.

52:27BB-95.1), in the fiscal year are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

55 Related Social Services Programs

05-8050	Community Resources	\$387,000
08-8060	Programs for the Aging	950,000
14-8061	Ombudsman's Office	1,010,000
15-8051	Women's Programs	1,969,000
16-8062	Office of the Public Guardian	200,000
Total Appropriation, Related Social Services Programs		\$4,516,000

Personal Services:

Salaries and wages	(\$1,424,000)
Positions established from lump sum appropriation	(311,000)
New positions	(94,000)
Materials and Supplies	(156,000)
Services Other Than Personal	(524,000)
Maintenance and Fixed Charges	(116,000)

Special Purpose:

State assumption of Federal programs—Recreation for the handicapped	(75,000)
Federal programs for the aging (State share)	(331,000)
Expenses of the Commission on Aging	(3,000)
Intergenerational Child Care Demonstration Matching program ..	(70,000)
Conference on Aging	(15,000)
New program initiatives for women	(91,000)
Expenses of the New Jersey Commission on Women	(7,000)
Job Training Center for Urban Women Act	(100,000)

Office of the Public Guardian, P. L.
1985, c. 298 (C. 52:27G-20 et al.) . (200,000)

Grants:

Women's Referral Central (35,000)
Grants to women's shelters (50,000)
Grants to displaced homemaker cen-
ters (895,000)

Additions, Improvements and Equip-
ment (19,000)

The unexpended balance as of June 30, 1986 in the
Office of the Public Guardian account is appro-
priated for the same purpose.

70 Government Direction, Management and Control

76 Management and Administration

99-8070 Management and Administrative Ser-
vices \$3,087,000

Total Appropriation, Management and Ad-
ministration \$3,087,000

Personal Services:

Salaries and wages (\$2,331,000)
Positions established from lump sum
appropriation (27,000)
Materials and Supplies (27,000)
Services Other Than Personal (559,000)
Maintenance and Fixed Charges (71,000)

Special Purpose:

Affirmative action and equal employ-
ment opportunity program (53,000)
Compensation awards (13,000)

Additions, Improvements and Equip-
ment (6,000)

Total Appropriation, Department of Com-
munity Affairs \$21,455,000

26 DEPARTMENT OF CORRECTIONS

10 *Public Safety and Criminal Justice*16 *Detention and Rehabilitation*7025 *System-Wide Program Support*

13-7025 Institutional Program Support		\$34,634,000*
---	--	---------------

Total Appropriation, Institutional Program Support		<u>\$34,634,000*</u>
--	--	----------------------

Personal Services:

Salaries and wages	(\$73,000)	
Positions established from lump sum appropriation	(957,000)	
Services Other Than Personal	(228,000)	

Special Purpose:

Integrated information systems development	(922,000)	
Augment medical care at institutions	(1,664,000)	
Farm operations subsidy	(750,000)	
Purchase of service for inmates incarcerated in county penal facilities	(26,602,000)	
Purchase of service for inmates incarcerated in out-of-State facilities	(200,000)	
Adult post-secondary and college programs	(210,000)	
Social services block grant support ..	(83,000)	
Computerized menu planning	(16,000)	
Institutional law libraries	(5,000)	
Inmate highway cleanup program ..	(300,000)	
Radio conversion program	(693,000)	

Grants:

Purchase of community services ..	(1,609,000)	
Joint Connection program	(96,000)	
Transportation assistance for inmates families visitations	(226,000)	

A portion of the total amount appropriated for Purchase of service for inmates incarcerated in county penal facilities is available for operational costs of additional State facilities for inmates housing which become ready for occupancy subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1986 in the purchase of service for inmates incarcerated in county penal facilities account is appropriated.

The unexpended balance as of June 30, 1986 in the Commission on Vocational and Technical Training account is appropriated for the same purpose.

7040 State Prison, Trenton

07-7040	Institutional Control and Supervision . . .	\$27,258,000
08-7040	Institutional Care Program	7,727,000
09-7040	Institutional Treatment Program	2,208,000
10-7040	Education Program	1,043,000
19-7040	Physical Plant and Support Services	4,017,000
99-7040	Management and Administrative Ser- vices	1,657,000
Total Appropriation, State Prison, Trenton .		\$43,910,000

Personal Services:

Salaries and wages	(\$32,358,000)
Positions established from lump sum appropriation	(449,000)
Food in lieu of cash	(271,000)
Materials and Supplies	(6,457,000)
Services Other Than Personal	(3,033,000)
Maintenance and Fixed Charges	(576,000)

Special Purpose:

Compensation awards	(305,000)
Inmate claims	(3,000)
AIDS facility	(350,000)
Additions, Improvements and Equip- ment	(108,000)

7050 State Prison, Rahway

07-7050	Institutional Control and Supervision ..	\$13,751,000
08-7050	Institutional Care Program	5,325,000
09-7050	Institutional Treatment Program	1,670,000
10-7050	Education Program	637,000
19-7050	Physical Plant and Support Services ...	3,103,000
99-7050	Management and Administrative Services	903,000
Total Appropriation, State Prison, Rahway .		<u>\$25,389,000</u>

Personal Services:

Salaries and wages	(\$16,602,000)
Positions established from lump sum appropriation	(496,000)
Food in lieu of cash	(131,000)
Materials and Supplies	(4,871,000)
Services Other Than Personal	(2,407,000)
Maintenance and Fixed Charges	(312,000)
Special Purpose:	
Compensation awards	(177,000)
Additions, Improvements and Equipment	(393,000)

7060 State Prison, Leesburg

07-7060	Institutional Control and Supervision ..	\$11,189,000
08-7060	Institutional Care Program	4,979,000
09-7060	Institutional Treatment Program	1,610,000
10-7060	Education Program	544,000
19-7060	Physical Plant and Support Services ...	2,133,000
99-7060	Management and Administrative Services	723,000
Total Appropriation, State Prison, Leesburg		<u>\$21,178,000</u>

Personal Services:

Salaries and wages	(\$13,487,000)
Positions established from lump sum appropriation	(1,064,000)

Food in lieu of cash	(136,000)
Materials and Supplies	(3,853,000)
Services Other Than Personal	(2,233,000)
Maintenance and Fixed Charges	(333,000)
Special Purpose:	
Compensation awards	(22,000)
Additions, Improvements and Equipment	(50,000)

7065 Southern State Correctional Facility

07-7065 Institutional Control and Supervision ..	\$13,130,000
08-7065 Institutional Care Program	3,828,000
09-7065 Institutional Treatment Program	1,336,000
10-7065 Education Program	861,000
19-7065 Physical Plant and Support Services	1,751,000
99-7065 Management and Administrative Services	965,000
	<hr/>
Total Appropriation, Southern State Correctional Facility	\$21,871,000
	<hr/>

Personal Services:

Salaries and wages	(\$16,092,000)
Positions established from lump sum appropriation	(410,000)
Food in lieu of cash	(163,000)
Materials and Supplies	(2,951,000)
Services Other Than Personal	(1,596,000)
Maintenance and Fixed Charges	(510,000)
Special Purpose:	
Compensation awards	(32,000)
Additions, Improvements and Equipment	(117,000)

7070 Mid-State Correctional Facility

07-7070 Institutional Control and Supervision ..	\$1,949,000
08-7070 Institutional Care Program	658,000
99-7070 Institutional Treatment Program	254,000

10-7070	Education Program	145,000
19-7070	Physical Plant and Support Services ...	328,000
99-7070	Management and Administrative Services	226,000

Total Appropriation, Mid-State Correctional Facility	\$3,560,000
---	-------------

Personal Services:

Salaries and wages	(\$2,701,000)
Positions established from lump sum appropriation	(7,000)
Food in lieu of cash	(26,000)
Materials and Supplies	(498,000)
Services Other Than Personal	(230,000)
Maintenance and Fixed Charges	(78,000)

Special Purpose:

Compensation awards	(10,000)
Additions, Improvements and Equipment	(10,000)

7075 Camden Correctional Facility

07-7075	Institutional Control and Supervision ...	\$5,497,000
08-7075	Institutional Care Program	1,766,000
09-7075	Institutional Treatment Program	549,000
10-7075	Education Program	432,000
19-7075	Physical Plant and Support Services ...	1,135,000
99-7075	Management and Administrative Services	665,000

Total Appropriation, Camden Cor- rectional Facility	\$10,044,000
--	--------------

Personal Services:

Salaries and wages	(\$7,761,000)
Food in lieu of cash	(82,000)
Materials and Supplies	(1,526,000)
Services Other Than Personal	(459,000)
Maintenance and Fixed Charges	(192,000)

Special Purpose:

Compensation awards	(24,000)
---------------------------	-----------

7080 Correctional Institution for Women, Clinton

07-7080	Institutional Control and Supervision ..	\$5,400,000
08-7080	Institutional Care Program	2,408,000
09-7080	Institutional Treatment Program	768,000
10-7080	Education Program	345,000
19-7080	Physical Plant and Support Services ...	1,126,000
99-7080	Management and Administrative Services	609,000

Total Appropriation, Correctional Institution for Women, Clinton		<u>\$10,656,000</u>
---	--	---------------------

Personal Services:

Salaries and wages	(\$7,791,000)
Positions established from lump sum appropriation	(144,000)
Food in lieu of cash	(67,000)
Materials and Supplies	(1,231,000)
Services Other Than Personal	(1,117,000)
Maintenance and Fixed Charges	(144,000)

Special Purpose:

Compensation awards	(104,000)
Additions, Improvements and Equipment	(58,000)

7085 Newark State Prison

07-7085	Institutional Control and Supervision ...	\$4,641,000
08-7085	Institutional Care Program	2,517,000
09-7085	Institutional Treatment Program	614,000
10-7085	Education Program	708,000
19-7085	Physical Plant and Support Services	1,032,000
99-7085	Management and Administrative Services	916,000

Total Appropriation, State Prison, Newark		<u>\$10,428,000</u>
---	--	---------------------

Personal Services:

Salaries and wages	(\$5,707,000)
Food in lieu of cash	(70,000)
Materials and Supplies	(1,641,000)

Services Other Than Personal (603,000)
 Maintenance and Fixed Charges (96,000)

Special Purpose:

Staff augmentation (991,000)
 Compensation awards (20,000)
 Additions, Improvements and
 Equipment (1,300,000)

7090 Adult Diagnostic and Treatment Center, Avenel

07-7090	Institutional Control and Supervision ..	\$2,872,000
08-7090	Institutional Care Program	1,406,000
09-7090	Institutional Treatment Program	621,000
10-7090	Education Program	171,000
11-7090	Outpatient Diagnostic and Treatment Services	105,000
19-7090	Physical Plant and Support Services ...	534,000
99-7090	Management and Administrative Services	438,000

Total Appropriation, Adult Diagnostic and Treatment Center, Avenel		\$6,147,000
---	--	-------------

Personal Services:

Salaries and wages (\$4,350,000)
 Positions established from lump
 sum appropriation (263,000)
 Food in lieu of cash (43,000)
 Materials and Supplies (810,000)
 Services Other Than Personal (535,000)
 Maintenance and Fixed Charges (120,000)

Special Purpose:

Compensation awards (6,000)
 Additions, Improvements and
 Equipment (20,000)

7110 Youth Reception and Correction Center, Yardville

07-7110	Institutional Control and Supervision ..	\$8,852,000
08-7110	Institutional Care Program	3,771,000

09-7110	Institutional Treatment Program	1,834,000
10-7110	Education Program	537,000
19-7110	Physical Plant and Support Services	1,487,000
99-7110	Management and Administrative Services	780,000

Total Appropriation, Youth Reception and Correction Center, Yardville	\$17,261,000
--	--------------

Personal Services:

Salaries and wages	(\$12,269,000)
Positions established from lump sum appropriation	(382,000)
Food in lieu of cash	(114,000)
Materials and Supplies	(2,784,000)
Services Other Than Personal	(1,306,000)
Maintenance and Fixed Charges	(215,000)

Special Purpose:

Compensation awards	(62,000)
Additions, Improvements and Equipment	(129,000)

7120 Youth Correctional Institution, Bordentown

07-7120	Institutional Control and Supervision ..	\$8,094,000
08-7120	Institutional Care Program	3,444,000
09-7120	Institutional Treatment Program	1,325,000
10-7120	Education Program	478,000
19-7120	Physical Plant and Support Services	1,828,000
99-7120	Management and Administrative Services	857,000

Total Appropriation, Youth Correctional Institution, Bordentown	\$16,026,000
--	--------------

Personal Services:

Salaries and wages	(\$10,416,000)
Positions established from lump sum appropriation	(772,000)
Food in lieu of cash	(100,000)
Materials and Supplies	(2,884,000)

Services Other Than Personal (1,520,000)
 Maintenance and Fixed Charges (186,000)

Special Purpose:

Compensation awards (123,000)
 Additions, Improvements and
 Equipment (25,000)

7130 Youth Correctional Institution, Annandale

07-7130	Institutional Control and Supervision ...	\$9,150,000
08-7130	Institutional Care Program	3,060,000
09-7130	Institutional Treatment Program	1,272,000
10-7130	Education Program	283,000
19-7130	Physical Plant and Support Services	1,677,000
99-7130	Management and Administrative Services	622,000

Total Appropriation, Youth Correctional Institution, Annandale		<u>\$16,064,000</u>
---	--	---------------------

Personal Services:

Salaries and wages (\$11,797,000)
 Positions established from lump
 sum appropriation (22,000)
 Positions converted (280,000)
 Food in lieu of cash (98,000)
 Materials and Supplies (2,559,000)
 Services Other Than Personal (1,050,000)
 Maintenance and Fixed Charges (108,000)

Special Purpose:

Compensation awards (77,000)
 Additions, Improvements and Equip-
 ment (73,000)

18 Juvenile Correctional Services

7210 Training School for Boys, Skillman

07-7210	Institutional Control and Supervision ...	\$2,816,000
08-7210	Institutional Care Program	670,000
09-7210	Institutional Treatment Program	396,000

19-7210	Physical Plant and Support Services . . .	722,000
99-7210	Management and Administrative Services	522,000

Total Appropriation, Training School for Boys, Skillman		<u>\$5,126,000</u>
--	--	--------------------

Personal Services:

Salaries and wages	(\$4,271,000)
Materials and Supplies	(487,000)
Services Other Than Personal	(226,000)
Maintenance and Fixed Charges	(80,000)

Special Purpose:

Compensation awards	(41,000)
Additions, Improvements and Equip- ment	(21,000)

7220 Training School for Boys, Jamesburg

07-7220	Institutional Control and Supervision . . .	\$4,797,000
08-7220	Institutional Care Program	1,350,000
09-7220	Institutional Treatment Program	870,000
19-7220	Physical Plant and Support Services	1,654,000
99-7220	Management and Administrative Services	644,000

Total Appropriation, Training School for Boys, Jamesburg		<u>\$9,315,000</u>
---	--	--------------------

Personal Services:

Salaries and wages	(\$7,308,000)
Food in lieu of cash	(69,000)
Materials and Supplies	(1,294,000)
Services Other Than Personal	(406,000)
Maintenance and Fixed Charges	(157,000)

Special Purpose:

Compensation awards	(81,000)
-------------------------------	-----------

7225 Juvenile Medium Security Center

07-7225	Institutional Control and Supervision . . .	\$2,269,000
08-7225	Institutional Care Program	464,000

09-7225	Institutional Treatment Program	264,000
19-7225	Physical Plant and Support Services	369,000
99-7225	Management and Administrative Services	286,000

Total Appropriation, Juvenile Medium Security Center	\$3,652,000
---	-------------

Personal Services:

Salaries and wages	(\$3,104,000)
Food in lieu of cash	(32,000)
Materials and Supplies	(304,000)
Services Other Than Personal	(141,000)
Maintenance and Fixed Charges	(64,000)

Special Purpose:

Compensation awards	(7,000)
---------------------------	----------

*18 Juvenile Correctional Services**12 Residential Care*

12-7230	Residential Group Center, Highfields ...	\$186,000
12-7240	Residential Group Center, Warren	210,000
12-7250	Residential Group Center, Ocean	332,000
12-7260	Residential Group Center, Turrell	820,000
12-7270	Juvenile Community Programs	5,324,000

Total Appropriation, Juvenile Correctional Services	\$6,872,000
--	-------------

Personal Services:

Salaries and wages	(\$4,890,000)
Food in lieu of cash	(14,000)
Materials and Supplies	(196,000)
Services Other Than Personal	(96,000)
Maintenance and Fixed Charges	(28,000)

Special Purpose:

Community centers	(1,174,000)
Compensation awards	(6,000)

Grants:

RCA juvenile project	(450,000)
----------------------------	------------

Additions, Improvements and Equip-
ment (18,000)
The unexpended balance as of June 30,
1986 in the Special Purpose account,
Outward Bound for Camden Youths
is appropriated.

17 Parole and Community Programs

7010 Office of Parole and Community Programs

03-7010 Parole	\$9,156,000
04-7010 Community Programs	1,414,000
	<hr/>
Total Appropriation, Office of Parole and Community Programs	\$10,570,000

Personal Services:

Salaries and wages	(\$9,244,000)
Materials and Supplies	(99,000)
Services Other Than Personal	(237,000)
Maintenance and Fixed Charges	(492,000)

Special Purpose:

Payments to inmates discharged from county facilities	(160,000)
Community Residence Center, Jersey City	(51,000)
Community Service Center, Newark	(171,000)
Community Service Center, Essex ..	(79,000)
Compensation awards	(27,000)
Additions, Improvements and Equip- ment	(10,000)

7280 State Parole Board

05-7280 State Parole Board	\$4,894,000
	<hr/>
Total Appropriation, State Parole Board ..	\$4,894,000

Personal Services:

Salaries and wages	(\$3,418,000)
Positions established from lump sum appropriation	(455,000)

Materials and Supplies	(101,000)
Services Other Than Personal	(409,000)
Maintenance and Fixed Charges	(107,000)
Special Purpose:	
Increased parole services	(374,000)
Compensation awards	(5,000)
Additions, Improvements and Equip- ment	(25,000)

19 Central Planning, Direction and Management
7000 Division of Management and General Support

01-7000 Planning, Management and General Support	\$2,092,000
02-7000 Program Operations Support	2,111,000
19-7000 Physical Plant and Support Services ...	918,000
99-7000 Management and Administrative Services	<u>6,151,000</u>
Total Appropriation, Central Planning, Direction and Management	<u>\$11,272,000</u>

Personal Services:

Salaries and wages	(\$9,084,000)
Materials and Supplies	(397,000)
Services Other Than Personal	(1,299,000)
Maintenance and Fixed Charges	(252,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(99,000)
Compensation awards	(23,000)
Additions, Improvements and Equip- ment	(118,000)

The Department of Corrections shall conduct, in cooperation with the New Jersey Department of Health, a six-month study to determine the feasibility of instituting an Acquired Immune Deficiency Syndrome screening program for all current inmates of State penal institutions

as well as individuals admitted to these institutions.

Total Appropriation, Department of Corrections \$288,869,000*

Balances on hand as of June 30, 1986 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 included in the Governor's Budget first shall be charged to the State Lottery Fund.

30 DEPARTMENT OF DEFENSE

10 *Public Safety and Criminal Justice*

14 *Military Services*

01-3600	National Guard Training, Operations and Administration	\$3,142,000*
02-3600	Management of National Guard Installations	6,921,000
03-3600	Management of Joint Training Center ..	1,374,000

Total Appropriation, Military Services \$11,437,000*

Personal Services:

Salaries and wages	(\$5,394,000)
New positions	(25,000)
Materials and Supplies	(1,900,000)
Services Other Than Personal	(836,000)
Maintenance and Fixed Charges	(578,000)

Special Purpose:

Affirmative action and equal employment opportunity program(	4,000)
New Jersey Military Academy	(36,000)
Microfilm service charges	(11,000)
Joint Federal-State operations and maintenance contracts (State share)	(670,000)
Jersey City Armory lease	(400,000)
Compensation awards	(177,000)
Additions, Improvements and Equip- ment	(1,406,000)

Receipts derived from rental and use of armories and the unexpended balance of such receipts as of June 30, 1986, are appropriated for the operation and maintenance thereof.

The unexpended balance as of June 30, 1986 in the Joint Federal-State operations and maintenance contracts (State share) account is appropriated for the same purpose.

Receipts derived from the sale of meals at the Dining Facility, Sea Girt, and the unexpended balance of such receipts, as of June 30, 1986 are appropriated.

Total Appropriation, Department of Defense	<u><u>\$11,437,000*</u></u>
---	-----------------------------

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*31 *Direct Educational Services and Assistance*

04-5064 Adult and Continuing Education	\$644,000
05-5066 Bilingual Education	210,000
06-5066 Compensatory Education	265,000
07-5065 Special Education	1,306,000

Total Appropriation, Direct Educational Services and Assistance	<u><u>\$2,425,000</u></u>
--	---------------------------

Personal Services:

Salaries and wages	(\$2,142,000)
New positions	(26,000)
Materials and Supplies	(56,000)
Services Other Than Personal	(186,000)
Maintenance and Fixed Charges	(15,000)

32 Operation and Support of Educational Institutions

12-5011 Marie H. Katzenbach School for the Deaf	\$7,296,000
15-5010 Project COED	2,525,000

Total Appropriation, Operation and Support of Educational Institutions	<u>\$9,821,000</u>
---	--------------------

Personal Services:

Salaries and wages	(\$7,488,000)
Materials and Supplies	(1,301,000)
Services Other Than Personal	(338,000)
Maintenance and Fixed Charges	(293,000)

Special Purpose:

Transportation expenses for students	(174,000)
Compensation awards	(27,000)
Additions, Improvements and Equip- ment	(200,000)

Notwithstanding the provisions of N. J. S. 18A :61-1 and N. J. S. 18A :46-13, or any other statute, \$2,648,000 of the amount hereinabove to the Marie H. Katzenbach School for the Deaf for operating expenses shall be reimbursed by local boards of education; provided, however, that each local board pay that portion of costs which the number of its handicapped pupils bears to the entire number of handicapped pupils in the school; provided further, however, that payments be made by each local board in accordance with a schedule adopted by the Commissioner of Education and the Director of the Division of Budget and Accounting and be paid directly to the General Treasury.

Receipts derived from charges at the regional schools for the handicapped and the unexpended balance as of June 30, 1986, of such receipts are appropriated for the costs of operating the schools.

The unexpended balance as of June 30, 1986 in the receipt account of the Marie H. Katzenbach School for the Deaf, and receipts derived from charges in excess of \$2,805,000, are appropriated for operating expenses.

33 Supplemental Education and Training Programs

20-5062 General Vocational Education	\$1,450,000
<hr/>	
Total Appropriation, Supplemental Education and Training Programs	\$1,450,000
<hr/>	

Personal Services:

Salaries and wages	(\$1,186,000)
Materials and Supplies	(27,000)
Services Other Than Personal	(81,000)
Maintenance and Fixed Charges	(6,000)

Special Purpose:

School-to-Work Linkage Program ..	(50,000)
-----------------------------------	-----------

Grants:

Career Education Incentive Act	(100,000)
-------------------------------------	------------

The unexpended balance as of June 30, 1986 in the Inspection and Licensing of Private Schools account and receipts derived therefrom are appropriated, subject to the enactment of enabling legislation.

34 Educational Support Services

30-5063 General Academic Education	\$2,906,000
33-5067 Service to Local Districts	5,922,000
33-5068 Service to Local Districts	2,192,000
34-5067 Equal Educational Opportunity	205,000
36-5120 Pupil Transportation	300,000

37-5120	School Nutrition	151,000
38-5120	Facilities Planning and School Building Aid	371,000
		<hr/>
	Total Appropriation, Educational Support Services	\$12,047,000
		<hr/>

Personal Services:

Salaries and wages	(\$8,863,000)
Materials and Supplies	(133,000)
Services Other Than Personal	(447,000)
Maintenance and Fixed Charges	(60,000)

Special Purpose:

Improved basic skills instruction (HSPT)	(84,000)
Urban initiative leadership training	(185,000)
Statewide Testing Program	(1,001,000)
Advisory Council on Holocaust Education	(125,000)
Regional computer training and demonstration centers project ...	(286,000)
Level III and IV monitoring	(200,000)
Urban initiative broad based support	(463,000)

Grants:

Programs for the Gifted and Talented	(200,000)
---	------------

The unexpended balance as of June 30, 1986 in the Inspection of school construction account, and receipts derived therefrom, are appropriated for the operation of the school construction inspection program.

Receipts from the State Board of Examiners' fees and the unexpended balances as of June 30, 1986 are appropriated for the operation of the Teacher Certification program.

35 Education Administration and Management

42-5120	School Finance and Auditing	\$1,237,000
99-5090	Management and Administrative Services	1,085,000
99-5095	Management and Administrative Services	4,233,000*

Total Appropriation, Education Adminis- tration and Management	<u>\$6,555,000*</u>
---	---------------------

Personal Services:

Salaries and wages	(\$3,912,000)
New positions	(50,000)
Materials and Supplies	(270,000)
Services Other Than Personal	(783,000)
Maintenance and Fixed Charges	(184,000)

Special Purpose:

State Board of Education expenses	(61,000)
Microfilm services charges	(37,000)
Affirmative action and equal employ- ment opportunity program	(38,000)
Urban initiative operation school renewal	(255,000)
Urban initiative—broad based com- ponent	(52,000)
Martin Luther King, Jr. Commemorative Commission	(200,000*)
Comprehensive communications campaign	(50,000)
Office automation expansion	(100,000)
Academy for Advancement of Teaching and Management	(482,000)
Marine Academy of Science and Technology	(50,000)
Compensation awards	(23,000)
Additions, Improvements and Equip- ment	(8,000)

Receipts derived from charges at the Academy for
the Advancement of Teaching and Management

and the unexpended balance as of June 30, 1986 of such receipts are appropriated for the costs of operation.

37 Cultural and Intellectual Development Services

51-5070	Library Services	\$3,594,000*
54-5010	Support of the Arts	523,000
		<hr/>
	Total Appropriation, Cultural and Intellectual Development Services	\$4,117,000*
		<hr/>

Personal Services:

Salaries and wages	(\$2,457,000)
Materials and Supplies	(528,000)
Services Other Than Personal	(403,000)
Maintenance and Fixed Charges	(32,000)

Special Purpose:

Development of integrated library control system	(154,000)
New Jersey School of the Arts ..	(147,000)
Teen arts program	(101,000)
Governor's School	(275,000)
Additions, Improvements and Equipment	(20,000)

The unexpended balances in the Development of integrated library control system account as of June 30, 1986 are appropriated.

Receipts derived from tuition charges at the New Jersey School of the Arts and the unexpended balance as of June 30, 1986 of such receipts are appropriated for the costs of operation.

Total Appropriation, Department of Education	\$36,415,000*
	<hr/> <hr/>

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 included in the Governor's Budget, first shall be charged to the State Lottery Fund.

38 DEPARTMENT OF ENERGY

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

10-4050 Public Broadcasting Services	\$7,292,000
<hr/>	
Total Appropriation, Cultural and Intellectual Development Services	\$7,292,000
<hr/>	

Personal Services:

Salaries and wages	(\$4,188,000)
Positions established from lump sum appropriation	(531,000)
Materials and Supplies	(465,000)
Services Other Than Personal	(806,000)
Maintenance and Fixed Charges	(655,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(20,000)
Programming	(194,000)
Grant from the State to produce the daily lottery drawing program ...	(150,000)
Grant to Newark Public Radio	(30,000)
Non-broadcast technology	(73,000)
Additions, Improvements and Equipment	(180,000)

Receipts derived from leasing space on transmitter towers, rental of studio or production facilities to non-profit organizations and sale or reproduction of Authority produced programs, and the unexpended balance as of June 30, 1986 of such receipts are appropriated.

*40 Community Development and Environmental Management**42 Natural Resource Management*

05-4030 Energy Resource Management	\$2,255,000
99-4030 Management and Administrative Services	401,000
<hr/>	
Total Appropriation, Natural Resource Management	\$2,656,000
<hr/>	

Personal Services:

Salaries and wages	(\$1,895,000)
Materials and Supplies	(59,000)
Services Other Than Personal	(446,000)
Maintenance and Fixed Charges	(51,000)

Special Purpose:

Affirmative action and equal employ- ment opportunity program	(30,000)
Additions, Improvements and Equip- ment	(175,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

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

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

In addition to the sum hereinabove, such other sums, as the Director of the Division of Budget and Accounting shall determine, are considered as appropriated on behalf of the Department of Energy with respect to assessment of public utilities, P. L. 1968, c. 173 (C. 48:2-59 et seq.) or other applicable statutes.

*50 Economic Planning, Development and Security**52 Economic Regulation*

01-4010 Financial Regulation	\$5,885,000
02-4020 Service Adequacy and Safety	3,809,000
04-4045 Regulation of Cable Television	820,000
99-4040 Management and Administrative Services	1,471,000
	<hr/>
Total Appropriation, Economic Regulation	\$11,985,000
	<hr/>

Personal Services:

Salaries and wages	(\$9,753,000)
New positions	(375,000)

Materials and Supplies	(211,000)
Services Other Than Personal	(768,000)
Maintenance and Fixed Charges	(96,000)

Special Purpose:

Affirmative action and equal employ- ment opportunity program	(35,000)
Additions, Improvements and Equip- ment	(747,000)

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

The unexpended balance as of June 30, 1986 in this account is appropriated.

Fees, fines and penalties in excess of those anticipated are appropriated.

Total Appropriation, Department of Energy	\$21,933,000
---	---------------------

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*

42 *Natural Resource Management*

05-4840 Water Supply and Watershed Management	\$2,507,000
11-4870 Forest Resource Management	4,067,000
13-4880 Hunters' and Anglers' License Fund ...	7,100,000
14-4885 Shellfish and Marine Fisheries Management	1,126,000
15-4890 Marine Lands Management	1,938,000
20-4880 Wildlife Management	319,000

Total Appropriation, Natural Resource Management	\$17,057,000
---	---------------------

Personal Services:	
Salaries and wages	(\$10,574,000)
Materials and Supplies	(1,809,000)
Services Other Than Personal	(1,116,000)
Maintenance and Fixed Charges	(694,000)
Special Purpose:	
Office of the Rivermaster	(46,000)
Laboratory services (Department of Health)	(90,000)
Microfilm service charges	(65,000)
Flood plain management permit processing	(350,000)
Fire fighting costs	(425,000)
Disposal of dead deer	(100,000)
Oyster propagation and disease control, P. L. 1945, c. 39 (C. 50:3-20.17)	(60,000)
Surf clams research and inventory	(30,000)
Shellfish research and inventory	(22,000)
Delineation and determination of State riparian land	(430,000)
Tidelands Resource Council	(25,000)
Fish contamination study	(100,000)
Pequest resource center	(119,000)
Compensation awards	(55,000)
Additions, Improvements and Equipment	(947,000)

The unexpended balances as of June 30, 1986 in the Fire fighting costs, Delineation and determination of State riparian land and the Flood emergency management accounts are appropriated for the same purposes.

The amount hereinabove for the Hunters' and Anglers' License Fund shall be payable out of said Fund and any amounts remaining therein, in addition to the unexpended balances as of June 30, 1986, are appropriated for additional operating costs. If receipts to said Fund are less than an-

anticipated, the appropriation shall be reduced correspondingly.

Receipts in excess of \$63,500 derived from Sea clam fees and Sea clam licenses (commercial and non-commercial) are appropriated.

The amount hereinabove for Delineation and determination of State riparian land shall be provided from receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands, and any receipts in excess of such amount, not to exceed \$715,000, are appropriated for the same purpose; provided, however, that should the receipts be insufficient to finance such authorization, sufficient sums shall be advanced from the General Fund for the same purpose; provided further, however, that any sum so advanced must be returned to the General Fund from future receipts derived from the sales, grants, leases, licensing or rentals of State riparian lands.

Of the amount hereinabove for Marine Lands Management, \$471,000 shall first be charged to receipts derived from the sales, grants, leases, licensing and rentals of State riparian lands as reimbursement for staff and administrative costs necessary for managing and providing proper surveillance and enforcement of State rights over the use of State-owned riparian lands; provided, however, that there are appropriated from any receipts in excess of the amount anticipated, \$600,000 to meet peak demands of the Marine Lands Management Program.

Receipts derived from the sale of materials which encourage the protection of endangered and non-game wildlife species and any funds derived from the Income Tax Refund Checkoff for the Endangered and Non-game Species of Wildlife Conservation Fund, P. L. 1981, c. 170 (C. 54A:9-25.2), and the unexpended balance as of June 30, 1986 of such receipts are appropriated for protection of endangered and non-game wildlife species.

43 Environmental Quality

02-4825	Air Pollution Control	\$3,952,000
03-4830	Noise Control	153,000
07-4850	Water Monitoring and Planning	1,541,000
08-4855	Water Enforcement	1,365,000
09-4860	Public Wastewater Facilities	700,000
22-4861	Geological Survey	2,171,000
Total Appropriation, Environmental Quality		<u>\$9,882,000</u>

Personal Services:

Salaries and wages	(\$4,895,000)
Materials and Supplies	(261,000)
Services Other Than Personal	(853,000)
Maintenance and Fixed Charges	(297,000)

Special Purpose:

Acid rain study	(100,000)
Toxic air pollutants study	(148,000)
Replacement—air monitoring equipment	(100,000)
Toxic catastrophe prevention	(500,000)
Noise control	(50,000)
Noise control education program ...	(60,000)
Weed control, State controlled lakes	(50,000)
Laboratory services (Department of Health)	(469,000)
Protective clothing and safety equipment	(263,000)
Administration of Wastewater Treatment Fund	(700,000)
Compensation awards	(6,000)
Expansion of geological survey	(1,000,000)

Additions, Improvements and

Equipment	(130,000)
-----------------	------------

Receipts from the air pollution control program in excess of \$425,000 are appropriated.

Receipts derived from the New Jersey Pollutant Discharge Elimination System and the unex-

pending balance of such receipts as of June 30, 1986 are appropriated for expenses of the program.

Receipts received pursuant to the Toxic Catastrophe Prevention Act, P. L. 1985, c. 403 (C. 13:1K-19 et al.) and the unexpended balance of such receipts as of June 30, 1986 are appropriated for expenses of the program.

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

The unexpended balances as of June 30, 1986 in the Expansion of Geological Survey account are appropriated for the same purpose.

44 Hazardous and Toxic Pollution Control

01-4820	Radiation Protection	\$2,014,000
04-4835	Pesticide Control	263,000
18-4810	Environmental Cancer and Toxic Substances	4,032,000
19-4815	Spill Prevention, Response and Site Cleanup	8,535,000
23-4910	Waste Management	13,716,000
	Total Appropriation, Hazardous and Toxic Pollution Control	\$28,560,000

Personal Services:

Salaries and wages	(\$13,673,000)
Positions established from lump sum appropriation	(1,275,000)
Positions converted	(356,000)
Materials and Supplies	(898,000)
Services Other Than Personal	(2,953,000)
Maintenance and Fixed Charges	(856,000)

Special Purpose:

Environmental risk assessments ..	(1,300,000)
Environmental health research	(300,000)
Ground water investigations	(50,000)
Major Hazardous Waste Facilities	
Siting Act—Siting Commission .	(367,000)
Hazardous Waste Advisory Council	(15,000)
Hazardous Waste Facilities Siting	
Commission—Review	(60,000)
Administration of Resource Re-	
covery and Solid Waste Disposal	
Facility Fund	(235,000)
Worker and Community Right to	
Know	(160,000)
State Underground Storage Tank	
Improvement Fund	(5,000,000)
Compensation awards	(15,000)
Additions, Improvements and	
Equipment	(1,047,000)

The amount hereinabove for the State Underground Storage Tank Improvement Fund shall be available for expenditure only upon enactment of legislation prescribing the use thereof.

Receipts in excess of \$148,000 derived from laboratory certification services are appropriated.

Receipts derived from fees charged for services performed under the Environmental Cleanup Responsibility Act, P. L. 1983, c. 330 (C. 13:1K-6 et al.) are appropriated for program purposes.

Receipts of \$1,399,580 received pursuant to the assessments of electrical utility companies P. L. 1981, c. 302 as amended by P. L. 1984, c. 98 (C. 26:2D-37 et seq.) together with the unexpended balance as of June 30, 1986 are appropriated for nuclear emergency response; provided however, that the expenditure of these funds shall be subject to the approval of the Director of the Division of Budget and Accounting.

Receipts in excess of \$433,000 from Radiation Protection are appropriated.

The unexpended balance as of June 30, 1986 in the Reading prong radon study account is appropriated.

The unexpended balance as of June 30, 1986 in the Radiological decontamination—Essex county account is appropriated.

There is 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 approval of the Director of Budget and Accounting; provided, however, that expenditures for the Department's non-site specific administrative costs associated with the Fund shall not exceed \$1,250,000.

Such sums as may be required, not to exceed \$400,000, to cover costs associated with the administration of the Environmental Cleanup Responsibility Act, P. L. 1983, c. 330 (C. 13:1K–6 et al.) are appropriated from the New Jersey Spill Compensation Fund, subject to the approval of the Director of the Division of Budget and Accounting.

A sum not to exceed \$600,000 is appropriated from interest earned by the New Jersey Spill Compensation Fund for research and development on the prevention, effects and improved cleanup criteria and removal operation methods of spills of hazardous substances, subject to the approval of the Director of the Division of Budget and Accounting.

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

The unexpended balances as of June 30, 1986 in the Major Hazardous Waste Facilities Siting Act—Siting Commission, the Major Hazardous Waste Facilities Siting Act—Hazardous Waste Advisory Council and the Hazardous Waste Facilities Siting Commission—Mapping accounts are appropriated.

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

There are appropriated from the Sanitary Landfill Facility Contingency Fund such sums as may be required to carry out the provisions of the Sanitary Landfill Facility Closure and Contingency Fund Act, P. L. 1981, c. 306 (C. 13:1E-100 et seq.), provided, however, that expenditures for the Department's administrative costs associated with the Fund shall not exceed \$250,000.

There are appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of the Worker and Community Right to Know Act, P. L. 1983, c. 315 (C. 34:5A-1 et seq.), and, in addition, any unexpended balances as of June 30, 1986 are appropriated.

Receipts derived from the Resource Recovery Investment Tax Fund and the Solid Waste Services Tax Fund are appropriated.

45 Recreational Resource Management

10-4865	Marina Operations	\$819,000
12-4875	Parks Management	16,798,000
21-4895	Navigational Aids	916,000
		\$18,533,000
Total Appropriation, Recreational Resource Management		\$18,533,000

Personal Services:

Salaries and wages	(\$10,992,000)	
Positions established from lump sum appropriations	(150,000)	
Positions converted	(31,000)	
Materials and Supplies	(2,246,000)	
Services Other Than Personal	(1,138,000)	
Maintenance and Fixed Charges	(1,304,000)	

Special Purpose:

Liberty State Park Development Corporation	(200,000)
Liberty Park Commission	(22,000)
Maintenance—Old Barracks, Trenton (State share)	(200,000)
Expenses of the Delaware and Raritan Canal Commission	(150,000)
Youth conservation and recreation projects	(50,000)
Day trip and camping opportunities for youngsters from lower and moderate income families	(450,000)
Natural Lands Trust	(90,000)
Natural Areas Council	(5,000)
Historic Sites Trust	(20,000)
Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes ..	(300,000)
Compensation awards	(56,000)
Additions, Improvements and Equipment	(1,129,000)

Receipts in excess of \$819,000 from Marina operations are appropriated for maintenance and security of marina facilities.

The amount hereinabove for the operation, maintenance and administration of the Morris Canal and Banking Company properties shall be payable out of the Morris Canal Fund and there shall be refunded to the General Fund such amounts as have been advanced from said Fund to the Morris Canal Fund whenever and to the extent that cash in the Morris Canal Fund exceeds the liabilities thereof.

The unexpended balance as of June 30, 1986 in the Natural Lands Trust account and sums otherwise made available are appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Construction, maintenance, improvement and dredging of inland waterways; bulkheading and dredging at State marinas and dredging State-controlled lakes account is appropriated for the same purpose.

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

4876 Palisades Interstate Park Commission

24-4876	Parks Management	\$1,607,000
25-4876	Patrol Activities and Crime Control	1,041,000

Total Appropriation, Palisades Interstate Park Commission		\$2,648,000
---	--	-------------

Personal Services:

Salaries and wages	(\$1,977,000)
Materials and Supplies	(281,000)
Services Other Than Personal	(195,000)
Maintenance and Fixed Charges	(120,000)
Additions, Improvements and Equipment	(75,000)

The receipts from police court, stands, concessions and self-sustaining activities operated or supervised by this commission, and the unexpended balances as of June 30, 1986 of such receipts are appropriated.

46 Environmental Planning and Administration

26-4805	Regulatory and Governmental Affairs ...	\$1,770,000
99-4800	Management and Administrative Services	6,031,000

Total Appropriation, Environmental Planning and Administration		\$7,801,000
--	--	-------------

Personal Services:

Salaries and wages	(\$5,492,000)
Positions converted	(466,000)
Materials and Supplies	(51,000)
Services Other Than Personal	(736,000)
Maintenance and Fixed Charges	(112,000)

Special Purpose:

Board of New Jersey Pilot Commissioners	(73,000)
Affirmative action and equal employment opportunity program	(39,000)
Data processing systems improvements	(820,000)
Compensation awards	(5,000)
Additions, Improvements and Equip- ment	(7,000)

The amount in the Board of New Jersey Pilot Commissioners account shall be payable out of receipts and any receipts in excess of the amounts specifically set forth above, are appropriated.

Fees deposited in the Environmental Services Fund, P. L. 1975, c. 232 (C. 13:1D-29 et seq.) and the unexpended balance as of June 30, 1986 are appropriated for the purposes of the Fund.

Total Appropriation, Department of Environmental Protection	<u><u>\$84,481,000</u></u>
---	----------------------------

46 DEPARTMENT OF HEALTH

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

01-4215 Vital Statistics	\$694,000
02-4220 Local and Community Health Services	13,987,000*
03-4230 Epidemiology and Disease Control	9,114,000
04-4240 Narcotics and Drug Abuse Control	10,422,000
05-4250 Alcoholism Control	2,278,000

08-4280 Diagnostic Services	5,225,000
09-4290 Clinical Laboratory Services	398,000
	<hr/>
Total Appropriation, Health Services	<u>\$42,118,000*</u>

Personal Services:

Salaries and wages	(\$12,468,000)
Positions established from lump sum appropriation	(1,255,000)
Materials and Supplies	(2,089,000)
Services Other Than Personal	(1,391,000)
Maintenance and Fixed Charges	(689,000)

Special Purpose:

Improvement of vital statistics	(100,000)
Worker health surveillance	(200,000)
DPT and HIB vaccine	(250,000)
Maternal and child health	(2,700,000)
Infant mortality reduction program	(1,830,000)
Compulsive gambling	(275,000)
Inmate residential drug treatment program	(300,000)

Grants:

Family planning services	(575,000)
Hemophilia services	(681,000)
Emergency medical services	(209,000)
Chronic disease services	(144,000)
Testing for specific hereditary diseases	(115,000)
Urban rodent control	(157,000*)
Special health services for handicapped children	(1,856,000)
Chronic renal disease	(438,000)
Birth defects registry	(25,000)
Gerontology program	(136,000)
Tuberculosis services	(174,000)
Venereal disease clinics	(10,000)

Environmental and occupational health	(111,000)
Lead poisoning control	(395,000)
Parolee rehabilitation project	(370,000)
Acquired Immune Deficiency Syndrome program	(1,800,000)
Alzheimer's disease program	(500,000)
Alzheimer's Disease Center, Camden	(100,000)
Environmental health education	(200,000)
Poison control center	(425,000)
Community drug programs (State share)	(8,092,000)
Vocational adjustment centers	(95,000)
Alcoholism services	(1,483,000)
Medical support services for the homeless	(75,000)
County Rape Crisis Centers	(250,000)
Additions, Improvements and Equipment	(155,000)

Such sums as may be required for costs of operation of the rabies control program are appropriated from the Rabies Control Fund.

Receipts from fees established by the Commissioner of Health for licensing of clinical laboratories pursuant to P. L. 1975, c. 166 (C. 45:9-42.26 et seq.), and the unexpended balance as of June 30, 1986 of the fees are appropriated.

The Divisions of Narcotic and Drug Abuse and Alcohol Control are authorized to bill a patient, or a patient's estate, or the person chargeable for his support, or the county of residence for institutional, residential and out-patient support of patients treated for alcoholism and/or drug abuse. Receipts derived from billings or fees and unexpended balances as of June 30, 1986 from these billings and fees are appropriated to the Department of Health, Divisions of Narcotic and Drug Abuse Control and Alcohol Control, for the support of the alcohol and drug abuse programs.

There is appropriated out of the Worker and Community Right to Know Fund such sums as may be necessary to carry out the provisions of P. L. 1983, c. 315 (C. 34:5A-1 et seq.).

There is appropriated from the Alcohol Education, Rehabilitation and Enforcement Fund such sums as may be necessary to carry out the provisions of P. L. 1980, c. 62 (C. 54:32C-1 et seq.).

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.

The unexpended balance as of June 30, 1986 for Epidemiology and Disease Control program classification, Reading Prong Radon Study is appropriated.

22 Health Planning and Evaluation

06-4260	Health Facilities Evaluation	\$2,671,000
07-4270	Health Planning and Resource Development	2,356,000
	Total Appropriation, Health Planning and Evaluation	\$5,027,000

Personal Services:

Salaries and wages	(\$3,882,000)	
Position established from a lump sum appropriation	(292,000)	
Materials and Supplies	(72,000)	
Services Other Than Personal	(601,000)	
Maintenance and Fixed Charges	(120,000)	

Grants:

Planning and development of urban health services	(60,000)	
--	-----------	--

Receipts derived from fees charged for hospital rate setting, for the review of Uniform Construction Code plans for health care facilities, and for the Certificate of Need program and the unexpended balances of such receipts as of June 30, 1986, are appropriated for the costs of these programs.

25 Health Administration

99-4210	Management and Administrative Services	\$8,096,000
	Total Appropriation, Health Administration	\$8,096,000

Personal Services:

Salaries and wages	(\$4,226,000)	
Position established from lump sum appropriation	(32,000)	
Materials and Supplies	(244,000)	
Services Other Than Personal	(927,000)	
Maintenance and Fixed Charges	(141,000)	

Special Purpose:

Compensation awards	(100,000)	
Office automation	(1,085,000)	
Health insurance options awareness program for the elderly	(100,000)	
Affirmative action and equal employment opportunity program	(56,000)	
N. J. State Commission on Cancer Research	(1,000,000)	

Grants:

Garden State Games	(175,000)	
Additions, Improvements and Equipment	(10,000)	

One million dollars is appropriated to the New Jersey State Commission on Cancer Research

established pursuant to section 5 of P. L. 1982,
c. 40 (C. 54:40A-37.1).

Receipts from various fees and licenses collected
by the Department of Health in excess of those
anticipated are appropriated.

Total Appropriation, Department of Health	<u><u>\$55,241,000*</u></u>
--	-----------------------------

50 DEPARTMENT OF HIGHER EDUCATION

30 *Educational, Cultural and Intellectual Development*

36 *Higher Educational Services*

5400 *Office of the Chancellor*

02-5400 Support to Independent Institutions	\$26,589,000
03-5400 New Jersey Educational Opportunity Fund	18,121,000
04-5400 Student Financial Support Services	49,272,000*
05-5400 Student Financial Assistance Administration	3,878,000
99-5400 Management and Administrative Services	26,894,000
<hr/>	
Total Appropriation, Office of the Chancellor	<u><u>\$124,754,000*</u></u>

Personal Services:

Salaries and wages	(\$4,835,000)
Materials and Supplies	(180,000)
Services Other Than Personal	(1,669,000)
Maintenance and Fixed Charges	(140,000)

Special Purpose:

Educational Opportunity Fund	
Board expenses	(6,000)
Board of Higher Education	
expenses	(12,000)
Student aid administration	(485,000)
State and County college councils ..	(3,000)

Teacher education evaluation	(100,000)
Affirmative action and equal employment opportunity program	(29,000)
Assessment and Outcomes:	
Basic skills assessment program . . .	(750,000)
College outcomes evaluation program	(850,000)
System Support/Other Programs:	
Program development	(90,000)
Management systems development	(100,000)
Commerce building relocation	(361,000)
Grants:	
Veterinary medicine education program	(1,349,000)
Aid to independent colleges and universities	(18,127,000)
Schools of professional nursing . . .	(1,448,000)
Dental school aid	(4,560,000)
Optometric education	(323,000)
Graduate medical education program	(382,000)
Opportunity program grants	(12,224,000)
Supplementary education program grants	(5,897,000)
Tuition Aid Grants, P. L. 1968, c. 429 (C. 18A :71-41 et seq.)	(45,072,000)
Garden State scholarships	(3,600,000)
Graduate fellowships	(400,000)
Vietnam veterans tuition aid program	(200,000)
Scholarly Chairs:	
Einstein chair for scholarly studies at the Institute for Advanced Study	(65,000)
Richard J. Hughes chair for constitutional and public law and service at Seton Hall University .	(65,000)

Alfred E. Driscoll chair in pharmaceutical/chemical studies, Fairleigh Dickinson University ..	(65,000)
Women's Studies Chair, Douglass College	(75,000)
Will and Ariel Durant chair in the humanities at St. Peter's College	(65,000)
Small business and entrepreneurship chair at Rutgers	(65,000)
Pre-collegiate remedial	(600,000)
Pre-collegiate academic programs	(1,300,000)
Technology programs:	
Technical engineering education ...	(1,556,000)
Computers in curricula	(2,334,000)
Math/science/computer teaching ...	(1,000,000)
Center for Information Age Technology	(500,000)
State College Autonomy Administration computing augmentation	(1,000,000)
Marine Sciences Consortium	(740,000)
Humanities program:	
Humanities program	(2,500,000)
Foreign language/international education	(500,000)
Special student programs:	
Learning disabled	(750,000)
Institutional Excellence:	
Challenge for excellence/State colleges	(8,000,000)
Special student programs:	
Governor's school	(275,000)
Compulsive gambling research	(75,000)
Additions, Improvements and Equip- ment	(32,000)

An amount not to exceed \$75,000 in the Aid to independent colleges and universities account shall be available for administrative expenses.

For the purpose of implementing the Independent College and University Assistance Act, P. L. 1979, c. 132 (C. 18A:72B-15 et seq.), the number of full-time equivalent students (FTE) at the eight State colleges is 45,855 for fiscal year 1985-86.

The unexpended balances as of June 30, 1986 and other income from the Federal loan collection and reimbursement program are appropriated.

Of the sums hereinabove appropriated for tuition aid grants, no funds shall be expended for out-of-state tuition aid grant awards except for students holding awards prior to fiscal year 1983.

The sums provided hereinabove and the unexpended balances as of June 30, 1986 in the New Jersey Educational Opportunity Fund and the Student Financial Support Services account shall be appropriated and available for payment of liabilities applicable to prior fiscal years.

The Department of Higher Education is authorized to expend up to \$2,100,000 for the Distinguished Scholars Program and \$2,000,000 for the Fund for the Improvement of Collegiate Education from funds made available from the New Jersey Higher Education Assistance Authority for these programs, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1986 in the Special Purpose and Grants accounts, and any balances from the special purpose appropriations which were transferred to a higher education institution are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

An amount not to exceed 6% of the total of the Special Academic Programs accounts is available for the administrative expenses of these programs.

In addition to the amounts hereinabove appropriated for Opportunity program grants the unex-

pending balance as of June 30, 1986 in the Vietnam Veterans Tuition Aid program is appropriated for Opportunity program grants.

5450 Thomas A. Edison State College

17-5450	Institutional Support	\$2,818,000
Total Appropriation, Thomas A. Edison State College		<u>\$2,818,000</u>
Personal Services:		
	Salaries and wages	(\$1,950,000)
	Materials and Supplies	(117,000)
	Services Other Than Personal	(452,000)
	Maintenance and Fixed Charges	(20,000)
Special Purpose:		
	Automation and program support ..	(95,000)
	Affirmative action and equal employment opportunity program	(14,000)
	Program priority	(145,000)
	Additions, Improvements and Equipment	(25,000)

5500 Glassboro State College

11-5500	Instruction	\$15,600,000*
12-5500	Sponsored Programs and Research	80,000
13-5500	Extension and Public Service	624,000
15-5500	Academic Support	1,575,000
16-5500	Student Services	2,603,000
17-5500	Institutional Support	4,030,000
19-5500	Physical Plant Support Services	<u>5,946,000</u>
Total Appropriation, Glassboro State College		<u>\$30,458,000*</u>
Personal Services:		
	Salaries and wages	(\$21,078,000)
	Student aides	(300,000)
	Materials and Supplies	(2,964,000)

Services Other Than Personal	(2,382,000)
Maintenance and Fixed Charges	(801,000)
Special Purpose:	
Academic development	(100,000)
Program priority	(200,000*)
Separately budgeted research	(80,000)
Camden Urban Center	(624,000)
College work-study program (State share)	(187,000)
Affirmative action and equal employment opportunity program ..	(58,000)
Enhancement of physical plant	(174,000)
Compensation awards	(110,000)
Additions, Improvements and Equipment	(1,400,000)

5510 Jersey City State College

11-5510 Instruction	\$14,947,000
12-5510 Sponsored Programs and Research	70,000
15-5510 Academic Support	1,410,000
16-5510 Student Services	1,804,000
17-5510 Institutional Support	3,969,000
19-5510 Physical Plant Support Services	4,537,000
<hr/>	
Total Appropriation, Jersey City State College	\$26,737,000

Personal Services:

Salaries and wages	(\$18,529,000)
Student aides	(150,000)
Materials and Supplies	(2,666,000)
Services Other Than Personal	(1,716,000)
Maintenance and Fixed Charges	(550,000)

Special Purpose:

A. Harry Moore Laboratory School	(1,066,000)
Cooperative education	(330,000)
Academic development	(90,000)
Separately budgeted research	(70,000)

National direct student loan program (State share)	(20,000)
Program priority	(100,000)
College work-study program (State share)	(120,000)
Athletic fields	(110,000)
Affirmative action and equal employment opportunity program ..	(60,000)
Basic science and technological equipment	(35,000)
Compensation awards	(45,000)
Additions, Improvements and Equipment	(1,080,000)

The unexpended balances as of June 30, 1986, and all tuition and other receipts from the operation of the A. Harry Moore Laboratory School of Jersey City State College, are appropriated for operating expenses of the School.

All revenues from the lease agreement between Jersey City State College and CBS, Inc. are appropriated.

5520 Kean College of New Jersey

11-5520 Instruction	\$17,362,000
12-5520 Sponsored Programs and Research	75,000
15-5520 Academic Support	1,904,000
16-5520 Student Services	2,650,000
17-5520 Institutional Support	4,677,000
19-5520 Physical Plant Support Services	6,293,000
<hr/>	
Total Appropriation, Kean College of New Jersey	\$32,961,000
<hr/>	

Personal Services:

Salaries and wages	(\$23,805,000)
Student aides	(200,000)
Materials and Supplies	(3,757,000)
Services Other Than Personal	(2,008,000)
Maintenance and Fixed Charges	(951,000)

Special Purpose :

Academic development	(120,000)
Separately budgeted research	(75,000)
College work-study program (State share)	(70,000)
Affirmative action and equal em- ployment opportunity program ..	(52,000)
Program priority	(100,000)
Compensation awards	(50,000)
Additions, Improvements and Equip- ment	(1,773,000)

5530 The William Paterson College of New Jersey

11-5530 Instruction	\$18,001,000
12-5530 Sponsored Programs and Research	85,000
15-5530 Academic Support	1,696,000
16-5530 Student Services	2,495,000
17-5530 Institutional Support	4,688,000
19-5530 Physical Plant Support Services	6,792,000

Total Appropriation, The William Paterson College of New Jersey	<u>\$33,757,000</u>
--	---------------------

Personal Services :

Salaries and wages	(\$24,212,000)
Student aides	(275,000)
Materials and Supplies	(4,121,000)
Services Other Than Personal	(1,857,000)
Maintenance and Fixed Charges	(602,000)

Special Purpose :

Academic development	(150,000)
Separately budgeted research	(85,000)
College work-study program (State share)	(75,000)
Affirmative action and equal employ- ment opportunity program	(48,000)
Program priority	(100,000)
Compensation awards	(70,000)
Additions, Improvements and Equip- ment	(2,162,000)

5540 Montclair State College

11-5540	Instruction	\$21,558,000
12-5540	Sponsored Programs and Research	100,000
13-5540	Extension and Public Service	600,000
15-5540	Academic Support	2,231,000
16-5540	Student Services	3,063,000
17-5540	Institutional Support	5,484,000
19-5540	Physical Plant Support Services	6,282,000

Total Appropriation, Montclair State College	\$39,318,000
---	--------------

Personal Services:

Salaries and wages	(\$27,710,000)
Student aides	(350,000)
Materials and Supplies	(3,643,000)
Services Other Than Personal	(2,510,000)
Maintenance and Fixed Charges	(748,000)

Special Purpose:

Academic development	(150,000)
Liberal arts	(226,000)
Separately budgeted research	(100,000)
New Jersey State School of Conservation	(600,000)
College work-study program (State share)	(70,000)
Affirmative action and equal employ- ment opportunity program	(102,000)
Personnel Continuation Require- ments	(179,000)
Program priority	(100,000)
Compensation awards	(45,000)
Additions, Improvements and Equip- ment	(2,785,000)

Receipts from the New Jersey School of Conserva-
tion in excess of \$475,000 and the unexpended
balance of such receipts, as of June 30, 1986, are
appropriated.

In addition to the sums hereinabove appropriated to Montclair State College, all revenues from lease agreements between Montclair State College and corporations operating satellite relay stations are appropriated.

5550 Trenton State College

11-5550	Instruction	\$15,766,000
12-5550	Sponsored Programs and Research	75,000
15-5550	Academic Support	2,796,000
16-5550	Student Services	2,691,000
17-5550	Institutional Support	3,943,000
19-5550	Physical Plant Support Services	6,646,000
Total Appropriation, Trenton State College		<u>\$31,917,000</u>

Personal Services:

Salaries and wages	(\$22,729,000)
Student aides	(255,000)
Materials and Supplies	(3,468,000)
Services Other Than Personal	(2,453,000)
Maintenance and Fixed Charges	(549,000)

Special Purpose:

Demonstration school services	(80,000)
Academic development	(100,000)
Separately budgeted research	(75,000)
Affirmative action and equal employment opportunity program ..	(43,000)
College work-study program (State share)	(37,000)
Program priority	(100,000)
Compensation awards	(70,000)
Additions, Improvements and Equipment	(1,958,000)

5560 Ramapo College of New Jersey

11-5560	Instruction	\$6,511,000
12-5560	Sponsored Programs and Research	50,000

15-5560	Academic Support	967,000
16-5560	Student Services	1,049,000
17-5560	Institutional Support	2,695,000
19-5560	Physical Plant Support Services	3,898,000

Total Appropriation, Ramapo College of New Jersey		<u>\$15,170,000</u>
--	--	---------------------

Personal Services:

Salaries and wages	(\$10,677,000)
Student aides	(150,000)
Materials and Supplies	(1,823,000)
Services Other Than Personal	(949,000)
Maintenance and Fixed Charges	(354,000)

Special Purpose:

Educational and media equipment ..	(93,000)
Academic development	(50,000)
Separately budgeted research	(50,000)
Academic support computer systems	(30,000)
College work-study program (State share)	(55,000)
Affirmative action and equal employ- ment opportunity program	(77,000)
Program priority	(100,000)
Compensation awards	(12,000)
Additions, Improvements and Equip- ment	(750,000)

5570 Richard Stockton State College

11-5570	Instruction	\$7,794,000
12-5570	Sponsored Programs and Research	70,000
15-5570	Academic Support	1,555,000
16-5570	Student Services	1,463,000
17-5570	Institutional Support	2,711,000
19-5570	Physical Plant Support Services	3,869,000

Total Appropriation, Richard Stockton State College		<u>\$17,462,000</u>
--	--	---------------------

Personal Services:

Salaries and wages	(\$12,442,000)
Student aides	(160,000)
Materials and Supplies	(2,142,000)
Services Other Than Personal	(1,065,000)
Maintenance and Fixed Charges	(398,000)

Special Purpose:

Academic development	(60,000)
Separately budgeted research	(70,000)
College work-study program (State share)	(38,000)
National direct student loan program (State share)	(7,000)
Affirmative action and equal employ- ment opportunity program	(48,000)
Program priority	(100,000)
Compensation awards	(22,000)
Additions, Improvements and Equip- ment	(910,000)

State College Programs

Receipts in excess of those anticipated from regular tuition at the State colleges and student fee revenues at Thomas A. Edison State College are appropriated, subject to approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The expenditure of the amounts hereinabove to each State college for academic development shall be subject to prior approval of the Chancellor of Higher Education.

Receipts from the operation of summer programs, special programs (on-campus) and extension and public service programs (off-campus) and the unexpended balances as of June 30, 1986 of such receipts, are appropriated.

Receipts from the operation of auxiliary services in excess of those pledged for the payment of prin-

cipal and interest on bonds of this State pursuant to N. J. S. 18A:64-18, and the unexpended balance as of June 30, 1986 of such receipts, are appropriated.

The amounts hereinabove allocated to the various State colleges for student aides constitute the appropriation to carry out the provisions of N. J. S. 18A:64-17; provided, however, that payment for the value of work performed by students shall be in cash in lieu of being credited toward the payment of student charges for tuition, room and board.

Receipts from student service charges, auxiliary service fees, and parking fees and the unexpended balances as of June 30, 1986 of such receipts are appropriated.

Notwithstanding the provisions of N. J. S. 18A:72A-26 et seq., no board of trustees of a State college shall enter into an agreement with the Educational Facilities Authority for housing facilities for students, without first securing written authorization for such agreement from the Director of the Division of Budget and Accounting.

With respect to the transfer of funds between items of appropriations, as provided by law, the program classification accounts shall be deemed to be the primary expenditure accounts (N. J. S. 18A:64-6f.), except that all transfers from non-salary to salary accounts shall be subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Any transfer from Physical Plant Support Services to any other purpose is subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

*5600 Rutgers, The State University
Rutgers University Programs*

11-5600	Instruction	\$127,646,000
12-5600	Sponsored Programs and Research	8,790,000
13-5600	Extension and Public Service	2,363,000
14-5600	Auxiliary Services	6,742,000
15-5600	Academic Support	17,239,000
16-5600	Student Services	24,543,000
17-5600	Institutional Support	38,809,000
19-5600	Physical Plant Support Services	49,544,000
	Sub-Total, General Operations	\$275,676,000
	Special Funds expense	42,000,000
	Auxiliary Funds expense	60,600,000
	Total All Operations	\$378,275,000
<i>Less:</i>		
	<i>General services income</i>	<i>(\$89,979,000)</i>
	<i>Special funds income</i>	<i>(42,000,000)</i>
	<i>Auxiliary services income</i>	<i>(60,600,000)</i>
	<i>Total Income Deductions</i>	<i>(\$192,579,000)</i>
	Appropriation, Exclusive of Land	
	Grant Interest	(\$185,691,000)
	Land Grant Interest	(6,000)
	Sub-Total Appropriation	\$185,697,000
<i>Personal Services:</i>		
	Salaries and wages	(\$183,438,000)
	Student aides	(1,031,000)
	Materials and Supplies	(29,816,000)
	Services Other Than Personal	(14,464,000)
	Maintenance and Fixed Charges	(9,744,000)

Special Purpose:

Research grants	(369,000)
Graduate and law school fellow- ships	(101,000)
Student aid	(6,588,000)
College work-study (State share) .	(500,000)
Affirmative action and equal em- ployment opportunity program .	(125,000)
Retirement allowances	(780,000)
Forum on policy research and public service, Rutgers—Camden	(75,000)
Bad debt expense	(125,000)
Special projects	(3,200,000)
Debt Service—High Technology Initiative	(1,800,000)
Excellence Initiative	(12,417,000)
Recruitment and retention of minority students	(583,000)
Rutgers fund for distinction debt service (State share)	(1,000,000)
In-lieu-of-tax payments to New Brunswick	(700,000)
Environmental Law Center	(75,000)
Additions, Improvements and Equip- ment	(8,745,000)
Special Funds expense	(42,000,000)
Auxiliary Fund expense	(60,600,000)

Less:

<i>General services income</i>	(\$89,979,000)
<i>Special funds income</i>	(42,000,000)
<i>Auxiliary services income</i>	(60,600,000)

Actual full-time and part-time undergraduate enrollment, exclusive of enrollment in extension and public service programs, shall not exceed 29,529 full-time equivalent (FTE) students at Rutgers, The State University. In the event that actual enrollments exceed 30,120, the amount hereinabove for Rutgers, The State University, may be reduced

by a sum equal to the tuition receipts collected by the University for those FTE students above 30,120, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Any transfer from physical plant support services to any other purpose shall be subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

For the amounts hereinabove appropriated for the Fund for Distinction Debt Service (State Match), Rutgers, The State University shall obtain the prior approval of the Board of Higher Education, pursuant to the provisions of the Facilities Planning Standards and Approval Procedures for New Jersey Public Colleges and Universities, N. J. A. C. 9:3-1.1 et seq., for all capital projects supported in whole, or in part, from these amounts.

5620 Agricultural Experiment Station

12-5620	Sponsored Programs and Research	\$10,516,000*
13-5620	Extension and Public Service	5,348,000*
	Sub-Total, General Operations	\$15,864,000*
	Federal research and extension funds expense	4,342,000
	Special funds expense	6,000,000
	Total All Operations	\$26,206,000*

*Less:**Federal research and extension**funds income* (\$4,342,000)*Special funds income* (6,000,000)*Total Income Deductions* (\$10,342,000)

Sub-Total

Appropriation \$15,864,000*

Personal Services:

Salaries and wages (\$12,160,000)

Student aides (126,000)

Materials and Supplies (498,000)

Services Other Than Personal (727,000)

Maintenance and Fixed Charges (197,000)

Special Purpose:

Tomato variety testing (6,000)

Urban

gardening (100,000)

Integrated pest management (350,000)

Update facilities and equipment ... (500,000)

Cooperative extension service (125,000*)

Blueberry and cranberry
research (250,000*)Additions, Improvements and Equip-
ment (825,000)Federal research and extension funds
expense (4,342,000)

Special funds expense (6,000,000)

*Less:**Federal research and extension**funds income* (4,342,000)*Special funds income* (6,000,000)

Total Appropriation, Rutgers, The State

University \$201,561,000*

5630 University of Medicine and Dentistry of New Jersey

11-5630	Instruction	\$65,172,000
12-5630	Sponsored Programs and Research	27,045,000
13-5630	Extension and Public Service	115,899,000
14-5630	Auxiliary Services	2,454,000
15-5630	Academic Support	1,872,000
16-5630	Student Services	2,434,000
17-5630	Institutional Support	20,444,000
19-5630	Physical Plant and Support Services	29,081,000
20-5630	Core Affiliates	3,208,000

Total All Operations	<u>\$267,609,000</u>
----------------------------	----------------------

Less:

<i>General Service Income</i>	(\$17,059,000)
<i>Special Service Income</i>	(27,545,000)
<i>Capital Facilities Allowance</i>	(6,529,000)
<i>Auxiliary Service Income</i>	(2,454,000)
<i>Hospital Service Income</i>	(76,178,000)
<i>Core Affiliates Income</i>	(3,208,000)
<i>Rutgers Medical School Community Mental Health Center Income</i> ...	(10,792,000)
<i>New Jersey Medical School Com- munity Mental Health Center Income</i>	(5,015,000)
Total Income Deductions	<u>(\$148,780,000)</u>

Total Appropriation	<u>\$118,829,000</u>
---------------------------	----------------------

Personal Services:

Salaries and wages	(\$143,440,000)
Materials and Supplies	(36,531,000)
Services Other Than Personal	(21,789,000)
Maintenance and Fixed Charges	(4,133,000)

Special Purpose:

Debt Service—High Technology Initiative	(1,593,000)
University student aid	(709,000)

Excellence Initiatives:	
Leadership in Health	
Science	(3,834,000)
Excellence in teaching and	
patient care	(1,000,000)
University Hospital Debt Service—	
Equipment and Renovation	(809,000)
Research under contract with the	
Institute of Medical Research,	
Camden	(440,000)
Neurological consultation services.	(270,000)
Core affiliate—Rutgers Medical	
School—Piscataway	(2,188,000)
Core affiliate—New Jersey School	
of Osteopathic Medicine	(1,020,000)
Area Health Education Center ...	(290,000)
Additions, Improvements and Equip-	
ment	(3,757,000)
Special Funds expense	(27,545,000)
Auxiliary Fund expense	(2,454,000)
Rutgers Medical School Community	
Mental Health Center	(10,792,000)
New Jersey Medical School Com-	
munity Mental Health Center	(5,015,000)
<i>Less:</i>	
<i>Total Income Deductions</i>	<i>(\$148,780,000)</i>
Total Appropriation, University of Medicine	
and Dentistry	\$118,829,000

All general services income or hospital services income in excess of the amounts hereinabove as income deductions, shall be credited to the General Fund and such excess income is appropriated therefrom for service improvements during fiscal year 1986-87 and the subsequent fiscal year in the several component units of the University of Medicine and Dentistry of New Jersey, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher

Education and the Director of the Division of Budget and Accounting.

The University of Medicine and Dentistry of New Jersey is authorized to operate its continuing medical-dental education program as a revolving fund and the revenue collected therefrom, and any unexpended balance therein, is retained for such fund.

The appropriations for the University are made to Support Units, Educational Units, University Hospital, and Community Mental Health Centers.

In addition to the sums hereinabove appropriated to the University of Medicine and Dentistry of New Jersey, all revenues from lease agreements between the University and contracting organizations are appropriated.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Receipts derived from the capital facilities allowance—capital cash component, inclusive of major movable equipment, in excess of \$6,529,000, shall be credited to the General Fund and appropriated for expenses at the University of Medicine and Dentistry, upon the request of the Board of Trustees thereof, subject to the approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

5640 New Jersey Institute of Technology

11-5640	Instruction	\$20,827,000
12-5640	Sponsored Programs and Research	927,000
13-5640	Extension and Public Service	600,000
14-5640	Auxiliary Services	4,200,000
15-5640	Academic Support	5,484,000
16-5640	Student Services	2,896,000
17-5640	Institutional Support	6,504,000
19-5640	Physical Plant Support Services	5,495,000

Sub-Total, General Operations	\$46,933,000
Special Funds Expense	5,958,000
Total, All Operations	\$52,891,000
<i>Less:</i>	
General services income	(\$12,119,000)
Auxiliary services income	(4,200,000)
Special funds income	(5,958,000)
Total Income Deductions	(\$22,277,000)
Total Appropriation	\$30,614,000
Personal Services:	
Salaries and wages	(\$25,059,000)
Student aides	(264,000)
Materials and Supplies	(2,825,000)
Services Other Than Personal	(800,000)
Maintenance and Fixed Charges	(598,000)
Special Purpose:	
Academic development	(250,000)
Separately budgeted research	(440,000)
Continuing education	(600,000)
Scholarships, grants, fellowships	(822,000)
Student activities	(102,000)
Board of trustees	(4,000)
Affirmative action and equal employ- ment opportunity program	(60,000)
Fringe benefits/retirement allow- ances	(1,910,000)
Excellence initiative	(5,950,000)
Additions, Improvements and Equip- ment	(3,049,000)
Auxiliary fund expenses	(4,200,000)
Special fund expenses	(5,958,000)

Less:

General services income (\$12,119,000)
Auxiliary services income (4,200,000)
Special funds income (5,958,000)

Actual full-time and part-time undergraduate enrollments, including summer session undergraduate enrollments, exclusive of enrollments in extension and public service programs, shall not exceed 4,110 full-time equivalent (FTE) students at the New Jersey Institute of Technology. In the event that actual enrollments exceed 4,192, the amount appropriated hereinabove for New Jersey Institute of Technology may be reduced by a sum equal to the tuition receipts collected by the Institute for those full-time equivalent students above 4,192, any such adjustment to occur in the last quarter of the fiscal year. An exception to this provision may be made upon approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

The amount hereinabove shall be made available, subject to the execution of a contract for the purchase of educational services between the Board of Higher Education and the Board of Trustees of Schools for Industrial Education of Newark, New Jersey, pursuant to N. J. S. 18A:3-14q.

Any transfer from physical plant support services to any other purpose is subject to the prior approval of the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

All transfers from non-salary to salary accounts are subject to approval by the Chancellor of Higher Education and the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Higher Education	<u><u>\$706,356,000*</u></u>
--	------------------------------

All expenditures for data processing services, equipment and software from sources other than the New Jersey Education Computer Network (NJEEN) shall be subject to approval by the Director of the Division of Budget and Accounting.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget shall first be charged to the State Lottery Fund.

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*

23 *Mental Health Services*

7700 *Division of Mental Health and Hospitals*

08-7700	Community Services	\$60,148,000
99-7700	Management and Administrative Services	3,414,000
		<hr/>
	Total Appropriation, Division of Mental Health and Hospitals	\$63,562,000
		<hr/>

Personal Services:

Salaries and wages	(\$4,687,000)
Materials and Supplies	(85,000)
Services Other Than Personal	(456,000)
Maintenance and Fixed Charges	(210,000)

Special Purpose:

University of Medicine and Dentistry of New Jersey Alzheimer's Disease Day Hospital	(115,000)
Independent psychiatric evaluation and legal representation for indigent patients	(12,000)
Affirmative action and equal employment opportunity program	(30,000)
Office automation project	(512,000)
Compensation awards	(12,000)

Grants:

Community care	(45,692,000)
Community Mental Health Center— University of Medicine and Den- tistry—Newark	(3,908,000)
Community Mental Health Center— University of Medicine and Den- tistry—Rutgers	(7,578,000)
Contract-Morris-Passaic, Inc.	(5,000)
Self-help clearinghouse program ...	(150,000)
Additions, Improvements and Equip- ment	(110,000)

Federal and other funds received or receivable for the operation of community mental health centers at the New Jersey Medical School and Rutgers Medical School shall be available to the University of Medicine and Dentistry of New Jersey for the operation of the centers.

The unexpended balance as of June 30, 1986 in the Youth Suicide Prevention program established pursuant to P. L. 1985, c. 195 (C. 30:9A-12 et seq.) is appropriated.

Of the amount hereinabove for Grants: Community care, the amount of \$800,000 shall be targeted to those community care programs which do not receive any increases in federal Medicaid reimbursement for services. These funds shall be passed through in their entirety. These funds are to be used exclusively to increase salaries of direct care workers and clerical personnel at community mental health services.

7710 Greystone Park Psychiatric Hospital

10-7710 Patient Care and Health Services	\$25,693,000
98-7710 Physical Plant and Support Services	6,902,000
99-7710 Management and Administrative Ser- vices	6,138,000
	<hr/>
Total Appropriation, Greystone Park Psy- chiatric Hospital	\$38,733,000
	<hr/>

Personal Services:	
Salaries and wages	(\$29,967,000)
New positions	(472,000)
Food in lieu of cash	(64,000)
Materials and Supplies	(5,138,000)
Services Other Than Personal	(1,440,000)
Maintenance and Fixed Charges	(676,000)
Special Purpose:	
Interim assistance	(21,000)
Affirmative action and equal employ- ment opportunity program	(20,000)
Compensation awards	(283,000)
Other special purpose	(1,000)
Additions, Improvements and Equip- ment	(651,000)

7720 Trenton Psychiatric Hospital

10-7720 Patient Care and Health Services	\$18,191,000
98-7720 Physical Plant and Support Services	4,279,000
99-7720 Management and Administrative Ser- vices	4,422,000
	<hr/>
Total Appropriation, Trenton Psychiatric Hospital	\$26,892,000
	<hr/>

Personal Services:	
Salaries and wages	(\$21,158,000)
Food in lieu of cash	(23,000)
Materials and Supplies	(3,208,000)
Services Other Than Personal	(1,172,000)
Maintenance and Fixed Charges	(483,000)
Special Purpose:	
Interim assistance	(66,000)
Affirmative action and equal em- ployment opportunity program ..	(21,000)
Compensation awards	(504,000)

Other special purpose	(5,000)
Additions, Improvements and Equip- ment	(252,000)

7725 The Forensic Psychiatric Hospital

10-7725 Patient Care and Health Services	\$6,432,000
98-7725 Physical Plant and Support Services	916,000
99-7725 Management and Administrative Ser- vices	559,000

Total Appropriation, The Forensic Psy- chiatric Hospital	\$7,907,000
---	-------------

Personal Services:

Salaries and wages	(\$6,949,000)
Food in lieu of cash	(9,000)
Materials and Supplies	(645,000)
Services Other Than Personal	(145,000)
Maintenance and Fixed Charges	(62,000)

Special Purpose:

Compensation awards	(22,000)
Other special purpose	(2,000)
Additions, Improvements and Equip- ment	(73,000)

7730 Marlboro Psychiatric Hospital

10-7730 Patient Care and Health Services	\$25,573,000
98-7730 Physical Plant and Support Services	7,042,000
99-7730 Management and Administrative Ser- vices	5,612,000

Total Appropriation, Marlboro Psychiatric Hospital	\$38,227,000
---	--------------

Personal Services:

Salaries and wages	(\$30,987,000)
New positions	(189,000)
Food in lieu of cash	(34,000)

Materials and Supplies	(3,917,000)
Services Other Than Personal	(1,470,000)
Maintenance and Fixed Charges	(709,000)
Special Purpose:	
Interim assistance	(89,000)
Affirmative action and equal employ- ment opportunity program	(20,000)
Compensation awards	(321,000)
Other special purpose	(20,000)
Additions, Improvements and Equip- ment	(471,000)

7740 Ancora Psychiatric Hospital

10-7740 Patient Care and Health Services	\$26,538,000
98-7740 Physical Plant and Support Services	4,962,000
99-7740 Management and Administrative Ser- vices	4,809,000
	<hr/>
Total Appropriation, Ancora Psychiatric Hospital	\$36,309,000
	<hr/>

Personal Services:	
Salaries and wages	(\$29,178,000)
New positions	(284,000)
Food in lieu of cash	(29,000)
Materials and Supplies	(4,392,000)
Services Other Than Personal	(1,204,000)
Maintenance and Fixed Charges	(443,000)
Special Purpose:	
Interim assistance	(66,000)
Affirmative action and equal employ- ment opportunity program	(20,000)
Compensation awards	(129,000)
Other special purpose	(12,000)
Additions, Improvements and Equip- ment	(552,000)

7750 Arthur Brisbane Child Treatment Center

10-7750	Patient Care and Health Services	\$2,771,000
98-7750	Physical Plant and Support Services	478,000
99-7750	Management and Administrative Services	510,000

Total Appropriation, Arthur Brisbane Child Treatment Center		<u>\$3,759,000</u>
---	--	--------------------

Personal Services:

Salaries and wages	(\$3,059,000)
Food in lieu of cash	(4,000)
Materials and Supplies	(290,000)
Services Other Than Personal	(206,000)
Maintenance and Fixed Charges	(64,000)

Special Purpose:

Compensation awards	(24,000)
Other special purpose	(1,000)
Additions, Improvements and Equipment	(111,000)

7760 Senator Garrett W. Hagedorn Center for Geriatrics

10-7760	Patient Care and Health Services	\$4,249,000
98-7760	Physical Plant and Support Services	1,274,000
99-7760	Management and Administrative Services	1,099,000

Total Appropriation, Senator Garrett W. Hagedorn Center for Geriatrics		<u>\$6,622,000</u>
--	--	--------------------

Personal Services:

Salaries and wages	(\$5,076,000)
Food in lieu of cash	(12,000)
Materials and Supplies	(892,000)
Services Other Than Personal	(353,000)
Maintenance and Fixed Charges	(108,000)

Special Purpose:

Interim assistance	(2,000)
Compensation awards	(31,000)
Additions, Improvements and Equipment	(148,000)

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

21-7540	Health Services Administration and Management	\$12,960,000
24-7540	Pharmaceutical Assistance to the Aged and Disabled	56,633,000
		<hr/>
	Total Appropriation, Division of Medical Assistance and Health Services	\$69,593,000
		<hr/>

Personal Services:

Salaries and wages	(\$5,404,000)
Materials and Supplies	(113,000)
Services Other Than Personal	(2,201,000)
Maintenance and Fixed Charges	(112,000)

Special Purpose:

Payments to fiscal agents	(4,300,000)
Private pay administration	(387,000)
Eligibility determination	(792,000)
Payments to fiscal agents (PAA) ..	(1,306,000)
Health facilities rate setting	(427,000)
Health facilities inspections	(164,000)
Affirmative action and equal employment opportunity program	(7,000)
Professional standards review organization—utilization review	(573,000)
Compensation awards	(54,000)

Grants:

Pharmaceutical assistance to the aged—claims	(53,648,000)
Additions, Improvements and Equipment	(105,000)

The amounts hereinabove for payments for Pharmaceutical Assistance to the Aged, P. L. 1975, c. 194 (C. 30:4D-20 et seq.), are available for the payment of obligations applicable to prior fiscal years.

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

Notwithstanding the provisions of paragraph (7) of subsection i. of section 3 of P. L. 1968, c. 413 (C. 30:4D-3i(7)), the division shall comply with the provisions of Pub. L. 97-248, 42 U. S. C. 1396p.(c), which allows the State to deny Medicaid eligibility to individuals who divest themselves of their assets in order to obtain Medicaid benefits. The amount of the uncompensated value of the transferred asset shall be counted toward the resource maximum for 24 months from the date of disposal. If the uncompensated value of a transferred resource, combined with all other countable resources does not exceed the applicable resource maximum, and all other eligibility requirements are met, the individual may be determined eligible for Medicaid benefits.

All funds recovered pursuant to P. L. 1968, c. 413 (C. 30:4D-1 et seq.) during the fiscal year ending June 30, 1987 are appropriated.

Notwithstanding the provisions of section 1 of P. L. 1981, c. 217 (C. 30:4D-7.2a), the division is authorized to seek recovery and to file a lien against the estate of a qualified applicant or eligible person, after his or her death, for the amount of assistance paid or to be paid on his or her behalf under the "New Jersey Medical Assistance and Health Services Act," P. L. 1968, c. 413 (C.30:4D-1 et seq.), if the amount sought to be recovered is \$500 or more, and the estate is \$3,000 or more, and there is no surviving spouse, and no surviving child who is under age 21 or is blind or permanently disabled. This recovery authority shall apply to all recoveries initiated on or after July 20, 1981 from the estates of applicants or

recipients who died prior to, on, or after July 20, 1981, the effective date of P. L. 1981, c. 217.

Benefits provided under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) Program, P. L. 1975, c. 194 (C. 30:4D-20 et seq.) are the last resource benefits notwithstanding any provisions contained in a contract, will, agreement or other instrument. Any provision in a contract of insurance, will, trust agreement or other instrument which reduces or excludes coverage or payment to an individual's eligibility for or receipt of PAAD benefits is void, and no PAAD payments shall be made as a result of any such provision.

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

01-7600	Purchased Residential Care	\$77,545,000
02-7600	Social Supervision and Consultation ...	10,635,000
03-7600	Adult Activities	41,911,000*
04-7600	Education and Day Training	7,585,000
99-7600	Management and Administrative Services	10,163,000
Total Appropriation, Division of Develop- mental Disabilities		\$147,839,000*
<i>Less:</i>		
<i>Federal Funds</i>		
	<i>Purchased Residential Care</i>	<i>(\$26,661,000)</i>
	<i>Social Supervision and Consultation(</i>	<i>4,914,000)</i>
	<i>Adult Activities</i>	<i>(13,563,000)</i>
	<i>Management and Administrative Services</i>	<i>(7,095,000)</i>
	<i>Total Federal Funds</i>	<i>(\$52,233,000)</i>
Total Appropriation, Division of Developmental Disabilities		\$95,606,000*

Personal Services:

Salaries and wages	(\$21,932,000)
Positions established from lump sum appropriation	(991,000)
Materials and Supplies	(1,486,000)
Services Other Than Personal	(1,144,000)
Maintenance and Fixed Charges	(3,550,000)

Special Purpose:

Family care	(1,483,000)
Homemaker services (State share)	(55,000)
Social services	(261,000)
Social services	(54,000)
Foster grandparents program (State share)	(295,000)
Developmental disabilities services	(275,000)
Purchased residential care	(468,000)
Social supervision and consultation	(648,000)
Adult activities	(684,000)
Dental program for non-institutionalized mentally retarded and handicapped children	(436,000)
Guardianship program	(35,000)
"Kids on the block" program	(120,000)
Statewide public awareness exhibit	(150,000)
Special Olympics	(100,000)
Social services	(80,000)
Compensation awards	(55,000)

Grants:

Somerset County retarded citizens association	(125,000)
Private institutional care	(23,798,000)
Skill development homes	(3,524,000)
Summer camp for the retarded	(50,000*)
Purchase of day training services	(539,000)
Group homes	(47,538,000)
Home assistance	(2,295,000)
Purchase of adult activity services	(33,297,000)

Developmental disabilities	(904,000)
Day care services	(971,000)
Work-study training program for caseworkers	(189,000)
Citizen advocacy program	(116,000)
Additions, Improvements and Equipment	(191,000)
<i>Less:</i>	
<i>Deduction for Federal Funds</i>	(\$52,233,000)

The Division of Developmental Disabilities is authorized to transfer funds from the Dental program for non-institutionalized developmentally disabled and handicapped children account to the Division of Medical Assistance and Health Services, in proportion to the number of program participants who are Medicaid eligible.

Excess State funds realized by federal involvement through Medicaid in the Dental program for non-institutionalized developmentally disabled and handicapped children are committed for the program's support during the subsequent fiscal year, rather than for expansion.

Notwithstanding the provisions of any law to the contrary, the unexpended balances as of June 30, 1986 in the tuition receipt accounts established pursuant to P. L. 1979, c. 207 (C. 18A:7B-1 et seq.) in the various departments, are appropriated for education related transportation costs (day training) in the Division of Developmental Disabilities in such amounts as the Director of the Division of Budget and Accounting shall determine to be necessary; except that such amounts shall not be in excess of \$1,000,000.

Changes from the following Placement plan upon which grants are based shall first be approved by the Director of the Division of Budget and Accounting. Grants for group homes are based on

1,746 placements for the full fiscal year. Grants for private institutional care are based on 884 placements for the full fiscal year. Grants for skill development homes are based on 877 placements for the full fiscal year. Grants for family care are based on 245 placements for the full fiscal year. Grants for the purchase of adult activities services are based on 3,763 placements for the full fiscal year.

7610 Green Brook Regional Center

05-7610 Residential Care and Habilitation	\$218,000
06-7610 Health Services	64,000
07-7610 Education and Training	19,000
98-7610 Physical Plant and Support Services	529,000
99-7610 Management and Administrative Services	1,114,000

Total Appropriation, Green Brook Regional Center	<u>\$1,944,000</u>
--	--------------------

Materials and Supplies	(\$622,000)
Services Other Than Personal	(258,000)
Maintenance and Fixed Charges	(165,000)

Special Purpose:

Green Brook mortgage	(710,000)
Compensation awards	(25,000)
Additions, Improvements and Equipment	(124,000)

7620 Vineland Developmental Center

05-7620 Residential Care and Habilitation	\$17,248,000
06-7620 Health Services	4,843,000
07-7620 Education and Training	513,000
98-7620 Physical Plant and Support Services	4,710,000
99-7620 Management and Administrative Services	3,843,000

Total Appropriation, Vineland Developmental Center	<u>\$31,157,000</u>
--	---------------------

Personal Services:	
Salaries and wages	(\$23,610,000)
Food in lieu of cash	(35,000)
Materials and Supplies	(5,140,000)
Services Other Than Personal	(1,030,000)
Maintenance and Fixed Charges	(472,000)
Special Purpose:	
Family care	(6,000)
Special equipment and furnishings	(50,000)
Compensation awards	(368,000)
Other special purpose	(2,000)
Additions, Improvements and Equip- ment	(444,000)

7630 North Jersey Developmental Center

05-7630 Residential Care and Habilitation	\$8,369,000
06-7630 Health Services	1,821,000
07-7630 Education and Training	366,000
98-7630 Physical Plant and Support Services	2,220,000
99-7630 Management and Administrative Services	3,015,000

Total Appropriation, North Jersey Developmental Center	\$15,791,000
---	--------------

Personal Services:	
Salaries and wages	(\$11,875,000)
Food in lieu of cash	(13,000)
Materials and Supplies	(2,276,000)
Services Other Than Personal	(520,000)
Maintenance and Fixed Charges	(241,000)
Special Purpose:	
Compensation awards	(256,000)
Other special purpose	(2,000)
Additions, Improvements and Equip- ment	(608,000)

7640 Woodbine Developmental Center

05-7640	Residential Care and Habilitation	\$9,883,000
06-7640	Health Services	2,442,000
07-7640	Education and Training	170,000
98-7640	Physical Plant and Support Services	2,655,000
99-7640	Management and Administrative Services	2,058,000
Total Appropriation, Woodbine Developmental Center		<u>\$17,208,000</u>

Personal Services:

Salaries and wages	(\$13,505,000)
Food in lieu of cash	(21,000)
Materials and Supplies	(2,975,000)
Services Other Than Personal	(300,000)
Maintenance and Fixed Charges	(171,000)

Special Purpose:

Purchase of two ambulances	(50,000)
Compensation awards	(133,000)
Other special purpose	(1,000)
Additions, Improvements and Equip- ment	(52,000)

7650 New Lisbon Developmental Center

05-7650	Residential Care and Habilitation	\$8,622,000
06-7650	Health Services	1,650,000
07-7650	Education and Training	654,000
98-7650	Physical Plant and Support Services	2,866,000
99-7650	Management and Administrative Services	2,411,000
Total Appropriation, New Lisbon Developmental Center		<u>\$16,203,000</u>

Personal Services:

Salaries and wages	(\$11,694,000)
Food in lieu of cash	(11,000)
Materials and Supplies	(2,907,000)
Services Other Than Personal	(494,000)
Maintenance and Fixed Charges	(316,000)

Special Purpose:

Compensation awards	(627,000)
Other special purpose	(1,000)
Additions, Improvements and Equip- ment	(153,000)

7660 Woodbridge Developmental Center

05-7660 Residential Care and Habilitation	\$10,927,000
06-7660 Health Services	3,465,000
07-7660 Education and Training	198,000
98-7660 Physical Plant and Support Services	2,998,000
99-7660 Management and Administrative Services	2,007,000

Total Appropriation, Woodbridge Developmental Center	<u>\$19,595,000</u>
---	---------------------

Personal Services:

Salaries and wages	(\$14,813,000)
Food in lieu of cash	(12,000)
Materials and Supplies	(3,273,000)
Services Other Than Personal	(711,000)
Maintenance and Fixed Charges	(325,000)

Special Purpose:

Compensation awards	(299,000)
Additions, Improvements and Equip- ment	(162,000)

7670 Hunterdon Developmental Center

05-7670 Residential Care and Habilitation	\$11,106,000
06-7670 Health Services	4,068,000
07-7670 Education and Training	682,000
98-7670 Physical Plant and Support Services ...	3,862,000
99-7670 Management and Administrative Services	2,260,000

Total Appropriation, Hunterdon Developmental Center	<u>\$21,978,000</u>
--	---------------------

Personal Services:

Salaries and wages	(\$16,102,000)
Food in lieu of cash	(1,000)

Materials and Supplies	(3,819,000)
Services Other Than Personal	(727,000)
Maintenance and Fixed Charges	(363,000)
Special Purpose:	
Hunterdon adult education program	(300,000)
Compensation awards	(341,000)
Other special purpose	(6,000)
Additions, Improvements and Equip- ment	(319,000)

7680 Edward R. Johnstone Training and Research Center

05-7680 Residential Care and Habilitation	\$3,168,000
06-7680 Health Services	719,000
07-7680 Education and Training	335,000
25-7680 Research	236,000
98-7680 Physical Plant and Support Services	1,565,000
99-7680 Management and Administrative Services	1,166,000

Total Appropriation, Edward R. Johnstone Training and Research Center	\$7,189,000
--	-------------

Personal Services:

Salaries and wages	(\$5,506,000)
Food in lieu of cash	(14,000)
Materials and Supplies	(1,120,000)
Services Other Than Personal	(278,000)
Maintenance and Fixed Charges	(126,000)

Special Purpose:

Compensation awards	(42,000)
Other special purpose	(1,000)
Additions, Improvements and Equip- ment	(102,000)

7690 North Princeton Developmental Center

05-7690 Residential Care and Habilitation	\$11,017,000
06-7690 Health Services	2,433,000
07-7690 Education and Training	468,000

98-7690	Physical Plant and Support Services	4,268,000
99-7690	Management and Administrative Services	2,072,000
Total Appropriation, North Princeton Developmental Center		<u>\$20,258,000</u>

Personal Services:

Salaries and wages	(\$15,504,000)
Food in lieu of cash	(15,000)
Materials and Supplies	(2,984,000)
Services Other Than Personal	(861,000)
Maintenance and Fixed Charges	(325,000)

Special Purpose:

Compensation awards	(125,000)
Other special purpose	(2,000)
Employee sponsored day care center—pilot project	(300,000)
Additions, Improvements and Equip- ment	(142,000)

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 interdepartmental accounts for employee benefits, shall be considered as appropriated on behalf of the developmental centers and available for matching federal funds.

The State appropriation is based on ICF/MR revenues of \$97,000,000; but if the ICF/MR revenues exceed \$97,000,000, there will be placed in reserve a portion of the State appropriation equal to the excess amount of ICF/MR revenues, subject to the approval of the Director, Division of Budget and Accounting.

*33 Supplemental Education and Training Programs**7560 Commission for the Blind and Visually Impaired*

11-7560	Habilitation and Rehabilitation	\$3,145,000
12-7560	Instruction, Community Programs and Prevention	4,306,000
99-7560	Management and Administrative Services	<u>2,371,000</u>
	Total Appropriation, Commission for the Blind and Visually Impaired	<u>\$9,822,000</u>

Personal Services:

Salaries and wages	(\$4,539,000)
Materials and Supplies	(136,000)
Services Other Than Personal	(923,000)
Maintenance and Fixed Charges	(214,000)

Special Purpose:

Satellite Office, Ocean County	(146,000)
Additional vocational rehabilitation matching funds	(905,000)
Compensation awards	(11,000)
Psychological counseling services ..	(110,000)
Coordinating Council, CBVI	(168,000)

Grants:

Services to rehabilitation clients ...	(834,000)
Educational services for children ..	(1,696,000)
Recording for the blind	(65,000)
Additions, Improvements and Equip- ment	(75,000)

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7550 Division of Public Welfare*

13-7550	Fiscal Control	\$3,073,000
14-7550	Quality Control	858,000
15-7550	Income Maintenance	2,985,000
99-7550	Management and Administrative Services	<u>6,072,000</u>
	Total Appropriation, Division of Public Welfare	<u>\$12,988,000</u>

Personal Services:

Salaries and wages	(\$6,074,000)
Materials and Supplies	(73,000)
Services Other Than Personal	(2,412,000)
Maintenance and Fixed Charges	(194,000)

Special Purpose:

Work incentive program (State share)	(973,000)
For transfer to the Department of Labor for operation of wage reporting program	(540,000)
Affirmative action and equal employment opportunity program	(12,000)
Compensation awards	(6,000)
Automated child support enforcement program (State share)	(878,000)
Implementation of family assistance management information system —State share	(1,668,000)
Teenage parent's self-sufficiency project	(150,000)
Additions, Improvements and Equipment	(8,000)

Receipts derived from counties and local governments for data processing services and the unexpended balance of such receipts as of June 30, 1986 are appropriated.

Notwithstanding the provisions of P. L. 1981, c. 60 (C. 44:14-1 et seq.), funds distributed pursuant to the "County Welfare Per Capita Cost Limitation Act of 1981" shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

The State appropriation shall be based upon a Federal financial participation rate of 58%; but if the federal participation rate exceeds this percentage there will be placed in reserve a portion of the State appropriation equal to the amount of

additional federal funds, subject to the approval of the Director, Division of Budget and Accounting.

The unexpended balances, as of June 30, 1986, in the Family Assistance Management Information System (FAMIS) account are appropriated.

The unexpended balances, as of June 30, 1986, in the Automated Child Support Enforcement System (ACSES) account are appropriated.

The unexpended balances, as of June 30, 1986, in the General Assistance Automation account are appropriated.

7570 Division of Youth and Family Services

16-7570	Initial Response/Case Management	\$66,464,000
17-7570	Substitute Care	21,140,000
18-7570	General Social Services	62,665,000*
99-7570	Management and Administrative Services	25,000,000
		<hr/>
	Total State and Federal Appropriation, Division of Youth and Family Services	\$175,269,000*
		<hr/>
<i>Less:</i>		
<i>Federal Funds</i>		
	<i>Initial Response Case Management (\$18,891,000)</i>	
	<i>Substitute Care</i> (13,205,000)	
	<i>General Social Services</i> (37,765,000)	
	<i>Management and Administrative Services</i> (12,909,000)	
		<hr/>
	<i>Total Federal Funds</i>	<i>(\$82,860,000)</i>
		<hr/>
	Total Appropriation, Division of Youth and Family Services	\$92,409,000*
		<hr/>

Personal Services	
Salaries and wages	(\$66,746,000)
Positions established from lump sum appropriation	(10,437,000)
Food in lieu of cash	(5,000)
Materials and Supplies	(1,986,000)
Services Other Than Personal	(9,584,000)
Maintenance and Fixed Charges	(8,681,000)
Special Purpose:	
Services for aging out clientele	(1,800,000)
Respite care demonstration program	(200,000)
Model community support systems ..	(100,000)
Public awareness and child education programs	(200,000)
Expansion of day care slots	(1,500,000)
Child assault prevention projects ..	(675,000*)
Personal attendant demonstration project	(2,000,000)
Microfilm service charges	(100,000)
Affirmative action and equal employment opportunity program	(50,000)
Community services—Family courts	(435,000)
Compensation awards	(485,000)
Grants:	
Restricted grants	(65,000)
Title IV A/E	(391,000)
Shelters and services for battered spouses	(750,000)
Shelters for battered women	(600,000)
Social services for the homeless ...	(4,350,000)
Substitute care	(8,991,000)
County Human Services Advisory Boards—formula funding	(7,416,000)
Purchase of services	(42,526,000)
Expansion of adult protective services	(400,000)

Cuban Haitian Entrant Program .. (5,580,000)
 Restricted grants (519,000)
 Additions, Improvements and Equip-
 ment (2,187,000)

Less:

Deductions for Federal Funds (\$86,350,000)

On or before January 31, 1987 the Division of Youth and Family Services shall publish an annual report detailing the activities of the County Human Services Advisory Boards during calendar year 1986. The report shall indicate the total amount of funds made available to the advisory boards for allocation, listing all providers receiving funds and how much funds were awarded.

*70 Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

96-7500	Institutional Support Services	\$3,010,000
99-7500	Management and Administrative Services	16,760,000
		<hr/>
	Total Appropriation, Division of Management and Budget	\$19,770,000
		<hr/>

Personal Services :

Salaries and wages (\$12,842,000)
 Materials and Supplies (166,000)
 Services Other Than Personal (2,777,000)
 Maintenance and Fixed Charges (496,000)

Special Purpose :

Contract auditing (300,000)
 Nursing scholarship program (270,000)
 Crisis intervention/patients
 rights staff training (15,000)
 Affirmative action and equal
 employment opportunity program (67,000)
 Establishment of word processing
 center (688,000)
 Health care facilities information
 system (1,600,000)

Grant diversion project	(20,000)
AFDC homemaker/home health aide demonstration project—Title XIX	(102,000)
Transfer to State Police for fingerprinting/background checks of job applicants	(250,000)
Compensation awards	(7,000)
Additions, Improvements and Equip- ment	(170,000)
The unexpended balances as of June 30, 1986 in the Commission on Children's Services and the New Jersey Commission on Hunger accounts are appropriated.	

*80 Special Government Services**83 Services to Veterans**7520 Division of Veterans' Services*

19-7520 Management and Field Services	<u>\$2,928,000</u>
Total Appropriation, Division of Veterans' Services	<u>\$2,928,000</u>

Personal Services:

Salaries and wages	(\$613,000)
Positions established from lump sum appropriation	(274,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(75,000)
Maintenance and Fixed Charges	(137,000)

Special Purpose:

Vietnam Veterans' Special Services Council	(200,000)
Establish and operate a veterans' cemetery	(831,000)
Agent Orange Commission	(225,000)
Vietnam Veterans' Outreach Pro- gram	(221,000)

Grants:

Veterans' orphans fund — education grants	(33,000)
--	-----------

Blind veterans' allowances	(46,000)
Paraplegic and hemiplegic veterans' allowances	(237,000)
Association of Blind Veterans	(25,000)

The unexpended balance in the Governor's Veterans Service Council account as of June 30, 1986 is appropriated for the same purpose.

*7525 New Jersey Memorial Home for Disabled Soldiers
at Menlo Park*

20-7525 Domiciliary and Treatment Services . . .	\$5,918,000
98-7525 Physical Plant and Support Services . . .	1,386,000
99-7525 Management and Administrative Services	1,088,000
	<hr/>
Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Menlo Park	\$8,392,000
	<hr/>

Personal Services:

Salaries and wages	(\$6,519,000)
Food in lieu of cash	(14,000)
Materials and Supplies	(1,122,000)
Services Other Than Personal	(436,000)
Maintenance and Fixed Charges	(76,000)

Special Purpose:

Compensation awards	(40,000)
Additions, Improvements and Equip- ment	(185,000)

*7530 New Jersey Memorial Home for Disabled Soldiers
at Vineland*

20-7530 Domiciliary and Treatment Services . . .	\$5,207,000
98-7530 Physical Plant and Support Services . . .	1,564,000
99-7530 Management and Administrative Services	1,138,000
	<hr/>
Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Vineland .	\$7,909,000
	<hr/>

Personal Services:

Salaries and wages	(\$6,079,000)
Food in lieu of cash	(7,000)
Materials and Supplies	(987,000)
Services Other Than Personal	(400,000)
Maintenance and Fixed Charges	(82,000)

Special Purpose:

Compensation awards	(170,000)
Additions, Improvements and Equip- ment	(184,000)

*7535 New Jersey Memorial Home for Disabled Soldiers
at Paramus*

20-7535 Domiciliary and Treatment Services	\$1,742,000
98-7535 Physical Plant and Support Services	635,000
99-7535 Management and Administrative Services	1,025,000

Total Appropriation, New Jersey Memorial Home for Disabled Soldiers at Paramus ..	\$3,402,000
--	-------------

Personal Services:

Salaries and wages	(\$2,822,000)
New positions	(29,000)

Special Purpose:

Establish and operate a third nurs- ing facility	(551,000)
---	------------

Total Appropriation, Department of Human Services	\$696,153,000*
--	----------------

Balances on hand as of June 30, 1986 of funds held for the benefit of patients in the several institutions, and any funds as may be received, are appropriated for the use of the patients.

Revenues representing receipts to the General Fund from charges to residents' trust accounts for maintenance costs are appropriated for use as personal needs allowances for patient/residents who have no other source of funds for these purposes; ex-

cept that the allowance shall not exceed \$35.00 per month for any eligible resident of an institution and, except that the total amount herein for these allowances shall not exceed \$470,000.

Funds received from the sale of articles made in occupational therapy departments of the several institutions are appropriated for the purpose of additional material and other expenses incidental to the sale or manufacture.

Of the amount hereinabove for the Department of Human Services, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget shall first be charged to the State Lottery Fund.

58 DEPARTMENT OF INSURANCE

50 *Economic Planning, Development and Security*

52 *Economic Regulation*

01-3110	Licensing and Enforcement	\$4,174,000
02-3120	Actuarial Services	2,142,000
03-3130	Regulation of the Real Estate Industry ..	1,386,000
04-3110	Public and Regulatory Services	597,000
05-3160	Unsatisfied Claim and Judgment Fund ..	755,000
99-3150	Management and Administrative Services	1,393,000
Total Appropriation, Economic Regulation .		\$10,447,000

Personal Services:

Real Estate Commission	(\$75,000)
Salaries and wages	(6,573,000)
Positions established in lieu of ap- propriated revenue	(531,000)
New positions	(233,000)
Materials and Supplies	(155,000)
Services Other Than Personal	(2,623,000)
Maintenance and Fixed Charges	(182,000)

Special Purpose:

Microfilm service charges—Unsatisfied claims judgments	(18,000)
Compensation awards	(10,000)
Other special purpose	(36,000)
Affirmative action and equal employment opportunity programs	(7,000)
Additions, Improvements and Equipment	(4,000)

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

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

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

Receipts in excess of those anticipated are appropriated.

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

The amount hereinabove for Unsatisfied Claims is appropriated out of the Unsatisfied Claim and Judgment Fund and, in addition, there are appropriated out of such 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.).

The unexpended balances as of June 30, 1986 in Licensing and Enforcement, Regulation of the Real

Estate Industry and Management and Administrative Services program classifications are appropriated, subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of Insurance	\$10,447,000
--	--------------

62 DEPARTMENT OF LABOR

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

18-4570 Planning and Research	\$636,000
99-4565 Management and Administrative Services	3,436,000
<hr/>	
Total Appropriation, Economic Planning and Development	\$4,072,000

Personal Services:

Salaries and wages	(\$1,764,000)
Materials and Supplies	(30,000)
Services Other Than Personal	(314,000)
Maintenance and Fixed Charges	(36,000)

Special Purpose:

Data processing system	(1,821,000)
Affirmative action and equal employment opportunity program	(58,000)
Additions, Improvements and Equipment	(49,000)

The unexpended balance in the data processing system account as of June 30, 1986 is appropriated.

Of the amounts hereinabove for the data processing system account, an amount not to exceed \$1,600,000 is appropriated from the Unemployment Compensation Auxiliary Fund.

52 Economic Regulation

11-4550	Promulgation and Licensing of Workplace Standards	\$614,000
12-4550	Enforcement of Workplace Standards ..	4,861,000
	Total Appropriation, Economic Regulation.	<u>\$5,475,000</u>

Personal Services:

Salaries and wages	(\$3,710,000)
Materials and Supplies	(67,000)
Services Other than Personal	(321,000)
Maintenance and Fixed Charges	(218,000)

Special Purpose:

Public Employees Occupational Safety and Health Act	(575,000)
Asbestos control and licensing	(399,000)
Carnival amusement ride safety advisory board	(1,000)
Safety Commission	(2,000)
On-site consultation (State share) ..	(140,000)
Mine Safety Training Act (State share)	(8,000)
Compensation awards	(11,000)
Additions, Improvements and Equipment	(23,000)

There are appropriated out of the Wage and Hour Trust Fund and the Prevailing Wage Act Trust Fund such sums as necessary for payments.

There are appropriated out of the "Worker and Community Right To Know Fund" such sums as necessary to carry out the provisions of P. L. 1983, c. 315 (C. 34:5A-1 et seq.).

53 Economic Assistance and Security

01-4510	Unemployment Insurance	\$1,215,000
03-4520	State Disability Insurance Plan	11,304,000
04-4520	Private Disability Insurance Plan	2,255,000

05-4525	Workers' Compensation	5,705,000
06-4530	Special Compensation	998,000
Total Appropriation, Economic Assistance and Security		\$21,477,000

Personal Services:

Salaries and wages	(\$13,469,000)
Materials and Supplies	(268,000)
Services Other Than Personal	(1,213,000)
Maintenance and Fixed Charges	(425,000)

Special Purpose:

Set-off of individual liabilities program	(444,000)
Administration of wage reporting ..	(350,000)
Reimbursement to unemployment insurance for joint tax functions ..	(4,700,000)
Compensation awards	(68,000)
Workers' compensation case management initiative	(500,000)
Additions, Improvements and Equip- ment	(40,000)

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

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

The State Treasurer is directed to transfer to the General Fund the sum of \$50,000 from the excess in the Special Compensation Fund over the sum of \$1,250,000 accumulated as of June 30, 1986 pursuant to R. S. 34:15-94.

The amounts hereinabove for the Unemployment Insurance program classification are appropriated from the Unemployment Compensation Auxiliary Fund.

There is appropriated from the Unemployment Compensation Auxiliary Fund an amount not to exceed \$4,500,000 for the implementation of the Wage Reporting System and other unemployment insurance activities subject to the approval of the Director of the Division of Budget and Accounting.

54 Manpower and Employment Services

07-4535	Vocational Rehabilitation Services	\$11,495,000
10-4545	Employment Development Services	4,692,000*
16-4555	Public Sector Labor Relations	2,009,000
17-4560	Private Sector Labor Relations	477,000
23-4538	Services for the Deaf	359,000
Total Appropriation, Manpower and Employment Services		\$19,032,000*

Personal Services:

Board members (7)	(\$ 11,000)
Salaries and wages	(4,436,000)
Materials and Supplies	(62,000)
Services Other Than Personal	(595,000)
Maintenance and Fixed Charges	(66,000)

Special Purpose:

Governor's Committee on the Disabled	(75,000)
Services to clients (State share) ..	(2,620,000)
Sheltered workshop support	(5,500,000)

Sheltered workshop employment placement incentive program	(250,000)
Training grant (State share)	(4,000)
Work activity training center	(656,000)
Governor's employment and training program: Service Delivery Area allocation	(3,000,000)
Governor's employment and training program: Office of Customized Training allocation . . .	(1,000,000)
Appeal board staff augmentation . . .	(52,000)
Services to deaf clients	(23,000)
Fair Lawn School for the Deaf	(125,000)
Advisory Council on the Deaf	(1,000)
Compensation awards	(1,000)

Grants:

Customized training	(500,000)
Additions, Improvements and Equip- ment	(55,000)

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

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

Of the amounts hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed \$7,485,000* is appropriated from the Unemployment Compensation Auxiliary Fund.

The amount hereinabove for the Employment Development Services account shall be appropriated from the Unemployment Compensation Auxiliary Fund.

The unexpended balance as of June 30, 1986 in the Governor's Task Force on Services to Disabled Persons account is appropriated.

Total Appropriation, Department of Labor	\$50,056,000*
--	---------------

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 *Public Safety and Criminal Justice*11 *Vehicular Safety*

01-1110	Licensing and Registration	\$20,539,000
02-1110	Vehicle Control and Driver Testing	23,941,000
03-1110	Driver Control	13,494,000
04-1140	Security Responsibility	5,355,000
05-1150	Licensing and Enforcement	83,000
89-1110	Revenue Collection Services	6,140,000
99-1110	Management and Administrative Services	11,491,000
Total Appropriation, Vehicular Safety		<u>\$81,043,000</u>

Personal Services:

Salaries and wages	(\$36,171,000)
Materials and Supplies	(6,197,000)
Services Other than Personal	(16,083,000)
Maintenance and Fixed Charges	(1,329,000)

Special Purpose:

Microfilm services charges	(86,000)
Microfilm document purging and microfilm indexing system	(2,000,000)
Vehicle inspection annual program	(1,913,000)
Public inspection station expansion	(1,000,000)
Federal highway safety program— State match	(206,000)
Implementation of surcharge program	(7,800,000)
Uninsured motorist program	(1,000,000)
Drunk driver fund program	(42,000)
Photo Licensing	(350,000)

Customer service telephone center expansion	(711,000)
Affirmative action and equal employment opportunity program.....	(8,000)
Data processing enhancements	(5,000,000)
Compensation awards	(107,000)
Other Special Purpose	(255,000)
Additions, Improvements and Equipment	(785,000)

The unexpended balance as of June 30, 1986 in the Public inspection station expansion account, not to exceed \$800,000, is appropriated for the same purpose.

No appropriation hereinabove and no appropriation from driver license and motor vehicle fees shall be used for the production or distribution of reflectorized license plates.

In addition to the amounts hereinabove, there are appropriated from Driver License and Motor Vehicle fees such sums as may be necessary to defray the cost of registering motor vehicles, licensing drivers at motor vehicle agencies, and maintaining services at motor vehicle agencies in operation as of June 30, 1986, under RS 39:3-3 and RS 39:10-25, subject to the approval of the Director of the Division of Budget and Accounting.

In addition to the amounts hereinabove appropriated, there are appropriated such sums as may be necessary to defray the costs necessary to implement improvements and reforms in the operation of the Division of Motor Vehicles and its facilities, subject to the approval of the Director of the Division of Budget and Accounting and the approval of the Committee designated within this act to exercise legislative review and approval of transfers.

Receipts from the Salvage Title Program, derived pursuant to section 5 of P. L. 1983, c. 323 (C.

39:10-35), and the unexpended balance as of June 30, 1986 are appropriated to support the program.

Receipts derived pursuant to section 23 of P. L. 1983, c. 105 (C. 39:4-14.3w), not to exceed \$50,000 are appropriated for the purpose of providing an educational program for the safe operation of bicycles and motorized bicycles, subject to the approval of Director of the Division of Budget and Accounting.

There is appropriated from the Boat Certification Fund such sums as may be necessary to defray the costs of administering and enforcing the provisions of P. L. 1984, c. 152 (C. 12:7A-1 et seq.), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

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

The unexpended balances in the Federal Highway Safety Program—State match account, including the accounts of the several departments, as of June 30, 1986, are appropriated for such highway safety projects.

Receipts derived from surcharges levied on drivers in accordance with the New Jersey Automobile Insurance Reform Act—Merit Rating System Surcharge Program of 1982, P. L. 1983, c. 65 (C. 17:29A-33 et al.), in excess of \$7,800,000 are appropriated for the purposes of the Act. The unexpended balances as of June 30, 1986 in the Motor Vehicles administrative expense account shall be used as partial repayment of a loan from the Unsatisfied Claim and Judgment Fund.

Receipts derived pursuant to section 2 of P. L. 1972, c. 197 (C. 39:6B-2), as amended by P. L. 1983, c. 141, in excess of \$1,000,000, and the unexpended balance as of June 30, 1986 are appropriated to the Uninsured Motorist Revolving Program.

Receipts derived from drunk driving fines collected pursuant to Chapter 4 of Title 39 of the Revised Statutes, in excess of \$42,000, are appropriated to the administration of the Drunk Driving Enforcement Program and the unexpended balance as of June 30, 1986 is appropriated.

The receipts in excess of \$350,000 for photo licensing derived pursuant to section 2 of P. L. 1979, c. 261 (C. 39:3-10g), are appropriated to administer the program.

Receipts from the Auto Body Licensing and Enforcement Program, derived pursuant to section 6 of P. L. 1983, c. 360 (C. 39:13-6), in excess of \$83,000 and the unexpended balance as of June 30, 1986, are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

12 Law Enforcement

06-1200	Patrol Activities and Crime Control	\$77,412,000
07-1200	Police Services and Public Order	13,060,000
08-1200	Emergency Services	827,000
09-1020	Criminal Justice	17,140,000
10-1040	Police Training Commission	471,000
11-1050	State Medical Examiner	2,389,000
23-1200	State Capitol Complex Security	3,134,000
24-1200	Marine Police Operations	4,314,000
99-1200	Management and Administrative Services	12,703,000
	Total Appropriation, Law Enforcement	\$131,450,000

Personal Services :

Salaries and wages	(\$83,532,000)
Positions established from lump sum appropriation	(1,344,000)
Positions established in lieu of appropriated revenue	(1,300,000)
Cash in lieu of maintenance	(9,863,000)
Materials and Supplies	(7,386,000)
Services Other Than Personal	(8,196,000)
Maintenance and Fixed Charges	(2,646,000)

Special Purpose :

State police body armor replacement	(322,000)
Medical-evacuation helicopter replacement	(1,195,000)
Firearms file automation	(300,000)
Criminal justice prosecution expansion program	(750,000)
Statewide narcotics prosecution program	(2,900,000)
Toxic waste safety equipment	(125,000)
Expenses of State Grand Jury	(315,000)
Hazardous materials contingency plan	(350,000)
Statewide Police Emergency Network	(70,000)
Air Ambulance	(1,100,000)
Tax/Insurance Fraud Program Expansion	(250,000)
Statewide Emergency Service	(150,000)
Medicaid fraud investigation— State match	(497,000)
State police recruit training	(871,000)
Patrol augmentation—Phase III ..	(1,800,000)
Affirmative action and equal employment opportunity program	(189,000)
Compensation awards	(444,000)
Additions, Improvements and Equip- ment	(5,555,000)

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

The unexpended balances not to exceed \$1,000,000 as of June 30, 1986, in Patrol Activities and Crime Control, Police Services and Public Order, State Capitol Complex Security and Management and Administrative Services program classifications are appropriated for the State police.

Receipts in excess of \$550,000 derived from license fees and/or audits conducted to insure compliance with The Private Detective Act of 1939, P. L. 1939, c. 369 (C. 45:19-8 et seq.), are appropriated to defray the cost of this activity.

Such sums as may be necessary are appropriated from the special fund for civil defense volunteers, P. L. 1952, c. 12 (C. App. A:9-57.1 et seq.). Of the amount hereinabove in the Patrol Activities and Crime Control for an air ambulance, such sums as are necessary may be transferred to an applicable State department, subject to the approval of the Director of the Division of Budget and Accounting.

The amount in the Boat Certification Fund, in excess of the amount required to defray the costs to the Division of Motor Vehicles of administering and enforcing the provisions of P. L. 1984, c. 152 (C. 12:7A-1 et seq.), are allocated to support the amount hereinabove for Marine Police Operations, and any amounts remaining therein, in addition to the unexpended balances as of June 30, 1986, are appropriated for additional operating costs.

The balance as of June 30, 1986 in the Spring Storm 1984 and Hurricane Gloria accounts are appropriated for storm emergencies.

In addition to the amounts hereinabove to the Divisions of State Police, and Criminal Justice and the Office of the State Medical Examiner, there are appropriated to the respective State departments and agencies such sums as may be received or receivable from any instrumentality or public authority for direct and indirect costs of all services furnished thereto, except as to such costs for which funds have been included in appropriations otherwise made to the respective State departments and agencies as the Director of the Division of Budget and Accounting shall determine; provided, however, that payments from such instrumentalities or authorities for employer contributions to the State Police and Public Employees' Retirement Systems shall not be appropriated and shall be paid into the General Fund.

Receipts derived from fees for solid and toxic waste haulers' and disposal operators' licenses pursuant to P. L. 1983, c. 392 (C. 13:1E-126 et al.) are appropriated for the cost of the administration of the act.

The unexpended balance as of June 30, 1986 in the Office of Hazardous Materials Transportation Compliance and Enforcement account is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Office of Victim-Witness Advocacy account, together with receipts derived pursuant to P. L. 1985, c. 407 are appropriated.

The unexpended balance as of June 30, 1986 in the State Police communications system account is appropriated for the same purpose.

All receipts, or portions thereof, charged for the processing of noncriminal justice applications for fingerprint records and name search inquiries by the Federal Bureau of Investigation or the Division of State Police are appropriated.

All registration fees, tuition fees, training fees, all receipts collected through Division mess hall oper-

ations and all other fees received for reimbursement for attendance at courses conducted by Division of State Police personnel are appropriated.

Receipts received pursuant to the assessment of electrical utility companies under P. L. 1981, c. 302 (C. 26:2D-37 et seq.) in an amount of \$1,792,000 together with the unexpended balance of such receipts as of June 30, 1986, are appropriated for nuclear emergency response; provided, however, that the expenditure of these funds be approved by the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1986 in the Emergency Services—Statewide feasibility study account are appropriated for the same purpose.

13 Special Law Enforcement Activities

17-1420	Election Law Enforcement	\$1,013,000
18-1430	Law Enforcement Planning	1,543,000
20-1450	Review and Enforcement of Ethical Standards	207,000
21-1400	Regulation of Alcoholic Beverages	1,827,000
22-1410	Regulation of Racing Activities	2,318,000
25-1470	N. J. Commission to Deter Criminal Activity	75,000
26-1471	Commission on Missing Persons	148,000
27-1480	State Athletic Control Board	705,000
Total Appropriation, Special Law Enforcement Activities		\$7,836,000

Personal Services:

Salaries and wages	(\$4,195,000)
Positions converted	(255,000)
New positions	(60,000)
Materials and Supplies	(218,000)
Services Other Than Personal	(833,000)
Maintenance and Fixed Charges	(127,000)

Special Purpose:

Payment to members of the Election Law Enforcement Commission, per diem amount	(30,000)
Action grants—State match	(600,000)
Administration of SLEPA	(193,000)
Speedy Trial Program, backlog reduction	(750,000)
ABC licensing system upgrades . . .	(70,000)
N. J. Commission to Deter Criminal Activity	(75,000)
Commission on Missing Persons . . .	(148,000)
State Athletic Control Board reform	(250,000)
Compensation awards	(8,000)
Additions, Improvements and Equip- ment	(24,000)

The unexpended balance as of June 30, 1986 for Law Enforcement Planning, including the accounts of the several departments, is appropriated for the same purposes; and any remaining balance in the administration of SLEPA account shall be placed in reserve and only released to match additional federal funds which may become available, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of P. L. 1983, c. 333, (C. 52:17B-151 et seq.) the unexpended balance as of June 30, 1986 in the New Jersey Commission to Deter Criminal Activity—State match account is appropriated without a matching fund requirement to defray expenses of the public education effort.

The funds received from taxes, revenue and penalties collected pursuant to P. L. 1985, c. 83 (C. 5:2A-1 et al.) are appropriated for the expenses of the State Athletic Control Board, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balances as of June 30, 1986, in the Commission on Missing Persons Account, account 141-100-2600100-50, are appropriated for the same purpose.

19 Central Planning, Direction and Management

88-1000	Central Library Services	\$428,000
99-1000	Management and Administrative Services	3,116,000
	Total Appropriation, Central Planning, Direction and Management	\$3,544,000

Personal Services:

Salaries and wages	(\$2,813,000)
Materials and Supplies	(253,000)
Services Other Than Personal	(327,000)
Maintenance and Fixed Charges	(94,000)

Special Purpose:

Affirmative action and equal employment opportunity program(57,000)
---	---------

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

There is appropriated from receipts derived from racing activities an amount not to exceed \$369,000 for costs attributed to computerized licensing, 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	\$10,184,000
	Total Appropriation, General Government Services	\$10,184,000

Personal Services:

Salaries and wages	(\$7,408,000)
Positions converted	(325,000)

Materials and Supplies	(375,000)
Services Other Than Personal	(1,018,000)
Maintenance and Fixed Charges	(217,000)

Special Purpose:

Expansion of legal services to State agencies	(659,000)
Attorney time keeping system	(95,000)
Compensation awards	(32,000)
Additions, Improvements and Equip- ment	(55,000)

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

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

14-1310	Consumer Affairs	\$3,598,000
15-1320	Board of Accountancy	482,000
15-1321	Board of Architects and Certified Landscape Architects	284,000
15-1322	Board of Dentistry	286,000
15-1323	Board of Mortuary Science	139,000
15-1324	Board of Professional Engineers and Land Surveyors	258,000
15-1325	Board of Medical Examiners	1,290,000
15-1326	Board of Nursing	1,017,000
15-1327	Board of Optometrists	101,000
15-1328	Board of Pharmacy	678,000
15-1329	Board of Veterinary Medical Examiners ..	89,000
15-1330	Board of Shorthand Reporting	19,000
15-1331	Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians ..	102,000
15-1332	Board of Beauty Culture Control	647,000
15-1333	Board of Professional Planners	87,000

15-1334	Board of Examiners of Electrical Contractors	215,000
15-1335	Board of Psychological Examiners	80,000
15-1336	Board of Examiners of Master Plumbers	206,000
15-1337	Board of Marriage Counselor Examiners	43,000
15-1338	Board of Barber Examiners	168,000
15-1339	Board of Public Movers and Warehousemen	135,000
15-1340	Board of Physical Therapy	103,000
15-1341	Audiology and Speech-Language Pathology Advisory Committee	70,000
16-1350	Protection of Civil Rights	2,980,000
19-1440	Violent Crimes Compensation	2,844,000
Total Appropriation, Protection of Citizens' Rights		\$15,921,000

Personal Services:

Salaries and wages	(\$8,010,000)
Positions established in lieu of appropriated revenue	(79,000)
Positions converted	(192,000)
Materials and Supplies	(366,000)
Services Other Than Personal	(4,475,000)
Maintenance and Fixed Charges	(631,000)

Special Purpose:

Weights and measures complex opening	(54,000)
Hearing Aid Dispensers Examining Committee	(2,000)
Excessive fee review committee ...	(2,000)
Acupuncture examining board	(2,000)
Landscape architect examination and evaluation	(2,000)
Athletic training advisory committee	(2,000)
Claims—victims of violent crimes ..	(2,000,000)
Compensation awards	(2,000)

Additions, Improvements and Equip-
ment (102,000)

Receipts derived from the assessment and recovery of costs of hearings conducted, pursuant to the Consumer Fraud Act, are appropriated for such purpose.

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

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

Receipts derived from penalties under section 2 of P. L. 1979, c. 396 (C. 2C:43-3.1) and the unexpended balance as of June 30, 1986 of such receipts are appropriated for payment of claims of victims of violent crimes pursuant to P. L. 1971, c. 317 (C. 52:4B-1 et seq.); provided, however, that a sum not to exceed \$900,000 shall be available for related administrative costs, including the victim counseling service, section 2 of P. L. 1982, c. 192 (C. 52:4B-25); the Revised Claims Adjudication Program, P. L. 1983, c. 86; the Fiscal Management Unit, P. L. 1982, c. 192; the senior citizens' public awareness program, section 3 of P. L. 1981, c. 396 (C. 52:4B-24), and the revenue resources program, P. L. 1982, c. 164.

The unexpended balance as of June 30, 1986 in the Medicaid nursing home discrimination investigations account is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Office of Victim-Witness Assistance and in the Victim and Witness Advocacy Fund pursuant to P. L. 1985, c. 407 is appropriated.

Funds received in excess of \$577,000 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) are appropriated to administer the provisions of the Uniform Securities Law, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1986 in the Securities Regulation Study Commission account is appropriated for the same purpose.

Total Appropriation, Department of Law and Public Safety	\$249,978,000
---	---------------

70 DEPARTMENT OF THE PUBLIC ADVOCATE

70 *Government Direction, Management and Control*

76 *Management and Administration*

99-8480 Management and Administrative Services	\$1,618,000
--	-------------

Total Appropriation, Management and Administration	\$1,618,000
---	-------------

Personal Services:

Salaries and wages	(\$1,286,000)
Materials and Supplies	(70,000)
Services Other Than Personal	(125,000)
Maintenance and Fixed Charges	(35,000)

Special Purpose:

Affirmative action and equal employment opportunity program	(48,000)
Microfilming services	(54,000)

80 *Special Government Services*

82 *Protection of Citizens' Rights*

01-8310 Mental Health Advocacy	\$1,785,000
02-8320 Public Interest Advocacy	653,000
03-8330 Citizens' Complaints and Dispute Settle- ment	785,000
04-8410 Trial Services to Indigents and Special Programs	23,675,000

05-8420	Appellate Services to Indigents	4,362,000
06-8430	Public Defender Administration	901,000
08-8350	Advocacy for the Developmentally Dis- abled	527,000
	Total Appropriation, Protection of Citizens' Rights	\$32,688,000

Personal Services:

Salaries and wages	(\$24,151,000)
Positions established from lump sum appropriation	(384,000)
Materials and Supplies	(462,000)
Services Other Than Personal	(6,615,000)
Maintenance and Fixed Charges	(253,000)

Special Purpose:

Public Dispute Resolution Center ..	(70,000)
Parole revocation	(51,000)
Juvenile family crisis	(191,000)
Para-legals	(131,000)
Monmouth/Ocean County office—	
Mental Health Advocacy	(275,000)
Compensation awards	(72,000)

Additions, Improvements and Equip- ment	(33,000)
--	-----------

Receipts from rate counsel services and the unexpended balance as of June 30, 1986 of such receipts, are appropriated for the purpose of defraying the cost of operation of the rate counsel program classification and an amount not to exceed 20% of departmental administrative costs.

Receipts from clients and the unexpended balance as of June 30, 1986 of such receipts, are appropriated.

The sum provided for legal and investigative services shall be available for payment of obligations applicable to prior fiscal years.

Total Appropriation, Department of the Public Advocate	\$34,306,000
---	---------------------

74 DEPARTMENT OF STATE

30 *Educational, Cultural and Intellectual Development*37 *Cultural and Intellectual Development Services*

05-2530	Support of the Arts	\$12,703,000
06-2535	Museum Services	2,362,000
07-2540	Development of Historical Resources ...	825,000
		<hr/>
Total Appropriation, Cultural and Intellectual Development Services		\$15,890,000
		<hr/>

Personal Services:

Salaries and wages	(\$1,965,000)
Materials and Supplies	(136,000)
Services Other Than Personal	(185,000)
Maintenance and Fixed Charges	(51,000)

Special Purpose:

Cultural projects	(12,465,000)
Council member expenses	(2,000)
Acquisition of art and historical objects	(630,000)
Oral history program	(27,000)
William Livingston Papers	(58,000)
Folk life and ethnic history pro- grams	(22,000)
Grants in New Jersey history	(250,000)
Afro-American history program ..	(75,000)

Additions, Improvements and Equip- ment	(24,000)
--	-----------

The State Council on the Arts may require of recipient groups, and in the case of those receiving over \$100,000 shall require, that said groups must demonstrate a Statewide benefit as a result of the grants.

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

Of the amount hereinabove for Cultural projects, an amount not to exceed \$75,000 may be used for administrative purposes, subject to the approval of the Director of the Division of Budget and Accounting.

The unexpended balance as of June 30, 1986 in the School Pamphlet Series account is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the History of the State House Program account is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Flag restoration account is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Preservation of State House portraits account is appropriated for the same purpose.

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration	\$1,659,000
08-2505 Records Management	1,196,000
09-2505 Commercial Recording	2,160,000
	<hr/>
Total Appropriation, Office of the Secretary of State	\$5,015,000
	<hr/>

Personal Services:

Salaries and wages	(\$3,061,000)
New position	(26,000)
Materials and Supplies	(173,000)
Services Other Than Personal	(878,000)
Maintenance and Fixed Charges	(113,000)

Special Purpose:

Voter registration	(275,000)
Voter declaration	(4,000)
Affirmative action and equal employ- ment opportunity program	(32,000)

Office of Ethnic Affairs	(115,000)
Grant office	(73,000)
Satellite office—Camden	(38,000)
Microfilm service charges	(140,000)
Compensation awards	(10,000)
Additions, Improvements and Equip- ment	(77,000)

Receipts derived from the examination of voting machines by the Secretary of State and the unexpended balance as of June 30, 1986 of such receipts, are appropriated for the costs of making such examinations.

Receipts from the over-the-counter service surcharge and the unexpended balance of such charge as of June 30, 1986 are appropriated for the costs of over-the-counter corporate service.

The Director of Budget and Accounting is empowered to transfer or credit to the Microfilm Section from any appropriation made to any department for microfilming costs which had been appropriated or allocated to such department for its share of the costs of the Microfilm Section.

2515 Adjudication of Administrative Appeals

03-2515 Adjudication of Administrative Appeals .	\$7,488,000
	<hr/>
Total Appropriation, Adjudication of Administrative Appeals	\$7,488,000
	<hr/>

Personal Services:

Salaries and wages	(\$5,638,000)
Materials and Supplies	(330,000)
Services Other Than Personal	(1,299,000)
Maintenance and Fixed Charges	(79,000)

Special Purpose:

Affirmative action and equal employ- ment opportunity program	(7,000)
Compensation awards	(8,000)

Additions, Improvements and Equip-
ment (127,000)

Notwithstanding any law to the contrary, the salary of the Director of the Office of Administrative Law shall be established by the Civil Service Commission in the "State Compensation Plan".

Receipts derived from the sale of publications by the Office of Administrative Law and the unexpended balance as of June 30, 1986 of such receipts are appropriated for the preparation, printing and distribution of such publications.

The Director of the Division of Budget and Accounting is empowered to transfer or credit as anticipated revenue to the General Fund from any appropriation made to any department for administrative hearing costs which had been appropriated or allocated to such department for their share of such costs.

Total Appropriation, Department of State .. \$28,393,000

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*

61 *State Highway Facilities*

06-6100	Roadway and Bridge Maintenance	\$51,384,000
07-6110	Electrical Operations	15,530,000
08-6120	Physical Plant	6,819,000
09-6130	Equipment Maintenance and Operations ..	21,950,000
71-6200	Transportation Construction Engineering ..	28,083,000

Total Appropriation, State Highway
Facilities \$123,766,000

Personal Services:

Salaries and wages	(\$72,077,000)
Positions converted	(1,431,000)
New positions	(1,065,000)
Materials and Supplies	(14,222,000)

Services Other Than Personal (7,405,000)
 Maintenance and Fixed Charges (20,010,000)

Special Purpose:

Other special purpose (4,000)
 Additions, Improvements and Equip-
 ment (7,552,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

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

62 Public Transportation

04-6050 Railroad and Bus Operations	\$160,000,000
	<hr/>
Total Appropriation, Public Transportation	\$160,000,000
	<hr/>

Special Purpose:

Passenger service subsidies for bus operations (\$69,100,000)
 Administration of New Jersey Transit Corporation (16,100,000)
 Reimbursement to bus companies for student reduced fare program (900,000)
 Reduced fare for motor bus transportation services to elderly and handicapped citizens (8,700,000)
 Promotion of public transit ridership (1,400,000)
 Passenger service subsidies for rail operations (63,800,000)

64 Planning and General Management Support

02-6030	Planning	\$1,692,000
03-6040	Research and Demonstration	711,000
05-6070	Modal Services	998,000
97-6020	Financial Management	5,280,000
98-6010	Employee and Support Services	5,947,000
99-6000	Management and Regulatory Services ..	4,793,000
Total Appropriation, Planning and General Management Support		<u>\$19,421,000</u>

Personal Services:

Salaries and wages	(\$14,006,000)
Materials and Supplies	(282,000)
Services Other Than Personal	(2,825,000)
Maintenance and Fixed Charges	(133,000)

Special Purpose:

Comprehensive highway transportation planning studies	(20,000)
Public transportation and aviation planning	(150,000)
Metropolitan planning studies ...	(101,000)
Microfilm service charges	(76,000)
Affirmative action and equal em- ployment opportunity program .	(450,000)
Compensation awards	(1,052,000)
Additions, Improvements and Equip- ment	(326,000)

Sums allocated by the Commissioner of Transportation for planning and research in the annual construction program are transferred or allocated to this account for expenditure.

Revenues derived from the "New Jersey Airport Safety Act of 1983," P. L. 1983, c. 264 (C. 6:1-89 et seq.) are appropriated for those purposes intended.

The unexpended balances as of June 30, 1986 in the Planning and Research and Demonstration program classifications are appropriated.

The unexpended balance as of June 30, 1986, and the reimbursements in the Department stock purchase revolving fund for the purchase of materials and supplies required for the operation of the department, are appropriated.

Total Appropriation, Department of Transportation	\$303,187,000
---	---------------

82 DEPARTMENT OF THE TREASURY

72 *Governmental Review and Oversight*

03-2015 Employee Relations and Collective Negotiations	\$566,000
05-2030 Budgeting, Planning and Control	5,900,000
07-2040 Accounting and Financial Reporting	8,383,000
08-2045 Management of Technology	2,219,000

Total Appropriation, Governmental Review and Oversight	\$17,068,000
--	--------------

Personal Services:

Salaries and wages	(\$9,383,000)
Positions established from lump sum appropriation	(1,113,000)
Materials and Supplies	(335,000)
Services Other Than Personal	(5,221,000)
Maintenance and Fixed Charges	(86,000)
Additions, Improvements and Equipment	(930,000)

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

73 *Financial Administration*

13-2070 Special Procedures and Investigations ..	\$9,082,000
14-2075 Tax Audit Services	16,274,000
15-2080 Processing and Administration	16,075,000

18-2125	Financial Management	1,335,000
19-2120	Management of State Investments	2,143,000
	Total Appropriation, Financial Administration	<u>\$44,909,000</u>

Personal Services:

Salaries and wages	(\$30,264,000)
New positions	(94,000)
Materials and Supplies	(1,272,000)
Services Other Than Personal	(9,895,000)
Maintenance and Fixed Charges	(912,000)

Special Purpose:

Out of State audits	(108,000)
Control-Financial Management ...	(92,000)
Farmland act administration	(6,000)
Northeastern State Tax Officials Association Conference	(30,000)
Compensation awards	(92,000)

Additions, Improvements and Equip- ment	(2,144,000)
--	--------------

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), as may be necessary for confiscation, storage, disposal and other related expenses thereof, are appropriated.

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

Notwithstanding the provisions of P. L. 1985, c. 533, an amount not to exceed \$650,000 is appropriated from and shall be charged to the Clean Communities account for the purpose of collecting the tax on litter generating products; provided how-

ever that the expenditure be subject to the approval of the Director of the Division of Budget and Accounting.

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 of commissions, prizes and expenses of developing games pursuant to section 7 of P. L. 1970, c. 13 (C. 5:9-7).

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

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

There are appropriated, out of revenues derived from escheated property under the various escheat acts, such sums as may be necessary to administer such acts and such sums as may be required for refunds.

There are appropriated from the investment earnings of general obligation bond proceeds such sums as may be necessary for the payment of debt service administrative costs.

Such sums as may be necessary for payment of expenses incurred by issuing officials appointed under the several bond acts of the State are appropriated for the purposes and from the sources defined in said acts.

74 General Government Services

09-2050	Purchasing and Inventory Management ..	\$4,098,000
10-2055	Physical Plant Operation and Maintenance	21,794,000

11-2060	Other Property Management Services ..	739,000
12-2065	Construction Management Services	4,698,000
21-2140	Management of Employee Benefits Programs	18,858,000
24-2061	Real Property Management	360,000
37-2051	Risk Management	1,360,000
40-2034	Office of Telecommunications and Information Systems	10,000,000
		<hr/>
	Total Appropriation, General Government Services	\$61,907,000
		<hr/>

Personal Services:

Salaries and wages	(\$23,331,000)
Positions established from lump sum appropriation	(2,718,000)
Positions converted	(121,000)
New positions	(365,000)
Materials and Supplies	(6,480,000)
Services Other Than Personal	(11,746,000)
Maintenance and Fixed Charges ...	(623,000)

Special Purpose:

Justice Complex—services	(3,308,000)
Other capitol buildings—services ..	(2,375,000)
Lease compliance	(33,000)
Networking of data centers	(10,000,000)
Compensation awards	(76,000)
Additions, Improvements and Equipment	(731,000)

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

In addition to the amounts hereinabove, there are appropriated such additional sums as may be

necessary for an independent audit of the State's Pension System, provided that such appropriations shall be reimbursed to the General Fund from the resources available to the various pension funds.

Receipts from employee maintenance charges in excess of \$1,300,000 are appropriated for maintenance of employee housing; provided that a sum not to exceed \$120,000 shall be available for management of the program, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

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

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

A sum not to exceed \$169,000 from proceeds derived from commissions paid to the Travel Services Section is appropriated for administrative expenses of the program.

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

The unexpended balances in the networking of data centers account as of June 30, 1986 are appropriated for the same purpose.

2050-321-09 State Purchase Fund

The unexpended balance in the State Purchase Fund as of June 30, 1986, and the reimbursements thereto, are appropriated for the purpose of making payments for purchases under R. S. 52:25-1 et seq., and for the expenses of handling, storing and transporting purchases so made and for administration of the Distribution Center.

2000-301-43 Print Shop

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

2064-443-62, 444-66 State Cafeterias

The unexpended balances in the State cafeteria accounts as of June 30, 1986 and receipts obtained from cafeteria operations, are appropriated for the improvement and extension of cafeteria services and facilities pursuant to section 2 of P. L. 1951, c. 312 (C. 52:18A-19.6).

76 Management and Administration

01-2005	Federal Liaison Activities	\$100,000
98-2006	Public Contracts Affirmative Action Office	597,000
99-2000	Management and Administrative Services	4,498,000
		<hr/>
	Total Appropriation, Management and Administration	\$5,195,000
		<hr/>

Personal Services:

Salaries and wages	(\$3,114,000)
Positions converted	(20,000)
New positions	(114,000)
Materials and Supplies	(105,000)
Services Other Than Personal	(284,000)
Maintenance and Fixed Charges	(80,000)

Special Purpose:

Federal Liaison Office—Washington, D. C.	(100,000)
State Planning Commission	(500,000)
Affirmative action and equal employment opportunity program ..	(20,000)
Minority opportunity enhancement fund	(670,000)
Fisheries Commission	(100,000)
Compensation awards	(2,000)
Additions, Improvements and Equipment	(86,000)

Fees collected on behalf of the public contracts affirmative action program and the unexpended balance as of June 30, 1986 of such fees, are appropriated for program costs, subject to allotment by the Director of the Division of Budget and Accounting.

There are appropriated out of the Worker and Community Right To Know Fund such sums as may be necessary to carry out the provisions of P. L. 1983, c. 315 (C. 34:5A-1 et seq.).

The unexpended balance in the State Planning Commission account as of June 30, 1986 is appropriated for the same purpose.

Total Appropriation, Department of the Treasury

\$129,079,000

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*43 *Environmental Quality*9130 *Interstate Sanitation Commission*

03-9130 Interstate Sanitation Commission \$390,000

Total Appropriation, Interstate Sanitation Commission	\$390,000
---	-----------

Special Purpose:

Expenses of Commission (\$390,000)

9140 *Delaware River Basin Commission*

02-9140 Delaware River Basin Commission \$497,000

Total Appropriation, Delaware River Basin Commission	\$497,000
--	-----------

Special Purpose:

Expenses of Commission (\$497,000)

44 *Hazardous and Toxic Pollution Control*9160 *Northeast Interstate Low-Level Radioactive Waste Commission*

The unexpended balance as of June 30, 1986 in the account for the expenses of the commission is appropriated.

60 *Transportation Programs*61 *State Highway Facilities*9120 *Delaware River Joint Toll Bridge Commission*

07-9120 Delaware River Joint Toll Bridge Commission \$2,202,000

Total Appropriation, Delaware River Joint Toll Bridge Commission	\$2,202,000
--	-------------

Personal Services:

Salaries and wages	(\$1,347,000)
Materials and Supplies	(91,000)
Services Other Than Personal	(229,000)
Maintenance and Fixed Charges	(48,000)

Special Purpose:

Other special purpose	(30,000)
Additions, Improvements and Equip- ment	(457,000)

*70 Government Direction, Management and Control**72 Governmental Review and Oversight**9150 New Jersey Commission on Capital Budgeting and Planning*

08-9150 New Jersey Commission on Capital Budgeting and Planning	\$238,000
--	-----------

Total Appropriation, New Jersey Commis- sion on Capital Budgeting and Planning ..	\$238,000
--	-----------

Special Purpose:

Expenses of Commission	(\$238,000)
------------------------------	--------------

*9180 State and Local Expenditure and Revenue Policy
Commission*

09-9180 State and Local Expenditure and Revenue Policy Commission	\$667,000
--	-----------

Total Appropriation, State and Local Ex- penditure and Revenue Policy Commission	\$667,000
---	-----------

Special Purpose:

Expenses of the Commission	(\$667,000)
----------------------------------	--------------

The unexpended balance as of June 30, 1986 in this account is appropriated.

Total Appropriation, Miscellaneous Execu- tive Commissions	\$3,994,000
---	-------------

94 INTER-DEPARTMENTAL ACCOUNTS

70 *Government Direction, Management and Control*74 *General Government Services*9400 *Property Rentals, Insurance and Other Services*

01-9400	Property Rentals	\$83,872,000
02-9400	Insurance and Other Services	3,750,000
		<hr/>
	Total Appropriation, Property Rentals, Insurance and Other Services	\$87,622,000
		<hr/>

Services Other Than Personal

Rent:

Buildings and grounds	(\$89,087,000)
Richard J. Hughes Justice Complex (	9,713,000)
New Jersey Building Authority ... (	13,572,000)

Less:

<i>Direct charges and charges to non-</i> <i>State fund sources</i>	<i>(\$24,500,000)</i>
<i>Anticipated fuels savings transfer.</i>	<i>(4,000,000)</i>

Special Purpose:

Excess liability insurance master policy	(1,500,000)
Tort Claims Liability Fund (N. J. S. 59:12-1)	(2,000,000)
Self-insurance deductible fund	(250,000)

The Director of the Division of Budget and Accounting is empowered to allocate to any State agency occupying space in any State-owned building, equitable charges for the rental of such space to include but not be limited to the costs of operation and maintenance thereof, and the amounts so charged shall be credited to the General Fund; and, to the extent that such charges exceed the amounts appropriated for such purposes to any agency financed from any fund other than the General Fund, the required additional appropriation shall be made out of such other fund.

Receipts derived from direct charges and charges to Non-State Fund sources are appropriated for the rental of property, including the costs of operation and maintenance of such properties.

Notwithstanding any other provision of law, and except as hereinafter provided, no lease for the rental of any office or building shall be executed without the prior written consent of the State Treasurer, the Director of the Division of Budget and Accounting, the President of the Senate and the Speaker of the General Assembly.

In addition to the sums hereinabove appropriated for Property Rentals, the Director of the Division of Budget and Accounting shall cause to be transferred or credited to this account the sum of \$4,000,000 from the appropriations made to various spending agencies for purchase of fuels, which amount reflects the anticipated savings as a result of fuel cost reductions, and such amount is appropriated for Property Rentals.

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.

In addition to the amounts appropriated hereinabove for Excess liability insurance master policy the amount of \$2,000,000 is appropriated from surpluses in the Central Motor Pool accounts.

The unexpended balances, not to exceed \$5,000,000, as of June 30, 1986 in the Property Rentals program classification are appropriated for the same purposes.

The unexpended balance as of June 30, 1986 in the Tort Claims Liability Fund account created by N. J. S. 59:12-1 is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Master Lease Program Fund is appropriated for the same purpose.

There are appropriated such additional sums as may be required to pay tort claims under N. J. S. 59:12-1, subject to the approval of the Director of the Division of Budget and Accounting.

The amount hereinabove for the Tort Claims Liability Fund under N. J. S. 59:12-1 shall be available for the payment of direct costs of outside legal and investigative services related to the investigation and litigation of claims against the Fund.

The unexpended balances as of June 30, 1986 in the Inter-departmental accounts for automobile insurance are appropriated as a reserve for payment of retroactive premiums, or for reallocation to departments based on loss experience.

The unexpended balance as of June 30, 1986 in the Self-Insurance Deductible Fund is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Self-Insurance Fund is appropriated for the same purpose.

The sum hereinabove shall be available for payment of obligations applicable to prior fiscal years.

9410 Employee Benefits

03-9410 Employee Benefits	\$570,763,000
	<hr/>
Total Appropriation, Employee Benefits	\$570,763,000
	<hr/>

Special Purpose:

Heath Act	(\$35,000)
Veterans' Act	(70,000)
Miscellaneous special acts	(9,000)
Judicial Retirement System	(7,698,000)

Prison Officers' Pension Fund	(2,460,000)
Public Employees' Retirement System	(122,494,000)
Social Security tax	(164,500,000)
State Police Retirement System . . .	(22,196,000)
Dental care program, shared cost . .	(9,500,000)
State employees' health benefits	(130,000,000)
Prescription drug program	(17,500,000)
Pension Adjustment Act	(31,800,000)
Minimum Pension Benefit Act	(220,000)
Employer contributions, alternate benefit program	(24,391,000)
Pension and non-contributory group life insurance benefit payments to Teachers' Pension and Annuity Fund for higher education and State employee members	(5,322,000)
Unemployment insurance— Employer liability	(1,988,000)
Temporary disability insurance . . .	(3,710,000)
Police and Firemen's Retirement System (P. L. 1979, c. 109)	(15,382,000)
Police and Firemen's Retirement System, P. L. 1944, c. 255 (C. 43:16A-1 et seq.)	(10,388,000)
Vision care	(1,100,000)

There is appropriated a sufficient amount in order that upon application to the Director of the Division of Budget and Accounting, an annuity of \$4,000 shall be paid to the widow of any person, now deceased, who was elected and served as Governor of the State; provided such widow was the wife of such person for all or part of the period during which he served as Governor, and; provided, further, that this shall not apply to any widow receiving a pension granted under R. S. 43:8-2, and continued by R. S. 43:7-1 et seq., R. S. 43:8-1 et seq., and R. S. 43:8-8 et seq.

Notwithstanding the provisions of any other law, the sum hereinabove for the Public Employees' Retirement System shall be paid to the System not later than June 30, 1987 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments computed from the period beginning July 1, 1986 through the date of such payment.

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

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

In addition to the amounts appropriated hereinabove for the State employees health benefits, there is appropriated from the unexpended balances as of June 30, 1986 in the Employee Benefits accounts a sum not to exceed \$5,500,000 for State employees health benefits.

The amount hereinabove for the Prescription drug program is based upon a co-payment of \$3.50 for each eligible prescription.

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

9420 *State Contingency Fund*

04-9420 State Contingency Fund	\$5,525,000
	<hr/>
Total Appropriation, State Contingency Fund	\$5,525,000
	<hr/>

Special Purpose:

- To the Governor, for allotment to the various departments or agencies, to meet any condition of emergency or necessity; provided, however, that a sum not in excess of \$5,000 shall be available for the expense of officially receiving dignitaries and for incidental expenses, including lunches for non-salaried board members and others for whom official reception shall be beneficial to the State .. (\$2,000,000)
- Three Mile Island—New Jersey contribution .. (1,875,000)
- Contingencies, including fuel, food and services .. (1,500,000)
- Productivity improvements .. (50,000)
- Compensation awards .. (100,000)

The unexpended balance as of June 30, 1986 in the productivity improvements account is appropriated for the same purpose.

Balances resulting from the implementation of cost saving processes or other productivity improvements shall be transferred to the productivity improvements account as the Director of the Division of Budget and Accounting shall determine.

Revenue in excess of that anticipated resulting from the implementation of a revenue producing improvement is appropriated as determined by the Director of the Division of Budget and Accounting for other productivity improvements.

The unexpended balance as of June 30, 1986 in the continuation and expansion of data processing systems account is appropriated for the same purpose.

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

The unexpended balance as of June 30, 1986 in the telephone buy-out account is appropriated for the same purpose.

9430 Salary and Other Benefits

05-9430 Salary and Other	
Benefits	\$159,900,000
	<hr/>
Total Appropriation, Salary and Other	
Benefits	\$159,900,000
	<hr/>

Special Purpose:

Salary and benefits increases including deferred costs of increases implemented during fiscal year	
1985-1986	(\$150,000,000)
Pay equity	(5,500,000)
Unused accumulated sick leave payments	(4,400,000)

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

The State Treasurer, the President of the Civil Service Commission, and the Director of the Division of Budget and Accounting shall establish rules and regulations governing salary ranges and rates of pay. The implementation of such rules and regulations shall be made effective at the beginning of the bi-weekly pay period nearest July 1, 1986 or thereafter as determined

by such rules and regulations, with timely notification of such rules and regulations to the Joint Budget Oversight Committee.

In addition to the amounts appropriated hereinabove for Pay Equity, there is appropriated from the unexpended balances as of June 30, 1986 in the Pay Equity account, a sum not to exceed \$1,000,000 for the same purpose.

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

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

Notwithstanding the provisions of section 1 of P. L. 1974, c. 55 (C. 52:14-15.107), as amended, the amounts appropriated to the various departments for salaries shall be available to provide for payment of such salaries to the heads of the principal Executive departments and the members of the Board of Public Utilities, as the Governor shall fix and establish, but not to exceed \$95,000 for any individual.

Total Appropriation, Inter-departmental	
Accounts	<u><u>\$823,810,000</u></u>

JUDICIAL BRANCH

98 THE JUDICIARY

10 *Public Safety and Criminal Justice*15 *Judicial Services*

01-9710	Supreme Court	\$2,416,000
02-9715	Superior Court—Appellate Division ...	7,461,000
03-9720	Civil Courts	18,313,000
04-9725	Criminal Courts	8,349,000
05-9730	Family Courts	6,918,000
06-9735	Municipal Courts	1,206,000
07-9740	Probation Services	3,229,000
08-9745	Court Reporting	8,152,000
09-9750	Legal and Professional Services	539,000
10-9755	Information Services	6,117,000
11-9760	Field Operations	1,440,000
12-9765	Management and Administration	9,010,000
	Total Appropriation, Judicial Services	<u>\$73,150,000</u>

Personal Services:

Chief Justice	(\$80,000)
Associate Justices	(468,000)
Judicial positions converted	(350,000)
Judges	(22,945,000)
Salaries and wages	(27,253,000)
New positions	(106,000)
Positions converted	(244,000)
Materials and Supplies	(1,659,000)
Services Other Than Personal	(5,550,000)
Maintenance and Fixed Charges	(315,000)

Special Purpose:

Juvenile Delinquency Disposition	
Commission	(375,000)
Rules development	(150,000)
Criminal Disposition Commission	(190,000)
Family crisis intervention	(225,000)

Affirmative action and equal employ- ment opportunity program	(80,000)	
Compensation awards	(59,000)	
Child support and paternity pro- gram (State share)	(277,000)	
Alternative dispute resolution	(800,000)	
Intensive supervision program	(1,500,000)	
Judicial salary increase	(5,310,000)	
Community Services Program	(650,000)	
Computerized County Jail Informa- tion System	(101,000)	
Municipal court assistance	(878,000)	
Speedy Trial Program, case pro- cessing improvement	(500,000)	
Automobile arbitration	(1,100,000)	
Additions, Improvements and Equip- ment	(1,985,000)	
Total Appropriation, Judiciary		<u><u>\$73,150,000</u></u>

The unexpended balance as of June 30, 1986 in this account is appropriated.

Receipts from charges to the Superior Court trust fund, Clients' Security Fund, Ethics Financial Committee and the Board on Trial Attorney Certification and Attorney Regulation Fund are appropriated for services provided to those funds.

Notwithstanding the provisions of section 1 of P. L. 1974, c. 57 (C. 2A:1A-6), the salaries of the following justices and judges are fixed and established as follows:

<i>Title</i>	<i>Salary</i>
Chief Justice of the Supreme Court	\$95,000
Associate Justice of the Supreme Court	93,000
Judge of the Superior Court, Appellate Division	90,000
Judge of the Superior Court, Assignment Judge	88,000
Judge of the Superior Court	85,000
Total Appropriation, Direct State Services	<u><u>\$3,736,842,000*</u></u>

STATE AID

20	DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT	
	50	<i>Economic Planning, Development and Security</i>
	51	<i>Economic Planning and Development—State Aid</i>
20-2800	Economic Development	\$1,180,000
		<hr/>
	Total Appropriation, Department of Commerce and Economic Development	\$1,180,000
		<hr/> <hr/>

State Aid:

Property Tax Reserve Fund requirements, section 20 of P. L. 1968, c. 60 (C. 12:11A-20) (\$1,180,000)

There are appropriated such additional sums as may be certified to the Governor by the South Jersey Port Corporation as necessary to meet the requirements of the Debt Service Reserve Fund under section 14 of P. L. 1968, c. 60 (C. 12:11A-14) and the Property Tax Reserve Fund under section 20 of P. L. 1968, c. 60 (C. 12:11A-20), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

22 DEPARTMENT OF COMMUNITY AFFAIRS

	40	<i>Community Development and Environmental Management</i>	
	41	<i>Community Development Management—State Aid</i>	
02-8020	Housing Services	\$6,900,000	
04-8030	Local Government Services	115,136,000*	
06-8015	Uniform Construction Code	46,000	
		<hr/>	
	Total Appropriation, Community Development Management	\$122,082,000*	
		<hr/> <hr/>	

State Aid:

Prevention of homelessness (\$2,800,000)

Revolving Housing Development and Demonstration Grant Fund (500,000)

Relocation assistance (600,000)

Neighborhood preservation	(3,000,000)
Municipal aid pursuant to P. L. 1978, c. 14 (C. 52:27D-178 et seq.) (	40,143,000)
Safe and clean neighbor- hoods	(25,725,000)
Safe and clean—expanded police services	(25,000,000)
Supplementary aid for fire services (	8,000,000)
Grant to Union Township—Handi- capped entrance construction	(35,000)
Payments to urban centers—Raze vacant buildings	(500,000)
Aid to depressed rural centers	(518,000)
County welfare equalization	(15,000,000)
Tax collectors' training	(75,000)
Municipal finance officers' training (	50,000)
Municipal memberships in building code association	(46,000)
Special Assistance—Boro of Lawnside	(90,000)

Of the sum hereinabove for Neighborhood preservation, a sum not to exceed \$400,000 may be used for administration and technical assistance of the program, and up to \$300,000 for matching on a 50/50 basis for the administrative costs of the Federal Small Cities Block Grant.

The unexpended balance, not to exceed \$100,000, as of June 30, 1986 in the Relocation assistance account is appropriated.

The amount hereinabove for Relocation assistance shall be available to municipalities qualifying for assistance; provided, however, that each recipient municipality match its grant with an equal amount, except for those municipalities exempted by rules and regulations promulgated by the Department. This amount also may be used by qualifying municipalities for the relocation of fire victims, with no local matching funds required.

Of the sum available in the Revolving Housing Development and Demonstration Grant Fund, a sum not to exceed \$100,000 may be used for administrative and technical assistance.

There is hereby appropriated to the Neighborhood Preservation—fair housing program the receipts from the realty transfer tax pursuant to section 4 of P. L. 1975, c. 176 (C. 46:15-10.1) subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 4 of P. L. 1977, c. 260 (C. 52:27D-165), the amount hereinabove for Aid to depressed rural centers shall be distributed in the same amounts and to the same municipalities which received such aid in calendar year 1985.

Notwithstanding the provisions of P. L. 1977, c. 260 (C. 52:27D-162 et seq.) the amount hereinabove for Aid to depressed rural centers shall be used to provide State aid under the Depressed Rural Centers Aid Act.

Notwithstanding the provisions of P. L. 1981, c. 60 (C. 44:14-1 et seq.), funds distributed pursuant to the County Welfare Per Capita Cost Limitation Act of 1981 shall be distributed without determining whether counties entitled to funds have an error rate above the Statewide average error rate.

Notwithstanding the provisions of P. L. 1979, c. 118 (C. 52:27D-118.1 et seq.), \$4,500,000 of the amount hereinabove for Safe and Clean Neighborhoods shall be allocated equally to each municipality whose population is in excess of 75,000 which received such aid in calendar 1985; provided further, however, that each recipient municipality match its allocation with an equal amount; provided further, however, that any increase in assistance to any town be used for law enforcement.

Notwithstanding any law to the contrary, any funds appropriated as State aid and payable to any municipality in which the provisions of Article 4 of the Local Government Supervision Act, P. L. 1947, c. 151 (C. 52:27BB-54 et seq.) are in effect, may be pledged as a guarantee for payment of principal and interest on any bond anticipation notes issued pursuant to N. J. S. 40A:2-8 and any tax anticipation notes issued pursuant to N. J. S. 40A:4-64 by such municipality. Such funds, if so pledged shall be made available by the State Treasurer upon receipt of a written notification by the Director of the Division of Local Government Services that the municipality does not have sufficient funds available for prompt payment of principal and interest on such notes, and shall be paid by the State Treasurer directly to the holders of such notes at such time and in such amounts as specified by the Director, notwithstanding that payment of such funds does not coincide with any date for payment otherwise fixed by law.

50 Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050	Community Resources	\$4,365,000
08-8060	Programs for the Aging	2,098,000
		<hr/>
	Total Appropriation, Related Social Services Programs	\$6,463,000
		<hr/>

State Aid:

State Legal Services	(\$1,250,000)
Recreation for the handicapped ..	(300,000)
New Jersey Youth Corps	(1,500,000)
Grant to Municipalities—Implemen- tation of school desegregation plan ..	(65,000)
Office of Hispanic Affairs	(1,025,000)
Special Olympics	(225,000)
County offices on aging	(840,000)
Older Americans Act (State share) (	1,258,000)

The unexpended balance as of June 30, 1986 in the New Jersey Volunteer Youth Corps account is appropriated.

70 Government Direction, Management and Control
76 Management and Administration—State Aid

99-8070 Management and Administrative Services	\$4,770,000
	<hr/>
Total Appropriation, Management and Administration	\$4,770,000
	<hr/>

State Aid:

Hackensack Meadowlands Development Commission:

Municipal Committee	(\$100,000)
Debt Service	(420,000)
Commission Operations	(3,750,000)
Special Projects—Capital	(500,000)

Notwithstanding the provisions of section 6 of P. L. 1971, c. 137 (C. 5:10-6), all funds received by the State from the New Jersey Sports and Exposition Authority shall be deposited in the General Fund and only the amount hereinabove is appropriated for the Hackensack Meadowlands Development Commission.

Such amounts necessary for the payment of principal and interest for outstanding notes are appropriated subject to the approval of the Director of the Division of Budget and Accounting.

If receipts from the New Jersey Sports and Exposition Authority are less than the amount hereinabove, the State Treasurer may, at his discretion, consider such difference to be a loan from the General Fund to be repaid at such interest rate as the Treasurer may establish.

Total Appropriation, Department of Community Affairs	\$133,315,000*
	<hr/> <hr/>

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*31 *Direct Educational Services and Assistance—State Aid*

02-5120	Non-Public School Aid	\$27,219,000*
03-5120	Miscellaneous Grants-in-Aid	70,299,000
04-5064	Adult and Continuing Education	6,220,000
05-5120	Bilingual Education	26,948,000
06-5120	Compensatory Education	48,574,000
07-5065	Special Education	10,300,000
07-5120	Special Education	15,750,000
Total Appropriation, Direct Educational Services and Assis- tance		<u>\$205,310,000*</u>

State Aid:

Aid to non-public education	(\$4,836,000*)
Non-public nutrition aid	(446,000*)
Non-public handicapped aid	(8,377,000*)
Non-public auxiliary services aid ..	(13,270,000*)
Non-public auxiliary services aid— transportation	(290,000*)
Emergency fund	(200,000)
Public School Safety Act	(2,500,000)
State school aid for asbestos	(7,000,000)
Educational Information and Resource Center	(575,000)
Payments for institutionalized children—Unknown district of residence	(1,020,000)
Program for disruptive students ...	(1,000,000)
Master teacher program	(20,000)
Minimum teacher starting salary ..	(50,000,000)
Teacher recognition program	(2,200,000)
Governor's scholars program	(2,000,000)
Minority teaching program	(30,000)
Urban Initiative:	
Computer literacy and training ..	(150,000)

Alternative programs for disruptive pupils	(600,000)
Pupil attendance improvement program	(300,000)
Operation school renewal component	(1,204,000)
Broad based component	(1,500,000)
Evening school for the foreign born ..	(253,000)
High school equivalency	(1,463,000)
Adult education	(1,137,000)
Adult Literacy	(3,367,000)
Bilingual Education Aid	(26,948,000)
HSPT Related Compensatory Education	(48,574,000)
Projects for handicapped infants ..	(10,300,000)
County special services districts ...	(15,750,000)

The unexpended balance as of June 30, 1986 in the aid for asbestos account is appropriated for the same purpose.

Of the amount hereinabove in the High school equivalency and the Adult literacy accounts, such sums as are necessary may be transferred to an applicant State department.

In the event that sufficient funds are not appropriated to fully fund N. J. S. 18A :50-7, Supervisors of adult education in local school districts, the Department of Education shall have the authority to prorate the entitlements based on the relationship between the percent of time a supervisor devotes to adult education and the maximum allowable State aid.

33 Supplemental Education and Training Programs—State Aid

20-5062 General Vocational Education Programs .	\$7,146,000*
20-5120 General Vocational Education Programs .	7,966,000
	<hr/>
Total Appropriation, Supplemental Education and Training Programs	\$15,112,000*
	<hr/>

State Aid:

Schools of industrial education	(\$21,000)
Vocational education	(6,500,000)
National Guard Cooperative educa- tion	(125,000)
Work study program	(500,000)
Local vocational aid	(7,966,000)

34 Educational Support Services—State Aid

30-5063	General Academic Education	\$1,000,000
36-5120	Pupil Transportation Services	129,115,000
37-5120	School Nutrition	6,950,000
38-5120	Facilities Planning and School Building Aid	106,998,000
39-5095	Teachers' Pension and Annuity Assistance	621,540,000
Total Appropriation, Educational Support Services		\$865,603,000

State Aid:

Maxi-grant program	(\$500,000)
Effective schools program	(500,000)
Computerized bus scheduling	(250,000)
Transportation aid	(128,865,000)
State school lunch aid	(6,950,000)
School building aid debt service	(24,300,000)
School building aid	(82,698,000)
Teachers' Pension and Annuity Fund	(314,141,000)
Social Security Tax	(215,000,000)
Pension Adjustment Act	(92,199,000)
Minimum pension for pre-1955 retirees	(200,000)

The amount appropriated hereinabove for transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1984-1985 school year.

Of the amount hereinabove for transportation aid, an amount equal to the total earnings on investments of the School Fund shall first be charged to such Fund.

The unexpended balance as of June 30, 1986 in the School building aid debt service account is appropriated for the same purpose.

The sum in the Pension Adjustment Act account shall be available for the payment of such increase applicable to the prior fiscal year.

Notwithstanding the provisions of any other law, the sum hereinabove for the State contribution to the Teachers' Pension and Annuity Fund shall be paid to the Fund not later than June 30, 1987 in amounts and at times as determined by the Director of the Division of Budget and Accounting, with interest at the average rate of earnings during the fiscal year from the State's general investments, computed from the period beginning July 1, 1986 through the date of such payment.

Such interest as may be required to be paid on account of delayed payments to the Teachers' Pension and Annuity Fund is appropriated and shall be first charged to investment earnings.

The sum in the Social Security tax account shall be available for the payment of such tax applicable to the prior fiscal year.

*37 Cultural and Intellectual Development Services—
State Aid*

51-5070 Library Services	\$13,296,000
Total Appropriation, Cultural and Intellectual Development Services	\$13,296,000

State Aid:

Per capita library aid	(\$7,735,000)
Area library aid	(2,360,000)
Research library aid	(400,000)

Emergency aid/incentive grants . . . (	200,000)
Library construction incentive aid . . (	1,000,000)
Library network . . . . . (	1,401,000)
Library development aid . . . . . (	200,000)
Total Appropriation, Department of Education	<u>\$1,099,321,000*</u>

The unexpended balances as of June 30, 1986 in the State Aid accounts, not to exceed \$2,650,000,* are appropriated, of which \$2,000,000* shall be made available for reimbursement to school districts for approved transportation costs incurred in the 1984-85 school year; and in addition, the unexpended balances as of June 30, 1986 in the Library Network and Library Development accounts are appropriated for the same purpose.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments by utilizing the same method used in distributing general formula aid and school building aid in the 1984-85 school year.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, the commissioner shall apportion such appropriation among the districts in proportion to the state aid each district would have been apportioned had the full amount of state aid been appropriated.

Of the amount hereinabove for the Department of Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's budget shall first be charged to the State Lottery Fund.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*42 *Natural Resource Management—State Aid*

15-4890	Marine Lands Management	\$140,000
	Total Appropriation, Natural Resource Management	<u>\$140,000</u>

State Aid:

Borough of Keansburg for not more than 50% of the cost of operation and maintenance of hurricane and beach control structures (\$140,000)

There is appropriated from the Shore Protection Bond Act of 1983, P. L. 1983, c. 356 (C. 2A:82-4.1 et seq.), the sum of \$500,000 for costs attributable to planning and administration of the shore protection program.

Unexpended balances as of June 30, 1986 in the Storm damage for coastal towns, Storm water management—Municipalities and Storm water management—Counties accounts are appropriated.

The unexpended balance as of June 30, 1986 in the Lake Matawan/Lake Lefferts dam repair account is appropriated for this 100 percent grant project.

43 *Environmental Quality—State Aid*

07-4850	Water Monitoring and Planning	\$450,000
	Total Appropriation, Environmental Quality	<u>\$450,000</u>

State Aid:

Lake Management (\$450,000)

The unexpended balance as of June 30, 1986 in the Lake Management, Clean drinking water program and the New Jersey wastewater treatment trust fund accounts are appropriated.

44 Hazardous and Toxic Pollution Control—State Aid

23-4910	Waste Management	\$500,000
		<hr/>
	Total Appropriation, Hazardous and Toxic Pollution Control	\$500,000
		<hr/>

State Aid:

Implementation and demonstration
grants to solid waste management
districts (\$500,000)

The unexpended balances as of June 30, 1986 in the
Major Hazardous Waste Facilities Siting Act—
Grants to Municipalities and Major Hazardous
Waste Facilities Siting Act—Training accounts
are appropriated.

The unexpended balance as of June 30, 1986 in the
Implementation and demonstration grants to solid
waste management districts account is appro-
priated.

The unexpended balances as of June 30, 1986 in the
Sanitary landfill closure and rate relief fund and
the Resources recovery and solid waste disposal
facility fund accounts are appropriated.

Of the sum hereinabove for Implementation and
demonstration grants to solid waste management
districts, an amount not to exceed \$26,000 is allo-
cated.

Of the sum hereinabove for Implementation and
demonstration grants to solid waste management
districts, an amount not to exceed \$26,000 is allo-
cated for purposes of auditing such grants.

45 Recreational Resource Management—State Aid

21-4895	Navigational Aids	\$2,000,000
		<hr/>
	Total Appropriation, Recreational Resource Management	\$2,000,000
		<hr/>

State Aid:

Dredging of inland waterways—
 State aid to counties and municipalities, 100% grants for maintenance dredging projects (\$2,000,000)

The unexpended balance, not to exceed \$1,000,000, as of June 30, 1986 in the Dredging of inland waterways account is appropriated.

The unexpended balance as of June 30, 1986 in the Deal Lake silt retention and bank stabilization account is appropriated.

The unexpended balance as of June 30, 1986 in the Ocean Grove auditorium restoration account is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Restoration of the Long Branch Historical Museum account is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Adam Bucky James Community Center account is appropriated for the same purpose.

The unexpended balance as of June 30, 1986 in the Grant-in-aid to Monmouth Museum, Lineroft account is appropriated for the same purpose.

46 Environmental Planning and Administration—State Aid

99-4800 Management and Administrative Services	\$4,374,000*
Total Appropriation, Environmental Planning and Administration	\$4,374,000*

State Aid:

Payments in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes (\$1,213,000)

Administration, planning and development activities of the Pinelands Commission (1,661,000)

County environmental health (1,000,000*)
 Mosquito control, research, administration and operations (400,000)
 Loan to Pinelands Infrastructure Fund (100,000)

The unexpended balance as of June 30, 1986 in the Mosquito control, research, administration and operations and the Payment in lieu of taxes on real property acquired for future water supply facilities, recreation and conservation purposes accounts are appropriated.

The amount hereinabove for Mosquito control, research, administration and operations shall be available to the State Mosquito Control Commission, provided, however, that an amount not to exceed \$125,000 shall be available to the Department of Environmental Protection for the administration and coordination of such programs.

Receipts derived from the rental of property acquired pursuant to P. L. 1969, c. 138 (C. 58:21A-1 et seq.); P. L. 1970, c. 147 (C. 58:21B-1 et seq.); P. L. 1971, c. 165; P. L. 1974, c. 102; P. L. 1978, c. 118; and P. L. 1983, c. 354, and the unexpended balance as of June 30, 1986 of such receipts are appropriated for payments in lieu of taxes on properties and for maintenance of properties.

Total Appropriation, Department of Environmental Protection	<u><u>\$7,464,000*</u></u>
---	----------------------------

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services—State Aid

02-4220 Local and Community Health Services ...	<u>\$6,239,000</u>
Total Appropriation, Health Services	<u><u>\$6,239,000</u></u>

State Aid:

Community health services (\$6,239,000)
 The capitation is set at 64.4488 cents for the year ending June 30, 1987 for the purposes prescribed in P. L. 1966, c. 36 (C. 26:2F-1 et seq.).

Total Appropriation, Department of Health \$6,239,000

50 DEPARTMENT OF HIGHER EDUCATION

30 *Educational, Cultural and Intellectual Development*

36 *Higher Educational Services—State Aid*

5400 *Office of the Chancellor*

06-5400 Aid to County Colleges \$96,476,000*

Total Appropriation, Office of the Chancellor \$96,476,000*

State Aid:

Operational costs (\$81,563,000*)
 Debt service under Section 1 of P. L. 1971, c. 12 (C. 18A :64A-22.1) . . . (4,226,000)
 Employer contributions—alternate benefit program (8,485,000)
 Computers in curricula (585,000)
 Technical engineering education . . . (1,317,000)
 Southern New Jersey CIM Center Special Categorical Allocation . . . (300,000)

Total Appropriation, Department of Higher Education \$96,476,000*

The unexpended balance as of June 30, 1986 in this account is appropriated.

Such sums as may be necessary for the payment of interest or principal or both, due from the issuance of any bond authorized under the provisions of section 1 of P. L. 1971, c. 12 (C. 18A :64A-22.1) are appropriated.

Of the amount hereinabove for county college operating aid, the amount in excess of

\$78,063,000* shall be allocated by the Board of Higher Education, in consultation with the Council of County Colleges, as special categorical monies to challenge the County Colleges to develop and implement innovative programs that would foster educational excellence at the colleges.

Of the amount hereinabove for the Department of Higher Education, such sums as the Director of the Division of Budget and Accounting shall determine from the schedule included in the Governor's Budget shall first be charged to the State Lottery Fund.

24 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health—State Aid*

23 *Mental Health Services*

7700 *Division of Mental Health and Hospitals*

08-7700 Community Services	\$28,149,000
<hr/>	
Total Appropriation, Division of Mental Health and Hospitals	\$28,149,000
<hr/>	

State Aid:

Support of inpatients and outpatients in county hospitals (\$28,149,000)

An amount not to exceed \$2,000,000 shall be available for the payment of obligations for outpatient services at county psychiatric hospitals.

24 *Special Health Services—State Aid*

7540 *Division of Medical Assistance and Health Services*

22-7540 General Medical Services	\$610,502,000
<hr/>	
Total Appropriation, Division of Medical Assistance and Health Services	\$610,502,000
<hr/>	

State Aid:

Payments for medical assistance recipients (State share)	(\$587,633,000)
Payments for medical assistance recipients (private pay contracts, State share)	(8,600,000)
Payments for medically needy recipients (State share)	(12,722,000)
Payments for medical assistance recipients—Increase reimbursement to community mental health centers	(1,547,000)

All funds recovered under P. L. 1968, c. 413 (C. 30:4D-1 et seq.) during the fiscal year ending June 30, 1987 are appropriated.

The amounts hereinabove for payments for medical assistance recipients are available for the payment of obligations applicable to prior fiscal years.

Reimbursements for services provided for recipients of other jurisdictions, as established by interstate agreements, which represent the State share of medical assistance are appropriated to the Division of Medical Assistance and Health Services for the purpose of making further payments of medical assistance.

The State appropriation is based on a federal financial participation rate of 48.43% ; but if the federal financial participation rate exceeds this percentage, there will be placed in reserve a portion of the State appropriation equal to the amount of additional federal funds, subject to the approval of the Director of the Division of Budget and Accounting.

The funds hereinabove appropriated to increase reimbursement to community mental health agencies shall be passed through in their entirety. The increased Medicaid reimbursement is to be used exclusively to increase salaries of direct care workers and clerical personnel. The Divi-

sions of Mental Health and Hospitals and Medical Assistance and Health Services shall jointly develop a revised reimbursement schedule for community mental health agencies which shall provide additional reimbursement to community mental health agencies which provide services to a significant percentage of Medicaid patients and patients who are chronically mentally ill.

The Division of Medical Assistance and Health Services shall study and determine appropriate county welfare agency staffing standards for the medically needy program. The division shall audit the reported county welfare agency medically needy eligibility determination costs to determine the reasonableness of such expenditures.

Notwithstanding the provisions of P. L. 1962, c. 222 (C. 44:7-76 et seq.), the Medical Assistance to the Aged program is eliminated; except, that necessary medical services shall be available to those enrolled in the program as of June 30, 1982, until such time that those persons no longer require medical care or are eligible for alternative programs.

From the sums appropriated hereinabove for payments to Medically Needy recipients, such sums as are necessary, not to exceed 15% of the amount appropriated for this program, are allocated for the administration of this program, subject to the approval of the Director of the Division of Budget and Accounting.

50 Economic Planning, Development and Security

53 Economic Assistance and Security—State Aid

7550 Division of Public Welfare

15-7550	Income Maintenance	\$262,662,000
	Total Appropriation, Division of Public Welfare	<u>\$262,662,000</u>

State Aid:

Payments to municipalities for cost of general assistance (State share)	(\$55,202,000)
Payments for dependent children assistance, regular segment (State share)	(168,563,000)
Payments for emergency assistance (State share)	(1,777,000)
Payments for supplemental security income (State share)	(23,452,000)
Payments for dependent children assistance, unemployment of father (State share)	(8,393,000)
Payments for dependent children assistance, insufficient employment of parents (State share) ...	(5,275,000)

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, 1987 are appropriated.

Receipts from State administered municipalities during the fiscal year ending June 30, 1987 are appropriated.

A portion of the amount hereinabove for payments to municipalities for the cost of general assistance (State share), not to exceed \$1,400,000, is available for transfer to the Department of Labor, Division of Employment Services, for support costs related to the workfare program established pursuant to P. L. 1947, c. 156 (C. 44:8-107 et seq.). Any funds transferred to the Department of Labor shall be used solely to fund employability teams and other costs to implement this general assistance work program.

The sum hereinabove is available for payment of obligations applicable to prior fiscal years.

The unexpended balance as of June 30, 1986 in the Payments to municipalities for cost of general assistance (State share) account, not to exceed \$2,000,000, is appropriated for the same purpose.

The unexpended balances as of June 30, 1986 in the Payments for dependent children assistance, (State share), all segments, not to exceed \$3,400,000 is appropriated for existing work programs within the Department of Labor for general assistance and dependent children assistance recipients and to provide day care services to eligible clients where necessary, provided however, that no funds shall be expended without the approval of the Director of the Division of Budget and Accounting.

Any change by the Department of Human Services in the standards upon which or from which grants of categorical public assistance are determined, first shall be approved by the Director of the Division of Budget and Accounting.

55 Related Social Services Programs—State Aid
7570 Division of Youth and Family Services

16-7570	Initial Response/Case Management	\$3,098,000
17-7570	Substitute Care	48,603,000
18-7570	General Social Services	11,513,000
		\$63,214,000
Total Appropriation, Division of Youth and Family Services		\$63,214,000

State Aid:

Initial response	(\$619,000)
Substitute family care	(21,793,000)
Residential placements—family services	(2,593,000)
Family support services	(11,513,000)
Maintenance to children residing in institutions	(23,650,000)
Community based alternative programs	(426,000)

DYFS supervised juveniles in need
of supervision (141,000)
Juvenile family crisis intervention
units (2,479,000)

Funds recovered under P. L. 1951, c. 138 (C. 30:4C-1
et seq.), during the fiscal year ending June 30,
1987, are appropriated.

Of the amount hereinabove appropriated for sub-
stitute family care, the Division of Youth and
Family Services may expend up to \$225,000 for the
recruitment of foster and adoptive families;
except that a plan for recruitment and training
first shall be approved by the Director of the Divi-
sion of Budget and Accounting.

The sums hereinabove are available for the payment
of obligations applicable to prior fiscal years.

Any change by the Department of Human Services
in the rates paid for the foster care and adoption
subsidy programs first shall be approved by the
Director of the Division of Budget and Account-
ing.

Total Appropriation, Department of Human Services	\$964,527,000
--	----------------------

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services—State Aid

06-2535 Museum Services	\$1,206,000
-------------------------------	-------------

Total Appropriation, Department of State	\$1,206,000
---	--------------------

State Aid:

Operational Grant for Newark Museum	(\$1,206,000)
--	----------------

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*62 *Public Transportation—State Aid*

72-6210 Grade Crossing projects

The unexpended balance as of June 30, 1986 in this account is appropriated.

63 *Local Highway Facilities—State Aid*

80-6220 County and Municipal Aid \$1,700,000*

Total Appropriation, Local Highway Facilities	<u>\$1,700,000*</u>
--	---------------------

State Aid:

County and municipal aid for
lighting (\$1,700,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

Capital construction funds are available for allotment by the Commissioner of Transportation, subject to the approval of the Director of the Division of Budget and Accounting.

Amounts hereinabove are available for capital construction projects as the Commissioner of Transportation shall determine, subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding any other requirement of law, the department may expend necessary sums for improvements to streets and roads providing access to State facilities within the Capital city without local participation.

Total Appropriation, Department of Transportation	<u><u>\$1,700,000*</u></u>
--	----------------------------

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*75 *State Subsidies and Financial Aid—State Aid*

27-2085	Other Distributed Taxes	\$800,000
28-2077	County Boards of Taxation	659,000
29-2088	Locally Provided Services	14,225,000*
30-2081	Railroad Property Taxes	809,000
31-2082	Business Personal Property Tax Replacement	158,704,000
35-2087	Consolidated Police and Firemen's Pension Fund	5,024,000
36-2081	Municipal Purposes Tax Assistance Program	30,000,000*
	Total Appropriation, State Subsidies and Financial Aid	<u>\$210,221,000*</u>

Personal Services:

County Tax Board members (69) ... (\$659,000)

State Aid:

Payments to municipalities for ser-
vices to State-owned property ... (13,500,000)

Payments to municipalities to re-
place property tax on business
personalty

Pinelands Municipal Property Tax
Stabilization Fund

Payments to municipalities pursuant
to Municipal Purposes Tax Assis-
tance Program, P. L. 1980, c. 12
(C. 54:1-46 et seq.)

Tuition payments for local assessors(

State contribution to Consolidated
Police and Firemen's Pension
Fund

Payments to municipalities in lieu
of railroad property tax pursuant
to P. L. 1941, c. 291 (C. 54:29A-1
et seq.)

Special aid to Kearny

The sum appropriated hereinabove for Payments to Municipalities in lieu of Railroad Property Tax shall be paid only to those municipalities in which Class II railroad property owned by New Jersey Transit Corporation is located, the provisions of P. L. 1941, c. 291 (C. 54:29A-1 et seq.) notwithstanding.

Notwithstanding the provisions of P. L. 1945, c. 162 (C. 54:10A-1 et seq.), there are appropriated so much of the proceeds derived from the taxes collected from banking corporations pursuant to the Corporation Business Tax Act and the "Business Personal Property Tax Act," P. L. 1966, c. 136 (C. 54:11A-1) as may be required for payment to the local taxing districts; provided, however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

Notwithstanding the provisions of the "Financial Business Tax Law (1946)," P. L. 1946, c. 174 (C. 54:10B-1 et seq.), there are appropriated so much of the proceeds derived from the imposition of the financial business tax as may be required for payment to the local taxing districts; provided, however, that the sum apportioned to the several counties of the State shall not be distributed and shall be anticipated as revenue for general State purposes.

There are appropriated from taxes collected from certain insurance companies, pursuant to the insurance tax act, so much as may be required for payment to the local taxing districts pursuant to P. L. 1945, c. 132 (C. 54:18A-1 et seq.).

The amount hereinabove appropriated for payments to municipalities for services to State-owned property shall be apportioned and distributed without regard to the provisions of section 5 of P. L. 1977, c. 272 (C. 54:4-2.2e1).

Of the sum appropriated for payments to municipalities for services to State-owned property,

\$7,993,200 shall be distributed on November 1, 1986 to qualified municipalities and shall be distributed in such manner that no municipality which received an extraordinary payment for municipal services and in lieu of taxes under P. L. 1977, c. 137 shall receive for the tax year 1986 less than the amount it received under that act increased by \$100,000.

There are appropriated so much of the proceeds of taxes on fire insurance premiums, received or receivable, as may be required for payment to the New Jersey Firemen's Home and the New Jersey Firemen's Association under R. S. 54:17-4.

The unexpended balance as of June 30, 1986 from the taxes collected pursuant to P. L. 1940, c. 4 (C. 54:30A-16 et seq.) and P. L. 1940, c. 5 (C. 54:30A-49 et seq.) shall lapse.

Notwithstanding the provisions of section 2 of P. L. 1980, c. 10 (C. 54:30A-24.1) and section 4 of P. L. 1980, c. 11 (C. 54:30A-61.1), the payments to municipalities from the proceeds of the public utilities franchise and gross receipts taxes during calendar year 1986 shall be \$685 million and the payments due in June, 1987 shall be limited to \$105 million; provided, however, that amounts collected in excess of those sums shall be anticipated as revenue for general State purposes.

Total Appropriation, Department of the Treasury	\$210,221,000*
\$210,221,000*	
Total Appropriation, State Aid	\$2,521,650,000*
\$2,521,650,000*	

Whenever any county, municipality, or school district entitled to receive State aid from appropriations made herein, withholds funds from State agencies entitled to payment for services, the Director of the Division of Budget and Accounting is authorized to withhold State aid payments to such county, municipality, or school district and transfer same as payment for funds so withheld.

Any qualifying State aid appropriation, or part thereof, made from the General Fund may be transferred and recorded as an appropriation from the Property Tax Relief Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the Property Tax Relief Fund, as determined by the State Treasurer, is sufficient to support such expenditure.

Notwithstanding any other statute which establishes a payment date for any State aid hereinabove appropriated, the State Treasurer is authorized to pay to any municipality, on or before December 31, 1986, an amount not exceeding the additional State aid to which it would be entitled prior to June 30, 1987. Such payment shall be made only upon written notification of the Director of the Division of Local Government Services in the Department of Community Affairs and the approval of the State Treasurer, not later than December 31, 1986, and shall be paid solely from funds hereinabove appropriated for distribution to that municipality for which a payment date falling on or after January 1, 1986 is fixed by statute.

If the sum provided hereinabove for a State aid payment pursuant to formula is insufficient to meet the full requirement of the formula, all recipients of the State aid shall have their allocation proportionately reduced.

CAPITAL CONSTRUCTION

01 LEGISLATURE

70 Government Direction, Management and Control

71 Legislative Activities

The unexpended balance as of June 30, 1986 in this account is appropriated.

10 DEPARTMENT OF AGRICULTURE

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

Capital Project:

Horse park development	(\$500,000)	
Total Appropriation, Department of Agriculture		\$500,000

The unexpended balance as of June 30, 1986 in this account is appropriated.

52 *Economic Regulation*

The unexpended balance as of June 30, 1986 in this account is appropriated.

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

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

The unexpended balance as of June 30, 1986 in this account is appropriated.

26 DEPARTMENT OF CORRECTIONS

10 *Public Safety and Criminal Justice*16 *Detention and Rehabilitation*

Capital Projects:

State Prison, Trenton		
Kitchen replacement, planning and design	(\$800,000)	
State Prison, Rahway		
Multi-purpose building	(1,500,000)	
Security wall replacement	(1,500,000)	
Adult Diagnostic and Treatment Center, Avenel		
Roof repair and replacement ...	(750,000)	
Division of Management and Gen- eral Support		
Officer alert system-various insti- tutions	(500,000)	

Deferred maintenance-various institutions	(1,200,000)	
Total Appropriation, Department of Corrections		\$6,250,000

The unexpended balance as of June 30, 1986 in this account is appropriated.

30 DEPARTMENT OF DEFENSE

10 *Public Safety and Criminal Justice*

14 *Military Services*

Capital Projects:

Hackettstown Armory, Addition and alterations	(\$240,000)	
Washington Armory, Addition and alterations	(601,000)	
Freehold Armory, Addition and alterations	(110,000)	
Dover Armory, Planning and design	(69,000)	
Lawrenceville Armory, Planning and design	(72,000)	
Deferred maintenance	(819,000)	
Renovations and improvements ..	(103,000)	
Total Appropriation, Department of Defense		\$2,014,000

The unexpended balance as of June 30, 1986 in this account is appropriated.

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*

32 *Operation and Support of Educational Institutions*

5010 *Division of Field Services*

Capital Project:

Newark Skills Center, Replace windows	(\$241,000)	
--	--------------	--

5011 Marie H. Katzenbach School for the Deaf

Capital Project:

Replace steam and condensate
lines (\$748,000)

The unexpended balance as of June 30, 1986 in
this account is appropriated.

37 Cultural and Intellectual Development Services
5070 Division of the State Library

Capital Project:

Remodel State Library (\$1,000,000)

The unexpended balance as of June 30, 1986 in
this account is appropriated.

Total Appropriation, Department of Educa-
tion \$1,989,000

38 DEPARTMENT OF ENERGY

30 Educational, Cultural and Intellectual Development
37 Cultural and Intellectual Development Services
4050 New Jersey Public Broadcasting Authority

Capital Project:

Purchase and replacement of equip-
ment (\$1,000,000)

Total Appropriation, Department of En-
ergy \$1,000,000

The unexpended balance as of June 30, 1986 in
this account is appropriated.

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management
42 Natural Resource Management

Capital Project:

Fish, Game and Wildlife
Major maintenance (\$500,000)

The unexpended balance as of June 30, 1986 in
this account is appropriated.

44 Hazardous and Toxic Pollution Control

The unexpended balance as of June 30, 1986 in this account is appropriated.

45 Recreational Resource Management

Capital Project:

Parks and Forestry,
 Major maintenance(\$1,670,000)
 Raritan Canal Park capital im-
 provements(250,000)

Notwithstanding the provisions of C. 52:34-6 et seq., the Department of Environmental Protection may enter into a contract with the Waterloo Foundation for the Arts in an amount not to exceed \$400,000 for improvements to existing State owned structures at Waterloo Village or for the construction of new facilities at Waterloo Village.

The unexpended balance as of June 30, 1986 in this account is appropriated.

*45 Recreational Resource Management**4876 Palisades Interstate Park Commission*

Capital Project:

Parkway improvements(\$430,000)
 Recreational development(475,000)

The net share of revenues derived from the operation of gasoline stations on the New Jersey section of the Palisades Interstate Parkway and the unexpended balances of such revenues, as of June 30, 1986 are appropriated for capital projects and plans, and maintenance.

Funds hereinabove for Parkway improvement shall be provided as the State share for federal aid highway projects.

The unexpended balance as of June 30, 1986 in this account is appropriated.

46 Environmental Planning and Administration

Capital Projects:

Mosquito Commission

Mosquito control, State parks . . . (\$130,000)

Replace equipment (125,000)

The unexpended balance as of June 30, 1986 in
this account is appropriated.

Total Appropriation, Department of Envi-
ronmental Protection \$3,580,000

46 DEPARTMENT OF HEALTH

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

Capital Project:

Laboratory equipment (\$1,000,000)

Total Appropriation, Department of
Health \$1,000,000

The unexpended balance as of June 30, 1986 in
this account is appropriated.

50 DEPARTMENT OF HIGHER EDUCATION

*30 Educational, Cultural and Intellectual Development**36 Higher Educational Services**5400 Office of the Chancellor*

Capital Project:

Renewal and replacement
projects (\$12,000,000)

The unexpended balance as of June 30, 1986 in
this account is appropriated.

5494 State College Construction

The unexpended balance as of June 30, 1986 in
this account is appropriated.

5600 Rutgers, The State University

The unexpended balance as of June 30, 1986 in
this account is appropriated.

5630 University of Medicine and Dentistry of New Jersey

The unexpended balance as of June 30, 1986 in
this account is appropriated.

5640 New Jersey Institute of Technology

The unexpended balance as of June 30, 1986 in
this account is appropriated.

Total Appropriation, Department of Higher Education	<u>\$12,000,000</u>
--	---------------------

54 DEPARTMENT OF HUMAN SERVICES

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

The unexpended balance as of June 30, 1986 in
this account is appropriated.

*30 Educational, Cultural and Intellectual Development**32 Operation and Support of Educational Institutions**7600 Division of Developmental Disabilities*

The unexpended balance as of June 30, 1986 in
this account is appropriated.

*33 Supplemental Education and Training Programs**7560 Commission For The Blind and Visually Impaired*

The unexpended balance as of June 30, 1986 in
this account is appropriated.

*50 Economic Planning, Development and Security**55 Related Social Services Programs**7570 Division of Youth and Family Services*

The unexpended balance as of June 30, 1986 in
this account is appropriated.

70 Government Direction, Management and Control

76 Management and Administration

The unexpended balance as of June 30, 1986 in this account is appropriated.

Revenues from the sale of buildings and land are appropriated for projects related to life/safety or accreditation.

80 Special Government Services

83 Services to Veterans

7520 Division of Veterans' Services

The unexpended balance as of June 30, 1986 in this account is appropriated.

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

11 Vehicular Safety

Capital Projects:

Deferred maintenance	(\$200,000)
DMV Central Office, Planning and design	(3,000,000)
Handicapped accessibility	(90,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

12 Law Enforcement

Capital Projects:

State Police

Deferred maintenance	(\$864,000)
West Trenton, warehouse design and site improvement	(1,246,000)
Hammonton, regional headquarters design and site improvement	(738,000)
Roads and approaches	(401,000)

Marine Police

Ocean County station, bulkhead and slip/pier construction	(343,000)
--	------------

Cumberland County, station construction	(449,000)
Monmouth Beach station, design and land acquisition	(358,000)
Tuckerton station, exercise lease purchase option	(170,000)
Bulkhead repair, Lake Hopatcong and Point Pleasant	(370,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

19 Central Planning, Direction and Management

The unexpended balance as of June 30, 1986 in this account is appropriated.

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

Capital Project:

Volumetric laboratory-Weights and Measures mobile equipment	(\$102,000)
---	--------------

The unexpended balance as of June 30, 1986 in this account is appropriated.

Total Appropriation, Department of Law and Public Safety	\$8,331,000
--	--------------------

74 DEPARTMENT OF STATE

- 30 Educational, Cultural and Intellectual Development*
- 37 Cultural and Intellectual Development Services*

Capital Project:

New planetarium instrument	(\$420,000)
----------------------------------	--------------

Total Appropriation, Department of State ..	\$420,000
---	------------------

70 *Government Direction, Management and Control*74 *General Government Services*

The unexpended balance as of June 30, 1986 in this account is appropriated.

Total Appropriation, Department of State	\$420,000
--	-----------

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*61 *State Highway Facilities*

Capital Project:

Transportation Trust Fund

Account (\$143,000,000)

The unexpended balance as of June 30, 1986 in this account is appropriated.

From the amount hereinabove there are allocated such amounts as the Commissioner of Transportation may determine, with the approval of the Director of the Division of Budget and Accounting, for personal services by contract or, in lieu thereof, by State employees for planning, engineering, design, research, construction, right-of-way acquisition or other costs related to the construction program.

Any appropriation herein or heretofore made for projects and programs within the purview of the "emergency transportation tax act," P. L. 1961, c. 32 (C. 54:8A-1 et seq.), as determined by the Director of the Division of Budget and Accounting, first shall be charged to the Transportation Fund established in such act.

Receipts representing the State share from the rental or lease of property, and the unexpended balances as of June 30, 1986 of such receipts are appropriated for maintenance or improvement of transportation property, equipment and facilities.

The sum provided hereinabove for the Transportation Trust Fund Account shall be provided from revenues received from motor fuel taxes pursuant to Article VIII, Section II, paragraph 4 of the State Constitution, from increases in fees charged for commercial motor vehicles, and received or receivable from the various transportation oriented authorities.

The department shall be permitted to transfer funds in the amount as approved by the Director of the Division of Budget and Accounting, from the Capital Construction accounts to Direct State Services for highway maintenance.

In addition to the amount hereinabove for State highway facilities, such other sums as the Director of the Division of Budget and Accounting shall determine, provided in interdepartmental accounts for employee benefits, shall be considered as appropriated on behalf of State highway construction and transportation construction engineering and be available for matching federal funds.

62 Public Transportation

The unexpended balance as of June 30, 1986 in this account is appropriated.

Total Appropriation, Department of Transportation	\$143,000,000

There is appropriated the sum of \$431,000,000 from the revenues and other funds of the New Jersey Transportation Trust Fund Authority for transportation capital purposes as follows:

Federal Aid Interstate and Dedesignation Projects	(\$13,089,000)
Federal Aid Urban System Highway Projects	(13,328,000)
Federal Aid Consolidated Primary Projects	(7,600,000)

Federal Aid Rural Highway Projects	(2,831,000)
Federal Aid Bridge and Highway Safety Projects	(18,622,000)
Non-Federal Aid Transportation Projects, including Grade Cross- ing, Physical Plant and Rail Freight Projects	(168,530,000)

Betterments:

Construction, reconstruction, im- provements or rebuilding of State Highways including resurfacing and major bridge repairs or re- habilitation	(25,000,000)
Non-Federal local aid program	(35,000,000)
Municipal aid projects	(19,000,000)
Local Federal Aid Bridge Projects.	(7,000,000)
Public transportation projects	(121,000,000)

The unexpended balances as of June 30, 1986 of appropriations from the New Jersey Transportation Trust Fund Authority are appropriated.

Sums received from the Transportation Trust Fund Authority are appropriated for programs approved for financing by the Authority and shall be described in a construction program prepared by the Commissioner of Transportation and not be expended without the approval of the Director of the Division of Budget and Accounting and the Governor.

From the amount hereinabove for the New Jersey Transportation Trust Fund Authority, there are allocated such amounts as the Commissioner of Transportation may determine with the approval of the Director of the Division of Budget and Accounting, for personal services by contract, or in lieu thereof, by State employees for planning, engineering, design, research, construction, right-of-way acquisition or other costs related to the construction program.

In order that there be flexibility in the handling of appropriations out of the New Jersey Transportation Trust Fund Authority, the Department may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any program appropriation to any other program appropriation. If the Director of the Division of Budget and Accounting shall consent thereto, he shall transmit the request to the Legislative Budget and Finance Officer for his approval or disapproval and return to the Director of the Division of Budget and Accounting. If within 20 working days of the receipt of the request, the Legislative Budget and Finance Officer does not disapprove the request and so informs the director, the request shall be deemed to be approved. The Joint Budget Oversight Committee or its successor is empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any transfer.

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

74 *General Government Services*

Capital Projects:

Capitol Complex

Deferred maintenance (\$2,625,000)

Education Building, interior design(420,000)

Justice Complex

Insulation (350,000)

Computer facility for energy
management system (75,000)

Labor and Industry Building

Renovations and improvements . . (3,155,000)

Uninterrupted power supply,
computer room (350,000)

Roof replacement (375,000)

Life safety improvements, electrical compliance and deferred maintenance	(450,000)	
Ballast replacement	(200,000)	
Rehabilitate 105-115 W. State St., Trenton	(350,000)	
Museum and museum auditorium ceiling replacements	(860,000)	
Parking lot improvements	(250,000)	
Planetarium dome insulation	(110,000)	
Distribution Center, interior storm windows	(35,000)	
Interior space programming, design and engineering	(250,000)	
Other Projects:		
Land bank revolving fund	(500,000)	
Hazardous material removal program, statewide	(4,700,000)	
Fire safety code compliance, statewide	(5,300,000)	
Planning and maintenance improvements, statewide	(350,000)	
Total Appropriation, Department of the Treasury		<u>\$20,705,000</u>

The unexpended balance as of June 30, 1986 in this account is appropriated.

90 MISCELLANEOUS EXECUTIVE COMMISSIONS

40 *Community Development and Environmental Management*

43 *Environmental Quality*

9140 *Delaware River Basin Commission*

Capital Project:

Amortization of multipurpose dams(\$2,000)

70 Government Direction, Management and Control

72 Governmental Review and Oversight

*9150 New Jersey Commission on Capital Budgeting
and Planning*

The unexpended balance as of June 30, 1986 in this account is appropriated.

Total Appropriation, Miscellaneous Executive Commissions	\$2,000
	<hr/> <hr/>
Total Appropriation, Capital Construction	\$200,791,000
	<hr/> <hr/>

Funds derived from the sale of any lands and buildings or proceeds from the sale of all fill material held by a department are appropriated for demolition, acquisition of land, rehabilitation or improvement of existing facilities and construction of new facilities for use by that department, subject to the approval of the Director of the Division of Budget and Accounting.

DEBT SERVICE

10 DEPARTMENT OF AGRICULTURE

70 Government Direction, Management and Control

76 Management and Administration

99-3370 Interest on Bonds	\$704,000
99-3370 Bond Redemption	450,000
	<hr/>
Total Appropriation, Department of Agriculture	\$1,154,000
	<hr/> <hr/>

Special Purpose:

Interest:

Farmland Preservation Bonds
(P. L. 1981, c. 276) (\$704,000)

Redemption:

Farmland Preservation Bonds
(P. L. 1981, c. 276) (450,000)

20 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

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

99-2910	Interest on Bonds	\$1,401,000
99-2910	Bond Redemption	630,000
		<hr/>
	Total Appropriation, Department of Commerce and Economic Development	\$2,031,000
		<hr/> <hr/>

Special Purpose:

Interest:

Community Development Bonds
(P. L. 1981, c. 486) (\$1,401,000)

Redemption:

Community Development Bonds
(P. L. 1981, c. 486) (630,000)

22 DEPARTMENT OF COMMUNITY AFFAIRS

70 *Government Direction, Management and Control*76 *Management and Administration*

99-8070	Interest on Bonds	\$1,553,000
99-8070	Bond Redemption	1,481,000
		<hr/>
	Total Appropriation, Department of Community Affairs	\$3,034,000
		<hr/> <hr/>

Special Purpose:

Interest:

State Housing Assistance Bonds
(P. L. 1968, c. 127) (\$262,000)

State Mortgage Assistance Bonds
(P. L. 1976, c. 94) (892,000)

State Mortgage Assistance Re-
funding Bonds (P. L. 1985,
c. 74) (399,000)

Redemption:

State Housing Assistance Bonds (P. L. 1968, c. 127)	(600,000)
State Mortgage Assistance Bonds (P. L. 1976, c. 94)	(540,000)
State Mortgage Assistance Refunding Bonds (P. L. 1985, c. 74)	(341,000)

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

19 Central Planning, Direction and Management

99-7000 Interest on Bonds	\$21,364,000
99-7000 Bond Redemption	11,360,000
	<hr/>
Total Appropriation, Department of Corrections	\$32,724,000
	<hr/> <hr/>

Special Purpose:

Interest:

State Institution Construction Bonds (P. L. 1960, c. 156)	(\$34,000)
New Jersey Institutions Construc- tion Bonds (P. L. 1964, c. 144)	(89,000)
Public Buildings Construction Bonds (P. L. 1968, c. 128)	(545,000)
Institutions Construction Bonds (P. L. 1976, c. 93)	(1,774,000)
Institutional Construction Bonds (P. L. 1978, c. 79)	(874,000)
Public Purpose Buildings Con- struction Bonds (P. L. 1980, c. 119)	(4,027,000)
Correctional Facilities Construc- tion Bonds (P. L. 1982, c. 120) (	11,586,000)
Institutions Construction Refunding Bonds (P. L. 1985, c. 74)	(718,000)

Institutional Construction	
Refunding Bonds (P. L. 1985, c. 74)	(1,213,000)
Public Purpose Buildings Con- struction Refunding Bonds (P. L. 1985, c. 74)	(504,000)
Redemption:	
State Institution Construction	
Bonds (P. L. 1960, c. 156)	(188,000)
New Jersey Institution Con- struction Bonds (P. L. 1964, c. 144)	(1,200,000)
Public Buildings Construction	
Bonds (P. L. 1968, c. 128)	(708,000)
Institutions Construction Bonds (P. L. 1976, c. 93)	(1,100,000)
Institutional Construction Bonds (P. L. 1978, c. 79)	(653,000)
Public Purpose Buildings Con- struction Bonds (P. L. 1980, c. 119)	(2,404,000)
Correctional Facilities Construc- tion Bonds (P. L. 1982, c. 120) (	2,975,000)
Institutions Construction	
Refunding Bonds (P. L. 1985, c. 74)	(637,000)
Institutional Construction	
Refunding Bonds (P. L. 1985, c. 74)	(1,064,000)
Public Purpose Buildings Con- struction Refunding Bonds (P. L. 1985, c. 74)	(431,000)

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*35 *Education Administration and Management*

99-5095	Interest on Bonds	\$1,579,000
99-5095	Bond Redemption	3,990,000
		<hr/>
	Total Appropriation, Department of Education	\$5,569,000
		<hr/> <hr/>

Special Purpose:

Interest:

Public Buildings Construction	
Bonds (P. L. 1968, c. 128) .... (	\$705,000)
State Facilities for the Handi-	
capped Bonds (P. L. 1973,	
c. 149)	(421,000)
Institutional Construction Bonds	
(P. L. 1978, c. 79)	(190,000)
Institutional Construction	
Refunding Bonds (P. L. 1985,	
c. 74)	(263,000)

Redemption:

Public Buildings Construction	
Bonds (P. L. 1968, c. 128) .... (	917,000)
State Facilities for the Handi-	
capped Bonds (P. L. 1973,	
c. 149)	(2,700,000)
Institutional Construction	
Bonds (P. L. 1978, c. 79)	(142,000)
Institutional Construction	
Refunding Bonds (P. L. 1985,	
c. 74)	(231,000)

38 DEPARTMENT OF ENERGY

*30 Educational, Cultural and Intellectual Development**37 Cultural and Intellectual Development Services*

99-4050	Interest on Bonds	\$193,000
99-4050	Bond Redemption	250,000
		<hr/>
	Total Appropriation, Cultural and Intellectual Development Services	\$443,000
		<hr/>

Special Purpose:

Interest:

Public Buildings Construction

Bonds (P. L. 1968, c. 128) (\$193,000)

Redemption:

Public Buildings Construction

Bonds (P. L. 1968, c. 128) (250,000)

*40 Community Development and Environmental Management**42 Natural Resource Management*

99-4030	Interest on Bonds	\$1,445,000
99-4030	Bond Redemption	855,000
		<hr/>
	Total Appropriation, Natural Resource Management	\$2,300,000
		<hr/>

Special Purpose:

Interest:

Energy Conservation Bonds

(P. L. 1980, c. 68) (\$1,445,000)

Redemption:

Energy Conservation Bonds

(P. L. 1980, c. 68) (855,000)

Total Appropriation, Department of Energy \$2,743,000

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 *Community Development and Environmental Management*46 *Environmental Planning and Administration*

99-4800	Interest on Bonds	\$53,667,000
99-4800	Bond Redemption	48,345,000
		<hr/>
	Total Appropriation, Department of Environmental Protection	\$102,012,000
		<hr/> <hr/>

Special Purpose:

Interest:

Water Development Bonds (P. L. 1958, c. 35) .....	(	\$65,000)
State Recreation and Conservation Land Acquisition Bonds (P. L. 1961, c. 46) .....	(	180,000)
Water Conservation Bonds (P. L. 1969, c. 127) .....	(	6,629,000)
State Recreation and Conserva- tion Land Acquisition Bonds (P. L. 1971, c. 165) .....	(	2,544,000)
State Recreation and Conserva- tion Land Acquisition and De- velopment Bonds (P. L. 1974, c. 102) .....	(	6,684,000)
Clean Waters Bonds (P. L. 1976, c. 92) .....	(	5,766,000)
Beaches and Harbors Bonds (P. L. 1977, c. 208) .....	(	2,139,000)
Emergency Flood Control Bonds (P. L. 1978, c. 78) .....	(	768,000)
State Land Acquisition and De- velopment Bonds (P. L. 1978, c. 118) .....	(	5,164,000)
Natural Resources Bonds (P. L. 1980, c. 70) .....	(	5,414,000)
Water Supply Bonds (P. L. 1981, c. 261) .....	(	4,277,000)
New Jersey Green Acres Bonds (P. L. 1983, c. 354) .....	(	3,695,000)

Shore Protection Bonds (P. L. 1983, c. 356)	(1,373,000)
State Land Acquisition and Development Refunding Bonds (P. L. 1985, c. 74)	(4,732,000)
State Recreation and Conservation Land Acquisition and Development Refunding Bonds (P. L. 1985, c. 74)	(4,026,000)
Water Supply Refunding Bonds (P. L. 1985, c. 74)	(211,000)
Redemption:	
Water Development Bonds (P. L. 1958, c. 35)	(1,000,000)
State Recreation and Conservation Land Acquisition Bonds (P. L. 1961, c. 46)	(1,000,000)
Water Conservation Bonds (P. L. 1969, c. 127)	(11,525,000)
State Recreation and Conservation Land Acquisition Bonds (P. L. 1971, c. 165)	(5,180,000)
State Recreation and Conservation Land Acquisition and Development Bonds (P. L. 1974, c. 102)	(5,430,000)
Clean Waters Bonds (P. L. 1976, c. 92)	(4,350,000)
Beaches and Harbors Bonds (P. L. 1977, c. 208)	(1,360,000)
Emergency Flood Control Bonds (P. L. 1978, c. 78)	(600,000)
State Land Acquisition and Development Bonds (P. L. 1978, c. 118)	(3,250,000)
Natural Resources Bonds (P. L. 1980, c. 70)	(3,955,000)
Water Supply Bonds (P. L. 1981, c. 261)	(1,395,000)
New Jersey Green Acres Bonds (P. L. 1983, c. 354)	(950,000)

Shore Protection Bonds (P. L. 1983, c. 356)	(525,000)
State Land Acquisition and De- velopment Refunding Bonds (P. L. 1985, c. 74)	(4,089,000)
State Recreation and Conserva- tion Land Acquisition and De- velopment Refunding Bonds (P. L. 1985, c. 74)	(3,544,000)
Water Supply Refunding Bonds (P. L. 1985, c. 74)	(192,000)

46 DEPARTMENT OF HEALTH

*20 Physical and Mental Health**25 Health Administration*

99-4210 Interest on Bonds	\$34,000
99-4210 Bond Redemption	44,000
	<hr/>
Total Appropriation, Department of Health	\$78,000
	<hr/> <hr/>

Special Purpose:

Interest:

Public Buildings Construction

Bonds (P. L. 1968, c. 128) (\$34,000)

Redemption:

Public Buildings Construction

Bonds (P. L. 1968, c. 128) (44,000)

50 DEPARTMENT OF HIGHER EDUCATION

*30 Educational, Cultural and Intellectual Development**36 Higher Educational Services*

99-5400 Interest on Bonds	\$15,765,000
99-5400 Bond Redemption	22,905,000
	<hr/>
Total Appropriation, Department of Higher Education	\$38,670,000
	<hr/> <hr/>

Special Purpose:

Interest:

State Higher Education Construction Bonds (P. L. 1964, c. 142) . . .	(\$195,000)
Public Buildings Construction Bonds (P. L. 1968, c. 128)	(5,192,000)
Higher Education Building Construction Bonds (P. L. 1971, c. 164)	(4,579,000)
Medical Education Facilities Bonds (P. L. 1977, c. 235)	(4,902,000)
Jobs, Science and Technology Bonds (P. L. 1984, c. 99)	(897,000)

Redemption:

State Higher Education Construction Bonds (P. L. 1964, c. 142) . . .	(3,000,000)
Public Buildings Construction Bonds (P. L. 1968, c. 128)	(6,750,000)
Higher Education Building Construction Bonds (P. L. 1971, c. 164)	(8,900,000)
Medical Education Facilities Bonds (P. L. 1977, c. 235)	(4,000,000)
Jobs, Science and Technology Bonds (P. L. 1984, c. 99)	(255,000)

54 DEPARTMENT OF HUMAN SERVICES

70 *Government Direction, Management and Control*

76 *Management and Administration*

99-7500 Interest on Bonds	\$16,208,000
99-7500 Bond Redemption	14,662,000
	<hr/>
Total Appropriation, Department of Human Services	<u>\$30,870,000</u>

Special Purpose:

Interest:

State Institution Construction Bonds (P. L. 1960, c. 156)	(\$57,000)
New Jersey Institutions Construc- tion Bonds (P. L. 1964, c. 144) . (	207,000)
Public Buildings Construction Bonds (P. L. 1968, c. 128)	(1,987,000)
Institutions Construction Bonds (P. L. 1976, c. 93)	(1,646,000)
Institutional Construction Bonds (P. L. 1978, c. 70)	(1,718,000)
Public Purpose Buildings Con- struction Bonds (P. L. 1980, c. 119)	(5,529,000)
Human Services Facilities Con- struction Bonds (P. L. 1984, c. 157)	(1,320,000)
Institutions Construction Refund- ing Bonds (P. L. 1985, c. 74) . (	666,000)
Institutional Construction Re- funding Bonds (P. L. 1985, c. 74)	(2,386,000)
Public Purpose Buildings Con- struction Refunding Bonds (P. L. 1985, c. 74)	(692,000)

Redemption:

State Institution Construction Bonds (P. L. 1960, c. 156)	(313,000)
New Jersey Institutions Construc- tion Bonds (P. L. 1964, c. 144) . (	2,800,000)
Public Buildings Construction Bonds (P. L. 1968, c. 128)	(2,583,000)
Institutions Construction Bonds (P. L. 1976, c. 93)	(1,021,000)
Institutional Construction Bonds (P. L. 1978, c. 79)	(1,284,000)
Public Purpose Buildings Con- struction Bonds (P. L. 1980, c. 119)	(3,302,000)

Human Services Facilities Construction Bonds (P. L. 1984, c. 157)	(85,000)
Institutions Construction Refunding Bonds (P. L. 1985, c. 74)	(591,000)
Institutional Construction Refunding Bonds (P. L. 1985, c. 74)	(2,091,000)
Public Purpose Buildings Construction Refunding Bonds (P. L. 1985, c. 74)	(592,000)

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 *Public Safety and Criminal Justice*

19 *Central Planning, Direction and Management*

99-1050 Interest on Bonds	\$313,000
99-1050 Bond Redemption	258,000
	<hr/>
Total Appropriation, Department of Law and Public Safety	\$571,000
	<hr/> <hr/>

Special Purpose:

Interest:

Institutional Construction Bonds (P. L. 1978, c. 79)	(\$131,000)
Institutional Construction Refunding Bonds (P. L. 1985, c. 74)	(182,000)

Redemption:

Institutional Construction Bonds (P. L. 1978, c. 79)	(98,000)
Institutional Construction Refunding Bonds (P. L. 1985, c. 74)	(160,000)

78 DEPARTMENT OF TRANSPORTATION
 60 *Transportation Programs*
 64 *Planning and General Management Support*
 61 *State Highway Facilities*

99-6000 Interest on Bonds	\$33,282,000
99-6000 Bond Redemption	31,944,000
	\$65,226,000
Sub-Total Appropriation, State Highway Facilities	\$65,226,000

Special Purpose:

Interest:

Highway Improvement and Grade Crossing Elimination Bonds (P. L. 1930, c. 228)	(\$24,000)
State Transportation Bonds (P. L. 1968, c. 126)	(12,296,000)
Transportation Rehabilitation and Improvement Bonds (P. L. 1979, c. 165)	(16,678,000)
New Jersey Bridge Rehabilitation and Improvement Bonds (P. L. 1983, c. 363)	(1,951,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P. L. 1985, c. 74)	(2,333,000)

Redemption:

Highway Improvement and Grade Crossing Elimination Bonds (P. L. 1930, c. 228)	(255,000)
State Transportation Bonds (P. L. 1968, c. 126)	(20,667,000)
Transportation Rehabilitation and Improvement Bonds (P. L. 1979, c. 165)	(8,322,000)
New Jersey Bridge Rehabilitation and Improvement Bonds (P. L. 1983, c. 363)	(655,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P. L. 1985, c. 74)	(2,045,000)

62 Public Transportation

99-6000	Interest on Bonds	\$18,341,000
99-6000	Bond Redemption	17,666,000
		<hr/>
	Sub-Total Appropriation, Public Transportation	\$36,007,000
		<hr/>

Special Purpose:

Interest:

State Transportation Bonds (P. L. 1968, c. 126)	(\$5,589,000)
Transportation Rehabilitation and Improvement Bonds (P. L. 1979, c. 165)	(7,698,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P. L. 1985, c. 74)	(5,054,000)

Redemption:

State Transportation Bonds (P. L. 1968, c. 126)	(9,394,000)
Transportation Rehabilitation and Improvement Bonds (P. L. 1979, c. 165)	(3,842,000)
Transportation Rehabilitation and Improvement Refunding Bonds (P. L. 1985, c. 74)	(4,430,000)

Total Appropriation, Department of Transportation	\$101,233,000
	<hr/> <hr/>

82 DEPARTMENT OF THE TREASURY

*70 Government Direction, Management and Control**73 Financial Administration*

99-2070	Interest on Bonds	\$2,000,000
		<hr/>
	Total Appropriation, Department of the Treasury	\$2,000,000
		<hr/> <hr/>

Special Purpose:

For payment of interest on future bond sales	(\$2,000,000)	
Total Appropriation, Debt Service		\$322,689,000

Such sums as may be necessary for 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 investment of such bond proceeds.

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.

FEDERAL FUNDS

DEPARTMENT OF AGRICULTURE

*Community Development and Environmental Management**42 Natural Resource Management*

01-3310 Animal Disease Control		\$24,000
02-3320 Plant Pest and Disease Control		628,000
Total Appropriation, Natural Resource Management		\$652,000

Personal Services:

Salaries and wages	(\$55,000)
--------------------------	-------------

Special Purpose:

Cooperative gypsy moth suppression	(571,000)
Brucellosis eradication	(4,000)
Plant pest survey and detection program	(22,000)

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

06-3360	Marketing Services	\$35,000
07-3360	Commodity Distribution	1,553,000
	Total Appropriation, Economic Planning and Development	\$1,588,000

Personal Services:

Salaries and wages (\$14,000)

Special Purpose:

Bridgeton clerical assistance (2,000)

Food distribution administrative
expense fund (53,000)

Jobs bill (1,500,000)

Peach market news project (19,000)

52 Economic Regulation

05-3350	Other Commodity Regulation	\$45,000
	Total Appropriation, Economic Regulation .	\$45,000

Personal Services:

Salaries and wages (\$24,000)

Special Purpose:

Cooperative inspection service (21,000)

**Total Appropriation, Depart-
ment of Agriculture** **\$2,285,000**

DEPARTMENT OF COMMUNITY AFFAIRS

*Community Development and Environmental Management**41 Community Development Management*

02-8020	Housing Services	\$40,799,000
	Total Appropriation, Community Develop- ment Management	\$40,799,000

Personal Services:	
Salaries and wages	(\$2,619,000)
Employee benefits	(827,000)
Materials and Supplies	(114,000)
Services Other Than Personal	(483,000)
Maintenance and Fixed Charges	(177,000)
Special Purpose:	
Small cities block grant program ..	(8,988,000)
Housing voucher demonstration project	(1,592,000)
Other special purpose	(236,000)
State Aid and Grants:	
Moderate rehabilitation housing assistance	(2,841,000)
Rental assistance for low income families	(22,911,000)
Additions, Improvements and Equip- ment	(11,000)

Economic Planning, Development and Security
55 Related Social Services Programs

05-8050	Human Resources	\$21,240,000
08-8060	Programs for the Aging	28,274,000
		<hr/>
	Total Appropriation, Related Social Services Programs	\$49,514,000
		<hr/>

Personal Services:	
Salaries and wages	(\$1,526,000)
Employee benefits	(379,000)
Materials and Supplies	(50,000)
Services Other Than Personal	(146,000)
Maintenance and Fixed Charges	(80,000)
Special Purpose:	
Purchase of legal services	(1,290,000)
Older Americans Act—Title III ..	(16,000)
Food distribution Title VII	(4,372,000)

Supplemental crisis intervention program—Administration	(30,000)	
Home energy assistance program	(441,000)	
Other special purpose	(123,000)	
State Aid and Grants:		
Older Americans Act—Title III	(23,859,000)	
Weatherization assistance program	(4,442,000)	
Community services block grant	(9,339,000)	
Supplemental crisis intervention		
program—Administration	(570,000)	
Home energy assistance program	(3,805,000)	
Additions, Improvements and Equip- ment	(46,000)	
Total Appropriation, Department of Community Affairs		<u><u>\$90,313,000</u></u>

DEPARTMENT OF CORRECTIONS

*Public Safety and Criminal Justice**16 Detention and Rehabilitation**7025 System-Wide Program Support*

13-7025 Institutional Program Support		<u>\$219,000</u>
Total Appropriation, System-Wide Program Support		<u>\$219,000</u>

Personal Services:

Salaries and wages	(\$215,000)	
Services Other Than Personal	(4,000)	

7040 State Prison, Trenton

10-7040 Education Program		<u>\$27,000</u>
Total Appropriation, State Prison, Trenton		<u>\$27,000</u>

Special Purpose:

ECIA, Chapter I	(\$27,000)	
---------------------------	-------------	--

7050 State Prison, Rahway

10-7050 Education Program	\$5,000
	<hr/>
Total Appropriation, State Prison, Rahway	\$5,000
	<hr/>

Special Purpose:

ECIA—Chapter I (\$5,000)

7065 Southern State Correctional Facility

10-7065 Education Program	\$14,000
	<hr/>
Total Appropriation, Southern State Correctional Facility	\$14,000
	<hr/>

Special Purpose:

ECIA, Chapter I, State institutions
—delinquent (\$6,000)
Chapter II block grant (8,000)

7070 Mid-State Correctional Facility

10-7070 Education Program	\$11,000
	<hr/>
Total Appropriation, Mid-State Correctional Facility	\$11,000
	<hr/>

Special Purpose:

ECIA, Chapter I, Education pro-
gram (\$5,000)
Chapter II block grant (6,000)

7075 Riverfront State Prison

10-7075 Education Program	\$22,000
	<hr/>
Total Appropriation, Riverfront State Prison	\$22,000
	<hr/>

Special Purpose:

Vocational education (\$22,000)

7080 Correctional Institution for Women, Clinton

10-7080	Education Program	\$26,000
---------	-------------------------	----------

Total Appropriation, Correctional Institution for Women, Clinton		\$26,000
--	--	----------

Special Purpose:

ECIA, Chapter I	(\$26,000)
-----------------------	-------------

7090 Adult Diagnostic and Treatment Center, Avenel

10-7090	Education Program	\$5,000
---------	-------------------------	---------

Total Appropriation, Adult Diagnostic and Treatment Center, Avenel		\$5,000
--	--	---------

Special Purpose:

ECIA, Chapter I	(\$5,000)
-----------------------	------------

7110 Youth Reception and Correction Center, Yardville

10-7110	Education Program	\$186,000
---------	-------------------------	-----------

Total Appropriation, Youth Reception and Correction Center, Yardville		\$186,000
---	--	-----------

Personal Services:

Salaries and wages	(\$186,000)
--------------------------	--------------

7120 Youth Correctional Institution, Bordentown

10-7120	Education Program	\$51,000
---------	-------------------------	----------

Total Appropriation, Youth Correctional Institution, Bordentown		\$51,000
---	--	----------

Personal Services:

Salaries and wages	(\$51,000)
--------------------------	-------------

7130 Youth Correctional Institution, Annandale

10-7130	Education Program	\$143,000
---------	-------------------------	-----------

Total Appropriation, Youth Correctional Institution, Annandale		\$143,000
---	--	-----------

Personal Services:

Salaries and wages	(\$143,000)
--------------------------	--------------

7210 Training School for Boys, Skillman

10-7210	Education Program	\$262,000
---------	-------------------------	-----------

Total Appropriation, Training School for Boys, Skillman		\$262,000
--	--	-----------

Personal Services:

Salaries and wages	(\$262,000)
--------------------------	--------------

7220 Training School for Boys, Jamesburg

10-7220	Education Program	\$286,000
---------	-------------------------	-----------

Total Appropriation, Training School for Boys, Jamesburg		\$286,000
---	--	-----------

Personal Services:

Salaries and wages	(\$286,000)
--------------------------	--------------

7225 Juvenile Medium Security Center

10-7225	Education Program	\$116,000
---------	-------------------------	-----------

Total Appropriation, Juvenile Medium Se- curity Center		\$116,000
---	--	-----------

Personal Services:

Salaries and wages	(\$107,000)
--------------------------	--------------

Services Other Than Personal	(9,000)
------------------------------------	----------

18 Juvenile Correctional Services
7270 Juvenile Community Programs

12-7270 Residential Care	\$376,000
Total Appropriation, Juvenile Community Programs	\$376,000

Personal Services:

Salaries and wages	(\$325,000)
Materials and Supplies	(31,000)
Maintenance and Fixed Charges	(5,000)
Additions, Improvements and Equipment	(15,000)

19 Central Planning, Direction and Management

01-7000 Planning, Management and General Support	\$30,000
99-7000 Management and Administrative Services	224,000
Total Appropriation, Central Planning, Direction and Management	\$254,000

Personal Services:

Salaries and wages	(\$174,000)
Services Other Than Personal	(32,000)

Special Purpose:

Central Office Administration	
Chapter I, ECIA	(39,000)
Other special purpose	(9,000)

Total Appropriation, Department of Corrections	\$2,003,000
--	-------------

DEPARTMENT OF DEFENSE

Public Safety and Criminal Justice
14 Military Services

01-3600 National Guard Training, Operations and Administration	\$180,000
--	-----------

02-3600	Management of National Guard Installations	4,410,000
	Total Appropriation, Military Services ...	<u>\$4,590,000</u>
Personal Services:		
	Salaries and wages	(\$1,517,000)
	Employee benefits	(181,000)
	Materials and Supplies	(1,521,000)
	Services Other Than Personal	(398,000)
	Maintenance and Fixed Charges	(285,000)
Special Purpose:		
	Training and equipment pool sites ..	(112,000)
	Additions, Improvements and Equip- ment	(576,000)
	Total Appropriation, Department of Defense	<u><u>\$4,590,000</u></u>

DEPARTMENT OF EDUCATION

*Educational, Cultural and Intellectual Development**31 Direct Educational Services and Assistance*

03-5120	Miscellaneous Grants-In-Aid	\$12,539,000
04-5064	Adult and Continuing Education Programs	3,003,000
05-5066	Bilingual Education	1,403,000
06-5066	Compensatory Education	1,730,000
06-5120	Compensation Education	117,688,000
07-5065	Special Education Programs	4,533,000
07-5120	Special Education Programs	44,275,000
	Total Appropriation, Direct Educational Services and Assistance	<u>\$185,171,000</u>
Personal Services:		
	Salaries and wages	(\$2,939,000)
	Employee benefits	(723,000)
	Materials and Supplies	(258,000)
	Services Other Than Personal	(491,000)
	Maintenance and Fixed Charges	(109,000)

Special Purpose:

Adult basic education— Administration	(24,000)
Transition program for refugee children, Administration	(3,000)
ECIA, Chapter II, Administration.	(48,000)
ESEA, Title VI (handicapped), Administration	(256,000)
Bilingual education, SEA project— Coordination for technical assistance	(14,000)
Emergency immigrants education assistance—Administration	(15,000)
Services to deaf/blind children	(17,000)
State planning grant	(89,000)
Title VI-B LRC North	(30,000)
Title VI-B LRC North Satellite	(9,000)
Title VI-B LRC South	(61,000)
Title VI-B LRC Central	(33,000)
Other special purpose	(372,000)
Migrant educational program— Administration	(137,000)

State Aid and Grants:

Education block grant—Chapter II—programmatic	(12,539,000)
ECIA, Chapter I, LEA disadvantaged	(115,177,000)
ECIA, Chapter I, State institutions, Handicapped	(901,000)
Emergency immigrants education assistance program	(1,000,000)
Migrant education programmatic ..	(1,610,000)
Adult basic education programmatic	(2,583,000)
Transition program for refugee children	(254,000)
Pre-school incentive grant	(1,204,000)
ESEA, Title VI (handicapped) ...	(44,275,000)

32 Operation and Support of Educational Institutions

12-5011	Educational Institutions for the Handicapped	\$516,000
12-5012	Millburn Regional School for the Handicapped	117,000
12-5013	Regional Day Schools for the Handicapped	102,000
12-5014	Morris Regional School for the Handicapped	27,000
12-5019	Camden Regional School for the Handicapped	5,000
12-5021	Hudson Regional School for the Handicapped	5,000
13-5010	Newark Skills Center	74,000
Total Appropriation, Operation and Support of Educational Institutions		<u>\$846,000</u>

Personal Services:

Salaries and wages	(\$504,000)
Employee benefits	(129,000)
Materials and Supplies	(37,000)

Special Purpose:

Services to deaf/blind children	(97,000)
Vocational education program	(17,000)
Other special purpose	(42,000)
Additions, Improvements and Equip- ment	(20,000)

33 Supplemental Education and Training Programs

20-5062	General Vocational Education	\$17,509,000
Total Appropriation, Supplemental Education and Training Programs		<u>\$17,509,000</u>

Personal Services:

Salaries and wages	(\$1,227,000)
Employee benefits	(303,000)
Materials and Supplies	(31,000)

Services Other Than Personal	(123,000)
Maintenance and Fixed Charges	(2,000)
Special Purpose:	
Veterans' readjustment benefits ...	(29,000)
Consumer and useful homemaking	
—Administration	(110,000)
Career education—Research and	
development	(126,000)
Other special purpose	(127,000)
State Aid and Grants:	
Consumer and useful homemaking	
programmatic	(686,000)
Vocational education—Title IIB	
leadership activities	(1,100,000)
Vocational education—Title IIB	
technical committee	(55,000)
Vocational education—basic grants	
—programmatic	(13,576,000)
Additions, Improvements and Equip-	
ment	(14,000)

34 Educational Support Services

30-5063	General Academic Education	\$2,680,000
33-5067	Service to Local Districts	1,332,000
34-5067	Equal Educational Opportunities	1,131,000
37-5120	School Nutrition Programs	85,900,000

Total Appropriation, Educational Support	
Services	<u>\$91,043,000</u>

Personal Services:

Salaries and wages	(\$3,278,000)
Employee benefits	(831,000)
Materials and Supplies	(50,000)
Services Other Than Personal	(283,000)
Maintenance and Fixed Charges	(20,000)

Special Purpose:

Education for economic security act (EESA) Title II— Administration	(32,000)
Race desegregation	(2,000)
Child nutrition—Administration ..	(168,000)
Vocational education—Basic grants—Administration	(39,000)
Child nutrition program—Summer Administration	(68,000)
Civil rights—national origin desegregation	(3,000)
Sex desegregation	(3,000)
Other special purpose	(347,000)

State Aid and Grants:

Child nutrition programs— programmatic	(80,000,000)
Child nutrition summer— programmatic	(4,500,000)
Education for economic security act (EESA)—Title II— programmatic	(1,419,000)

35 Education Administration and Management

42-5120 School Finance and Auditing	\$604,000
99-5090 Management and Administrative Services	822,000
99-5095 Management and Administrative Services	1,192,000
	<hr/>
Total Appropriation, Education Administration and Management	\$2,618,000
	<hr/>

Personal Services:

Salaries and wages	(\$1,642,000)
Employee benefits	(412,000)
Materials and Supplies	(50,000)
Services Other Than Personal	(167,000)
Maintenance and Fixed Charges	(29,000)

Special Purpose:

Common core data survey	(17,000)
ECIA, Chapter 2—Block Grant— Administration	(101,000)
Other special purpose	(200,000)

37 Cultural and Intellectual Development Services

51-5070 Library Services	\$3,423,000
--------------------------------	-------------

Total Appropriation, Cultural and Intellectual Development Services	\$3,423,000
--	-------------

Personal Services:

Salaries and wages	(\$768,000)
Employee benefits	(191,000)
Materials and Supplies	(25,000)
Services Other Than Personal	(233,000)
Maintenance and Fixed Charges	(10,000)

Special Purpose:

LSCA Title I Public library services	(73,000)
LSCA Title II Library construction	(706,000)
LSCA Title III Interlibrary cooperation	(80,000)
Public library services— Programmatic	(150,000)
Other special purpose	(99,000)

State Aid and Grants:

LSCA Title III Interlibrary cooperation	(175,000)
Public library services— Programmatic	(913,000)

Total Appropriation, Department of Education	\$300,610,000
---	---------------

DEPARTMENT OF ENERGY

*Community Development and Environmental Management**42 Natural Resource Management*

05-4030	Energy Resource Management	\$1,155,000
	Total Appropriation, Natural Resource Management	<u>\$1,155,000</u>
Personal Services:		
	Salaries and wages	(\$12,000)
Special Purpose:		
	State energy conservation program (	753,000)
	Energy extension service	(240,000)
	Institutional conservation program —schools and hospitals	(150,000)
	Total Appropriation, Department of Energy	<u>\$1,155,000</u>

DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Community Development and Environmental Management**42 Natural Resource Management*

05-4840	Water Supply and Watershed Management	\$500,000
11-4870	Forest Resource Management	351,000
13-4880	Hunters' and Anglers' License Fund	1,921,000
14-4885	Shellfish and Marine Fisheries Management	1,044,000
15-4890	Marine Lands Management	2,150,000
	Total Appropriation, Natural Resource Management	<u>\$5,966,000</u>
Personal Services:		
	Salaries and wages	(\$2,780,000)
	Employee benefits	(671,000)
	Materials and Supplies	(493,000)
	Services Other Than Personal	(732,000)
	Maintenance and Fixed Charges	(339,000)

Special Purpose:

Other special purpose	(719,000)
Additions, Improvements and Equipment	(232,000)

43 Environmental Quality

02-4825 Air Pollution Control	\$3,536,000
07-4850 Water Monitoring and Planning	1,100,000
08-4855 Water Enforcement	1,700,000
09-4860 Public Wastewater Facilities	5,000,000
22-4861 Water Quality Management	54,000
	<hr/>
Total Appropriation, Environmental Quality	\$11,390,000
	<hr/>

Personal Services:

Salaries and wages	(\$7,342,000)
Employee benefits	(830,000)
Materials and Supplies	(193,000)
Services Other Than Personal	(1,700,000)
Maintenance and Fixed Charges	(102,000)

Special Purpose:

Other special purpose	(993,000)
Additions, Improvements and Equipment	(230,000)

44 Hazardous and Toxic Pollution Control

01-4820 Radiation Protection	\$51,000
04-4835 Pesticide Control	205,000
18-4810 Environmental Cancer and Toxic Substances	100,000
19-4815 Spill Prevention, Response and Site Cleanup	34,370,000
23-4910 Hazardous Waste	6,300,000
	<hr/>
Total Appropriation, Hazardous and Toxic Pollution Control	\$41,026,000
	<hr/>

Personal Services:

Salaries and wages	(\$5,389,000)
Employee benefits	(1,331,000)
Materials and Supplies	(148,000)
Services Other Than Personal	(32,255,000)
Maintenance and Fixed Charges	(39,000)

Special Purpose:

Other special purpose	(1,611,000)
Additions, Improvements and Equipment	(153,000)

45 Recreational Resource Management

12-4875 Parks Management	\$396,000
--------------------------------	-----------

Total Appropriation, Recreational Resource Management	<u>\$396,000</u>
--	------------------

Personal Services:

Salaries and wages	(\$108,000)
Employee benefits	(27,000)
Materials and Supplies	(13,000)
Services Other Than Personal	(9,000)
Maintenance and Fixed Charges	(2,000)

Special Purpose:

Other special purpose	(34,000)
-----------------------------	-----------

State Aid and Grants:

Survey and planning, operational ..	(202,000)
Additions, Improvements and Equipment	(1,000)

46 Environmental Planning and Administration

99-4800 Management and Administrative Services	<u>\$2,000,000</u>
--	--------------------

Total Appropriation, Environmental Planning and Administration	<u>\$2,000,000</u>
---	--------------------

Special Purpose:

Land and water conservation fund .	(\$2,000,000)
------------------------------------	----------------

Total Appropriation, Department of Environmental Protection	<u><u>\$60,778,000</u></u>
--	----------------------------

DEPARTMENT OF HEALTH

*Physical and Mental Health**21 Health Services*

01-4215	Vital Statistics	\$179,000
02-4220	Local and Community Health Services ..	50,685,000
03-4230	Epidemiology and Disease Control	3,781,000
04-4240	Narcotics and Drug Abuse Control	6,672,000
05-4250	Alcoholism Control	4,250,000
08-4280	Diagnostic Services	208,000
09-4290	Clinical Laboratory Services	42,000
	Total Appropriation, Health Services	<u>\$65,817,000</u>

Personal Services:

Salaries and wages	(\$8,913,000)
Employee benefits	(2,193,000)
Materials and Supplies	(8,000)

Special Purpose:

Supplemental food program—	
W.I.C.	(28,183,000)
Maternal and child health block	
grant	(5,795,000)
Tuberculosis control program	(9,000)
Health insurance benefits	(3,000)
Family planning program—Title X (	1,740,000)
National death index	(23,000)
Microfilming of health statistics ...	(3,000)
Information and education on AIDS(	154,000)
AIDS surveillance and associated	
epidemiologic investigation	(22,000)
Tumors among blacks	(42,000)
Compacity building—Occupational	
safety and health	(13,000)
Health program for Indochinese	
refugees	(49,000)
SEER project	(154,000)
Immunization project	(38,000)
Other special purpose	(2,225,000)

State Aid and Grants:

Migrant dental health	(33,000)
Preventive health services block grant	(1,382,000)
Social services block grant— family planning	(1,729,000)
Energy assistance block grant— maternal and child health services	(643,000)
Social services block grant— alcoholism services	(725,000)
Supplemental food program— W.I.C.	(4,971,000)
Alcohol, drug abuse, and mental health block grant — alcoholism services	(1,299,000)
Alcohol, drug abuse and mental health block grant—narcotics and drug abuse control	(5,012,000)
Sexually transmitted disease training center program	(285,000)
Emergency medical services—train- ing project—highway safety	(158,000)
Homemaker home health aide training	(13,000)

22 Health Planning and Evaluation

06-4260 Health Facilities Evaluation	\$1,305,000
07-4270 Health Planning and Resource Development	448,000
	<hr/>
Total Appropriation, Health Planning and Evaluation	\$1,753,000
	<hr/>

Personal Services:

Salaries and wages	(\$1,153,000)
Employee benefits	(290,000)

Special Purpose:

Other special purpose—Title XVIII and XIX eligibility	(310,000)
--	------------

Total Appropriation, Department of Health	<u><u>\$67,570,000</u></u>
---	----------------------------

DEPARTMENT OF HIGHER EDUCATION

Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor

04-5400 Student Financial Support Services	\$1,970,000
05-5400 Student Financial Assistance Administration	6,648,000
99-5400 Management and Administrative Services	3,631,000
	<hr/>
Total Appropriation, Office of the Chancellor	\$12,249,000
	<hr/>

Personal Services:

Salaries and wages	(\$3,181,000)
Employee benefits	(765,000)
Materials and Supplies	(286,000)
Services Other Than Personal	(2,334,000)
Maintenance and Fixed Charges	(205,000)

Special Purpose:

Other special purpose	(351,000)
-----------------------------	------------

State Aid and Grants:

Education for Economic Security Act Title II	(790,000)
Vocational education	(2,297,000)
State student incentive grant program	(1,970,000)
Additions, Improvements and Equipment	(70,000)

5500 Glassboro State College

11-5500 Instruction	\$324,000
16-5500 Student Services	3,668,000
	<hr/>
Total Appropriation, Glassboro State College	\$3,992,000
	<hr/>

Personal Services :

Salaries and wages	(\$831,000)
Employee benefits	(34,000)
Materials and Supplies	(29,000)
Services Other Than Personal	(156,000)

Special Purpose :

National direct student loan program	(500,000)
Pell grant program	(2,000,000)
Consumer education homemaking program	(4,000)
Other special purpose	(4,000)

State Aid and Grants :

Supplemental educational opportunity grant—initial	(434,000)
---	------------

5510 Jersey City State College

11-5510 Instruction	\$268,000
12-5510 Sponsored Research	103,000
15-5510 Academic Support	1,000
16-5510 Student Services	3,594,000

Total Appropriation, Jersey City State College	\$3,966,000
---	-------------

Personal Services :

Salaries and wages	(\$238,000)
Employee benefits	(56,000)
Materials and Supplies	(5,000)
Services Other Than Personal	(19,000)

Special Purpose :

A. Harry Moore Fund	(22,000)
Pell grant program	(2,800,000)
College work-study program	(450,000)
Supplemental educational opportunity grant—initial	(79,000)

Supplemental educational opportunity grant—continuing ..	(42,000)
National direct student loan program	(220,000)
Adult Resource Center	(26,000)
Nursing loan program	(3,000)
Veterans cost of instruction	(2,000)
Additions, Improvements and Equip- ment	(4,000)

5520 Kean College of New Jersey

11-5520 Instruction	\$196,000
12-5520 Sponsored Programs and Research	120,000
15-5520 Academic Support	1,000
16-5520 Student Services	2,899,000
	<hr/>
Total Appropriation, Kean College of New Jersey	\$3,216,000
	<hr/>

Personal Services:

Salaries and wages	(\$447,000)
Employee benefits	(7,000)
Services Other Than Personal	(1,000)
Maintenance and Fixed Charges	(4,000)

Special Purpose:

NEH—Humanities based—General education	(20,000)
Pell grant program	(1,900,000)
National direct student loan program	(365,000)
Supplemental educational opportunity grant—initial	(155,000)
Supplemental educational opportunity grant—continuing ..	(85,000)
College library resource program .	(1,000)
Other special purpose	(231,000)

5530 The William Paterson College of New Jersey

12-5530	Sponsored Programs and Research	\$130,000
16-5530	Student Services	2,629,000

Total Appropriation, The William Paterson College of New Jersey		<u>\$2,759,000</u>
--	--	--------------------

Personal Services:

Salaries and wages	(\$820,000)
Employee benefits	(10,000)

Special Purpose:

Supplemental educational opportunity grant—Initial year	(125,000)
Supplemental educational opportunity grant—Renewal year	(100,000)
Teaching WAC	(11,000)
Pell grant program	(1,899,000)
New jazz program	(8,000)
National direct student loan program	(150,000)
Mathematical research and bayesian inference grant	(17,000)
College work-study program	(7,000)
General analysis grant	(31,000)
Binding proteins	(25,000)
Nursing student loans	(28,000)
Business and international education program	(18,000)
Bilingual education program	(10,000)

5540 Montclair State College

12-5540	Sponsored Programs and Research	\$1,280,000
16-5540	Student Services	4,245,000

Total Appropriation, Montclair State College		<u>\$5,525,000</u>
---	--	--------------------

Personal Services:

Salaries and wages	(\$749,000)
Employee benefits	(36,000)

Special Purpose:	
Global prospective on literature . . .	(20,000)
Supplemental educational opportunity grant—initial	(126,000)
Single parent homemaker	(92,000)
Pell grant program	(2,800,000)
Child development association program	(20,000)
National direct student loan program	(675,000)
Consumer education homemaking program	(55,000)
Upward bound program	(88,000)
Supplemental cooperative education program	(13,000)
Supplemental educational opportunity grant—Continuing	(92,000)
Cooperative education demonstration project	(415,000)
Organization of linguistic ability . .	(133,000)
Professional development activities for N. J. Chapter of American Industrial Arts Student Association	(15,000)
Vocational teacher education	(1,000)
Undergraduate biochemistry laboratory instrumentation	(45,000)
FIPSE (new) disadvantaged and minority undergraduate legal skills development program	(34,000)
Model undergraduate RF/Microwave design laboratory	(19,000)
Development of nutritional education curriculum I for preschool children in Head Start	(97,000)

5550 Trenton State College

12-5550	Sponsored Programs and Research	\$141,000
16-5550	Student Services	3,092,000
		<hr/>
	Total Appropriation, Trenton State College	\$3,233,000
		<hr/>

Personal services:

Salaries and wages (\$242,000)

Special Purpose:

Pell grant program (1,670,000)

Supplemental educational
opportunity grant—initial (80,000)Supplemental educational
opportunity grant—continuing .. (85,000)

Alcoholism program (17,000)

Adult education learning center .. (2,000)

Fellowship agreement (1,000)

Chapter I—Parent/Infant program (1,000)

Energy conservation—powerhouse. (65,000)

State Aid and Grants:

National direct student loan
program (1,000,000)

Nursing student loans (70,000)

*5560 Ramapo College of New Jersey*16-5560 Student Services \$1,564,000Total Appropriation, Ramapo College of
New Jersey \$1,564,000

Personal Services:

Salaries and wages (\$368,000)

Employee benefits (21,000)

Materials and Supplies (7,000)

Services Other Than Personal (15,000)

Special Purpose:

National direct student loan
program (100,000)Supplemental cooperative education
program (3,000)Supplemental educational
opportunity grant—initial (43,000)Supplemental educational
opportunity grant—continuing... (43,000)

Other special purposes (14,000)

State Aid and Grants:

Pell grant program	(950,000)	
--------------------------	------------	--

5570 Richard Stockton State College

12-5570 Sponsored Programs and Research		\$23,000
16-5570 Student Services		1,982,000

Total Appropriation, Richard Stockton State College		\$2,005,000
--	--	-------------

Personal Services:

Salaries and wages	(\$175,000)	
Materials and Supplies	(5,000)	
Services Other Than Personal	(20,000)	

State Aid and Grants:

Pell grant program	(1,600,000)	
National direct student loan program	(120,000)	
Supplemental educational oppor- tunity grant—initial	(40,000)	
Supplemental educational oppor- tunity grant—continuing	(45,000)	

Total Appropriation, Department of Higher Education		\$38,509,000
--	--	--------------

DEPARTMENT OF HUMAN SERVICES

Physical and Mental Health

23 Mental Health Services

7700 Division of Mental Health and Hospitals

08-7700 Community Services		\$10,681,000
----------------------------------	--	--------------

Total Appropriation, Division of Mental Health and Hospitals		\$10,681,000
---	--	--------------

Personal Services:

Salaries and wages	(\$796,000)	
Employee benefits	(183,000)	
Materials and Supplies	(6,000)	
Services Other Than Personal	(14,000)	

Special Purpose:

Community services (68,000)

State Aid and Grants:

Mental health block grant services(9,614,000)

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

21-7540	Health Services Administration and Management	\$29,128,000
22-7540	General Medical Services	646,685,000
Total Appropriation, Division of Medical Assistance and Health Services		<u>\$675,813,000</u>

Personal Services:

Salaries and wages (\$9,771,000)

Materials and Supplies (94,000)

Services Other Than Personal (4,585,000)

Maintenance and Fixed Charges (801,000)

Special Purpose:

Statewide medicaid competition demonstration project (716,000)

Payments to fiscal agents (9,252,000)

Eligibility determination (732,000)

Professional standard review organization—utilization review (1,472,000)

Alcoholism services project (146,000)

Health facilities rate setting (395,000)

Health facilities inspections (647,000)

Compensation awards (49,000)

Affirmative action and equal employment opportunity program (18,000)

Private pay administration (386,000)

State Aid and Grants:

Medical assistance (606,457,000)

Payments for medically needy recipients (39,528,000)

Health care case management and pre-admission screening	(700,000)
Additions, Improvements and Equipment	(64,000)

Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

01-7600 Purchased Residential Care	\$26,661,000
02-7600 Social Supervision and Consultation	4,914,000
03-7600 Adult Activities	13,563,000
99-7600 Management and Administrative Services	7,095,000
	<hr/>
Total Appropriation, Division of Developmental Disabilities	\$52,233,000
	<hr/>

Personal Services:

Salaries and wages	(\$13,591,000)
Materials and Supplies	(20,000)
Services Other Than Personal	(36,000)
Maintenance and Fixed Charges	(20,000)

State Aid and Grants:

Intermediate care facilities—mental retardation (purchased residential care)	(9,526,000)
Community care waiver (purchased residential care)	(16,825,000)
Adult activities services—social services block grant	(534,000)
Intermediate care facilities—mental retardation (adult activities) ...	(9,501,000)
Developmental disabilities	(904,000)
Day care services	(971,000)
Citizen advocacy program	(116,000)
Work-study training program for caseworkers	(189,000)

7610 Green Brook Regional Center

05-7610	Residential Care and Habilitation	\$1,902,000
06-7610	Health Services	471,000
07-7610	Education and Training	342,000
98-7610	Physical Plant and Support Services	568,000
99-7610	Management and Administrative Services	472,000

Total Appropriation, Green Brook Regional Center	\$3,755,000
--	-------------

Personal Services:

Salaries and wages (\$3,755,000)

7620 Vineland Developmental Center

05-7620	Residential Care and Habilitation	\$7,441,000
06-7620	Health Services	2,869,000
98-7620	Physical Plant and Support Services	727,000
99-7620	Management and Administrative Services	857,000

Total Appropriation, Vineland Developmental Center	\$11,894,000
--	--------------

Personal Services:

Salaries and wages (\$11,894,000)

7630 North Jersey Developmental Center

05-7630	Residential Care and Habilitation	\$3,361,000
06-7630	Health Services	1,786,000
98-7630	Physical Plant and Support Services	386,000
99-7630	Management and Administrative Services	665,000

Total Appropriation, North Jersey Developmental Center	\$6,198,000
--	-------------

Personal Services:

Salaries and wages (\$6,198,000)

7640 Woodbine Developmental Center

05-7640	Residential Care and Habilitation	\$5,546,000
06-7640	Health Services	1,172,000
98-7640	Physical Plant and Support Services ..	1,035,000
99-7640	Management and Administrative Services	582,000

Total Appropriation, Woodbine Develop- mental Center	\$8,335,000
---	-------------

Personal Services:

Salaries and wages (\$8,335,000)

7650 New Lisbon Developmental Center

05-7650	Residential Care and Habilitation	\$7,591,000
06-7650	Health Services	2,340,000
98-7650	Physical Plant and Support Services	1,221,000
99-7650	Management and Administration	574,000

Total Appropriation, New Lisbon Develop- mental Center	\$11,726,000
---	--------------

Personal Services:

Salaries and wages (\$11,726,000)

7660 Woodbridge Developmental Center

05-7660	Residential Care	\$7,571,000
06-7660	Health Services	688,000
98-7660	Physical Plant and Support Services	227,000
99-7660	Management and Administrative Services	1,032,000

Total Appropriation, Woodbridge Develop- mental Center	\$9,518,000
---	-------------

Personal Services:

Salaries and wages (\$9,518,000)

7670 Hunterdon Developmental Center

05-7670	Residential Care and Habilitation	\$3,393,000
06-7670	Health Services	882,000
98-7670	Physical Plant and Support Services	1,038,000
99-7670	Management and Administrative Services	823,000

Total Appropriation, Hunterdon Developmental Center	<u>\$6,136,000</u>
---	--------------------

Personal Services:

Salaries and wages	(\$6,136,000)
--------------------------	----------------

7680 Edward R. Johnstone Training and Research Center

05-7680	Residential Care and Habilitation	\$225,000
06-7680	Health Services	134,000
98-7680	Physical Plant and Support Services	24,000
99-7680	Management and Administrative Services	71,000

Total Appropriation, Edward R. Johnstone Training and Research Center	<u>\$454,000</u>
---	------------------

Personal Services:

Salaries and wages	(\$454,000)
--------------------------	--------------

7690 North Princeton Developmental Center

05-7690	Residential Care and Habilitation	\$3,804,000
06-7690	Health Services	543,000
98-7690	Physical Plant and Support Services	279,000
98-7690	Management and Administrative Services	528,000

Total Appropriation, North Princeton Developmental Center	<u>\$5,154,000</u>
---	--------------------

Personal Services:

Salaries and wages	(\$5,154,000)
--------------------------	----------------

33 Supplemental Education and Training Programs
7560 Commission for the Blind and Visually Impaired

11-7560	Habilitation and Rehabilitation	\$8,658,000
99-7560	Management and Administrative Services	1,741,000
		\$10,399,000

Personal Services:

Salaries and wages	(\$3,413,000)	
Materials and Supplies	(127,000)	
Services Other Than Personal	(523,000)	
Maintenance and Fixed Charges	(468,000)	

Special Purpose:

New rehabilitation center	(2,707,000)	
Compensation awards	(6,000)	

State Aid and Grants:

Vocational rehabilitation—direct services	(3,040,000)	
--	--------------	--

Additions, Improvements and

Equipment	(115,000)	
-----------------	------------	--

Economic Planning, Development and Security

53 Economic Assistance and Security

7550 Division of Public Welfare

13-7550	Fiscal Control	\$4,471,000
14-7550	Quality Control	2,060,000
15-7550	Income Maintenance	454,109,000
99-7550	Management and Administrative Services	9,009,000

Total Appropriation, Division of Public

Welfare		\$469,649,000
---------------	--	---------------

Personal Services:

Salaries and wages	(\$8,193,000)	
Materials and Supplies	(115,000)	
Services Other Than Personal	(3,401,000)	
Maintenance and Fixed Charges	(1,293,000)	

Special Purpose:

Work incentive program	(1,165,000)
Automated child support enforcement program	(647,000)
Implementation of family assistance management information system..	(3,485,000)
Compensation awards	(12,000)
Affirmative action and equal employ- ment opportunity program	(16,000)

State Aid and Grants:

Supplemental security income	(8,000,000)
Food stamp program—county administration	(26,491,000)
Title XIX—county administration..	(11,712,000)
Refugee resettlement program	(1,618,000)
Social services block grant-county administration	(21,864,000)
Child support and paternity pro- gram-county administration	(9,412,000)
Dependent children assistance- county administration	(45,156,000)
Dependent children assistance	(257,450,000)
Low income energy assistance- county administration	(6,459,000)
Low income energy assistance	(62,113,000)
Work incentive program	(1,031,000)
Additions, Improvements and Equip- ment	(16,000)

*55 Related Social Services Programs**7570 Division of Youth and Family Services*

16-7570 Initial Response/Case Management	\$18,981,000
17-7570 Substitute Care	13,205,000
18-7570 General Social Services	37,765,000
99-7570 Management and Administrative Services	12,909,000

Total Appropriation, Division of Youth and Family Services	<u>\$82,860,000</u>
---	---------------------

Personal Services:

Salaries and wages	(\$17,031,000)
Materials and Supplies	(1,941,000)
Services Other Than Personal	(9,367,000)
Maintenance and Fixed Charges	(8,485,000)

State Aid and Grants:

Medicaid payment for children in institutions	(1,387,000)
Restricted grants	(551,000)
Title IV-E	(6,749,000)
Title IV-B child welfare services ..	(43,000)
General social services	(124,000)
Social services block grant— Purchase of service contracts ...	(26,979,000)
Low income energy assistance	(2,561,000)
Cuban-Haitian entrant program ..	(5,505,000)
Additions, Improvements and Equip- ment	(2,137,000)

*Government Direction, Management and Control**76 Management and Administration**7500 Division of Management and Budget*

99-7500 Management and Administrative Services	\$29,512,000
	<hr/>
Total Appropriation, Division of Management and Budget	\$29,512,000
	<hr/>

Personal Services:

Salaries and wages	(\$441,000)
Employee benefits	(9,806,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(646,000)

Special Purpose:

State institutional library services ..	(50,000)
Public assistance administration ...	(90,000)
Vocational education basic grant ...	(268,000)
Adult basic education	(31,000)
ECIA, Chapter 2 block grant	(37,000)

Migrant educational program—		
Administration	(88,000)	
ECIA, Chapter I State institutions—		
Handicapped	(1,393,000)	
Deaf-blind training grant		
Title VI-C	(211,000)	
Grant diversion project	(164,000)	
Intermediate care facilities—mental		
retardation	(3,200,000)	
Indirect costs-Departmentwide	(6,108,000)	
Indirect costs-Statewide	(2,024,000)	
State Aid and Grants:		
AFDC homemaker/home health aide		
demonstration project-Title XIX (	4,944,000)	
	<i>80 Special Government Services</i>	
	<i>83 Services to Veterans</i>	
	<i>7520 Division of Veterans' Services</i>	
19-7520 Management and Field Services		\$14,000,000
		<hr/>
Total Appropriation, Division of Veterans'		
Services		\$14,000,000
		<hr/>
Special Purpose:		
Construction at Paramus Memorial		
Home	(\$14,000,000)	
Total Appropriation, Department of Human		
Services		\$1,408,317,000
		<hr/> <hr/>
	DEPARTMENT OF LABOR	
	<i>Economic Planning, Development and Security</i>	
	<i>51 Economic Planning and Development</i>	
18-4570 Planning and Research		\$4,960,000
99-4565 Management and Administrative Services		24,804,000
		<hr/>
Total Appropriation, Economic Planning and		
Development		\$29,764,000
		<hr/>

Personal Services:

Salaries and wages	(\$17,916,000)
Employee benefits	(4,797,000)
Materials and Supplies	(368,000)
Services Other Than Personal	(4,090,000)
Maintenance and Fixed Charges	(2,058,000)

Special Purpose:

Current employment statistics	(4,000)
SDA labor area data	(23,000)
Occupational information coordinating program	(8,000)
Other special purpose	(69,000)
Compensation awards	(1,000)
Additions, Improvements and Equip- ment	(430,000)

52 Economic Regulation

12-4550 Enforcement of Workplace Standards ...	\$1,353,000
--	-------------

Total Appropriation, Economic Regulation.	<u>\$1,353,000</u>
---	--------------------

Personal Services:

Salaries and wages	(\$914,000)
Employee benefits	(238,000)
Materials and Supplies	(11,000)
Services Other Than Personal	(97,000)
Maintenance and Fixed Charges	(75,000)

Special Purpose:

Other special purpose	(18,000)
-----------------------------	-----------

53 Economic Assistance and Security

01-4510 Unemployment Insurance	\$47,325,000
--------------------------------------	--------------

02-4515 Disability Determination	27,456,000
--	------------

Total Appropriation, Economic Assistance and Security	<u>\$74,781,000</u>
--	---------------------

Personal Services:

Salaries and wages	(\$39,524,000)
Employee benefits	(10,216,000)
Materials and Supplies	(476,000)
Services Other Than Personal	(10,055,000)
Maintenance and Fixed Charges	(6,390,000)

Special Purpose:

Old age and survivors insurance—	
Disability determination	(2,410,000)
Compensation awards	(160,000)
Other special purpose	(602,000)

State Aid and Grants:

Old age and survivors insurance—	
Disability determination	(4,709,000)
Additions, Improvements and Equip- ment	(239,000)

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation	\$25,231,000
08-4540 Work Incentive Program	4,163,000
09-4545 Employment Services	26,086,000
10-4545 Employment Development Services	63,569,000

Total Appropriation, Manpower and Em- ployment Services	<u>\$119,049,000</u>
--	----------------------

Personal Services:

Salaries and wages	(\$26,824,000)
Employee benefits	(7,879,000)
Materials and Supplies	(300,000)
Services Other Than Personal	(3,969,000)
Maintenance and Fixed Charges	(3,775,000)

Special Purpose:

Drug addict and alcoholic program	
—SSI	(19,000)
Rehabilitation in service training ..	(44,000)

Rehabilitation of supplemental security income beneficiaries	(450,000)	
Job Training Partnership Act— Title II-B, Summer youth em- ployment and training program	(19,000,000)	
Job Training Partnership Act— Title III, Dislocated workers . . .	(3,437,000)	
Compensation awards	(20,000)	
Other special purpose	(821,000)	
State Aid and Grants:		
Vocational rehabilitation services . .	(9,956,000)	
Comprehensive services for independent living	(188,000)	
Job Training Partnership Act— Title II-A—Training services for the disadvantaged	(38,500,000)	
Work activity centers	(444,000)	
Independent living program	(330,000)	
WIN public service employment . . .	(1,250,000)	
Employment services	(1,680,000)	
Additions, Improvements and Equip- ment	(163,000)	
Total Appropriation, Department of Labor .		<u>\$224,947,000</u>

DEPARTMENT OF LAW AND PUBLIC SAFETY

Public Safety and Criminal Justice
11 Vehicular Safety

03-1110 Driver Control		\$5,954,000
Total Appropriation, Vehicular Safety		<u>\$5,954,000</u>

State Aid and Grants:	
Federal highway safety program . .	(\$5,954,000)

12 Law Enforcement

08-1020	Emergency Services	\$1,210,000
09-1020	Criminal Justice	2,200,000
24-1200	Marine Police Operations	704,000
Total Appropriation, Law Enforcement		<u>\$4,114,000</u>

Special Purpose:

State of New Jersey improvement grant	(\$25,000)
Radiological systems maintenance ..	(84,000)
National shelter survey	(47,000)
Northeast Hazardous Waste Coordi- nation Committee E.P.A.	(300,000)
Nuclear civil protection planning ..	(168,000)
Warning and communication	(90,000)
Emergency management training and education	(78,000)
Recreational boating safety financial assistance	(704,000)
Emergency management assistance program	(552,000)
Radiological defense officer project ..	(76,000)
FEMA State assistance program ..	(90,000)
Medicaid fraud unit	(1,900,000)

13 Special Law Enforcement Activities

18-1430	Law Enforcement Planning	\$5,100,000
Total Appropriation, Special Law Enforce- ment Activities		<u>\$5,100,000</u>

State Aid and Grants:

Juvenile justice administration and grants	(\$1,300,000)
Justice assistance act—Grants	(1,600,000)
Victim assistance grants	(2,200,000)

Special Government Services
82 *Protection of Citizens' Rights*

16-1350	Protection of Civil Rights	\$538,000
19-1440	Violent Crimes Compensation	2,000,000
	Total Appropriation, Protection of Citizens' Rights	\$2,538,000

Special Purpose:

New charge resolution project	(\$388,000)	
Age discrimination project	(85,000)	
Fair housing assistance program ..	(65,000)	
Victim compensation awards	(2,000,000)	

	Total Appropriation, Department of Law and Public Safety	\$17,706,000
--	---	--------------

DEPARTMENT OF THE PUBLIC ADVOCATE

Special Government Services
82 *Protection of Citizens' Rights*

08-8350	Advocacy for the Developmentally Disabled	\$624,000
	Total Appropriation, Protection of Citizens' Rights	\$624,000

Personal Services:

Salaries and wages	(\$450,000)	
Employee benefits	(30,000)	
Materials and Supplies	(11,000)	
Services Other Than Personal	(104,000)	
Maintenance and Fixed Charges	(3,000)	

Special Purpose:

Advocacy for the developmentally disabled	(72,000)	
Other special purpose	(26,000)	

	Total Appropriation, Department of the Public Advocate	\$624,000
--	---	-----------

New Jersey State Library

DEPARTMENT OF STATE

37 Cultural and Intellectual Development Services

05-2530	Support of the Arts	\$614,000
06-2535	Museum Services	225,000
07-2540	Development of Historical Resources	90,000

Total Appropriation, Cultural and Intellectual Development Services	<u>\$929,000</u>
--	------------------

Personal Services:

Salaries and wages	(\$556,000)
Employee benefits	(96,000)

Special Purpose:

Basic grant control account	(187,000)
NEH black migration project	(50,000)
National historical publication commission	(40,000)

Total Appropriation, Department of State ..	<u><u>\$929,000</u></u>
---	-------------------------

DEPARTMENT OF TRANSPORTATION

*Transportation Services**61 State Highway Facilities*

10-6200	Federal Aid Interstate Projects	\$121,000,000
12-6200	Federal Aid Interstate 4R Projects	63,000,000
15-6200	Interstate Transfer Program Funds— NJ/NY Metro Area	51,000,000
20-6200	Federal Aid Urban System Highway Projects	30,000,000
25-6200	Federal Aid Consolidated Primary Highway Projects	56,925,000
30-6200	Federal Aid Rural Highway Projects ...	7,500,000
40-6200	Federal Aid Bridge Replacement and Other Highway Safety Projects	107,700,000
41-6200	Federal Aid Hazard Elimination Projects	5,400,000
43-6200	Federal Aid Railway and Highway Crossings	2,700,000
54-6200	Federal Aid Advance Right of Way Acquisition	2,000,000

65-6200	Federal Aid Rail Freight Capital Projects	5,500,000
71-6200	Federal Aid Transportation Construction Engineering	700,000
Total Appropriation, State Highway Facilities		<u>\$453,425,000</u>

Special Purpose:

Interstate highway projects	(\$121,000,000)
Interstate resurfacing	(63,000,000)
Interstate transfer program fund ..	(51,000,000)
Urban systems	(30,000,000)
Consolidated primary projects	(56,925,000)
Railway and highway crossings ...	(2,700,000)
Rural highway projects	(7,500,000)
Supportive services highway QJT and HBE programs	(700,000)
Hazard elimination projects	(5,400,000)
Bridge replacement and other high- way safety projects	(107,700,000)
Advance right of way acquisition program	(2,000,000)
Rail freight capital projects	(5,500,000)

64 Planning and General Management Support

02-6030	Planning	\$10,016,000
03-6040	Research and Demonstration	1,425,000
05-6070	Modal Services	16,694,000
Total Appropriation, Planning and General Management Support		<u>\$28,135,000</u>

Special Purpose:

Metropolitan planning studies	(\$3,516,000)
Planning and research payroll	(5,500,000)
New Jersey Statewide public transportation grant (NJ 09-8007)	(1,000,000)
Research and demonstration projects	(1,425,000)

Modal services	(16,694,000)	
Total Appropriation, Department of Transportation		<u>\$481,560,000</u>
THE JUDICIARY		
<i>Public Safety and Criminal Justice</i>		
<i>15 Judicial Services</i>		
04-9725 Criminal Courts		\$3,000
05-9730 Family Courts		<u>19,199,000</u>
Total Appropriation, Judicial Services		<u>\$19,202,000</u>
Special Purpose:		
Child support and paternity program	(\$18,814,000)	
Automated child support enforcement	(385,000)	
Effect of sentences on subsequent criminal behavior	(3,000)	
Total Appropriation, The Judiciary		<u>\$19,202,000</u>
Total Appropriation, Federal Funds		<u>\$2,699,154,800</u>

In addition to the federal funds appropriated in this act, there are appropriated the following funds, subject to allotment by the Director of the Division of Budget and Accounting: emergency disaster aid funds; pass-through grants to political subdivisions of the State over which the State is not permitted to exercise discretion in the use or distribution of the funds and for which no State matching funds are required except, for the purpose of this section, federal funds received by one executive agency that are ultimately expended by another executive agency shall not be considered pass-through grants; grants to State colleges, Rutgers, The State University, the University of Medicine and Dentistry of New Jersey, and the New Jersey Institute of Technology for research or other scholarly activity not related to expan-

sion of course curricula; and Basic Educational Opportunity Grants (Pell Grants), Supplemental Educational Opportunity Grants, National Direct Student Loans, and College Work Study Funds in excess of the amount specifically appropriated, provided, however, that the Director of the Division of Budget and Accounting notify the Legislative Budget and Finance Officer of such additional grants; and all other grants of \$200,000 or less which have been awarded competitively.

For the purposes of this section, "political subdivisions of the State" means counties, municipalities, school districts, or agencies thereof, county or municipal authorities, regional authorities or districts other than interstate authorities or districts; "discretion" refers to any action in which an agency may determine either the amount of funds to be allocated or who receives the allocation; and "grants" refer to one-time, or time limited awards, which are received pursuant to submission of a grant application in competition with other grant applications.

The accounts receivable balances as of June 30, 1986, of federal funds are reestablished and appropriated for the same purposes, the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting who shall inform the Legislative Budget and Finance Officer by September 1, 1986 of accounts receivable balances which are established and reappropriated.

The unexpended balances as of June 30, 1986, of federal funds are appropriated for the same purpose. The Director of the Division of Budget and Accounting shall inform the Legislative Budget and Finance Officer by November 1, 1986 of any unexpended balances which are reappropriated.

The Director of the Division of Budget and Accounting shall promulgate and enforce uniform account-

ing procedures applicable to all State agencies receiving and expending federal funds.

The appropriate executive agencies shall prepare and submit to the Senate Revenue, Finance and Appropriations Committee and the Assembly Appropriations Committee by March 1, 1987, reports on proposed expenditures during fiscal year 1988 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; and the social services block grant. Such reports shall account for all federal, State and local funds which are anticipated to be expended on block grant programs, shall provide an accounting of block grant expenditures during the prior fiscal year, and shall provide a detailed list of contracts awarded to provide service under the block grants.

The amounts hereinabove appropriated are available, subject to the approval of the Director of the Division of Budget and Accounting, for the payment of obligations and the reimbursement of expenditures applicable to prior fiscal years.

Total Appropriation, General Fund	<u><u>\$9,481,126,800*</u></u>
---	--------------------------------

PROPERTY TAX RELIEF FUND

DIRECT STATE SERVICES

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

73 *Financial Administration*

15-2080 Processing and Administration	<u>\$27,980,000</u>
---	---------------------

Total Appropriation, Financial Administration	<u><u>\$27,980,000</u></u>
---	----------------------------

Special Purpose:

Administrative costs of the collection of the gross income tax (\$21,435,000)
 Administrative costs of paying homestead exemptions (6,545,000)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amounts hereinabove, there are appropriated such additional sums as may be required for collection of the gross income tax and the administration of the homestead rebate act, P. L. 1976, c. 72 (C. 54:4-3.80 et seq.), the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Total Appropriation, Department of the Treasury	\$27,980,000
	<hr/>
Total Appropriation, Direct State Services	\$27,980,000
	<hr/> <hr/>

STATE AID

34 DEPARTMENT OF EDUCATION

30 *Educational, Cultural and Intellectual Development*31 *Direct Educational Services and Assistance—State Aid*

01-5120 General Formula Aid	\$1,430,814,000
06-5120 Compensatory Education	110,176,000
07-5120 Special Education	250,684,000
	<hr/>
Total Appropriation, Direct Educational Services and Assistance	\$1,791,674,000
	<hr/>

State Aid:

Current expense equalization aid (\$1,430,814,000)
 Compensatory education aid (110,176,000)
 Special education aid (250,684,000)

34 Educational Support Services—State Aid

36-5120 Pupil Transportation Services	\$26,326,000
<hr/>	
Total Appropriation, Educational Support Services	\$26,326,000
<hr/>	

State Aid:

Transportation aid

(\$26,326,000)

The amount appropriated hereinabove for transportation aid shall be used to reimburse school districts for approved transportation expenses based upon costs incurred in the 1984-1985 school year.

Total Appropriation, Department of Education	\$1,818,000,000
<hr/> <hr/>	

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In the event that sufficient funds are not appropriated to fully fund general formula aid and school building aid, the Commissioner of Education shall establish the guaranteed valuation per pupil and the minimum aid guaranteed valuation per pupil at a level required to distribute the amounts appropriated, less such amounts as are needed to fund adjustments by utilizing the same method used in distributing general formula aid and school building aid in the 1984-85 school year.

In the event that sufficient funds are not appropriated to fully fund any grant-in-aid, the Commissioner of Education shall apportion such appropriation among the districts in proportion to the state aid each district would have been apportioned had the full amount of state aid been appropriated.

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treas-

surer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*75 *State Subsidies and Financial Aid—State Aid*

32-2071	Revenue Sharing	\$50,000,000
33-2076	Homestead Exemptions	298,000,000
34-2078	Reimbursement—Senior/Disabled Citizens' and Veterans' Property Tax Exemptions	47,600,000
Total Appropriation, State Subsidies and Financial Aid		<u>\$395,600,000</u>

State Aid:

Distribution of revenue sharing funds to qualifying municipalities(\$50,000,000)	
Payments to homeowners for home- stead exemptions	(298,000,000)
State reimbursement to municipali- ties for senior/disabled citizens' property tax exemptions	(25,900,000)
State reimbursement for veterans' property tax exemptions	(21,700,000)

The amount hereinabove is appropriated from the Property Tax Relief Fund.

In addition to the amount hereinabove, there are appropriated from the Property Tax Relief Fund such additional sums as may be required for State reimbursement to municipalities for the senior/disabled citizens' and veterans' property tax exemptions and for additional payments to homeowners qualifying for homestead exemptions.

Notwithstanding the provisions of N. J. S. 54A :10-4, the amount of revenue sharing paid by the State to municipalities for the calendar year 1986 shall be the same amount which was paid during calendar year 1985.

Total Appropriation, Department of the Treasury	\$395,600,000
Total Appropriation, State Aid	<u>\$2,213,600,000</u>
Total Appropriation, Property Tax Relief Fund	<u>\$2,241,580,000</u>

Any appropriation or part thereof made from the Property Tax Relief Fund may be transferred and recorded as an appropriation from the General Fund, as deemed necessary by the State Treasurer, in order that the Director of the Division of Budget and Accounting may warrant the necessary payments; provided, however, that the available unrestricted fund balance in the General Fund, as determined by the State Treasurer, is sufficient to support such appropriation.

CASINO CONTROL FUND

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

13 Special Law Enforcement Activities

30-1460 Gaming Enforcement	\$29,966,000
Total Appropriation, Special Law Enforcement Activities	<u>\$29,966,000</u>

Personal Services:

Salaries and wages	(\$16,024,000)
Cash in lieu of maintenance	(756,000)
Employee benefits	(4,498,000)
Materials and Supplies	(1,040,000)
Services Other Than Personal	(3,374,000)
Maintenance and Fixed Charges	(2,116,000)

Special Purpose:

Compensation awards (17,000)
 Indirect costs (1,290,000)

Additions, Improvements and Equip-
 ment (851,000)

The amount hereinabove for Gaming Enforcement
 is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Gaming
 Enforcement, there are appropriated from the
 Casino Control Fund, such additional sums as
 may be required for Gaming Enforcement, sub-
 ject to the approval of the Director of the
 Division of Budget and Accounting.

Total Appropriation, Department of Law
 and Public Safety \$29,966,000

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

73 *Financial Administration*

25-2095 Administration of Casino Gambling \$21,051,000

Total Appropriation, Financial
 Administration \$21,051,000

Personal Services:

Chairman and Commissioners (\$455,000)
 Salaries and wages (12,958,000)
 New positions (188,000)
 Employee benefits (3,381,000)
 Materials and Supplies (318,000)
 Services Other Than Personal (1,950,000)
 Maintenance and Fixed Charges (1,177,000)

Special Purpose:

Compensation awards (1,000)
 Other special purpose (496,000)
 Additions, Improvements and Equip-
 ment (127,000)

The amount hereinabove for Administration of Casino Gambling is appropriated from the Casino Control Fund.

In addition to the amount hereinabove for Administration of Casino Gambling, there are appropriated from the Casino Control Fund such additional sums as may be required for operation of the Casino Control Commission the expenditure of which shall be subject to the approval of the Director of the Division of Budget and Accounting.

Notwithstanding the provisions of section 53 of P. L. 1977, c. 110 (C. 5:12-53), each member of the Casino Control Commission shall receive compensation of \$90,000 per annum. The chairman shall receive \$5,000 per annum in addition to his compensation as a member of the commission.

Total Appropriation, Department of the Treasury	\$21,051,000
Total Appropriation, Casino Control Fund	<u><u>\$51,017,000</u></u>

CASINO REVENUE FUND

DIRECT STATE SERVICES

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 *Community Development and Environmental Management*

41 *Community Development Management*

12-8025 Boarding Home Regulation and Assistance	\$7,023,000
Total Appropriation, Community Development Management	<u><u>\$7,023,000</u></u>

Special Purpose:

Boarding Home Rental Assistance Fund (\$7,023,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

50 *Economic Planning, Development and Security*

55 *Related Social Services Programs*

08-8060 Programs for the Aging	\$900,000
	<hr/>
Total Appropriation, Related Social Services Programs	\$900,000
	<hr/>

Personal Services:

Salaries and wages	(\$ 73,000)
Employee benefits	(23,000)

Special Purpose:

Congregate housing support services	(704,000)
Task force study: housing options for seniors	(100,000)

The amount hereinabove is appropriated from the
Casino Revenue Fund.

Total Appropriation, Department of Com- munity Affairs	\$7,923,000
	<hr/> <hr/>

46 DEPARTMENT OF HEALTH

20 *Physical and Mental Health*

21 *Health Services*

02-4220 Local and Community Health Services ..	\$700,000
	<hr/>
Total Appropriation, Health Services	\$700,000
	<hr/>

Special Purpose:

Aging health-Home health care ...	(\$ 10,000)
-----------------------------------	-------------

Grants:

Geriatric Health Assessment Centers	(600,000)
--	------------

The amount hereinabove is appropriated from the
Casino Revenue Fund.

Total Appropriation, Department of Health	\$700,000
	<hr/> <hr/>

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*24 *Special Health Services*7540 *Division of Medical Assistance and Health Services*

21-7540	Health Services Administration and Management	\$406,000
24-7540	Pharmaceutical Assistance to the Aged and Disabled	45,564,000
	Total Appropriation, Special Health Services	<u>\$45,970,000</u>

Personal Services:

Salaries and wages	(\$961,000)
Employee benefits	(211,000)
Materials and Supplies	(9,000)
Services Other than Personal	(315,000)
Maintenance and Fixed Charges	(62,000)

Special Purpose:

Payments to fiscal agents (PAAD) (	561,000)
Compensation awards	(1,000)
Other special purpose	(211,000)

Grants:

Pharmaceutical assistance to the aged and disabled-claims, P. L. 1975, c. 194 (C. 30:4D-20 et seq.) (	43,583,000)
Additions, Improvements and Equipment	(56,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for claims.

All funds recovered under P. L. 1968, c. 413 (C. 30:4D-1 et seq.) during the fiscal year ending June 30, 1987 are appropriated.

*50 Economic Planning, Development and Security**53 Economic Assistance and Security**7540 Division of Medical Assistance and Health Services*

28-7540 Lifeline Programs	\$70,798,000
	<hr/>
Total Appropriation, Economic Assistance and Security	\$70,798,000
	<hr/>

Personal Services:

Salaries and wages	(\$1,958,000)
Positions established from lump sum appropriation	(129,000)
Employee benefits	(502,000)
Materials and Supplies	(33,000)
Services Other Than Personal	(474,000)
Maintenance and Fixed Charges	(202,000)

Special Purpose:

Payments to fiscal agents	(67,000)
Compensation awards	(6,000)
Other special purpose	(502,000)

Grants:

Payments for lifeline credits	(40,548,000)
Payments for tenants' lifeline assistance rebates	(26,280,000)

Additions, Improvements and Equip- ment	(97,000)
--	-----------

The amount hereinabove is appropriated from the
Casino Revenue Fund.

In addition to the amount hereinabove, there are
appropriated from the Casino Revenue Fund
such additional sums as may be required for
payments to persons qualifying for lifeline
programs.

70 *Government Direction, Management and Control*76 *Management and Administration*

99-7500 Management and Administrative Services \$1,100,000

Total Appropriation, Management and Administration	<u>\$1,100,000</u>
--	--------------------

Special Purpose:

Respite care of the elderly (\$1,000,000)

Educational courses-elderly care . . (100,000)

Total Appropriation, Department of Human Services	<u>\$117,868,000</u>
---	----------------------

Total Appropriation, Direct State Services— Casino Revenue Fund	<u>\$126,491,000</u>
--	----------------------

STATE AID

54 DEPARTMENT OF HUMAN SERVICES

20 *Physical and Mental Health*24 *Special Health Services*22-7540 General Medical Services \$35,023,000

State Aid:

Payments for medical assistance recipients (State share) (\$10,817,000)

Payments for case management and pre-admission screening (700,000)

Payments for Medically Needy recipients (23,506,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

In addition to the amount hereinabove, there are appropriated from the Casino Revenue Fund such additional sums as may be required for the payment of claims, subject to the approval of the Director of the Division of Budget and Accounting.

From the sums appropriated hereinabove for payments to Medically Needy recipients, such sums

as may be necessary, not to exceed 15% of the amount appropriated for this program, are allocated for the administration of this program, subject to the approval of the Director of the Division of Budget and Accounting.

The Division of Medical Assistance and Health Services shall study and determine appropriate county welfare agency staffing standards for the medically needy program. The division shall audit the reported county welfare agency medically needy eligibility determination costs to determine the reasonableness of such expenditures.

Total Appropriation, Department of Human Services	<u>\$35,023,000</u>
---	---------------------

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*

62 *Public Transportation—State Aid*

04-6050 Railroad and Bus Operations	<u>\$13,500,000</u>
---	---------------------

State Aid:

Transportation assistance for senior citizens and disabled residents .. (\$13,500,000)

The amount hereinabove is appropriated from the Casino Revenue Fund.

Total Appropriation, Department of Transportation	<u>\$13,500,000</u>
---	---------------------

82 DEPARTMENT OF THE TREASURY

70 *Government Direction, Management and Control*

75 *State Subsidies and Financial Aid—State Aid*

34-2076 Reimbursement—Senior and Disabled Citizens' Property Tax Exemptions	<u>\$17,900,000</u>
---	---------------------

Total Appropriation, State Subsidies and Financial Aid	<u>\$17,900,000</u>
--	---------------------

State Aid:

Reimbursements to municipalities
for senior citizens' and disabled
citizens' property tax exemptions(\$17,900,000)

The amount hereinabove is appropriated from the
Casino Revenue Fund.

In addition to the amount hereinabove, there are
appropriated from the Casino Revenue Fund such
additional sums as may be required for reim-
bursements to municipalities qualifying for such
payments or reimbursements.

Total Appropriation, Department of the Treasury	\$17,900,000
	<u> </u>
Total Appropriation, State Aid—Casino Revenue Fund	\$66,423,000
	<u> </u>
Total Appropriation, Casino Revenue Fund	\$192,914,000
	<u> </u>
Grand Total Appropriation, All Funds . . .	<u>\$11,966,637,800*</u>

2. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting and with the approval of the Legislative Budget and Finance Officer, private contributions, revolving funds and dedicated funds received or receivable for the use of the State or its agencies in excess of those anticipated, unless otherwise provided herein, and the unexpended balances as of June 30, 1986 of such funds.

3. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, the following: sums required to refund amounts credited to the State Treasury which do not represent State revenue; sums received representing insurance to cover losses by fire and other casualties and the unexpended balance as of June 30, 1986 of such sums; sums received by any State department or agency from the sale of equipment, when such sums are received in lieu of trade in value in the replacement of such equipment; and sums received in the State Treasury representing refunds of payments made from appropriations provided in this act.

4. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, sums required to satisfy receivables previously established from which non-reimbursable costs and ineligible expenditures have been incurred.

5. There are appropriated, subject to allotment by the Director of the Division of Budget and Accounting, from Federal or other non-State sources amounts not to exceed the cost of services necessary to document and support retroactive claims.

6. There are appropriated such sums as may be required for the collection of debts owed to the State, subject to the approval of the Director of the Division of Budget and Accounting.

7. The unexpended balances as of June 30, 1986 in the accounts of the several departments and agencies heretofore appropriated or established in the category of Additions, Improvements, and Equipment are appropriated.

8. Unless otherwise provided, balances remaining as of June 30, 1986 in accounts of appropriations enacted subsequent to April 1, 1986 are appropriated.

9. In order that there be flexibility in the handling of appropriations, any department or agency, except the Legislature receiving an appropriation by any act of the Legislature may apply to the Director of the Division of Budget and Accounting for permission to transfer a part of any item granted to such department or agency to any other item in such appropriation; providing that such transfer is not between or among a State Aid, Direct State Services, Capital Construction or a Debt Service account, except as hereinafter provided. Such application shall be made only during the current year for which the appropriation was made. If the Director of the Division of Budget and Accounting shall consent thereto, he shall place the amount transferred to the credit of the item designated and notify the Legislative Budget and Finance Officer upon the effective date thereof. Cumulative transfers or allotments in excess of \$200,000 from or to any account and any transfer or allotment regardless of amount, to or from a line item in the category of accounts identified as Grant or Special Purpose, other than those in the category of Salary and Other Benefits and the Special Purpose appropriation to the Governor under the State Contingency Fund for emergency or necessity, both in the Interdepartmental Accounts, shall be transmitted to the Legislative Budget and Finance Officer for his approval or disapproval and returned to the Director of the Division of Budget and Accounting

within 10 working days. In all cases where, by the provisions of this act, a request for transfer or allotment of any funds, or any other action, requires approval of the Legislative Budget and Finance Officer, 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, the Legislative Budget and Finance Officer does not disapprove the request and so inform the requesting officer. Except as otherwise provided, no sum appropriated for any capital improvement shall be used for maintenance or for any temporary purpose except extraordinary snow removal or extraordinary transportation maintenance. However, any item for capital improvement may be transferred to any other item of capital improvement. Transfers or allotments between or among State Aid, Direct State Services, Capital Construction, or Debt Service accounts may be made only if approved by the Legislative Budget and Finance Officer at the direction of the Joint Budget Oversight Committee or its successor. The Joint Budget Oversight Committee or its successor is empowered to review all transfers submitted to the Legislative Budget and Finance Officer and may direct said Legislative Budget and Finance Officer to approve or disapprove any such transfer.

10. When the duties or responsibilities of any department or branch, except for the Legislature and any of its agencies, are transferred to any other department or branch, it shall be the duty of the Director of the Division of Budget and Accounting and he is hereby empowered to transfer funds appropriated for the maintenance and operation of any such department or branch to such department or branch as shall be charged with the responsibility of administering the functions so transferred. The Director of the Division of Budget and Accounting shall have the authority to create such new accounts as may be necessary to carry out the intent of the transfer. Information copies of such transfers shall be transmitted to the Legislative Budget and Finance Officer upon the effective date thereof. Where such transfers may be required among appropriations made to the Legislature and its agencies, the Legislative Budget and Finance Officer, subject to the approval of the President of the Senate and the Speaker of the General Assembly, is hereby empowered and it shall be his duty to effect such transactions hereinabove described and to notify the Director of the Division of Budget and Accounting upon the effective date thereof.

11. The Director of the Division of Budget and Accounting is empowered and it shall be his duty in the disbursement of funds for payment of expenses classified as employee benefits, debt service, rent, leased telephone, motor pool, insurance, postage, lease payments on equipment purchases and compensation awards to credit or transfer to the Department of the Treasury, or to the General Fund, as applicable, from any other department, branch or non-State fund source out of funds appropriated thereto, such sums as may be required to cover the costs of such payment attributable to such other department, branch or non-State fund source as the Director of the Division of Budget and Accounting shall determine. Receipts in any non-State funds are appropriated for the purpose of such transfer.

12. The Director of the Division of Budget and Accounting shall make such correction of the title, text or account number of an appropriation necessary to make such appropriation available in accordance with legislative intent. Such correction shall be by written ruling, reciting in appropriate details the facts thereof, and reasons therefor, attested by the signature of said Director of the Division of Budget and Accounting and filed in the Division of Budget and Accounting of the Department of the Treasury as an official record thereof, and any action thereunder, including disbursements and the audit thereof, shall be legally binding and of full force and virtue. An official copy of each such written ruling shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date of such ruling.

13. The Director of the Division of Budget and Accounting is empowered to establish revolving and dedicated funds as required. Notice of the establishment of such funds shall be transmitted to the Legislative Budget and Finance Officer, upon the effective date thereof.

14. The Governor is empowered to direct the State Treasurer to transfer from any State department to any other State department such sums as may be necessary for the cost of any emergency occasioned by aggression, civil disturbance, sabotage, disaster, or for flood loss expenses for State owned structures to comply with Federal insurance administration requirements.

15. Upon request of any department receiving non-State funds, the Director of the Division of Budget and Accounting is empowered to transfer such funds from that department to other departments as may be charged with the responsibility for the expenditure thereof.

16. From appropriations to the various departments of State government, the Director of the Division of Budget and Accounting is empowered to transfer sums sufficient to pay any obligation due and owing in any other department or agency.

17. Notwithstanding the provision of any other law, the State Treasurer may transfer from any fund in his custody, deposited with him pursuant to law, sufficient sums to enable payments from any appropriation made herein for any obligations due and owing. Any such transfer shall be restored out of the taxes or other revenue received in the Treasury in support of this act. Except for transfers from the several funds whose statutes provide for interest earnings to accrue to the fund, all such transfers shall be without interest. When the statute provides for interest earnings it shall be calculated at the average rate of earnings during the fiscal year from the State's general investments.

18. Unless otherwise provided, Federal grant and project receipts representing reimbursement for agency and central support services, indirect and administrative costs, as determined by the Director of the Division of Budget and Accounting, shall be transmitted to the Department of the Treasury for credit to the General Fund; provided, however, that a portion of the indirect and administrative cost recoveries received which are in excess of the amount anticipated may be reclassified into a dedicated account and returned to State departments and agencies, as determined by the Director of the Division of Budget and Accounting who shall notify the Legislative Budget and Finance Officer of the amount of such funds returned, the departments or agencies receiving such funds and the purpose for which such funds will be used within ten working days of any such transaction. Such receipts shall be forwarded to the Director of the Division of Budget and Accounting upon completion of the project or at the end of the fiscal year, whichever occurs earlier.

19. Notwithstanding the provisions of P. L. 1954, c. 48 (C. 52:34-6 et seq.), sums appropriated for services for the various State departments and agencies may be expended for the purchase of contract services from the New Jersey Marine Sciences Consortium and New Jersey Education Computer Network (NJEEN) as if they were State government agencies pursuant to subsection (a) of section 5 of P. L. 1954, c. 48 (C. 52:34-10).

20. The Director of the Division of Budget and Accounting may settle any claim not exceeding \$250 due and owing to the State.

21. Notwithstanding any other provisions of this act, the State Treasurer, upon warrant of the Director of the Division of Budget and Accounting, shall pay any claim not exceeding \$1,000 out of any appropriations made to the several departments, provided such claim is recommended for payment by the head of such department. The Legislative Budget and Finance Officer shall be notified of the amount and description of any such claim at the time such payment is made. Any claimant who has presented a claim not exceeding \$1,000, which has been denied or not recommended by the head of such department shall be precluded from presenting said claim to the Legislature for consideration.

22. The unexpended balance as of June 30, 1986 in any account which represents funding from the Interdepartmental Accounts for the continuation and expansion of data processing systems are appropriated for the same purpose.

23. Out of the appropriations herein, the Director of the Division of Budget and Accounting is empowered to approve payments to liquidate any unrecorded liabilities for materials delivered and /or services rendered in prior fiscal years upon the written recommendation of any department head, or his designated representative. The Director of the Division of Budget and Accounting shall reject any recommendations for payment which he deems improper.

24. The Director of the Division of Budget and Accounting may, upon application therefor, allot from appropriations made to any official, department, commission or board, a sum to establish a petty cash fund for the payment of expenses under rules and regulations established by said Director. Allotments thus made by the Director of the Division of Budget and Accounting shall be paid to such person as shall be designated as the custodian thereof by the official, department, commission or board making a request therefor, and the money thus allotted shall be disbursed by such custodian who shall require a receipt therefor from all persons obtaining money from said fund. Such receipts shall be forwarded monthly by such custodian to the Director of the Division of Budget and Accounting for audit, and said Director shall likewise make regulations governing disbursement from petty cash funds.

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 the appropriations bill to reflect any reorganizations which have been implemented since the formulation of the Governor's Budget.

26. Receipts in excess of those anticipated from employee maintenance deductions are appropriated for the purpose of maintenance of employee housing units, subject to allotment by the Director of the Division of Budget and Accounting.

27. State agencies shall prepare and submit a copy of their departmental spending plan involving all State, federal and other non-State funds to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer by October 1, 1986 and updated spending plans on January 1, and April 1, 1987. 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.

28. The Director of the Division of Budget and Accounting is empowered to transfer or credit appropriations to any State agency for services provided, or to be provided, by that agency to any other agency or department if those funds have been appropriated or allocated to such agency or department for the purpose of purchasing these services.

29. The Director of the Division of Budget and Accounting shall provide the Legislative Budget and Finance Officer with copies of all BB-4s, Application for Non-State funds, and accompanying project proposal or grant application with the exception of research grants awarded to State colleges, which do not require a State match and which will not commit or require State support after the grant's expiration, prior to the director's approval or disapproval of the application.

33. The Director of the Division of Budget and Accounting shall review the overtime, vacancy, and employee productivity data in each of the various salary accounts so as to effect an economy in State government and shall reduce up to 500 vacant positions.

35. In addition to the amounts appropriated in this act there is appropriated from the General Fund the sum of \$12,000,000 to be expended as provided in this section, of which not more than \$850,000 may be used for administration of the provisions of this section.

a. As used in this section:

“Board” means the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs.

“Director” means the Director of the Division of Local Government Services in the Department of Community Affairs.

“Eligible municipality” means a municipality which is qualified to receive assistance under P. L. 1978, c. 14 (C. 52:27D-178 et seq.), a municipality under the supervision of the Local Finance Board pursuant to the provisions of the “Local Government Supervision Act (1947),” P. L. 1947, c. 151 (C. 52:27BB-1 et seq.), or a municipality which has issued qualified bonds pursuant to the provisions of the “Municipal Qualified Bonds Act,” P. L. 1976, c. 38 (C. 40A:3-1 et seq.).

b. The moneys appropriated in this section may be used to provide short-term financial assistance to eligible municipalities to enable them to meet their immediate budgetary needs and regain their financial stability, affording them an opportunity to develop, revive and expand their economic bases. The financial assistance provided shall include, but not be limited to, loans, loan guarantees, and grants. The form, amount and terms of the financial assistance, including whether or not any loan shall be repaid with interest and if so, the rate of interest, shall be determined by the Local Finance Board. All loans, along with the interest thereon, if any, shall be repaid by the recipient municipality to the State on the date or dates specified by the Local Finance Board.

c. Whenever the director, during the exercise of his duty under the provisions of the “Local Budget Law,” N. J. S. 40A:4-1 et seq., to examine local budgets, or upon the basis of any other information and data available to him, shall find that an eligible municipality is experiencing fiscal distress and may require assistance under this section, he shall forthwith notify the Local Finance Board of his finding. The director’s finding of fiscal distress in an eligible municipality may be based on the municipality’s tax rate, cash deficit, insufficient percentage of tax collections, insufficient collection of other revenues, over-anticipation of the revenues of prior years, non-liquidation of interfund transfers, reliance on emergency authorizations, continual rollover of tax anticipation notes, or other factors indicating a constrained ability to raise sufficient revenues to meet its budgetary requirements.

Within five days of that notification, the Local Finance Board shall meet to review the director’s findings. If the board shall concur with the director’s findings, it shall, through the director, so notify the governing body of the eligible municipality.

At a time and place determined by the director, the board, the governing body of the eligible municipality, and any other inter-

ested parties the director and the board may deem appropriate, shall meet to review the implementation of the provisions of this section. The review shall include, but not be limited to:

- (1) The director's assessment of the differences between the eligible municipality's revenue needs for the current local budget year and its revenue raising capacity for the current local budget year;
- (2) The actions the governing body of the eligible municipality intends to take in the current local budget year to meet the municipality's revenue needs; and
- (3) The actions the governing body intends to take to expand the eligible municipality's local revenue generating capacity for subsequent local budget years.

d. The board shall determine the total amount of grants and loans, or any combination thereof, to be provided to each eligible municipality and the director shall certify that amount to the State Treasurer and to the governing body of the eligible municipality. In the case of loans to an eligible municipality, the board shall set forth the terms of the loan agreement, including whether or not any interest shall be paid and, if so, the rate of that interest. The term of a loan authorized under the provisions of this section shall not exceed 10 years.

As a condition of receiving assistance under the provisions of this section, an eligible municipality shall implement any fiscal recovery measures recommended by the director and approved by the board, and the municipality shall be subject to management and fiscal audit by the director.

The determination of the board pursuant to this section as to the amount of financial assistance to be paid to an eligible municipality shall be final and conclusive, and there shall be no appeal therefrom nor any review thereof.

e. Whenever the board shall determine to provide financial assistance to an eligible municipality pursuant to the provisions of this section, the board shall forthwith notify the Governor, the President of the Senate, the Speaker of the General Assembly and the State Treasurer. The notice shall set forth:

- (1) The municipality's eligibility for a payment of financial assistance under the provisions of this section;
- (2) The board's determination of the amounts of financial assistance to be paid to that eligible municipality;
- (3) The form, amount and terms of the financial assistance, including whether or not any loan shall be repaid with interest and,

if so, the rate of that interest, and the factors considered by the board in making those determinations;

(4) The actions the governing body of the eligible municipality intends to take in the current local budget year to meet the municipality's revenue needs;

(5) The actions the governing body intends to take to expand the eligible municipality's local revenue generating capacity for subsequent local budget years; and

(6) Any other information or data the board deems appropriate and necessary.

f. The financial assistance provided to an eligible municipality pursuant to the provisions of this section shall be appropriated by the municipality in compliance with the provisions of the "Local Budget Law," N. J. S. 40A:4-1 et seq.

Notwithstanding any provisions of the "Local Budget Law," N. J. S. 40A:4-1 et seq., any eligible municipality receiving a payment of financial assistance pursuant to the provisions of this section may anticipate the receipt of the amount of financial assistance certified to it by the director and may file any amendments or corrections in its local budget as may be required to reflect that certified amount in its budget.

36. This act shall take effect July 1, 1986.

Approved June 30, 1986.

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

STATEMENT TO CHAPTER 41

(Senate Bill No. 1900)

I am today returning Senate Bill No. 1900 with my signature, along with certain constitutionally permitted modifications set forth in the statement appended thereto.

This budget is basically the one which I delivered to the Legislature on February 10 of this year. It will provide for:

- An increase in school aid of \$226 million. The largest increase in school aid is general formula aid, which is increased by \$84.7 million. The second largest increase in school aid is \$48.6 million for compensatory education to deal with the critical

need of assisting students to achieve a skill level compatible with the new High School Proficiency Test. Other major increases are: Teachers' Pension and Annuity Fund (\$46.2 million), special education (\$22.4 million), and minimum teachers' salaries (\$12.3 million). The total State aid increase in this budget is two and one-half times the rate of inflation.

- An increase of \$118.4 million for the Department of Human Services to meet the needs of the State's less fortunate, including increases in the Medicaid program, the medically needy program, of community programs for the developmentally disabled and the mentally ill, increased caseload in the Division of Youth and Family Services and programs to assist veterans and the blind.
- An increase of \$13.2 million for the operation of correctional facilities to meet the increase in the number of inmates incarcerated in State and county facilities.

This budget also includes smaller increases for additional State Police and a Statewide narcotics prosecution initiative, improved maternal and child health care, cultural activities, and additional excellence initiatives at our State colleges.

The Legislature has failed to include in this budget funds for a number of the State's most pressing needs, including \$30 million for local wastewater treatment programs, \$25 million for the cost of uncompensated care for indigent patients particularly in urban hospitals, increased operating subsidies for mass transit, \$8 million for the support of solid waste recycling and \$15 million for the repair of Union Lake Dam in Millville. There is also a \$10.7 million Supplemental Appropriation Bill currently on my desk.

In addition, legislation which would appropriate more than \$150 million for a wide variety of programs has already been approved by committees in either house of the Legislature.

While failing to include funds for necessary programs, the Legislature at the same time added expenditures for new or expanded programs without identifying a source for the money.

Many of these programs are worthwhile and would have received my approval had funds been available. To approve these programs without a revenue source to support them would be the height of irresponsibility.

New Jersey has a proud history of fiscal integrity and prudent financial practices. It is a history I intend to maintain.

Revenue Certification

In accordance with the provision of the State Constitution, I hereby certify that the resources listed below or contained in Senate Bill No. 1900 are available to support appropriations made by Senate Bill No. 1900 for the fiscal year ending June 30, 1987.

General Fund

Undesignated Fund Balance, July 1, 1986	\$392,793,000
<hr/>	
Major Taxes:	
Corporation	1,080,000,000
All Other Major Taxes, same as S-1900	4,373,000,000
Miscellaneous Taxes, Fees and Revenues:	
Department of Energy	
Assessment—Public Utility	17,350,000
Department of Health	1,000,000
Department of Insurance	
Licensing and Enforcement	4,315,000
Real Estate Commission	2,475,000
All Other Miscellaneous Taxes, Fees and Revenues, same as S-1900	658,690,000
Interfund Transfers	
Unemployment Auxiliary Fund	15,792,000
All Other Interfund Transfers, same as S-1900	481,004,000
Total General Fund Revenues	\$6,634,626,000
Total Resources, General Fund	<u>7,026,419,000</u>

Property Tax Relief Fund

All Resources, same as S-1900	<u>\$2,242,580,000</u>
-------------------------------------	------------------------

Casino Revenue Fund

All Resources, same as S-1900	<u>\$285,819,000</u>
-------------------------------------	----------------------

Casino Control Fund

All Resources, same as S-1900	<u>\$51,017,000</u>
-------------------------------------	---------------------

Gubernatorial Elections Fund

All Resources, same as S-1900	(\$1,492,668)
Grand Total Resources	<u>\$9,604,342,332</u>

Federal Funds

Uncertainty over the amount of federal aid which may be available to the State prevents me from making a like certification in the case of federal funds. Federal monies specified in the appropriations bill cannot be regarded as immediately available for expenditure. Pursuant to C. 52:27B-26, I direct that expenditures be permitted under these appropriations only upon determination by the Director of the Division of Budget and Accounting that federal funds to support any expenditure are receivable or have been received by the State.

“Direct State Services”
“Department of Agriculture”

<i>Page</i>		
20	“03-3330 Resource Development Services This item is reduced to \$1,527,000.	\$1,842,000”
20	“Total Appropriation, Natural Resource Management	4,531,000”
	This item is reduced to \$4,216,000.	
20	“Fish and seafood development and promotion	(250,000)”
	This item is reduced to \$200,000.	
20	“Grants to soil conservation districts	(531,000)”
	This item is reduced to \$431,000.	
20	“Rural Advisory Council	(150,000)”
	This item is reduced to \$75,000.	
20	“Rural development services/food processing	(100,000)”
	This item is reduced to \$50,000.	
23	“Total Appropriation, Department of Agriculture	9,254,000”
	This item is reduced to \$8,979,000.	

*“Department of Commerce and Economic Development”**Page*

- 27 “Of the amount hereinabove appropriated for the Economic Development program classification, an amount not to exceed \$3,000,000 is appropriated from the Unemployment Compensation Auxiliary Fund.”
The quoted language is deleted in its entirety.

*“Department of Corrections”**Page*

- 32 “13-7025 Institutional Program Support . . . 36,290,000”
This item is reduced to \$34,634,000.
- 32 “Total Appropriation, Institutional Program Support 36,290,000”
This item is reduced to \$34,634,000.
- 32 “Purchase of service for inmates incarcerated in county penal facilities—accelerated reimbursement program (1,656,000)”
This item is deleted in its entirety.
- 33 “The amount appropriated hereinabove for Purchase of service for inmates incarcerated in county penal facilities—Accelerated reimbursement program shall be expended for the purpose of reimbursing the county providing such service, beginning with the 11th day of inmate incarceration.”
The quoted language is deleted in its entirety.
- 43 “Total Appropriation, Department of Corrections 290,525,000”
This item is reduced to \$288,869,000.

*“Department of Defense”**Page*

- 44 “01-3600 National Guard Training, Operations and Administration 3,215,000”
This item is reduced to \$3,142,000.

44	“Total Appropriation, Military Services	11,510,000”
	This item is reduced to \$11,437,000.	
44	“New Jersey Civil Air Patrol	(73,000)”
	This item is deleted in its entirety.	
45	“No receipts for the use of armories shall be derived from any helicopter landing use in any National Guard Armory facility located in a residentially zoned or developed neighborhood, nor shall any helicopter landing use, other than those of the National Guard or U. S. Armed Forces, be established without the approval of the municipal governing body.”	
	The quoted language is deleted in its entirety.	
45	“Total Appropriation, Department of Defense	11,510,000”
	This item is reduced to \$11,437,000.	

“Department of Education”

Page

48	“99-5095 Management and Administrative Services	4,283,000”
	This item is reduced to \$4,233,000.	
48	“Total Appropriation, Education Administration and Management	6,605,000”
	This item is reduced to \$6,555,000.	
48	“Martin Luther King, Jr. Commemorative Commission	(250,000)”
	This item is reduced to \$200,000.	
48	“51-5070 Library Services	3,669,000”
	This item is reduced to \$3,594,000.	
48	“Total Appropriation, Cultural and Intellectual Development Services	4,192,000”
	This item is reduced to \$4,117,000.	
49	“New positions	(75,000)”
	This item is deleted in its entirety.	
49	“Total Appropriation, Department of Education	36,540,000”
	This item is reduced to \$36,415,000.	

“Department of Health”

<i>Page</i>		
61	“02-4220 Local and Community Health Services	14,110,000”
	This item is reduced to \$13,987,000.	
61	“Total Appropriation, Health Services . . .	42,241,000”
	This item is reduced to \$42,118,000.	
61	“Urban rodent control	(280,000)”
	This item is reduced to \$157,000.	
64	“Total Appropriation, Department of Health	55,364,000”
	This item is reduced to \$55,241,000.	

“Department of Higher Education”

<i>Page</i>		
65	“04-5400 Student Financial Support Services	49,372,000”
	This item is reduced to \$49,272,000.	
65	“Total Appropriation, Office of the Chancellor	124,854,000”
	This item is reduced to \$124,754,000.	
66	“Tuition aid program for dependents of MIA/POW’s	(50,000)”
	This item is deleted in its entirety.	
66	“Tuition aid program for dependents of policemen and firemen killed in the line of duty	(50,000)”
	This item is deleted in its entirety.	
68	“The Department of Higher Education is authorized to expend for the New Jersey Educational Opportunity Fund amounts up to \$1,783,000 from funds to be made available for this purpose by the New Jersey Higher Education Assistance Authority.”	
	The quoted language is deleted in its entirety.	
68	“Notwithstanding the provisions of Vietnam Veterans’ Tuition Aid program, P. L. 1985, c. 114 (C. 18A:71-76.1 et seq.), the	

sums hereinabove appropriated for Student financial support services may be made available for postgraduate work as the Chancellor of Higher Education shall determine.”

The quoted language is deleted in its entirety.

69	“11-5500 Instruction	15,700,000”
	This item is reduced to \$15,600,000.	
69	“Total Appropriation, Glassboro State College	30,558,000”
	This item is reduced to \$30,458,000.	
69	“Program priority	(300,000)”
	This item is reduced to \$200,000.	
78	“12-5620 Sponsored Programs and Research	10,566,000”
	This item is reduced to \$10,516,000.	
78	“13-5620 Extension and Public Service	5,448,000”
	This item is reduced to \$5,348,000.	
78	“Sub-Total, General Operations	16,014,000”
	This item is reduced to \$15,864,000.	
78	“Total All Operations	26,356,000”
	This item is reduced to \$26,206,000.	
78	“Sub-Total Appropriation	16,014,000”
	This item is reduced to \$15,864,000.	
78	“Cooperative extension service	(225,000)”
	This item is reduced to \$125,000.	
78	“Blueberry and cranberry research	(300,000)”
	This item is reduced to \$250,000.	
79	“Total Appropriation, Rutgers, The State University	201,711,000”
	This item is reduced to \$201,561,000.	
83	“Total Appropriation, Department of Higher Education	706,706,000”
	This item is reduced to \$706,356,000.	

*“Department of Human Services”**Page*

85	“Of the amount hereinabove for Grants: Community care, the amount of \$800,000 shall be targeted to those community care programs which do not receive any increases in federal Medicaid reimbursement for services. These funds shall be passed through in their entirety [and shall not result in any reduction in community care funds a community mental health agency is to receive]. These funds are to be used exclusively to increase salaries of direct care workers and clerical personnel at community mental health services.”	
	The quoted language in brackets is deleted.	
91	“03-7600 Adult Activities	41,961,000”
	This item is reduced to \$41,911,000.	
91	“Total Appropriation, Division of Developmental Disabilities	147,889,000”
	This item is reduced to \$147,839,000.	
91	“Total Appropriation, Division of Developmental Disabilities	95,656,000”
	This item is reduced to \$95,606,000.	
92	“Summer camp for the retarded	(100,000)”
	This item is reduced to \$50,000.	
100	“Any federal funds received for the direct or indirect costs incurred by the Department of Labor for the operation of the Wage Reporting System shall be deposited in the General Treasury.”	
	The quoted language is deleted in its entirety.	
100	“18-7570 General Social Services	62,990,000”
	This item is reduced to \$62,665,000.	
101	“Total State and Federal Appropriation, Division of Youth and Family Services	175,594,000”
	This item is reduced to \$175,269,000.	

101	“Total Appropriation, Division of Youth and Family Services	92,734,000”
	This item is reduced to \$92,409,000.	
101	“Child assault prevention projects	(1,000,000)”
	This item is reduced to \$675,000.	
105	“Total Appropriation, Department of Human Services	696,528,000”
	This item is reduced to \$696,153,000.	

“Department of Labor”

Page

110	“10-4545 Employment Development Services	4,742,000”
	This item is reduced to \$4,692,000.	
110	“Total Appropriation, Manpower and Employment Services	19,082,000”
	This item is reduced to \$19,032,000.	
111	“Employment Services Program for Persons with Epilepsy	(50,000)”
	This item is deleted in its entirety.	
111	“Of the amounts hereinabove for the Vocational Rehabilitation Services program classification, an amount not to exceed [\$11,485,000] is appropriated from the Unemployment Compensation Auxiliary Fund.”	
	The amount in brackets is reduced to \$7,485,000.	
111	“Total Appropriation, Department of Labor	50,106,000”
	This item is reduced to \$50,056,000.	

“Department of Law and Public Safety”

Page

117	“The unexpended balances as of June 30, 1986 in Emergency Services—Statewide Feasibility Study account are appropriated for the same purpose.”	
	The quoted language is deleted in its entirety.	

*“Department of State”**Page*

- 126 “In any county not having a developed State park, the county shall be entitled to receive funds on a matching basis, to provide programs comparable to those being funded by the New Jersey Arts Council in State parks.”
The quoted language is deleted in its entirety.
- 126 “Of the sum hereinabove appropriated for cultural projects a proportionate share shall be allotted to the eight county South Jersey region of Ocean, Burlington, Camden, Salem, Gloucester, Cape May, Atlantic and Cumberland, as the Director of the Division of Budget and Accounting shall determine.”
The quoted language is deleted in its entirety.
- 147 “Total Appropriation, Direct State Services 3,739,869,000”
This item is reduced to \$3,736,842,000.

*“State Aid”**“Department of Community Affairs”**Page*

- 148 “04-8030 Local Government Services \$119,136,000”
This item is reduced to \$115,136,000.
- 148 “Total Appropriation, Community Development Management 126,082,000”
This item is reduced to \$122,082,000.
- 148 “Grants to municipal police departments for advanced training (2,000,000)”
This item is deleted in its entirety.
- 148 “Grants to fire and rescue companies for training (2,000,000)”
This item is deleted in its entirety.
- 150 “The amount hereinabove appropriated for Grants to municipal police departments

for advanced training shall be allocated by the Commissioner of the Department of Community Affairs, as the Commissioner shall determine appropriate, to municipalities with a population of under 84,000 persons, according to the most recent federal decennial census, to offset the costs of advanced training of police officers, including the actual costs of training or overtime to replace an officer while in training, or both; provided that $\frac{2}{5}$ of the appropriation shall be allocated to eligible municipalities in counties of the first class, $\frac{2}{5}$ of the appropriation shall be allocated to eligible municipalities in counties of the second class, and $\frac{1}{5}$ of the appropriation shall be allocated to municipalities in counties of the third, fourth, fifth and sixth classes.

“The amount hereinabove appropriated for Grants to fire and rescue companies for training shall be allocated by the Commissioner of the Department of Community Affairs, as the Commissioner shall determine appropriate, to municipalities with a population under 84,000 persons, according to the most recent federal decennial census, to assist paid fire companies, duly incorporated volunteer fire companies and fire districts, and duly incorporated volunteer first aid, emergency, ambulance or rescue squads to augment both basic and advanced specialized training of members; provided that $\frac{2}{5}$ of the appropriation shall be allocated to qualified companies and squads within eligible municipalities in counties of the first class, $\frac{2}{5}$ of the appropriation shall be allocated to qualified companies and squads within eligible municipalities in counties of the second class, and $\frac{1}{5}$ of the appropriation shall be allocated to qualified companies and squads within

eligible municipalities in counties of the third, fourth, fifth and sixth classes.”

The quoted language is deleted in its entirety.

151 “Total Appropriation, Department of Community Affairs 137,315,000”
This item is reduced to \$133,315,000.

“Department of Education”

Page

152 “02-5120 Non-Public School Aid 27,719,000”
This item is reduced to \$27,219,000.

152 “Total Appropriation, Direct Educational Services and Assistance 205,810,000”
This item is reduced to \$205,310,000.

152 “Aid to non-public education (4,861,000)”
This item is reduced to \$4,836,000.

152 “Non-public nutrition aid (456,000)”
This item is reduced to \$446,000.

152 “Non-public handicapped aid (8,553,000)”
This item is reduced to \$8,377,000.

152 “Non-public auxiliary services aid (13,553,000)”
This item is reduced to \$13,270,000.

152 “Non-public auxiliary services aid—
transportation (296,000)”
This item is reduced to \$290,000.

153 “20-5062 General Vocational Education Programs 8,146,000”
This item is reduced to \$7,146,000.

153 “Total Appropriation, Supplemental Education and Training Programs 16,112,000”
This item is reduced to \$15,112,000.

153 “District and regional vocational education (1,000,000)”
This item is deleted in its entirety.

155 “Total Appropriation, Department of Education 1,100,821,000”
This item is reduced to \$1,099,321,000.

155 “The unexpended balances as of June 30, 1986 in State Aid accounts, (not to exceed

\$3,650,000), are appropriated, of which **[\$3,000,000]** shall be made available for reimbursement to school districts for approved transportation costs incurred in the 1984-85 school year; and in addition, the unexpended balances as of June 30, 1986 in the Library Network and Library Development accounts are appropriated for the same purpose."

The amount in parentheses is reduced to \$2,650,000 and the amount in brackets is reduced to \$2,000,000.

"Department of Environmental Protection"

Page

158	"99-4800 Management and Administrative Services	4,469,000"
	This item is reduced to \$4,374,000.	
158	"Total Appropriation, Environmental Planning and Administration	4,469,000"
	This item is reduced to \$4,374,000.	
159	"County environmental health	(1,095,000)"
	This item is reduced to \$1,000,000.	
159	"Total Appropriation, Department of Environmental Protection	7,559,000"
	This item is reduced to \$7,464,000.	

"Department of Higher Education"

Page

160	"06-5400 Aid to County Colleges	97,476,000"
	This item is reduced to \$96,476,000.	
160	"Total Appropriation, Office of the Chancellor	97,476,000"
	This item is reduced to \$96,476,000.	
169	"Operational costs	(82,563,000)"
	This item is reduced to \$81,563,000.	
160	"Total Appropriation, Department of Higher Education	97,476,000"
	This item is reduced to \$96,476,000.	

- 160 “The unexpended balance as of June 30, 1986 in the Brookdale Community College—Learning Center, Asbury Park account is appropriated.”
The quoted language is deleted in its entirety.
- 160 “Of the amount hereinabove for the county college operating aid, the amount in excess of **[\$78,563,000]** shall be allocated by the Board of Higher Education, in consultation with the Council of County Colleges, as special categorical monies to challenge the County Colleges to develop and implement innovative programs that would foster educational excellence at the colleges.”
The amount in brackets is reduced to \$78,063,000.

“*Department of Human Services*”

Page

- 162 “The funds hereinabove appropriated to increase reimbursement to community mental health agencies shall be passed through in their entirety **[and shall not result in any reduction in funds the agency receives from the Division of Mental Health and Hospitals]**. The increased Medicaid reimbursement is to be used exclusively to increase salaries of direct care workers and clerical personnel. The Divisions of Mental Health and Hospitals, and Medical Assistance and Health Services shall jointly develop a revised reimbursement schedule for community mental health agencies, which shall provide additional reimbursement to community mental health agencies which provide services to a significant percentage of Medicaid patients and patients who are chronically mentally ill.”
The language in brackets is deleted.
- 164 “The unexpended balance as of June 30, 1986 in the Payments for dependent

children assistance (State share), all segments, not to exceed \$3,400,000, is appropriated for existing work programs within the Department of Labor for general assistance and dependent children assistance recipients and to provide day care services to eligible clients where necessary, provided, however, [that administrative costs shall be limited to 5 percent of available funds, and] that no funds shall be expended without the approval of the Director of the Division of Budget and Accounting.” The language in brackets is deleted.

“*Department of Transportation*”

165	“80-6220 County and Municipal Aid	6,700,000”
	This item is reduced to \$1,700,000.	
165	“Total Appropriation, Local Highway Facilities	6,700,000”
	This item is reduced to \$1,700,000.	
166	“State Aid for local road and sidewalk projects	(5,000,000)”
	This item is deleted in its entirety.	
166	“The amount hereinabove appropriated for State Aid for Local Road and Sidewalk projects shall be allocated by the Commissioner of Transportation, as the Commissioner shall determine, to municipalities with a population of under 84,000 persons, according to the most recent federal decennial census, for projects on public roads, highways and sidewalks under municipal jurisdiction: provided that no eligible municipality shall receive an amount in excess of \$250,000: and provided further that $\frac{2}{5}$ of the appropriation shall be allocated to municipalities in counties of the first class, $\frac{2}{5}$ of the appropriation shall be allocated to municipalities in counties of the second class, and $\frac{1}{5}$ of the appropriation shall be allocated to municipalities in	

counties of the third, fourth, fifth and sixth classes. For purposes of this appropriation, "projects" shall mean planning, acquisition, engineering, construction, reconstruction, repair, resurfacing and rehabilitation of municipal roads, highways and sidewalks."

The quoted language is deleted in its entirety.

166 "Total Appropriation, Department of Transportation 6,700,000"
This item is reduced to \$1,700,000.

"Department of the Treasury"

Page

166 "29-2088 Locally Provided Services 14,275,000"
This item is reduced to \$14,225,000.

166 "36-2081 Municipal Purposes Tax Assistance Program 60,000,000"
This item is reduced to \$30,000,000.

166 "27-2087 Other State Aid 9,100,000"
This item is deleted in its entirety.

166 "Total Appropriation, State Subsidies and Financial Aid 249,371,000"
This item is reduced to \$210,221,000.

167 "Payments to municipalities pursuant to Municipal Purposes Tax Assistance Program, P. L. 1980, c. 12 (C. 54:1-46 et seq.) (60,000,000)"
This item is reduced to \$30,000,000.

167 "Senior Citizen Property Tax Relief Assistance (9,100,000)"
This item is deleted in its entirety.

167 "In-lieu-of-tax payment—Ewing Township (50,000)"
This item is deleted in its entirety.

167 "Expenditure of the amounts hereinabove for Payments to municipalities pursuant to the Municipal Purposes Tax Assistance

Program and Senior Citizen Property Tax Relief Assistance shall be distributed as prescribed in sections 31 and 32 of this act.”
The quoted language is deleted in its entirety.

169	“Total Appropriation, Department of the Treasury	249,371,000”
	This item is reduced to \$210,221,000.	
169	“Total Appropriation, State Aid	2,572,394,000”
	This item is reduced to \$2,521,650,000.	

“Federal Funds”

Page

230	“Notwithstanding any State law to the contrary, no State agency shall accept or expend federal funds except as appropriated in this act.” The quoted language is deleted in its entirety.
232	“Total Appropriation, General Fund \$9,534,897,800” This item is reduced to \$9,481,126,800.
242	“Grand Total Appropriation, All Funds . \$12,020,408,800” This item is reduced to \$11,966,637,800.

“General Provisions”

Page

248	Section 30, “The Director of the Division of Budget and Accounting shall provide quarterly to the Joint Budget Oversight Committee or its successor and the Legislative Budget and Finance Officer, current affirmative action data for employees of every department by race, sex, job category, salary group and other relevant characteristics. A current summary of this data shall be placed in the fiscal year 1987-1988 budget document for each department.” The quoted language is deleted in its entirety.
-----	---

- 248 Section 31, "Notwithstanding any other requirement of this act, no municipality shall be paid an amount under the Municipal Purposes Tax Assistance Program in the 1986 local budget year which is less than the amount that municipality would be entitled to receive, pursuant to the provisions of P. L. 1980, c. 12 (C. 54:1-46 et seq.), if the amount deposited in the "Municipal Purposes Tax Assistance Fund" for distribution under the provisions of P. L. 1980, c. 12 (C. 54:1-46 et seq.) was \$60,000,000."

The quoted language is deleted in its entirety.

- 248 Section 32, "The amount appropriated under Senior Citizen Property Tax Relief Assistance shall be distributed among those qualifying and participating municipalities having a population of senior citizens, 65 years of age or older, which for this section shall mean the senior citizen population according to the 1980 federal census, that is 11% or more of the population of those municipalities, which for this section shall mean municipal populations using the 1984 population estimates published by the New Jersey Department of Labor, pursuant to the formulae as follows:

a. For municipalities that are qualifying municipalities, pursuant to subsection g. of section 2 of P. L. 1980, c. 12 (C. 54:1-47), according to the following formula:

$$QM = (SQ/T) \times QV$$

Where: QM is the share to be received by each qualifying municipality, as defined in subsection g. of section 2 of P. L. 1980, c. 12 (C. 54:1-47), having a senior citizen population which is 11% or more of the qualifying municipality's population;

SQ is the senior citizen population of each qualifying municipality, as defined in sub-

section g. of section 2 of P. L. 1980, c. 12 (C. 54:1-47), having a senior citizen population which is 11% or more of the qualifying municipality's population;

T is the sum of the senior citizen population of all participating and qualifying municipalities, as defined in subsections e. and g. of section 2 of P. L. 1980, c. 12 (C. 54:1-47), having senior citizen populations which are 11% or more of their populations; and

QV is an amount equal to the amount appropriated under Senior Citizen Property Tax Relief Assistance multiplied by two.

b. For municipalities that are participating municipalities, as defined in subsection e. of section 2 of P. L. 1980, c. 12 (C. 54:1-47), according to the following formula:

$$PM = (SP / \Sigma SP) \times PV$$

Where: PM is the share to be received by each participating municipality, as defined in subsection e. of section 2 of P. L. 1980, c. 12 (C. 54:1-47), having a senior citizen population which is 11% or more of the participating municipality's population;

SP is the senior citizen population of each participating municipality, as defined in subsection e. of section 2 of P. L. 1980, c. 12 (C. 54:1-47), having a senior citizen population which is 11% or more of the participating municipality's population;

ΣSP is the sum of the senior citizen populations of all participating municipalities, as defined in subsection e. of section 2 of P. L. 1980, c. 12 (C. 54:1-47), having senior populations which are 11% or more of their populations; and

PV is the amount remaining after the distribution has been made to qualifying

municipalities under subsection a. of this section.”

The quoted language is deleted in its entirety.

- 250 Section 34, “There is hereby created a special fund to be known as the “Federal Aid Replacement Fund.” The “Federal Aid Replacement Fund” shall be administered by the State Treasurer and shall be credited with all revenues collected by the Division of Taxation in the Department of the Treasury pursuant to section 69 of P. L., c. . . . (now pending before the Legislature as Assembly Committee Substitute for Assembly Bill No. 823 of 1986). Moneys in the fund may be invested and reinvested as other funds in the custody of the State Treasurer in the manner provided by law. Investment earnings of the fund shall be credited to the fund. Moneys in the fund shall be appropriated to the State and to the several counties, municipalities and school districts only to replace, in whole or in part, the loss of anticipated federal aid in the manner provided by law.”

The quoted language is deleted in its entirety.

SUMMARY

This appropriation bill, with my line-item veto adjustments, provides a spending plan for fiscal year 1987. The total appropriation for all State funds is \$9.267 billion—an increase of \$250.1 million or only 2.8 % over the fiscal year 1986 appropriation. This appropriation is less than the amount recommended by the Legislature by approximately \$54.8 million.

More than half of the budget is directed to State Aid to local governments.

The largest single State Aid appropriation in the budget is \$2.917 billion for aid to local school districts—\$226 million more than is funded currently. Major increases in school aid are:

general school aid (\$84.7 million), compensatory education (\$48.6 million), Teachers' Pension and Annuity Fund (\$46.2 million), special education (\$22.4 million), and minimum teachers' salaries (\$12.3 million). The second largest increase in the Appropriations Act is \$54.2 million to provide needed medical services for the recipients of Medicaid and the Medically Needy program. Other significant increases in the budget are for correctional facilities, community programs for the developmentally disabled and mentally ill, and other social service and health programs, including residential and family services delivered through DYFS, maternal and child health services, and environmental health programs.

This budget is consistent with my belief that a budget of \$9.3 billion must have an adequate surplus. It provides for an undesignated fund balance in the General and Property Tax Relief Funds of \$234 million, and \$93 million in the Casino Revenue Fund. These balances will be reduced as other priority spending items currently being considered by the Legislature are passed and signed into law, but the surplus will never be reduced below prudent levels.

I have reduced funds for the following programs in the amounts indicated for the stated reasons:

“Direct State Services”

Department of Agriculture

- \$50,000 A total of \$100,000 was added to the Fish and Seafood Promotion program which would have brought the total appropriation to \$250,000 for this program in FY 1987. This program received a 50% increase in FY 1986. An increase of \$50,000 in FY 1987 will provide for continued growth at a manageable level.
- 100,000 A total of \$200,000 was added to the Grants to Soil Conservation Districts account. The \$100,000 remaining will allow a 30% increase in State support for this program.
- 75,000 A total of \$150,000 was added for the Rural Advisory Council to do a series of studies on agriculture-related issues. An appropriation of \$75,000 will be sufficient to provide the Council with adequate funds in FY 1987 to initiate appropriate studies.

50,000 These funds for Rural development service/food processing would be used to provide technical assistance to New Jersey's food processing industry in an attempt to stimulate new facilities and expansion of existing ones. The Department of Commerce and Economic Development presently provides a comprehensive network of economic development services and State promotional activities. Therefore, \$50,000 will be sufficient for related activities by the Agriculture Department.

Department of Corrections

1,656,000 These funds were added to the Purchase of Service for Inmates Incarcerated in County Penal Facilities—Accelerated Reimbursement Program account for reimbursement to counties beginning with the 11th day of inmate incarceration as contrasted to the current 16th day. Fifteen days is not an excessive period to allow for the State either to move inmates to State facilities or to compensate counties. The 15-day rule is provided by permanent law and should be altered only by independent legislation.

Department of Defense

73,000 This item would fund the New Jersey Wing of the Civil Air Patrol. The Civil Air Patrol is sponsored by the United States Air Force, and support of this activity is not part of the Department's overall objective.

Department of Education

50,000 These funds are to be used to augment the administration and general operations of the Martin Luther King, Jr. Commemorative Commission and for the acquisition of a lasting memorial to Reverend King. With this reduction, \$150,000 still remains for the operation of the Commission, an increase of \$50,000 over the fiscal year 1986 level, and \$50,000 to acquire a lasting memorial. Additional funds, if necessary, should be provided through private donations.

- 75,000 These funds would support three positions in the State Library to administer library aid programs, including the library network and library development aid programs. The State Library has automated several functions over the past few years and should be able to increase efficiency in these programs, permitting reallocation of existing resources.

Department of Health

- 123,000 This leaves \$157,000 added by the Legislature to continue providing grants for rodent control programs in urban municipalities at the current level. Federal funds of almost \$400,000 from the Preventive Health Block Grant are also expended for this purpose.

Department of Higher Education

- 50,000 These funds would be used for a Tuition Aid program for dependents of MIA/POWs. This appropriation is unnecessary since unexpended balances in the Tuition Aid Grant account are sufficient to support this program.
- 50,000 These funds would be used for a Tuition Aid program for dependents of policemen and firemen killed in the line of duty. Unexpended balances from the Tuition Aid grant account are sufficient to support this program.
- 100,000 A reduction in added funding for Glassboro State College still provides an increase of \$200,000, which is comparable to the increase received by the other State colleges to fund various priorities.
- 50,000 This reduction in funding to build and equip new greenhouses at the Oswego Blueberry/Cranberry Research Center leaves \$250,000 in new resources for this purpose.
- 100,000 These funds are for the Cooperative Extension Service at the Agricultural Experiment Station. An increase of \$125,000 is provided for this program as part of an overall increase of \$1,225,000 to the Agricultural Experiment Station.

Department of Human Services

50,000 This leaves \$50,000 added by the Legislature to continue funding the summer camp program for retarded citizens at the current level.

325,000 This leaves \$675,000 added by the Legislature to continue funding the Child Assault Prevention (CAP) program at the current level. This program provides materials and instruction to children in various methods to avoid assaults and abuse.

Department of Labor

50,000 These funds would provide Employment Service programs for persons with epilepsy. The Appropriations Act provides \$5.5 million for the Sheltered Workshop program and \$4 million for New Jersey Jobs Training programs. Both programs offer job training, counseling and placement services to vocationally disabled and disadvantaged workers throughout the State. In addition, the Division of Vocational Rehabilitation utilizes \$24 million in federal/State funds to provide a variety of employment and placement services to disabled individuals, including persons with epilepsy.

*"State Aid"**Department of Community Affairs*

2,000,000 Grants to municipal police departments for advanced training.

2,000,000 Grants to fire and rescue companies.
There are insufficient funds to provide these grants.

Department of Education

500,000 This reduction in nonpublic school aid will leave an increase of \$2.5 million in fiscal year 1987. This increase of \$2.5 million will provide the same percentage of funding provided for general formula aid and special education aid to local school districts.

1,000,000 Funding added by the Legislature for District and Regional Vocational Education Aid is deleted. In

reallocating resources for fiscal year 1987, the Department of Education directed funding to more effective programs without reducing the overall support level for vocational education.

Department of Environmental Protection

- 95,000 This reduces additional State funds to support the County Environmental Health Act to \$130,000, or 15% over the fiscal year 1986 funding level. These State dollars will permit additional counties to join the program and increase funding to the 15 counties currently participating to enhance the capabilities of county governments to provide environmental health services.

Department of Higher Education

- 1,000,000 \$1,000,000 in operating assistance to County Colleges is deleted. An increase of \$3.5 million for the County Colleges to initiate an excellence initiative and \$2.5 million for operations remain. Total appropriations for County College aid, including debt service and the Alternate Benefit program, reflect an increase of \$8.9 million or 10.1% for fiscal year 1987. County College support has increased by \$17.5 million since fiscal year 1985. This represents a significant commitment to our County Colleges.

Department of Transportation

- 5,000,000 The \$5 million for State aid for local road and sidewalk projects is deleted. There are insufficient funds to support this program.

Department of the Treasury

- 30,000,000 This leaves \$30,000,000 for the Municipal Purposes Tax Assistance Fund. There are insufficient resources to support this increase.
- 9,100,000 This appropriation would provide payments to municipalities with a high senior citizen population. There are insufficient resources to support it.

50,000 The line item appropriation for in-lieu-of-tax payment —Ewing is deleted since Ewing will receive a \$100,000 increase in aid over fiscal year 1986 levels through a budget language provision included in the original budget proposal. A further increase is not warranted.

“Language” (Other)

Department of Commerce and Economic Development

The deleted language would permit payment of up to \$3 million of the appropriation made to the Commerce Department for Economic Development programs to be paid from the Unemployment Insurance Auxiliary Fund. This would seriously deplete the fund balance in fiscal year 1987 and diminish its ability to support other programs in the Labor Department. The Commerce Department appropriations will be satisfied in full from the General Fund.

Department of Community Affairs

Language providing for the allocation of \$4 million in grants to police departments and fire and rescue companies is deleted in light of the deletion of the appropriation for the program.

Department of Corrections

Language specifying that appropriated funds be used to reimburse counties for inmate incarceration beginning with the 11th day of inmate incarceration instead of the current 16th day is deleted, since funding for this purpose was deleted.

Department of Defense

This language would restrict the National Guard from taking in receipts for the use of its helicopter landing facilities and also prohibits non-military helicopter landings at armory facilities without municipal consent. It is unnecessary to assure limitation on helicopter landings consistent with applicable federal regulations.

Department of Education

Language which appropriates \$3 million in unexpended State aid balances for transportation aid to local school districts is deleted. Local school district budgets have already been approved and the tax levy has been determined to support the budgets. Additional State aid funds will only add to a school district's surplus.

Department of Higher Education

Language which permits the Chancellor of Higher Education to expand the Vietnam Veterans' Tuition Aid Program for graduate work is deleted. A substantive change in the law such as this should be accomplished by separate legislation and not through the Appropriations Act.

Language which appropriates \$1,783,000 for the Educational Opportunity Fund from the Higher Education Assistance Authority reserves is deleted. This authorization is no longer necessary since the increase for the Educational Opportunity Fund is being made by a direct appropriation from the General Fund and the utilization of unexpended balances from fiscal year 1986 in the Vietnam Veterans' Tuition Aid account.

Language providing for the appropriation of unexpended balances in the Brookdale Community College Learning Center account is deleted as unnecessary in light of the provision which appropriates the unexpended balances in all Higher Education State aid accounts.

Language governing the distribution of County College operating aid is modified to reduce the limitation on the amount that may be provided as challenge grants and allow greater flexibility in the administration of this program.

Department of Human Services

Language in Direct State Services and State Aid prohibiting any reduction in funds which community mental health agencies receive from the Division of

Mental Health and Hospitals is deleted. This language would have prohibited Mental Health from reducing grants to agencies which may receive a revenue increase from sources other than the State Division of Mental Health, thus preventing an equitable distribution of the funds added by the Legislature for the purpose of increasing mental health workers' salaries. Language which prohibits reimbursement to the Department of Labor by the Department of Human Services, Division of Public Welfare of federal funds for the Wage Reporting Program is deleted. This language would have resulted in a deficit in the Department of Labor because the Act appropriates only the State share of the cost of the program and anticipated revenues from the federal government are required by the Department of Labor to meet its costs for this program.

Language limiting administrative costs to 5% of carry-forward balances in the Payments for dependent children assistance accounts for existing work programs in the Department of Labor is deleted. This limitation would arbitrarily limit the ability of the Department of Labor to manage these programs.

Department of Labor

The authorization to charge the Unemployment Compensation Auxiliary Fund for Vocational Rehabilitation Services programs is reduced by \$4,000,000 to preserve balances in the Fund. This amount will be provided instead from the General Fund.

Department of Law and Public Safety

Language on page 117 of the Bill appropriating the unexpended balance in the Emergency Services—Statewide Feasibility Study account is deleted, since it duplicates language on page 118.

Department of State

Language which would entitle any county that does not have a developed State park to State funds on a

matching basis to provide programs comparable to those being funded by the New Jersey Arts Council is deleted. Currently funds are available from the "Cultural projects" account on an application basis and grants are approved based upon established criteria. This language would circumvent the established procedure.

Language allocating funds for cultural programs to eight counties in South Jersey on a proportionate basis is deleted. The language does not specify how a "proportionate" share would be determined. In terms of proportion of grants awarded compared to what was requested, the southern counties actually fared better than the northern counties in fiscal year 1986. Programs should be funded based on their merit, not because they are requested from a particular part of the State.

Department of Transportation

Language which indicates the methodology for allocating \$5 million of State aid for local road and sidewalk projects is deleted because the appropriation is deleted.

Department of the Treasury

Language which directs that funds for the Municipal Purposes Tax Assistance and Senior Citizen Property Tax Relief Assistance programs shall be distributed as prescribed in sections 31 and 32 of this act is deleted because the increased funds for the first program and the new funds for the second program are deleted.

"General Language"

Section 30 The information required by this language is currently provided to the Office of Legislative Services by the Department of Civil Service. This level of detail is not appropriately shown in the Budget document. Affirmative action data currently shown in the budget will continue to be shown.

- Section 31** This language directs the way in which the \$60,000,000 appropriation for Municipal Purposes Tax Assistance Program is distributed. Since the appropriation is reduced to \$30,000,000, the language is deleted.
- Section 32** This language directs the way in which the \$9,100,000 appropriation for Senior Citizen Property Tax Relief Assistance is distributed. Since the appropriation is deleted, the language is also deleted.
- Section 34** This section would require revenue collected under a tax amnesty proposal now pending in the Legislature to be deposited in a "Federal Aid Replacement Fund" and expended only for limited purposes. It is deleted to allow the disposition of revenue collected under any tax amnesty proposal which may be enacted to be determined in the legislation itself.

"Language (Federal Funds)"

Language which states that no State agency shall accept or expend federal funds except as appropriated in this Act is redundant. The Act appropriates specific amounts for specific purposes. The Act also provides detailed language indicating under what circumstances additional federal funds may be expended without a supplemental appropriation. The additional language is deleted as unnecessary.

As always, I stand ready to work with the Legislature to address the needs of our great State.

Respectfully,
/s/ Thomas H. Kean
Governor.

CHAPTER 42

AN ACT concerning State colleges, and revising parts of the statutory law.

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

1. N. J. S. 18A:3-14 is amended to read as follows:

Duties of Board of Higher Education.

18A:3-14. The Board of Higher Education shall:

- a. Conduct research on higher educational needs;
- b. Develop and maintain a comprehensive master plan which shall be long-range in nature and be regularly revised and updated;
- c. Establish new colleges, schools, units, divisions, institutes, departments, branches, campuses, as required by the master plan, provided that provision is made therefor in the annual or a supplemental or special appropriation act of the Legislature or otherwise;
- d. Establish minimum admission standards for all public institutions of higher education, except that nothing in this chapter shall be construed to prevent individual institutions from establishing higher minimum admission requirements;
- e. Establish minimum standards for all public institutions of higher education for degree granting, approve new programs and degrees and approve discontinuance of degrees and educational programs as required. Nothing, however, in this law shall be construed to prevent individual institutions from establishing higher minimum standards for degree granting. "Programs," as used in this subsection, means areas or fields in which degrees or nondegree certificates might be granted and shall not include individual courses nor course content nor shall it include the course composition of areas or fields already in existence;
- f. Receive all budget requests from the institutions, coordinate and balance such requests, and submit a combined request for appropriations annually to the Governor;
- g. Be an agency of communication with the federal government on public funds available to the State for higher education, and receive and recommend the disbursement of such funds by the State;
- h. Set policy on salary and fringe benefits, and establish general personnel policies for the public institutions of higher education;
- i. Coordinate with the State Board of Education and the commissioner to effectuate and advance public education at all levels;
- j. Encourage harmonious and cooperative relationships between public and private institutions of higher education;
- k. Review periodically existing programs of instruction, research, and public service in the public institutions of higher education, and advise them of desirable change;

l. Keep the Governor, the Legislature, and the public informed of the needs and accomplishments, both qualitative and quantitative, of public higher education in New Jersey through published reports, releases, conferences, and other means;

m. License institutions of higher education pursuant to the authority of sections 18A:68-3 to 18A:68-5 inclusive;

n. Approve the basis or conditions for conferring degrees pursuant to the authority of sections 18A:68-6 to 18A:68-8 inclusive;

o. Exercise enforcement powers as provided by sections 18A:68-9 to 18A:68-11 inclusive;

p. Require from institutions of higher education such reports as may be necessary to enable the board to perform the duties imposed upon it by statute;

q. Make to the Governor and the Legislature such recommendations as the board deems necessary with regard to appropriations that may be required for services, lands, buildings, and equipment to be furnished by institutions of higher education other than the State University of New Jersey and make contracts in behalf of the State with such institutions in accordance with legislative appropriations; provided that no disbursement of moneys so appropriated shall be made to any such institution or institutions utilized by the State for the purpose of public higher education, except on recommendation of the board; and the board shall see to the application of the money for such purposes;

r. Exercise visitorial general powers of supervision and control over such institutions of higher education as may be utilized by the State. Its visitorial general powers of supervision and control are hereby defined as visiting such institutions of higher education to examine into their manner of conducting their affairs and to enforce an observance of the laws of the State;

s. Establish guidelines within which the board of trustees of each respective State college shall establish tuition rates and all other fees to be paid by students at each respective State college;

t. Review and approve institutional plans of each State college consistent with the provisions of chapter 64 of this Title.

2. N. J. S. 18A:64-1 is amended to read as follows:

Decentralization of authority.

18A:64-1. The Legislature hereby finds that it is in the best interest of the State that the State colleges shall be and continue to be given a high degree of self-government and that the govern-

ment and conduct of the colleges shall be free of partisanship. The Legislature finds further that a decentralization of authority and decision-making to the boards of trustees and administrators of the State colleges in the areas of personnel, budget execution, purchasing and contracting will enhance the idea of self-government. Such colleges shall be maintained for the purpose of providing higher education in the liberal arts and sciences and various professional areas, including the science of education and the art of teaching, at such places as may be provided by law. The names of the colleges shall be designated by the board of trustees with the approval of the board of higher education. The name of each of the existing State colleges shall continue the same unless a new name is so designated.

3. N. J. S. 18A:64-3 is amended to read as follows:

Boards of trustees.

18A:64-3. Each such board of trustees shall consist of nine citizens of the State, not more than three of whom shall reside in any one county and of whom at least two shall be women, who shall be appointed by the Board of Higher Education, subject to the approval of the Governor. In addition to the citizen members, the Chancellor of Higher Education, or the chancellor's designee, shall serve on each board as an ex officio, nonvoting member. The terms of office of appointed members shall be for six years beginning on July 1 and ending on June 30, except that of the members first appointed, two shall be appointed for terms expiring June 30, 1967; two for terms expiring June 30, 1968; two for terms expiring June 30, 1969; one for a term expiring June 30, 1970; one for a term expiring June 30, 1971; and one for a term expiring June 30, 1972. Each member shall serve until his successor shall have been appointed and qualified and vacancies shall be filled in the same manner as the original appointments for the remainders of the unexpired terms. Any member of a board of trustees may be removed by the Governor for cause upon notice and opportunity to be heard.

4. N. J. S. 18A:64-6 is amended to read as follows:

Powers, duties of boards.

18A:64-6. The board of trustees of a State college shall, subject to the general policies, guidelines, and procedures set by the Board of Higher Education, have general supervision over and shall be vested with the conduct of the college. It shall, subject to the

general policies, guidelines, and procedures set by the Board of Higher Education, have the power and duty to:

- a. Adopt and use a corporate seal;
- b. Determine the educational curriculum and program of the college;
- c. Determine policies for the organization, administration and development of the college;
- d. Study the educational and financial needs of the college; annually acquaint the Governor and Legislature with the condition of the college; and prepare, and after concurrence by and jointly with the Board of Higher Education, present the annual budget to the Governor and Legislature in accordance with law;
- e. Disburse all moneys appropriated to the college by the Legislature and all moneys received from tuition, fees, auxiliary services and other sources;
- f. Direct and control expenditures and transfers of funds appropriated to the college and tuition received by the college, in accordance with the provisions of the State budget and appropriation acts of the Legislature, reporting changes and additions thereto and transfers thereof to the Director of the Division of Budget and Accounting in the State Department of the Treasury and to the Chancellor of Higher Education and as to funds received from other sources, direct and control expenditures and transfers in accordance with the terms of any applicable trusts, gifts, bequests, or other special provisions. All accounts of the college shall be subject to audit by the State at any time;
- g. In accordance with the provisions of the State budget and appropriation acts of the Legislature, appoint and fix the compensation of a president of the college, who shall be the executive officer of the college and an ex officio member of the board of trustees, without vote, and shall serve at the pleasure of the board of trustees;
- h. Notwithstanding the provisions of Title 11, Civil Service, of the Revised Statutes, upon nomination by the president appoint a treasurer and such deans and other professional members of the academic, administrative and teaching staffs as defined in section 13 of P. L. 1986, c. 42 (C. 18A:64-21.2) as shall be required and fix their compensation and terms of employment in accordance with salary ranges and policies adopted by the Board of Higher Education, and concurred in by the Governor, which salary policies shall prescribe qualifications for various classifications and shall limit

the percentage of the educational staff that may be in any given classification;

i. Upon nomination by the president, appoint, remove, promote and transfer such other officers, agents or employees as may be required for carrying out the purposes of the college and assign their duties, determine their salaries and prescribe qualifications for all positions, all in accordance with the provisions of Title 11, Civil Service, of the Revised Statutes;

j. Grant diplomas, certificates and degrees;

k. Pursuant to the provisions of the "State College Contracts Law," P. L. 1986, c. 43 (C. 18A:64-52 et seq.), enter into contracts and agreements for the purchase of lands, buildings, equipment, materials, supplies and services; enter into contracts and agreements with the State or any of its political subdivisions or with the United States, or with any public body, department or other agency of the State or the United States or with any individual, firm, or corporation, which are deemed necessary or advisable by the board for carrying out the purposes of the college;

l. If necessary, take and condemn land and other property in the manner provided by the "Eminent Domain Act of 1971," P. L. 1971, c. 361 (C. 20:3-1 et seq.), whenever authorized by law to purchase land or other property;

m. Adopt, after consultation with the president and faculty, bylaws and make and promulgate such rules, regulations and orders, not inconsistent with the provisions of this article, that are necessary and proper for the administration and operation of the college and the carrying out of its purposes;

n. Establish fees for room and board sufficient for the operation, maintenance, and rental of student housing and food service facilities;

o. Fix and determine, within guidelines established by the Board of Higher Education, tuition rates and other fees to be paid by students;

p. Accept from any government or governmental department, agency or other public or private body or from any other source grants or contributions of money or property, which the board may use for or in aid of any of its purposes;

q. Acquire by gift, purchase, condemnation or otherwise, own, lease, dispose of, use and operate property, whether real, personal or mixed, or any interest therein, which is necessary or desirable for college purposes;

r. Employ architects to plan buildings; secure bids for the construction of buildings and for the equipment thereof; make contracts for the construction of buildings and for equipment; and supervise the construction of buildings. All capital expenditures in excess of \$500,000.00 shall be subject to the approval of the Board of Higher Education;

s. Manage and maintain, and provide for the payment of all charges and expenses in respect to all properties utilized by the college;

t. Borrow money for the needs of the college, as deemed requisite by the board, in such amounts, and for such time and upon such terms as may be determined by the board, provided that this borrowing shall not be deemed or construed to create or constitute a debt, liability, or a loan or pledge of the credit, or be payable out of property or funds, other than moneys appropriated for that purpose, of the State;

u. Authorize any new program, educational department or school which will require, at the time of establishment or thereafter, an additional expenditure of money, if the establishment thereof is approved by the Board of Higher Education and provision is made therefor by law; and

v. Formulate and submit to the Board of Higher Education an institutional plan consistent with the rules and regulations of the Board of Higher Education.

5. N. J. S. 18A:64-13 is amended to read as follows:

Tuition fees.

18A:64-13. Students in each State college who are residents of New Jersey shall be required to pay each year a minimum tuition fee and nonresidents of the State shall pay an additional fee. Such fees and any increase of the minimum tuition fee shall be determined by each college board of trustees pursuant to guidelines set by the Board of Higher Education. The board of trustees may waive the payment of the college's anticipated tuition revenues to accomplish mission-related or policy goals.

6. N. J. S. 18A:64-14 is amended to read as follows:

Supplies; school fees.

18A:64-14. Each State college may require students to furnish such textbooks and incidental supplies and to pay such general school fees as may be fixed by the board of trustees. The board of trustees shall provide apparatus and such books and supplies as

are not required to be furnished by students as provided in this section.

7. N. J. S. 18A:64-18 is amended to read as follows:

Retention of revenue.

18A:64-18. a. Moneys which are derived by the State colleges as room and board revenues from student housing and food service facilities and which are not pledged for the payment of principal and interest on bonds of this State and which are in excess of sums required for the operation, maintenance, and rental of such facilities shall be retained in a separate account by each college and may be expended by each college for the cost of operation, maintenance and rental of such facilities in subsequent years. The unexpended balance in any such account at the end of any fiscal year shall not lapse into the General Treasury.

b. Moneys which are derived from student union building fees collected at a State college, which are in excess of the sums required for the operation, maintenance and rental of such a facility, shall be retained in a separate account by each college and may be expended by each college for the cost of operation, maintenance and rental of such facilities in subsequent years. The unexpended balance of any such account at the end of any fiscal year shall not lapse into the General Treasury.

c. Moneys which are derived from the operation of parking facilities, and any other facilities financed by student fees, which are in excess of sums required for the operation and maintenance of such facilities at a State college, shall be retained in a separate account by each college and may be expended by each college for the cost of operation, maintenance and rental of such facilities in subsequent years. The unexpended balance of any such account at the end of any fiscal year shall not lapse into the General Treasury.

d. No revenues received pursuant to this section shall be transferred from their respective accounts if contractual obligations between the college, the New Jersey Educational Facilities Authority and the Board of Higher Education prohibit these actions.

C. 18A:64-18.1 Monthly installments.

8. (New section) a. Funds appropriated by the State for the operation of the State colleges shall be paid to each college in 12 equal installments on the first day of each month; except that Thomas A. Edison College of New Jersey shall have its appropriated funds paid to it on a quarterly installment basis.

b. Any unexpended balance at the end of any fiscal year shall be retained and may be expended by each college in subsequent fiscal years.

C. 18A:64-18.2 Investment procedure.

9. (New section) All functions, powers and duties relating to the investment or reinvestment of funds within the jurisdiction of the board of trustees, including the purchase, sale or exchange of any investments or securities, shall be exercised and performed by the Director of the Division of Investment in the Department of the Treasury in accordance with the provisions of P. L. 1950, c. 270 (C. 52:18A-79 et seq.). Before any investment, reinvestment, purchase, sale or exchange shall be made by the director for or on behalf of the board of trustees, the Director of the Division of Investment shall submit the details thereof to the board, which shall, itself or by its finance committee, within 48 hours, exclusive of Sundays and public holidays, after the submission to it, file with the director its written acceptance or rejection of the proposed investment, reinvestment, purchase, sale or exchange; and the director shall have authority to make the investment, reinvestment, purchase, sale or exchange for or on behalf of the board, unless there shall have been filed with him a written rejection thereof by the board or its finance committee as herein provided. The board of trustees shall determine from time to time the cash requirements of the various funds and accounts established by it and the amount available for investment, all of which shall be certified to the State Treasurer and the Director of the Division of Investment. All earnings on investments shall be retained by each State college.

The finance committee of the board of trustees shall consist of three members of the board, who shall be appointed in the same manner and for the same term as other committees of the board are appointed.

C. 18A:64-18.3 Authorized investments.

10. (New section) The Director of the Division of Investment, in addition to other investments presently or from time to time hereafter authorized by law, shall have authority, subject to any acceptance required, to invest and reinvest the funds in, and to acquire for or on behalf of the board, bonds or other evidence of indebtedness or capital stock or other securities issued by any company incorporated within the United States or within the Dominion of Canada, which shall be authorized or approved for investment by regulation of the State Investment Council in the Division of

Investment and in which life insurance companies organized under the laws of this State may legally invest.

C. 18A:64-18.4 State Treasurer as custodian.

11. (New section) The State Treasurer shall be the custodian of the board's investment funds, shall select all depositories and custodians and shall negotiate and execute custody agreements in connection with the assets or investments of any of these funds.

C. 18A:64-21.1 Negotiation authority unaffected.

12. (New section) The Governor shall continue to function as the public employer under the "New Jersey Employer-Employee Relations Act," P. L. 1941, c. 100 (C. 34:13A-1 et seq.) and through the Office of Employee Relations act as the chief spokesperson with respect to all matters under negotiation.

C. 18A:64-21.2 Professional positions.

13. (New section) Professional members of the academic, administrative and teaching staffs shall include all faculty positions, current professional positions listed as unclassified positions pursuant to Title 11, Civil Service, of the Revised Statutes and all professional positions currently listed as classified positions pursuant to Title 11 of the Revised Statutes, which are not presently included within any bargaining unit. All these positions shall be removed from the provisions of Title 11 of the Revised Statutes; however, any employee currently having classified status in a title shall have the option of retaining all the rights and privileges of a classified employee in that title for so long as the employee maintains uninterrupted service in, or is on an approved leave of absence from, that title.

C. 18A:64-21.3 Jurisdiction removed.

14. (New section) All State college faculty and professional positions shall be removed from the jurisdiction of the Vacancy Review Board, established pursuant to Executive Order No. 10 (1982).

C. 18A:64-21.4 Employer-Employee Relations Act unaffected.

15. (New section) Nothing in this amendatory and supplementary act shall be construed or interpreted to contravene or modify the provisions of the "New Jersey Employer-Employee Relations Act," P. L. 1941, c. 100 (C. 34:13A-1 et seq.) or to limit or restrict the scope of negotiations as provided pursuant to that law.

C. 18A:64-21.5 Tenure, pension rights.

16. (New section) Nothing in this amendatory and supplementary act shall be so construed as to deprive any person of any

tenure rights or of any other right or protection provided that person under any pension law or retirement system of this State.

17. (New section) Within five years of the effective date of this amendatory and supplementary act the State Board of Higher Education shall, in consultation with the New Jersey State College Governing Boards Association established pursuant to P. L. 1985, c. 161 (C. 18A:64-45 et seq.), report to the Governor and the Legislature on the extent to which the legislative intent of autonomy and self-governance of the State colleges has been achieved, the impact this has had, the educational excellence of these institutions, and further changes, if any, which are necessary to achieve these objectives.

18. (New section) The State Board of Higher Education shall establish a schedule for the implementation of the provisions of this amendatory and supplementary act for each State college, so that each college is able to effect an orderly transition to full autonomy without a disruption of its educational program or fiscal position. However, the schedule shall provide for full implementation by July 1, 1989.

Repealer.

19. Sections 9, 10 and 11 of P. L. 1969, c. 145 (C. 8A:64-6.4, C. 18A:64-6.5 and C. 18A:64-6.6) are repealed.

20. This act shall take effect immediately; however, final implementation of its provisions shall be subject to the limitation contained in section 18 herein.

Approved July 9, 1986.

CHAPTER 43

AN ACT concerning education and enacting an additional article to chapter 64 of Title 18A of the New Jersey Statutes to be known as the "State College Contracts Law."

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

A. GENERAL PROVISIONS

C. 18A:64-52 Short title.

1. This article shall be known and may be cited as the "State College Contracts Law."

C. 18A:64-53 Definitions.

2. As used in this article, unless the context otherwise indicates:

- a. "Board of trustees" means the board of a State college;
- b. "Contracting agent" means the business officer of the State college having the power to prepare advertisements, to advertise for and receive bids, and to make awards for the State college in connection with the purchases, contracts or agreements permitted by this article or the officer, committee or employee to whom the power has been delegated by the State college;
- c. "Contracts" means contracts or agreements for the performance of work or the furnishing or hiring of services, materials or supplies, as distinguished from contracts of employment;
- d. "Legal newspaper" means a newspaper circulating in this State which has been printed and published in the English language at least once a week for at least one year continuously;
- e. "Materials" includes goods and property subject to chapter 2 of Title 12A of the New Jersey Statutes, apparatus or any other tangible thing, except real property or any interest therein;
- f. "Extraordinary unspecifiable services" means services or products which cannot be reasonably described by written specifications;
- g. "Professional services" means services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. Professional services also means services rendered in the performance of work that is original and creative in character in a recognized field of artistic endeavor;
- h. "Project" means any work, undertaking, construction or alteration;
- i. "Purchases" are transactions, for a valuable consideration, creating or acquiring an interest in goods, services and property except real property or any interest therein;

j. "State college" means an institution of higher education established pursuant to chapter 64 of Title 18A of the New Jersey Statutes;

k. "Work" includes services and any other activity of a tangible or intangible nature performed or assumed pursuant to a contract or agreement with a State college.

**B. PURCHASES, CONTRACTS, AGREEMENTS, ADVERTISING:
EXCEPTIONS**

C. 18A:64-54 Bid threshold.

3. a. Any purchase, contract or agreement for the performance of any work or the furnishing or hiring of materials or supplies, the cost or price of which, together with any sums expended for the performance of any work or services in connection with the same project or the furnishing of similar materials or supplies during the same fiscal year, paid with or out of college funds, does not exceed the total sum of \$7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of this section, in any fiscal year may be made, negotiated and awarded by a contracting agent, when so authorized by resolution of the board of trustees of the State college without public advertising for bids and bidding therefor.

b. Commencing January 1, 1985 and every two years thereafter, the Governor, in consultation with the Department of the Treasury, shall adjust the threshold amount set forth in subsection a. of this section in direct proportion to the rise or fall of the Consumer Price Index for all urban consumers in the New York and Northeastern New Jersey and the Philadelphia areas, as reported by the United States Department of Labor. The adjustment shall become effective on July 1 of the year in which it is reported.

c. Any purchase, contract or agreement made pursuant to this section may be awarded for a period of 12 consecutive months, notwithstanding that the 12-month period does not coincide with the fiscal year. The Department of Higher Education shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

C. 18A:64-55 Public bidding required.

4. Every contract or agreement for the performance of any work or the furnishing or hiring of any materials or supplies, the cost or the contract price of which is to be paid with or out of college funds, not included within the terms of section 3 of this article,

shall be made and awarded only by the State college after public advertising for bids and bidding therefor, except as provided otherwise in this article or specifically by any other law. No work, materials or supplies shall be undertaken, acquired or furnished for a sum exceeding in the aggregate \$7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of this act, except by written contract or agreement.

C. 18A:64-56 Exceptions.

5. Any purchase, contract or agreement of the character described in section 4 of this article may be made, negotiated or awarded by the State college by resolution at a public meeting of its board of trustees without public advertising for bids or bidding therefor if:

a. The subject matter thereof consists of:

(1) Professional services; or

(2) Extraordinary unspecifiable services and products which cannot reasonably be described by written specifications, subject, however, to the rules and regulations of the Board of Higher Education consistent with open public bidding whenever possible; or

(3) Materials or supplies which are not available from more than one potential bidder, including without limitation materials or supplies which are patented or copyrighted; or

(4) The doing of any work by employees of the State college; or

(5) The printing of all legal notices and legal briefs, records and appendices to be used in any legal proceeding to which the State college may be a party; or

(6) Textbooks, copyrighted materials, student produced publications and services incidental thereto, library materials including without limitation books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microfilms, pictorial or graphic works, musical scores, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, other printed or published matter and audiovisual and other materials of a similar nature, necessary binding or rebinding of library materials and specialized library services; or

(7) Food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias pursuant to rules and regulations of the Board of Higher Education; or

(8) The supplying of any product or the rendering of any service by the public utility which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged and exacted, filed with that board; or

(9) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with the services; or

(10) Specialized machinery or equipment of a technical nature which will not reasonably permit the drawing of specifications, and the procurement thereof without advertising is in the public interest; or

(11) Insurance, including the purchase of insurance coverage and consulting services, which exceptions shall be in accordance with the requirements for extraordinary unspecifiable services; or

(12) Publishing of legal notices in newspapers as required by law; or

(13) The acquisition of artifacts or other items of unique intrinsic, artistic or historic character; or

(14) The collection of amounts due on student loans, including without limitation loans guaranteed by or made with funds of the United States of America; or

(15) Professional consulting services; or

(16) Entertainment, including without limitation theatrical presentations, band and other concerts, movies and other audiovisual productions; or

(17) Contracts employing funds created by student activities fees charged to students or otherwise raised by students, not under the direct control of the college and expended by student organizations; or

(18) Printing, including without limitation catalogs, yearbooks and course announcements; or

(19) Data processing software programs, systems and service and the rental or lease of data processing equipment; or

(20) Personnel recruitment and advertising, including without limitation advertising seeking student enrollment; or

(21) Educational supplies, books, articles of clothing and other miscellaneous articles purchased by a State college bookstore for resale to college students and employees; or

(22) Purchase or rental of graduation caps and gowns and award certificates or plaques.

b. It is to be made or entered into with the United States of America, the State of New Jersey, a county or municipality or any board, body, or officer, agency or authority or any other state or subdivision thereof.

c. The State college has advertised for bids pursuant to section 4 of this article on two occasions and (i) has received no bids on both occasions in response to its advertisement, or (ii) has rejected the bids on two occasions because the State college has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the State college prior to the advertising therefor, or have not been independently arrived at in open competition, or (iii) on one occasion no bids were received pursuant to (i) and on one occasion all bids were rejected pursuant to (ii), in whatever sequence; any contract or agreement may then be negotiated by a two-thirds affirmative vote of the authorized membership of the board of trustees authorizing the contract or agreement; provided that:

(1) A reasonable effort is just made by the contracting agent to determine that the same or equivalent materials or supplies at a cost which is lower than the negotiated price are not available from any agency or authority of the United States, the State of New Jersey or of the county in which the State college is located, or any municipality in close proximity to the State college;

(2) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of this article; and

(3) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of this act, shall be stated in the resolution awarding the contract or agreement; except that if on the second occasion the bids received are rejected as unreasonable as to price, the State college shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate and afford each bidder a reasonable opportunity to negotiate, but the State college shall not award the contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any reasonable vendor, and is a reasonable price for the work, materials, supplies or services.

Whenever a State college shall determine that a bid was not arrived at independently in open competition pursuant to subsection c. (ii) of section 5 of this article, it shall thereupon notify the Attorney General of the facts upon which its determination is based and, when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

C. 18A:64-57 Emergency procedure.

6. Any purchase, contract, or agreement may be made, negotiated or awarded by a State college without public advertising for bids and bidding therefor, notwithstanding that the cost or contract price will exceed \$7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of this act, when an emergency affecting the health, safety or welfare of occupants of college property requires the immediate delivery of the materials or supplies or the performance of the work, if the purchases, contracts or agreements are awarded or made in the following manner:

a. A written requisition for the performance of the work or the furnishing of materials or supplies, certified by the employee in charge of the building, facility or equipment where the emergency occurred, is filed with the contracting agent or his deputy in charge describing the nature of the emergency, the time of its occurrence, and the need for invoking this section. The contracting agent, or his deputy in charge, being satisfied that the emergency exists, is authorized to award a contract for the work, materials or supplies.

b. Upon the furnishing of the work, materials or supplies in accordance with the terms of the contract or agreement, the contractor furnishing the work, materials or supplies is entitled to be paid therefor and the State college is obligated for the payment.

c. The board of trustees may prescribe rules and procedures to implement the requirements of this section.

C. 18A:64-58 Contract subdivision prohibited.

7. No purchase, contract or agreement which is single in character or which necessarily or by reason of the quantities required to effectuate the purpose of the purchase, contract or agreement includes the furnishing of additional services or equipment or buying materials or supplies or the doing of additional work, shall be subdivided so as to bring it or any of the parts thereof under the maximum price or cost limitation set forth in this article or

in a regulation of the Board of Higher Education, thus dispensing with the requirement of public advertising and bidding therefor. Where the doing of any work is included in or incident to the performance or completion of any project which is single in character or inclusive of the furnishing of additional work, materials or supplies or which requires the furnishing of more than one article of materials or supplies, all of the work, materials or supplies requisite for the completion of the project shall be included in one purchase, contract or agreement.

C. 18A:64-59 Annual solicitation.

8. Except as provided in this article, every State college shall, on an annual basis or at such lesser intervals as may be fixed by it, solicit by public advertisement the submission of bids for the furnishing of all work, materials and supplies which can be purchased or agreed or contracted to be furnished only after public advertising for bids and bidding therefor.

C. 18A:64-60 Purchases through Division of Purchase and Property.

9. Any State college, without advertising for bids, or after having rejected all bids obtained pursuant to advertising therefor, may purchase any materials, supplies or equipment pursuant to a contract or contracts for those materials, supplies or equipment entered into on behalf of the State by the Division of Purchase and Property.

C. JOINT PURCHASING AGREEMENTS

C. 18A:64-61 Joint action authorized.

10. The board of trustees of two or more State colleges may provide jointly by agreement for the purchasing of work, materials, or supplies for their respective colleges, and also may, pursuant to regulations of the Board of Higher Education, enter into a joint purchasing agreement with other units of State or local government.

C. 18A:64-62 Contents of agreements.

11. a. Joint agreements shall set forth the categories of work, materials or supplies to be purchased, the manner of advertising for bids and of awarding of contracts, the method of payment by each participating State college or other governmental unit and other matters deemed necessary to carry out the purposes of the agreement.

b. Funds for each participant's share of expenditures for purchases under any joint agreement shall be appropriated and paid

in the manner set forth in the agreement and in the same manner as appropriations are made for other expenses of the participant.

C. 18A:64-63 Subject to laws, regulations.

12. Joint purchases and all agreements pertaining thereto shall be subject to all provisions of law and the applicable rules and regulations of the Board of Higher Education.

D. SPECIFICATIONS AND PLANS

C. 18A:64-64 Specifications.

13. All specifications for any purchase, contract or agreement governed by this article shall be drafted in a manner to encourage free, open and competitive bidding. In particular, no specifications under this article may:

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

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

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

d. Require with regard to any purchase, contract or agreement the furnishing of any "brand name," although specifications may in all cases require "brand name or equivalent," nor shall materials or supplies which are patented or copyrighted be specified unless the resolution authorizing the purchase, contract or agreement sets forth the manner in which the special need for the patented or copyrighted materials or supplies is directly related to the performance or purpose for which the purchase, contract or agreement is made; or

e. Fail to include any option for renewal, extension or release which the State college may intend to exercise or require; or

f. Fail to include any terms and conditions necessary for the performance of any extra work; or

g. Fail to disclose any matter necessary to the substantial performance of the contract or agreement.

Any specification adopted by the State college which knowingly excludes prospective bidders by reason of the impossibility of

performance, bidding or qualification by any but one bidder, except as provided herein, shall be null and void and of no effect, and the purchase, contract or agreement shall be readvertised, and the original purchase, contract or agreement shall be set aside by the board of trustees of the State college.

E. BIDDING

C. 18A:64-65 Advertisements for bids.

14. All advertisements for bids shall be published in a legal newspaper sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding but in no event less than 10 days prior to that date. The advertisement shall designate the manner of submitting and of receiving the bids and the time and place at which the bids will be received. If the published specifications provide for receipt of bids by mail, those bids which are mailed to the State college shall be sealed and shall be opened only at such time and place as all bids received are unsealed and announced. At that time and place, the contracting agent of the State college shall publicly receive the bids and thereupon immediately proceed to unseal them and publicly announce the contents, which announcement shall be made in the presence of any parties bidding or their agents who are then and there present. A proper record of the prices and terms shall be made. No bids shall be received after the time designated in the advertisement.

C. 18A:64-66 Conformance to specifications.

15. No bid shall be accepted which does not conform to the specifications furnished therefor. Nothing contained in this article shall be construed as depriving any State college of the right to reject all bids.

C. 18A:64-67 Guaranty.

16. There may be required from any person bidding on any purchase, contract or agreement, advertised in accordance with law, that the bid be accompanied by a guaranty payable to the State college that, if the purchase, contract or agreement is awarded to him, he will enter into a contract therefor and will furnish any performance bond or other security which may be required pursuant to section 17 of this article. The guaranty shall be in the amount of 10% of the bid but not in excess of \$20,000.00, except as otherwise provided herein, and may be given, at the option of the bidder, by certified check, cashier's check or bid bond. For a construction contract the guaranty shall be in the amount of 10% of the bid. In the event that any law or regulation of the

United States imposes any condition upon the awarding of a monetary grant to any State college, which condition requires a guaranty in an amount other than 10% of the bid or in excess of \$20,000.00, the provisions of this section shall not apply and the requirements of the law or regulation of the United States shall govern.

The college may require a bid guaranty alone without also requiring a performance bond or other security in the contract.

C. 18A:64-68 Performance bond.

17. In addition to or independently of the guaranty which may be required pursuant to this article, the State college may require that the successful bidder provide a surety company bond or other security acceptable to the State college:

a. For the faithful performance of all provisions of the advertisement for bids, the specifications and any other documents issued to bidders or a repair or maintenance bond; and

b. In a form which may be required in the specifications or other documents issued to bidders.

In every case in which a performance bond is required, the requirement shall be set forth in the specifications or other documents issued to all bidders, and every bidder shall be required to submit with the bid a certificate from a surety company stating that it will provide that bidder with a performance bond in the specified amount and form.

F. AWARDING CONTRACTS

C. 18A:64-69 Time limit; return of security.

18. The State college shall award the contract or reject all bids within such time as may be specified in the specifications or other documents issued to all bidders, but in no case more than 60 days, except the bids of any bidders who consent thereto, either before or after the 60 day period, may, at the request of the State college, be held for consideration for such longer period of time as may be agreed. All bid security except the security of the three apparent lowest responsible bidders shall, if requested, be returned within 30 days from the opening of the bids, Sundays and holidays excepted, and the bids of those bidders shall be considered as withdrawn. Within three days, Sundays and holidays excepted, after the awarding of the contract and the approval of the successful bidder's performance bond, if any, the bid guaranty of the remaining bidders shall be returned to them.

C. 18A:64-70 Award to lowest responsible bidder.

19. All purchases, contracts or agreements which require public advertisement for bids shall be awarded by the board of trustees to the lowest responsible bidder.

Prior to the award of any other purchase, contract or agreement the estimated cost of which is 20% or more of the amount set forth in this act or, commencing January 1, 1985, 20% of the amount determined by the Governor pursuant to subsection b. of section 3 of this act, the contracting agent shall, except in the case of professional services, solicit quotations therefor whenever practicable, and the award thereof shall be made, in accordance with section 3 of this article, on the basis of the lowest responsible quotation received which is most advantageous to the State college, price and other factors considered; however, if the contracting agent deems it impractical to solicit competitive quotations or having sought the quotations determines that the award should not be on the basis of the lowest quotation received, the contracting agent shall file a statement of explanation of the reason or reasons therefor, which shall be placed on file with the purchase, contract, or agreement.

C. 18A:64-71 Equal quotations.

20. Whenever two or more quotations or bids of equal amounts are the lowest quotations or bids submitted by responsible parties, the college may award the contract to any one of the parties, as, in its discretion, it may determine.

G. FORM OF CONTRACTS AND BONDS**C. 18A:64-72 Contract, bond form.**

21. The Board of Higher Education may, subject to the requirements of law, prescribe the form and manner in which contracts shall be made and executed and the form and manner of execution and approval of all bid, performance and other bonds.

C. 18A:64-73 Liquidated damages.

22. Any purchase, contract or agreement made pursuant to this article may include liquidated damages for the violation of any of the terms and conditions thereof or the failure to perform the contract or agreement in accordance with its terms, conditions or the terms and conditions of this article.

H. CONSTRUCTION CONTRACTS

C. 18A:64-74 Building construction.

23. Purchases, contracts or agreements for the construction of buildings and other improvements shall be subject to all the terms and conditions of this article and to the terms and conditions of this subdivision H.

C. 18A:64-75 Plans, specifications.

24. All plans and specifications for the erection, alteration, improvement or repair of college buildings shall be drawn by or under the supervision of an appropriate officer employed by the college to whom these powers shall have been delegated by the Board of Trustees. All capital expenditures in excess of \$500,000.00 shall be subject to the approval of the Board of Higher Education.

C. 18A:64-76 Separate plans, specifications.

25. In the preparation of plans and specifications for the construction, alteration or repair of any building by a State college, when the entire cost of the work and materials will exceed \$7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of this act, separate plans and specifications shall be prepared for each of the following to include all work and materials related thereto or to be performed or furnished in connection therewith:

- (a) the plumbing and gas fitting work;
- (b) the heating and ventilating systems and equipment;
- (c) the electrical work, including any electrical power plants;
- (d) the structural steel and ornamental iron work;
- (e) all other work and materials required for the completion of the project.

The contracting agent shall advertise for and receive in the manner provided by law (1) separate bids for each of the foregoing categories (a) through (e) and (2) bids for all work and materials required to complete the entire project if awarded as a single contract. All bids submitted shall set forth the name or names of, and evidence of performance security from, all subcontractors to whom the bidder will subcontract the work described in the foregoing categories (a) through (e).

Contracts shall be awarded to the lowest responsible bidder. A contract shall be awarded in the following manner: if the sum total of the amounts bid by the lowest responsible bidder for each category (a) through (e) is less than the amount bid by the lowest

responsible bidder for all the work and materials, the college shall award separate contracts for each of the categories to the lowest responsible bidder therefor, but if the sum total of the amounts bid by the lowest responsible bidder for each category is not less than the amount bid by the lowest responsible bidder for all the work and materials, the college shall award a single contract to the lowest responsible bidder for all of the work and materials.

C. 18A:64-77 Deduction for lateness.

26. All specifications for the doing of any construction work for a State college shall fix the date before which the work shall be completed, or the number of working days to be allowed for its completion, and every contract shall contain a provision for a deduction from the contract price for any moneys paid by the college to any inspector necessarily employed by it on the work for any number of days in excess of the number allowed in the specifications.

I. SALE OF PERSONAL PROPERTY

C. 18A:64-78 Surplus personal property.

27. Any college may, by resolution of its board of trustees, authorize the sale in the following manner of its personal property not needed for college purposes:

a. If the estimated fair value of the property to be sold exceeds \$7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of this act, in any one sale and the property does not consist of perishable goods, it shall be sold at public sale to the highest bidder.

b. Notice of the date, time and place of the public sale, together with a description of the items to be sold and the conditions of sale, shall be published once in a legal newspaper. Sales shall be held not less than seven nor more than 14 days after the publication of the notice thereof.

c. Personal property may be sold to the United States, the State of New Jersey, another college or to any body politic by private sale without advertising for bids.

d. If no bids are received, the property may then be sold at private sale without further publication or notice thereof but in no event at less than the estimated fair value; or the State college may, if it so elects, reoffer the property at public sale. As used herein, "estimated fair value" means the market value of the prop-

erty if sold by a willing seller to a willing buyer less the cost to the college of continuing to store or maintain the property.

e. A State college may reject all bids if it determines a rejection to be in the public interest. In any case in which the college has rejected all bids, it may readvertise the personal property for a subsequent public sale. If it elects to reject all bids at a second public sale pursuant to this section, it may then sell the personal property without further publication or notice thereof at private sale, but in no event shall the negotiated price at the private sale be less than the amount of the highest bid rejected at the preceding two public sales, nor shall the terms or conditions of sale be changed or amended.

f. If the estimated fair value of the property to be sold does not exceed \$7,500.00 or, commencing January 1, 1985, the amount determined pursuant to subsection b. of section 3 of this act, in any one sale or the property consists of perishable goods, it may be sold at private sale without advertising for bids.

J. CONTRACTS EXTENDING BEYOND THE FISCAL YEAR

C. 18A:64-79 Multi-year contracts.

28. A State college may only enter a contract exceeding 12 consecutive months for the:

a. Supplying of

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

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

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

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

d. Data processing programs, systems and services or rental or lease of data processing equipment for any term of not more than five years; or

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

f. Leasing or service of automobiles, motor vehicles, electronic communications equipment, machinery and equipment of every nature and kind for any term not exceeding in the aggregate five years; however, these contracts shall be entered into only subject

to and in accordance with the rules and regulations promulgated by the Board of Higher Education; or

g. Supplying of any product or rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, for a term not exceeding five years; or

h. Providing of food supplies and services, including food supplies and management contracts for student centers, dining rooms and cafeterias, for a term not exceeding three years; or

i. Performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which is to be established as a percentage of the resultant savings in energy costs, for a term not exceeding 10 years; provided that a contract is entered into only subject to and in accordance with rules and regulations adopted by the Department of Energy establishing a methodology for computing energy cost savings; or

j. Any single project for the construction, reconstruction or rehabilitation of a public building, structure or facility, or a public works project, including the retention of the services of an architect or engineer in connection with the project, for the length of time necessary for the completion of the actual construction; or

k. The management and operation of bookstores for a term not exceeding five years.

All multi-year leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities or contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation and authorized pursuant to subsection i. of this section, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds to meet the extended obligation or contain an annual cancellation clause.

K. REGULATIONS OF THE BOARD OF HIGHER EDUCATION

C. 18A:64-80 Rules, regulations.

29. The Board of Higher Education is authorized to adopt, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations to implement the provisions of this article, and to ensure compliance with all applicable health and life safety statutes, rules and regulations.

L. MISCELLANEOUS

C. 18A:64-81 Immunity.

30. No action for damages shall lie against the Board of Higher Education, any State official, any State college or its board of trustees or any of its officers because of any action taken by virtue of the provisions of this article.

C. 18A:64-82 Indemnification of federal government.

31. Any State college may enter into an agreement indemnifying the United States of America or any board, body, officer or agency thereof from any liability for loss or damage to the person or property of others resulting from any project undertaken or to be undertaken by the federal government for the benefit of the State college or any project the cost of which or any part thereof is to be paid out of federal funds.

C. 18A:64-83 Validation.

32. Any action, purchase, sale, contract or agreement taken, made or entered into prior to the effective date of this article is validated and confirmed; provided that in no event shall multi-year leases or contracts entered into prior to the effective date of this article be renewed or extended except in accordance with the terms and provisions of this article.

C. 18A:64-84 Consultation with employee representatives.

33. Prior to the conclusion of any contract or subcontract for the performance of work substantially similar to that performed by negotiations unit employees, a State college shall allow for reasonable consultation with the appropriate bargaining unit representative regarding such action. The negotiations unit's representative shall be entitled to review the supporting documentation concerning the purchase, contract or subcontract and to an assessment of the impact of that purchase, contract or subcontract on the negotiations unit employees of the college.

34. This act shall take effect immediately.

Approved July 9, 1986.

CHAPTER 44

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

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

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

Superior Court judges.

2A:2-1. a. The Superior Court shall consist of not less than 345 judges. Each judge shall receive such annual salary as shall be fixed by law.

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

Atlantic	8
Bergen	24
Burlington	5
Camden	14
Cape May	3
Cumberland	5
Essex	28
Gloucester	8
Hudson	18
Hunterdon	2
Mercer	8
Middlesex	18
Monmouth	16
Morris	13
Ocean	12
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
Warren	2

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. This act shall take effect immediately.

Approved July 9, 1986.

CHAPTER 45

AN ACT designating the third Sunday in May of each year as “Police, Firemen and First Aid Recognition Day” in New Jersey and providing for a proclamation therefor by the Governor.

WHEREAS, The members of police and fire departments, and various first aid, ambulance and rescue services, whether paid, part-paid or volunteer, have from their earliest days rendered invaluable and courageous service to the citizens of New Jersey; and

WHEREAS, These members stand ready, often under difficult circumstances and at great personal risk, to protect the lives and property of their fellow citizens; and

WHEREAS, The setting aside of a special day for the recognition of the services rendered by members of police and fire departments and various first aid, ambulance and rescue services of this State would give these members a deserved mark of public esteem for the dedicated service they have rendered; now, therefore,

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

C. 36:2-10 Police, firemen, first aid day.

1. The third Sunday in May of each year shall be designated as “Police, Firemen and First Aid Recognition Day” in the State of New Jersey in recognition of the dedicated service the members of police and fire departments and various first aid, ambulance and rescue services in the State have rendered to their fellow citizens.

C. 36:2-11 Annual observance.

2. The Governor shall issue annually a proclamation designating the third Sunday in May of each year as “Police, Firemen and First Aid Recognition Day” and with the Legislature call upon all citizens of the State and all other public and private agencies and organizations to celebrate “Police, Firemen and First Aid Recognition Day” by appropriate observances.

3. This act shall take effect immediately.

Approved July 9, 1986.

CHAPTER 46

AN ACT concerning cemeteries and amending N. J. S. 8A :4-5 and
N. J. S. 8A :7-3.

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

1. N. J. S. 8A :4-5 is amended to read as follows :

Cemetery trust funds.

8A :4-5. The cemetery company shall collect and pay into the Maintenance and Preservation Fund the following fees and charges :

a. From the proceeds of the initial sale by a cemetery company a sum equal to a minimum of 15% of the gross sales price of the lot or grave or \$25.00 per grave, whichever is greater; provided, however, that no cemetery company shall be prevented from paying into the Maintenance and Preservation Fund an amount greater than 15% of the gross sales price of the lot or grave; on resale, except upon resale made to the cemetery company in accordance with the provisions of this act, a minimum of 15% of the gross sales price of the interment space, provided that a credit toward the 15% required contribution shall be given for any amount previously deposited in the Maintenance and Preservation Fund or other trust fund which subsequently became a part of the Maintenance and Preservation Fund under N. J. S. 8A :4-6;

b. From the proceeds at the time of interment a minimum of \$10.00 for each interment;

c. A minimum of \$0.05 per square inch of surface area of the base of a memorial;

d. From the proceeds at the time of the initial sale by a cemetery company a minimum of 10% of the sales price of crypts or niches in a public mausoleum or columbarium, which shall be in addition to any other funds required by law; on resale, except upon resale made to the cemetery company in accordance with the provisions of this act, a minimum of 10% of the gross sales price of the interment space, provided that a credit toward the 10% required contribution shall be given for any amount previously deposited in the Maintenance and Preservation Fund or other trust fund which subsequently became a part of the Maintenance and Preservation Fund under N. J. S. 8A :4-6;

e. Resale for purposes of subsections a. and d. above shall, except for transfers to heirs or next of kin, which shall be at the price set forth in an affidavit executed by the vendor and vendee, mean the selling price for interment spaces in existence at the time of transfer as had been established by the cemetery company;

f. Where prior to the effective date of this act cemetery companies were under obligation by virtue of contracts or court judgments to contribute percentages of the proceeds of land sales to trust funds for maintenance and preservation, the charges required by subsection a. of N. J. S. 8A:4-5 shall be reduced by the extent of the contribution percentages required by such prior contracts or court judgments.

2. N. J. S. 8A:7-3 is amended to read as follows:

Transfer of interment space.

8A:7-3. The owner of an interment space or an interest therein in a cemetery owned by a cemetery company may, subject to the provisions of this act, transfer and convey the same or part thereof to any person or to the cemetery company having charge of the cemetery in which the interment space is situated. Before any such transfer or conveyance is made, the board of managers, directors or trustees shall authorize the same by a vote of at least three-fifths of the board at a regularly called meeting. Consent to such transfer shall not be unreasonably withheld by the cemetery company.

3. This act shall take effect immediately.

Approved July 9, 1986.

CHAPTER 47

AN ACT concerning the duration of certain contracts and amending
P. L. 1971, c. 198.

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

1. Section 15 of P. L. 1971, c. 198 (C. 40A:11-15) is amended to read as follows:

C. 40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or agreements for the performing of work or the furnishing of mate-

rials, supplies or services shall be made for a period not to exceed 12 consecutive months, except that contracts or agreements may be entered into for longer periods of time as follows:

(1) Supplying of:

(a) Fuel for heating purposes, for any term not exceeding in the aggregate, two years;

(b) Fuel or oil for use of airplanes, automobiles, motor vehicles or equipment for any term not exceeding in the aggregate, two years;

(c) Thermal energy produced by a cogeneration facility, for use for heating or air conditioning or both, for any term not exceeding 40 years, when the contract is approved by the Board of Public Utilities. For the purposes of this paragraph, "cogeneration" means the simultaneous production in one facility of electric power and other forms of useful energy such as heating or process steam;

(2) (Deleted by amendment; P. L. 1977, c. 53.)

(3) The collection and disposal of garbage and refuse, and the barging and disposal of sewage sludge, for any term not exceeding in the aggregate, five years;

(4) The recycling of solid waste, for any term not exceeding 25 years, when such contract is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.), and with the approval of the Division of Local Government Services and the Department of Environmental Protection;

(5) Data processing service, for any term of not more than three years;

(6) Insurance, for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of

any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P. L. 1975, c. 217; C. 52:27D-119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy establishing a methodology for computing energy cost savings;

(13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;

(14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed seven years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the De-

partment of Environmental Protection pursuant to P. L. 1985, c. 37 (C. 58:26-1 et seq.). For the purposes of this subsection, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources;

(17) The provision of solid waste disposal services by a resource recovery facility, the furnishing of products of a resource recovery facility, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection; and when the facility is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy

production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Public Utilities; and when the facility is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any component part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P. L. 1985, c. 72 (C. 58:27-1 et seq.). For the purposes of this subsection, "wastewater treatment services" means any service provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation;

(20) The supplying of materials or services for the purpose of lighting public streets, for a term not to exceed five years, provided that the rates, fares, tariffs or charges for the supplying of elec-

tricity for that purpose are approved by the Board of Public Utilities.

All multi-year leases and contracts entered into pursuant to this section, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts involving the supplying of electricity for the purpose of lighting public streets and contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16) above, contracts for resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, or contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant to subsection (19) above, shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

2. This act shall take effect immediately.

Approved July 9, 1986.

CHAPTER 48

A SUPPLEMENT to "An act making appropriations for the support of the State government and the several public purposes for the fiscal year ending June 30, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P. L. 1986, c. 41).

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

1. In addition to the sums appropriated under P. L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

62 Public Transportation

04-6050 Railroad and Bus	
Operations	\$5,000,000

Special Purpose:

Passenger service subsidies for	
bus operations	(\$3,300,000)
Passenger service subsidies for	
rail operations	(1,700,000)

The amount hereinabove shall be allocated by the Director of the Division of Budget and Accounting contingent upon the adoption of a formal resolution by the board of New Jersey Transit Corporation that effectively reduces the total amount of any proposed bus and rail fare increases for the fiscal year ending June 30, 1987, as compared with the proposed fare increase levels that were submitted to the board at its meeting on March 25, 1986, and which proposed fare increases were the subject of a series of public hearings conducted by the corporation in April, 1986.

New Jersey Transit Corporation shall explore opportunities to achieve cost savings and shall report to the Assembly Transportation, Communications and High Technology Committee and the Senate Transportation and Communications Committee or their successors, on these cost saving procedures, within six months of the enactment of this legislation.

2. This act shall take effect immediately but shall remain inoperative until the enactment into law of the annual appropriations act for the fiscal year ending June 30, 1987, P. L. 1986, c. 41.

Approved July 9, 1986.

CHAPTER 49

AN ACT concerning the New Jersey Commission on Science and Technology in the Department of Commerce and Economic Development and amending P. L. 1985, c. 102.

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

1. Section 4 of P. L. 1985, c. 102 (C. 52:9X-4) is amended to read as follows:

C. 52:9X-4 Science, technology commission members.

4. The commission shall consist of the following members: four public members to be appointed by the Governor, with the advice and consent of the Senate, of whom no more than two shall be of the same political party; two public members to be appointed by the Governor upon the recommendation of the President of the Senate and two public members to be appointed by the Governor upon the recommendation of the Speaker of the General Assembly, of whom no more than one of each group of two shall be of the same political party; two members of the Senate who shall not be of the same political party to be appointed by the President of the Senate; 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; the Chancellor of Higher Education, ex officio, or his duly authorized representative; the Commissioner of Education, ex officio, or his duly authorized representative; the Commissioner of Commerce and Economic Development, ex officio, or his duly authorized representative; and a member of the Governor's staff, designated by the Governor, ex officio, or his duly authorized representative. In the selection of public members, a strong effort shall be made to appoint women and minorities to the commission. These 16 members shall have a right to vote on the various matters considered by the commission. In addition, the commission shall include two presidents from the State's public and private research institutions of higher education, who shall be appointed annually by the Governor and who shall serve as nonvoting members.

2. This act shall take effect immediately.

Approved July 16, 1986.

CHAPTER 50

AN ACT concerning the setting of certain tuition rates and amending N. J. S. 18A:46-21.

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

1. N. J. S. 18A:46-21 is amended to read as follows:

Tuition for handicapped.

18A:46-21. Any board of education, jointure commission, or private school for the handicapped which receives pupils from a sending district under this chapter shall determine a tuition rate to be paid by the sending board of education, but in no case shall the tuition rate exceed the actual cost per pupil as determined under rules prescribed by the commissioner and approved by the State Board of Education.

2. This act shall take effect immediately.

Approved July 16, 1986.

CHAPTER 51

AN ACT concerning accidental disability retirement under the "Teachers' Pension and Annuity Fund Law," and the "Public Employees' Retirement System Act" and amending N. J. S. 18A:66-39 and P. L. 1954, c. 84.

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

1. N. J. S. 18A:66-39 is amended to read as follows:

Teachers' disability retirement.

18A:66-39. a. Before June 9, 1971, a member, who shall have been a teacher and a member of the retirement system for each of the 10 years next preceding his retirement, shall, upon the application of his employer or upon his own application or the application of one acting in his behalf, be retired for ordinary disability by the board of trustees, on a regular disability allowance if he is under 60 years of age and on a service allowance if he has reached or passed that age. The physician or physicians designated by the

board shall have first made a medical examination of him at his residence or at any other place mutually agreed upon and shall have certified to the board that the member is physically or mentally incapacitated for the performance of duty and should be retired.

b. On and after June 9, 1971, a member, under 60 years of age, who has 10 or more years of credit for New Jersey service, shall, upon the application of his employer or upon his own application or the application of one acting in his behalf, be retired for ordinary disability by the board of trustees. The physician or physicians designated by the board shall have first made a medical examination of him at his residence or at any other place mutually agreed upon and shall have certified to the board that the member is physically or mentally incapacitated for the performance of duty and should be retired.

c. A member, under 65 years of age, shall, upon the application of his employer or upon his own application or the application of one acting in his behalf, be retired by the board of trustees, if said member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties, on an accidental disability allowance. A traumatic event occurring during voluntary performance of regular or assigned duties at a place of employment before or after required hours of employment which is not in violation of any valid work rule of the employer or otherwise prohibited by the employer shall be deemed as occurring during the performance of regular or assigned duties.

The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the five-year period due to a delayed manifestation of the disability or to circumstances beyond the control of the member.

Permanent and total disability resulting from a cardiovascular, pulmonary or musculo-skeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

Before consideration of an application for accidental disability allowance by the board of trustees, the physician or physicians

designated by the board shall have first made a medical examination of the member at his residence or at any other place mutually agreed upon and shall have certified to the board that he is physically or mentally incapacitated for the performance of duty, and should be retired, and the employer shall have certified to the board that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular and assigned duties, the time and place where the duty causing the disability was performed, that the disability was not the result of his willful negligence and that the member should be retired.

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

C. 43:15A-43 Public employees' disability retirement.

43. A member who has not attained age 65 shall, upon the application of the head of the department in which he is employed or upon his own application or the application of one acting in his behalf, be retired by the board of trustees, if said employee is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties, on an accidental disability allowance. A traumatic event occurring during voluntary performance of regular or assigned duties at a place of employment before or after required hours of employment which is not in violation of any valid work rule of the employer or otherwise prohibited by the employer shall be deemed as occurring during the performance of regular or assigned duties.

The application to accomplish such retirement must be filed within five years of the original traumatic event, but the board of trustees may consider an application filed after the five-year period if it can be factually demonstrated to the satisfaction of the board of trustees that the disability is due to the accident and the filing was not accomplished within the five-year period due to a delayed manifestation of the disability or to circumstances beyond the control of the member.

Permanent and total disability resulting from a cardiovascular, pulmonary or musculo-skeletal condition which was not a direct result of a traumatic event occurring in the performance of duty shall be deemed an ordinary disability.

Before consideration of the application by the board of trustees, the physician or physicians designated by the board shall have

first made a medical examination of the member at his residence or at any other place mutually agreed upon and shall have certified to the board that he is physically or mentally incapacitated for the performance of duty, and should be retired, and the appointing authority shall have certified to the board that the member is permanently and totally disabled as a direct result of a traumatic event occurring during and as a result of the performance of his regular or assigned duties, the time and place where the duty causing the disability was performed, that the disability was not the result of his willful negligence and that the member should be retired.

3. This act shall take effect immediately.

Approved July 16, 1986.

CHAPTER 52

AN ACT appropriating \$31,780,000.00 from the "Jobs, Science and Technology Bond Act of 1984" for the purpose of establishing and constructing a network of advanced technology centers at 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 New Jersey Commission on Science and Technology, established pursuant to P. L. 1985, c. 102 (C. 52:9X-1 et seq.), from the "Jobs, Science and Technology Bond Act of 1984," P. L. 1984, c. 99, the sum of \$31,780,000.00 for the purpose of establishing and constructing a network of advanced technology centers at public and private institutions of higher education. This appropriation shall be as follows:

a. \$31,400,000.00 for the construction of Advanced Technology Centers in the fields of Biotechnology and Medicine, Food Technology, Hazardous and Toxic Substance Management, and Industrial Ceramics, as follows:

- (1) Center for Advanced Biotechnology and Medicine in Piscataway, New Jersey at Rutgers/Busch Campus (University of

Medicine and Dentistry, Rutgers University, joint sponsors)	\$7,560,000
(2) Clinical Research Center, a component of Biotechnology Center, at Middlesex General University Hospital	\$2,800,000
(3) Center for Advanced Food Technology in New Brunswick, New Jersey at Rutgers/Cook College (Cook College of Rutgers University, sponsor)	\$5,840,000
(4) Center for Hazardous and Toxic Waste Management in Newark, New Jersey (New Jersey Institute of Technology, prime sponsor; Rutgers University, Stevens Institute of Technology, Princeton University, University of Medicine and Dentistry, participating) ..	\$6,500,000
(5) Center for Ceramics Research in Piscataway, New Jersey at Rutgers/Busch Campus (Rutgers University, prime sponsor)	\$8,700,000

b. \$380,000.00 for planning and design studies for the advanced technology centers as follows:

(1) Center for Computer Aids for Industrial Productivity	\$280,000
(2) Professional Services to the New Jersey Commission on Science and Technology ...	\$100,000

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P. L. 1984, c. 99.

3. In order to provide flexibility in administering this act, the New Jersey Commission on Science and Technology may apply to the Director of the Division of Budget and Accounting in the Department of the Treasury for permission to transfer funds from any item to any other item in this act. Upon the approval of an application by the director and by the Joint Budget Oversight Committee, or its successor, in writing, the director shall make the transfer as provided by law.

4. This act shall take effect immediately.

Approved July 16, 1986.

CHAPTER 53

AN ACT concerning the condemnation of agricultural or horticultural land and supplementing P. L. 1971, c. 361 (C. 20:3-1 et seq.).

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

C. 20:3-29.1 Compensation for loss of income.

1. The condemnor of agricultural or horticultural land which is eligible for valuation, assessment, and taxation under the "Farm-land Assessment Act of 1964," P. L. 1964, c. 48 (C. 54:4-23.1 et seq.), shall compensate the condemnee for any loss of income resulting from the interference of the condemnation proceeding with the harvesting of any standing crops or other agricultural commodities in an amount determined according to their appropriate time of harvest, and for the remainder of their average productive life, separate and apart from compensation for the fair market value of the land. This act shall apply to all actions instituted hereafter, and to all proceedings taken subsequent hereto in all actions pending on the effective date of this act; except that judgments heretofore entered or awards heretofore made pursuant to law from which no appeal is pending on the effective date of this act are not affected by the provisions hereof.

2. This act shall take effect immediately.

Approved July 17, 1986.

CHAPTER 54

A SUPPLEMENT to "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P. L. 1986, c. 41).

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

1. In addition to the sums appropriated under P. L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management — State Aid

04-8030 Local Government \$1,300,000

State Aid:

Supplemental State aid for the city
of Union City for public safety
purposes (\$1,300,000)

2. Notwithstanding any provisions of the Local Budget Law, any municipality receiving State aid under the provisions of this act may anticipate the receipt of the amount of State aid certified to it by the director and may file such amendments or corrections in its local budget as may be required to properly reflect such amount in its budget for the 1986 local budget year.

3. This act shall take effect immediately but shall remain inoperative until the enactment into law of the annual appropriations act for the fiscal year ending June 30, 1987, P. L. 1986, c. 41.

Approved July 17, 1986.

CHAPTER 55

AN ACT providing for a distinguished visiting professorship at Rutgers, The State University, supplementing Title 18A of the New Jersey Statutes and making an appropriation.

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

C. 18A:72I-1 Wallenberg professorship.

1. There is created at Rutgers, The State University within the Department of History a distinguished visiting professorship which shall be known as the Raoul Wallenberg Visiting Professorship in Human Rights.

C. 18A:72I-2 Selection by Rutgers.

2. Rutgers, The State University shall select an outstanding individual whose scholarship, teaching and public service reflect

the humanitarian ideals of Raoul Wallenberg to serve as the Raoul Wallenberg Visiting Professor. The university may establish the terms of employment but no individual may serve as the Raoul Wallenberg Visiting Professor for a period greater than 24 months.

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

3. Rutgers, The State University may utilize funds appropriated for the purposes of this act for the provision of equipment, supplies, clerical and research assistants and other support for the Raoul Wallenberg Visiting Professor.

4. There shall annually be appropriated such sums as are necessary to effectuate the purposes of this act.

5. There is appropriated to the Department of Higher Education from the General Fund \$100,000.00 to effectuate the purposes of this act.

6. This act shall take effect immediately.

Approved July 28, 1986.

CHAPTER 56

AN ACT concerning the Department of Transportation and amending and supplementing P. L. 1966, c. 301.

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

1. Section 5 of P. L. 1966, c. 301 (C. 27:1A-5) is amended to read as follows:

C. 27:1A-5 Additional functions, powers, duties.

5. The commissioner, as head of the department, shall have all of the functions, powers and duties heretofore vested in the State Highway Commissioner and shall, in addition to the functions, powers and duties vested in him by this act or by any other law:

(a) Develop and maintain a comprehensive master plan for all modes of transportation development, with special emphasis on public transportation. Such plan shall be revised and updated at least every five years;

(b) Develop and promote programs to foster efficient and economical transportation services in the State;

(c) Prepare plans for the preservation, improvement and expansion of the public transportation system, with special emphasis on the coordination of transit modes and the use of rail rights of way, highways and public streets for public transportation purposes;

(d) Enter into contracts with the New Jersey Transit Corporation for the provision and improvement of public transportation services;

(e) Coordinate the transportation activities of the department with those of other public agencies and authorities;

(f) Cooperate with interstate commissions and authorities, State departments, councils, commissions and other State agencies, with appropriate federal agencies, and with interested private individuals and organizations in the coordination of plans and policies for the development of air commerce and air facilities;

(g) Make an annual report to the Governor and the Legislature on the department's operations, and render such other reports as the Governor shall from time to time request or as may be required by law;

(h) Promulgate regulations providing for the charging of and setting the amount of fees for certain services performed by and permits issued by the department, including but not limited to the following:

(1) Providing copies of documents prepared by or in the custody of the department;

(2) Aeronautics permits;

(3) Right-of-way permits;

(4) Traffic signal control systems;

(i) Develop and promote programs for the preservation, improvement and expansion of freight railroads, with special emphasis on the use of rail rights of way for the purpose of providing rail freight service;

(j) Develop and promote a program to ensure the safety and continued operation of aviation facilities in New Jersey; and

(k) Do any and all things necessary, convenient or desirable to effectuate the purposes of P. L. 1966, c. 301 (C. 27:1A-1 et seq.) and to exercise the powers given and granted in that act.

C. 27:1A-5.1 Rail freight authority.

2. The commissioner, pursuant to subsection (i) of section 5 of P. L. 1966, c. 301 (C. 27:1A-5), may:

a. Plan, design, construct, equip, operate, improve and maintain, either directly or by contract with any public or private entity, a railroad, subway, street, traction or electric railway for the purpose of carrying freight in this State or between points in this State and points in other states;

b. Acquire by purchase, condemnation, lease, gift or otherwise, on terms and conditions and in the manner he deems proper, any land or property, real or personal, tangible or intangible, which he may determine is reasonably necessary for the purposes of this section;

c. Lease as lessor, sell or otherwise dispose of, on terms and conditions which he may prescribe as appropriate, real and personal property, including tangible or intangible property and consumable goods, or any interest therein, to any public or private entity in the exercise of his powers and the performance of his duties under this section, and may, in order to provide or encourage adequate and efficient rail freight service, lease or otherwise permit the use or occupancy of property without cost or at a nominal rental;

d. Upon declaration by him that there are no other prospects for competitive bidding, make, negotiate or award any purchase, contract or agreement pursuant to this section without advertisement.

3. This act shall take effect immediately.

Approved July 28, 1986.

CHAPTER 57

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, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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

1. In addition to the sums appropriated under P. L. 1985, c. 209, there is appropriated from the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

46 DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

02-4220 Local and Community Health Services \$1,600,000

Special Purpose:

Support services for patients with
AIDS and related conditions (\$1,600,000)

2. This act shall take effect immediately.

Approved July 28, 1986.

 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, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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

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

FEDERAL FUNDS

78 DEPARTMENT OF TRANSPORTATION

60 Transportation Programs

61 State Highway Facilities

10-6200	Federal Aid Interstate Highway Projects .	\$12,000,000
12-6200	Resurfacing	5,400,000
25-6200	Federal Aid Consolidated Primary Highway Projects	8,000,000

65-6200	Rail Freight Line Capital Projects	1,200,000
71-6200	Transportation Construction Engineer- ing	800,000
	Total Appropriation, State Highway Facilities .	\$27,400,000

Special Purpose:

Interstate Highway Projects	(\$12,000,000)	
Interstate Resurfacing	(5,400,000)	
Consolidated Primary Projects ...	(8,000,000)	
Rail Freight Projects	(1,200,000)	
Supportive Services — On the job training projects	(300,000)	
Supportive Services — Minority Business Enterprise Program ..	(500,000)	
Total Appropriation, Department of Transportation		\$27,400,000

2. This act shall take effect immediately.

Approved July 28, 1986.

CHAPTER 59

AN ACT to authorize the indemnification and legal defense of certain persons against claims or causes of action for damages arising in the course of rendering hazardous substance cleanup or mitigation services or participating in response actions, and amending and supplementing P. L. 1976, c. 141.

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

1. Section 2 of P. L. 1976, c. 141 (C. 58:10-23.11a) is amended to read as follows:

C. 58:10-23.11a Findings, declarations.

2. The Legislature finds and declares: that New Jersey's lands and waters constitute a unique and delicately balanced resource; that the protection and preservation of these lands and waters promote the health, safety and welfare of the people of this State;

that the tourist and recreation industry dependent on clean waters and beaches is vital to the economy of this State; that the State is the trustee, for the benefit of its citizens, of all natural resources within its jurisdiction; and that the storage and transfer of petroleum products and other hazardous substances between vessels, between facilities and vessels, and between facilities, whether onshore or offshore, is a hazardous undertaking and imposes risk of damage to persons and property within this State.

The Legislature finds and declares that the discharge of petroleum products and other hazardous substances within or outside the jurisdiction of this State constitutes a threat to the economy and environment of this State. The Legislature intends by the passage of this act to exercise the powers of this State to control the transfer and storage of hazardous substances and to provide liability for damage sustained within this State as a result of any discharge of said substances, by requiring the prompt containment and removal of such pollution and substances, and to provide a fund for swift and adequate compensation to resort businesses and other persons damaged by such discharges, and for the defense and indemnification of certain persons under contract with the State or federal government for claims or actions resulting from the provision of services to mitigate or clean up a release or discharge of hazardous substances.

2. Section 3 of P. L. 1976, c. 141 (C. 58:10-23.11b) is amended to read as follows:

C. 58:10-23.11b Definitions.

3. Unless the context clearly indicates otherwise, the following terms shall have the following meanings:

a. "Administrator" means the chief executive of the New Jersey Spill Compensation Fund;

b. "Barrel" means 42 United States gallons or 159.09 liters or an appropriate equivalent measure set by the director for hazardous substances which are other than fluid or which are not commonly measured by the barrel;

c. "Board" means a board of arbitration convened by the administrator to settle disputed disbursements from the fund;

d. "Cleanup and removal costs" means all costs associated with a discharge, incurred by the State or its political subdivisions or their agents or any person with written approval from the department in the: (1) removal or attempted removal of hazardous substances, or (2) taking of reasonable measures to prevent or

mitigate damage to the public health, safety, or welfare, including, but not limited to, public and private property, shorelines, beaches, surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources, and shall include costs incurred by the department for the indemnification and legal defense of contractors pursuant to subsection a. of section 7 of this act, subject to the appropriation by law of monies from the General Fund to the fund to defray these costs;

e. "Commissioner" means the Commissioner of Environmental Protection;

f. "Department" means the Department of Environmental Protection;

g. "Director" means the Director of the Division of Taxation in the Department of the Treasury;

h. "Discharge" means any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substances into the waters or onto the lands of the State, or into waters outside the jurisdiction of the State, when damage may result to the lands, waters or natural resources within the jurisdiction of the State;

i. "Fair market value" means the invoice price of the hazardous substances transferred, including transportation charges; but where no price is so fixed, "fair market value" shall mean the market price as of the close of the nearest day to the transfer, paid for similar hazardous substances, as shall be determined by the taxpayer pursuant to rules of the director;

j. "Fund" means the New Jersey Spill Compensation Fund;

k. "Hazardous substances" means such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 of the federal Water Pollution Control Act Amendments of 1972 as amended by the Clean Water Act of 1977 (33 U. S. C. § 1251 et seq.) and the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 of that act; provided, however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of this act;

l. "Major facility" includes, but is not limited to, any refinery, storage or transfer terminal, pipeline, deep-water port, drilling platform or any appurtenance related to any of the preceding that is used or is capable of being used to refine, produce, store, handle, transfer, process or transport hazardous substances. A vessel shall be considered a major facility only when hazardous substances are transferred between vessels.

A facility shall not be considered a major facility for the purpose of this act unless it has total combined aboveground or buried storage capacity of:

(1) 50,000 gallons or more for hazardous substances which are other than petroleum or petroleum products, or

(2) 400,000 gallons or more for hazardous substances of all kinds.

For the purposes of this definition, "storage capacity" shall mean only that capacity which is dedicated to, used for or intended to be used for storage of hazardous substances. Where appropriate to the nature of the facility, storage capacity may be determined by the intended or actual use of open land or unenclosed space as well as by the capacities of tanks or other enclosed storage spaces;

m. "Natural resources" means all land, fish, shellfish, wildlife, biota, air, waters and other such resources owned, managed, held in trust or otherwise controlled by the State;

n. "Owner" or "operator" means, with respect to a vessel, any person owning, operating or chartering by demise such vessel; with respect to any major facility, any person owning such facility, or operating it by lease, contract or other form of agreement; with respect to abandoned or derelict major facilities, the person who owned or operated such facility immediately prior to such abandonment, or the owner at the time of discharge;

o. "Person" means public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals, the United States, the State of New Jersey and any of its political subdivisions or agents;

p. "Petroleum" or "petroleum products" means oil or petroleum of any kind and in any form, including, but not limited to, oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, and substances or additives to be utilized in the refining or blending of crude petroleum or petroleum stock in this State; however, any compound designated by specific chemical name on the list of hazardous substances adopted by the department pursuant to subsection 3 k. shall not

be considered petroleum or a petroleum product for the purposes of this act, unless such compound is to be utilized in the refining or blending of crude petroleum or petroleum stock in this State;

q. "Taxpayer" means the owner or operator of a major facility subject to the tax provisions of this act;

r. "Tax period" means every calendar month on the basis of which the taxpayer is required to report under this act;

s. "Transfer" means onloading or offloading between major facilities and vessels, or vessels and major facilities, and from vessel to vessel or major facility to major facility, except for fueling or refueling operations and except that with regard to the movement of hazardous substances other than petroleum, it shall also include any onloading of or offloading from a major facility;

t. "Vessel" means every description of watercraft or other contrivance that is practically capable of being used as a means of commercial transportation of hazardous substances upon the water, whether or not self-propelled;

u. "Waters" means the ocean and its estuaries to the seaward limit of the State's jurisdiction, all springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of this State;

v. "Act of God" means an act exclusively occasioned by an unanticipated, grave natural disaster without the interference of any human agency.

3. Section 7 of P. L. 1976, c. 141 (C. 58:10-23.11f) is amended to read as follows:

C. 58:10-23.11f Hazardous substance cleanup.

7. a. Whenever any hazardous substance is discharged, the department may, in its discretion, act to remove or arrange for the removal of such discharge or may direct the discharger to remove, or arrange for the removal of, such discharge. If the discharge occurs at any hazardous or solid waste disposal facility, the department may order the facility closed for the duration of the removal operations. The department may monitor the discharger's compliance with any such directive. Any discharger who fails to comply with such a directive shall be liable to the department in an amount equal to three times the cost of such removal, and shall be subject to the revocation or suspension of any license or permit he holds authorizing him to operate a hazardous or solid waste disposal facility.

Removal of hazardous substances and actions to minimize damage from discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan for removal of oil and hazardous substances established pursuant to section 311 (c) (2) of the federal Water Pollution Control Act Amendments of 1972 (P. L. 92-500, 33 U. S. C. § 1251 et seq.).

Whenever the department acts to remove a discharge or contracts to secure prospective removal services, it is authorized to draw upon the money available in the fund. Such money shall be used to pay promptly for all cleanup costs incurred by the department in removing or in minimizing damage caused by such discharge.

The department may agree to defend and indemnify a contractor against claims, causes of action, demands, costs, or judgments made against a contractor arising as a direct result of the contractor's provision of hazardous substance cleanup or mitigation services pursuant to a contract with the department. This legal defense and indemnification shall not apply to claims, causes of action, to have arisen from gross negligence, willful misconduct, fraud, intentional tort, bad faith, or criminal misconduct, or to claims for punitive or exemplary damage. The department shall agree to provide legal defense and indemnification to a contractor only if it determines that adequate environmental liability insurance is not available or not available at a reasonable cost to the contractor. The department shall agree to provide legal defense and indemnification to a contractor pursuant to terms and limitations which it deems appropriate. Any agreement by the department to defend or indemnify a contractor shall not bar the department from the exercise of any available legal remedies for the enforcement of the contract between the department and the contractor, the recovery of damages to which the department may be entitled resulting from a contractor's failure to perform the contract, or for the recovery of funds expended for the defense of a contractor if the defense was undertaken in response to a claim or cause of action brought against the contractor which is proven to have arisen from gross negligence, willful misconduct, fraud, intentional tort, bad faith, or criminal misconduct. No person other than a contractor shall have the right to enforce any agreement for defense and indemnification between a contractor and the department. The department shall not enter into an agreement to provide legal defense and indemnification to a contractor after January 1, 1988. For the purposes of this subsec-

tion, "contractor" means a person providing services to mitigate or clean up a discharge or release or threatened discharge or release of a hazardous substance in this State pursuant to P. L. 1976, c. 141 (C. 58:10-23.11 et seq.) or the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub. L. 96-510 (42 U. S. C. § 9601 et seq.).

Nothing in this section is intended to preclude removal and cleanup operations by any person threatened by such discharges, provided such persons coordinate and obtain approval for such actions with ongoing State or federal operations. No action taken by any person to contain or remove a discharge shall be construed as an admission of liability for said discharge. No person who renders assistance in containing or removing a discharge shall be liable for any civil damages to third parties resulting solely from acts or omissions of such person in rendering such assistance, except for acts or omissions of gross negligence or willful misconduct. In the course of cleanup operations, no person shall discharge any detergent into the waters of this State without prior authorization of the commissioner.

b. Notwithstanding any other provisions of P. L. 1976, c. 141 (C. 58:10-23.11 et seq.), the department, subject to the approval of the administrator with regard to the availability of funds therefor, may remove or arrange for the removal of any hazardous substance which:

(1) Has not been discharged from a grounded or disabled vessel, if the department determines that such removal is necessary to prevent an imminent discharge of such hazardous substance; or

(2) Has not been discharged, if the department determines that such substance is not satisfactorily stored or contained and said substance possesses any one or more of the following characteristics:

- (a) Explosiveness;
- (b) High flammability;
- (c) Radioactivity;

(d) Chemical properties which in combination with any discharged hazardous substance at the same storage facility would create a substantial risk of imminent damage to public health or safety or an imminent and severe damage to the environment;

(e) Is stored in a container from which its discharge is imminent as a result of contact with a hazardous substance which has already been discharged and such additional discharge would

create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(f) High toxicity and is stored or being transported in a container or motor vehicle, truck, railcar or other mechanized conveyance from which its discharge is imminent as a result of the significant deterioration or the precarious location of the container, motor vehicle, truck, railcar or other mechanized conveyance, and such discharge would create a substantial risk of imminent damage to public health or safety or imminent and severe damage to the environment; or

(3) Has been discharged prior to the effective date of P. L. 1976, c. 141.

c. If and to the extent that he determines that funds are available, the administrator shall approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance other than petroleum as authorized by subsection b. of this section; provided that in determining the availability of funds, the administrator shall not include as available funds revenues realized or to be realized from the tax on the transfer of petroleum, to the extent that such revenues result from a tax levied at a rate in excess of \$0.01 per barrel, pursuant to subsection 9b. of P. L. 1976, c. 141 (C. 58:10-23.11h), unless the administrator determines that the sum of claims paid by the fund on behalf of petroleum discharges or removals plus pending reasonable claims against the fund on behalf of petroleum discharges or removals is greater than 30% of the sum of all claims paid by the fund plus all pending reasonable claims against the fund.

d. The administrator may only approve and make payments for any cleanup and removal costs incurred by the department for the removal of a hazardous substance discharged prior to the effective date of P. L. 1976, c. 141, pursuant to subsection b. of this section, if, and to the extent that, he determines that adequate funds from another source are not or will not be available; and provided further, with regard to the cleanup and removal costs incurred for discharges which occurred prior to the effective date of P. L. 1976, c. 141, the administrator may not during any one-year period pay more than \$18,000,000.00 in total or more than \$3,000,000.00 for any discharge or related set or series of discharges.

e. Notwithstanding any other provisions of P. L. 1976, c. 141, the administrator, after considering, among any other relevant factors, the department's priorities for spending funds pursuant to P. L. 1976, c. 141, and within the limits of available funds, shall make payments for the restoration or replacement of, or connection to an alternative water supply for, any private residential well destroyed, contaminated, or impaired as a result of a discharge prior to the effective date of P. L. 1976, c. 141; provided, however, total payments for said purpose shall not exceed \$500,000.00 for the period between the effective date of this subsection e. and January 1, 1983, and in any calendar year thereafter.

f. Any expenditures made by the administrator pursuant to this act shall constitute, in each instance, a debt of the discharger to the fund. The debt shall constitute a lien on all property owned by the discharger when a notice of lien, incorporating a description of the property of the discharger subject to the cleanup and removal and an identification of the amount of cleanup, removal and related costs expended from the fund, is duly filed with the clerk of the Superior Court. The clerk shall promptly enter upon the civil judgment or order docket the name and address of the discharger and the amount of the lien as set forth in the notice of lien. Upon entry by the clerk, the lien, to the amount committed by the administrator for cleanup and removal, shall attach to the revenues and all real and personal property of the discharger, whether or not the discharger is insolvent.

The notice of lien filed pursuant to this subsection which affects the property of a discharger subject to the cleanup and removal of a discharge shall create a lien with priority over all other claims or liens which are or have been filed against the property, except if the property comprises six dwelling units or less and is used exclusively for residential purposes, this notice of lien shall not affect any valid lien, right or interest in the property filed in accordance with established procedure prior to the filing of this notice of lien. The notice of lien filed pursuant to this subsection which affects any property of a discharger, other than the property subject to the cleanup and removal, shall have priority from the day of the filing of the notice of the lien over all other claims and liens filed against the property, but shall not affect any valid lien, right, or interest in the property filed in accordance

with established procedure prior to the filing of a notice of lien pursuant to this subsection.

4. Section 16 of P. L. 1976, c. 141 (C. 58:10-23.11o) is amended to read as follows:

C. 58:10-23.11o Spill Compensation Fund disbursements.

16. Moneys in the New Jersey Spill Compensation Fund shall be disbursed by the administrator for the following purposes and no others:

- (1) Costs incurred under section 7 of this act;
- (2) Damages as defined in section 8 of this act;
- (3) Such sums as may be necessary for research on the prevention and the effects of spills of hazardous substances on the marine environment and on the development of improved cleanup and removal operations as may be appropriated by the Legislature; provided, however, that such sums shall not exceed the amount of interest which is credited to the fund;
- (4) Such sums as may be necessary for the boards, general administration of the fund, equipment and personnel costs of the department and any other State agency related to the enforcement of this act as may be appropriated by the Legislature;
- (5) Such sums as may be appropriated by the Legislature for research and demonstration programs concerning the causes and abatement of ocean pollution; provided, however, that such sums shall not exceed the amount of interest which is credited to the fund;
- (6) Such sums as may be requested by the commissioner, up to a limit of \$400,000.00 per year, to cover the costs associated with the administration of the "Environmental Cleanup Responsibility Act," P. L. 1983, c. 330 (C. 13:1K-6 et seq.);
- (7) Costs attributable to the department's obligation to defend and indemnify a contractor pursuant to subsection a. of section 7 of this act, subject to the appropriation by law of monies from the General Fund to the fund to defray these costs.

The Treasurer may invest and reinvest any moneys in said fund in legal obligations of the United States, this State or any of its political subdivisions. Any income or interest derived from such investment shall be included in the fund.

5. (New section) The payment of any amount of money owed by the department for the cost of legal defense or indemnification provided to a contractor pursuant to the provisions of section 7

of P. L. 1976, c. 141 (C. 58:10-23.11f) shall be contingent on the appropriation by law of monies from the General Fund to the New Jersey Spill Compensation Fund to defray the amount incurred by the department for legal defense and indemnification.

6. (New section) Within one year of the effective date of this act the Department of Environmental Protection shall submit a report to the Governor and the Legislature outlining the number and nature of the department's agreements to defend and indemnify contractors pursuant to section 7 of P. L. 1976, c. 141 (C. 58:10-23.11f).

7. This act shall take effect immediately, and shall apply to contracts entered into prior to the effective date of this act on which work is still in progress on the effective date of this act and to contracts entered into on the effective date of this act.

Approved July 28, 1986.

CHAPTER 60

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

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

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that notices relating to such election were not published as required by the provisions of N. J. S. 18A:14-19, provided that notices of such election were posted prior to the election in accordance with the provisions of N. J. S. 18A:14-19; and provided further, that no action, suit or other proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 28, 1986.

CHAPTER 61

AN ACT to amend the "Local Public Contracts Law," approved June 9, 1971 (P. L. 1971, c. 198).

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

1. Section 5 of P. L. 1971, c. 198 (C. 40A:11-5) is amended to read as follows:

C. 40A:11-5 Exceptions.

5. **Exceptions.** Any purchase, contract or agreement of the character described in section 4 of this act may be made, negotiated or awarded by the governing body without public advertising for bids and bidding therefor if

(1) The subject matter thereof consists of

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in a newspaper authorized by law to publish its legal advertisements, a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating such contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, where possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth in subsection (1) (a) (i) of this section, a brief notice of the award of such contract;

(b) The doing of any work by employees of the contracting unit;

(c) The printing of legal briefs, records and appendices to be used in any legal proceeding in which the contracting party may be a party;

- (d) The furnishing of a tax map or maps for the contracting party;
- (e) The purchase of perishable foods as a subsistence supply;
- (f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities, in accordance with tariffs and schedules of charges made, charged or exacted, filed with said board;
- (g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigation;
- (h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;
- (i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with such service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
- (j) The publishing of legal notices in newspapers as required by law;
- (k) The acquisition of artifacts or other items of unique intrinsic, artistic or historical character;
- (l) Election expenses;
- (m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
- (n) The doing of any work by handicapped persons employed by a sheltered workshop;
- (o) The provision of any service or the furnishing of materials including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated, historical society at or on any historical preservation site;
- (p) Homemaker—home health services performed by voluntary, nonprofit agencies;
- (q) The purchase of materials and services for a law library established pursuant to R. S. 40:33-14, including books, periodicals, newspapers, documents, pamphlets, photographs, reproductions, microforms, pictorial or graphic works, copyright and patent materials, maps, charts, globes, sound recordings, slides, films, filmstrips, video and magnetic tapes, and other audiovisual, printed, or published material of a similar nature; necessary

binding or rebinding of law library materials; and specialized library services; or

(r) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P. L. 1975, c. 217; C. 52:27D-119 et seq.) and the regulations adopted pursuant thereto.

(2) It is to be made or entered into with the United States of America, the State of New Jersey, county or municipality or any board, body, officer, agency or authority thereof and any other state or subdivision thereof.

(3) The contracting agent has advertised for bids pursuant to section 4 on two occasions and (a) has received no bids on both occasions in response to its advertisement, or (b) the governing body has rejected such bids on two occasions because the contracting agent has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; any such contract or agreement may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing such contract or agreement; provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent materials or supplies, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or of the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions and specifications set forth in the negotiated contract or agreement are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of this act; and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were the subject of competitive bidding pursuant to section 4 of this act, shall be stated in the resolution awarding such contract or agreement;

provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting

agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each such bidder a reasonable opportunity to negotiate, but the governing body shall not award such contract or agreement unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible supplier, and is a reasonable price for such work, materials, supplies or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and when appropriate, it may institute appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

2. This act shall take effect immediately but shall remain inoperative until the operative date of regulations promulgated pursuant to section 6 of P. L. 1975, c. 217 (C. 52:27D-124) setting inspection fees.

Approved July 29, 1986.

CHAPTER 62

AN ACT to amend the "Public Movers and Warehousemen Licensing Act," approved December 3, 1981 (P. L. 1981, c. 311).

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

1. Section 4 of P. L. 1981, c. 311 (C. 45:14D-4) is amended to read as follows:

C. 45:14D-4 Moving, storage advisory board.

4. There is created in the Division of Consumer Affairs in the Department of Law and Public Safety a State Advisory Board of Public Movers and Warehousemen consisting of five citizen members to be appointed by the Governor, with the advice and consent

of the Senate. Two of the citizen members shall be representatives of the public and three shall be representatives of the moving and storage industry.

The term of office of each citizen board member shall be four years; except that of the members first appointed, one shall serve for one year, one shall serve for two years, one shall serve for three years, and one shall serve for four years. Vacancies shall be filled for the unexpired terms only. No citizen member may be appointed for more than two consecutive terms.

The organization, meetings and management of the board shall be established in regulations promulgated by the director. The board shall participate in the formulation of rules and regulations, the hearing of grievances, the establishment of standards, and the issuance and revocation of licenses.

The officers and members of the board shall be compensated on a per diem basis in the amount of \$50.00 or an amount to be determined by the Attorney General with the approval of the State Treasurer, but not to exceed \$100.00 per diem or \$2,500.00 annually, and shall be reimbursed for actual expenses reasonably incurred in the performance of their duties. The moneys shall be paid according to rules and regulations promulgated by the Attorney General.

The Attorney General shall maintain within any public building, whether owned or leased by the State, suitable quarters for the board's office and meeting place, except that no office or meeting place shall be within premises owned or occupied by an officer or member of the board.

The executive secretary of the board shall be appointed by the director and shall serve at his pleasure. He shall receive a salary as shall be determined by the director within the limits of available funds.

The director shall be empowered, within the limits of available funds, to hire any assistants as he may deem necessary to administer this act.

2. This act shall take effect on the 30th day after enactment.

Approved July 29, 1986.

CHAPTER 63

AN ACT establishing the New Jersey Nursing Home Medicaid Reimbursement Study Commission, and making an appropriation.

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

1. The Legislature finds and declares that:

a. Serious questions have arisen concerning the quality of care received by nursing home residents in this State and in particular the level of care received by patients whose nursing home expenses are paid through the Medicaid program.

b. It has been alleged that many Medicaid patients in nursing homes may be receiving inadequate care because the rate of reimbursement paid to nursing homes by Medicaid may be insufficient relative to the cost of this care.

c. The State Government, through the Division of Medical Assistance and Health Services in the Department of Human Services, is responsible for setting the rate of Medicaid reimbursement to nursing homes in accordance with the provisions of a federally approved plan.

d. The rate of Medicaid reimbursement to nursing homes must be studied to determine whether it is currently set at a rate which is adequate to ensure that Medicaid patients receive care which meets the standards of health, safety and patient care established under State and federal law and whether the methods of setting the Medicaid reimbursement rate need to be adjusted.

2. There is created the New Jersey Nursing Home Medicaid Reimbursement Study Commission to consist of 17 members to be appointed as follows: two members of the Senate to be appointed by the President thereof, no more than one of whom shall be of the same political party; two members of the General Assembly to be appointed by the Speaker thereof, no more than one of whom shall be of the same political party; and 10 members to be appointed from the general public by the Governor, with the advice and consent of the Senate, as follows: two persons who own or operate nursing homes in this State, two persons who have a close relative who is a nursing home resident and Medicaid recipient, two persons

who are, or have been, nursing home employees directly involved in rendering care to both Medicaid and non-Medicaid nursing home residents, two persons who by virtue of education or experience are considered experts in the field of health care facility rate setting, one representative from the New Jersey Association of Non-Profit Homes for the Aging and one representative from the New Jersey Association of Health Care Facilities. The Commissioner of the Department of Human Services, the Commissioner of the Department of Health, and the Ombudsman for the Institutionalized Elderly, or their designees, shall be ex officio members. The legislative members shall serve for their terms of office. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. Members of the commission shall serve without compensation but shall be reimbursed for the necessary expenses incurred in the performance of their duties as members of the commission.

3. The commission shall organize as soon as may be practicable after the appointment of its members and shall select a chairperson from among its members and may appoint a secretary, who need not be a member of the commission.

4. It shall be the duty of the commission to examine, investigate and study the quality of care received by Medicaid patients in nursing homes in this State and the rate of Medicaid reimbursement paid to nursing homes for the care of these patients, for the purpose of determining whether the current reimbursement rate is adequate to ensure that Medicaid patients receive care which meets the standards of health, safety and patient care established under State and federal law. The commission shall evaluate the current methods of calculating Medicaid reimbursements to nursing homes. It shall make recommendations concerning any necessary changes in these methods and shall, if appropriate, propose new methods, consistent with federal regulations, to calculate the rate of Medicaid reimbursement.

5. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes, and to employ counsel, experts in the fields of health care, health care facility management and finance and such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties,

as may be within the limits of funds appropriated or otherwise made available to it for its purposes.

6. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature, shall report its findings and recommendations to the Governor and Legislature within six months of the effective date of this act, and accompany the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. There is appropriated \$50,000.00 from the General Fund to the commission to effectuate the purposes of this act.

8. This act shall take effect immediately and shall expire six months thereafter.

Approved July 29, 1986.

CHAPTER 64

AN ACT concerning the requirement that certain law enforcement officers obtain firearms' training prior to being permitted to carry firearms and amending P. L. 1985, c. 324.

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

1. Section 3 of P. L. 1985, c. 324 is amended to read as follows:

3. This act shall take effect on the 180th day after enactment, except that a person specified in subparagraph (a) of paragraph (7) of subsection a. of N. J. S. 2C:39-6 who was appointed as a member of a police department or force specified in that subparagraph prior to the effective date of P. L. 1965, c. 8 and continued to be a member of that department or force on March 16, 1986 shall not be required to comply with the requirements of this act until the 360th day after enactment.

2. This act shall take effect immediately and shall be retroactive to March 16, 1986.

Approved July 29, 1986.

CHAPTER 65

AN ACT concerning public assistance payments, and amending
P. L. 1947, c. 156.

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

1. Section 19 of P. L. 1947, c. 156 (C. 44:8-125) is amended to
read as follows:

C. 44:8-125 Deductions from public assistance.

19. The fact that an applicant for public assistance or any of
his dependents shall be receiving, or entitled to receive, income
from other sources or compensation for part-time or casual services
shall not make such person ineligible to receive public assistance
if such income or compensation is insufficient to support him and
his dependents properly but the amount of such income or com-
pensation shall be taken into consideration in determining the
amount of his public assistance by deducting from the amount of
public assistance which he otherwise would be entitled to receive,
the amount of such income or compensation; except that any money
received because of a settlement agreement or judgment in a law-
suit brought against a manufacturer or distributor of "Agent
Orange" for damages resulting from exposure to "Agent Orange"
shall not reduce the amount of public assistance received by the
applicant and shall not be subject to a lien or be available for re-
payment to the State or municipality for public assistance received
by the applicant.

2. This act shall take effect immediately.

Approved July 30, 1986.

CHAPTER 66

AN ACT concerning the exclusion from gross income of gain derived
from the sale of a principal residence and amending N. J. S.
54A:6-9.

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

1. N. J. S. 54A:6-9 is amended to read as follows:

Exemption for gains derived from the sale or exchange of principal residence.

54A:6-9. Exemption for Gains Derived from the Sale or Exchange of Principal Residence.

a. Rollover of gain on sale of principal residence. (1) If a taxpayer realizes a gain from the sale or exchange of his principal residence, the gain shall be excludable from gross income if the taxpayer purchased or received in exchange another principal residence to replace the residence sold, provided that such new residence had been acquired within a period beginning two years before the date of the sale of the original residence and ending two years after such date. Where the adjusted sales price of the residence sold exceeds the purchase price of the new residence, the taxpayer shall be required to include in his gross income that portion of the gain which is represented by the amount that the adjusted sales price of the old residence exceeds the cost of the new residence. To the extent that any gain shall be excludable under this section, the basis of the new residence shall be reduced.

(2) Limitation.

(a) This subsection a. shall not apply with respect to the sale of the taxpayer's residence if within two years before the date of such sale the taxpayer sold at a gain other property used by him as his principal residence, and any part of such gain was not recognized by reason of this subsection.

(b) Subsequent sale connected with commencing work at new place. Subparagraph (a) shall not apply with respect to the sale of the taxpayer's residence if

(i) Such sale was in connection with the commencement of work by the taxpayer as an employee or as a self-employed individual at a new principal place of work, and

(ii) If the residence so sold is treated as the former residence for federal moving expense purposes, the taxpayer would satisfy the distance and period of employment conditions prescribed for qualifying the federal moving expense deduction.

b. One-time exclusion of gain from sale of principal residence by individual who has attained age 55. (1) General. At the election of the taxpayer, gross income does not include gain from the sale or exchange of property if

(a) The taxpayer has attained the age of 55 before the date of such sale or exchange, and

(b) During the five-year period ending on the date of the sale or exchange, such property has been owned and used by the taxpayer as his principal residence for periods aggregating three years or more.

(2) Limitations.

(a) Dollar Limitation. The amount of the gain excluded from gross income under subparagraph (1) shall not exceed \$125,000.00 (\$62,500.00 in the case of a separate return by a married individual).

(b) Application to only one sale or exchange. Subparagraph (1) shall not apply to any sale or exchange by the taxpayer if an election by the taxpayer or his spouse under subparagraph (1) with respect to any other sale or exchange is in effect.

(c) Additional election if prior sale was made on or before January 1, 1979. In the case of any sale or exchange after January 1, 1979, this subsection shall be applied by not taking into account any election made with respect to a sale or exchange on or before such date.

(3) Property held jointly by husband and wife. For purposes of this subsection, if

(a) Property is held by a husband and wife as joint tenants or tenants by the entirety,

(b) The husband and wife make a joint return for the taxable year of the sale or exchange, and

(c) One spouse satisfies the age, holding, and use requirements of subparagraph (1) with respect to the property, then both husband and wife shall be treated as satisfying the age, holding, and use requirements of subparagraph (1) with respect to the property.

(4) Property of deceased spouse. For purposes of this subsection, in the case of an unmarried individual whose spouse is deceased on the date of the sale or exchange of property, if

(a) The deceased spouse, during the five-year period ending on the date of the sale or exchange, satisfied the holding and use requirements of subparagraph (1) (b) with respect to the property, and

(b) No election by the deceased spouse under this subsection is in effect with respect to a prior sale or exchange, then such individual shall be treated as satisfying the holding and use requirements of subparagraph (1) (b) with respect to the property.

c. Property used in part as a residence. In case of property only a portion of which has been owned and used by the taxpayer as his principal residence, this section shall apply with respect to

so much of the sale or exchange of such property as is determined, under regulations prescribed by the director, to be attributable to the portion of the property so owned and used by the taxpayer.

d. The provisions of this section shall also be applicable with respect to qualified tenant-shareholders in cooperatives.

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

2. This act shall take effect immediately and shall be applicable to sales and exchanges of residences on and after January 1, 1986.

Approved July 30, 1986.

CHAPTER 67

AN ACT concerning the annual State agricultural convention, and amending R. S. 4:1-6.

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

1. R. S. 4:1-6 is amended to read as follows:

Agricultural convention delegates.

4:1-6. Each county board of agriculture shall be entitled to be represented in the annual convention by two delegates.

Each of the following organizations shall be entitled to be represented in the annual convention by one delegate: American Cranberry Growers' Association, Board of Managers of the New Jersey Agricultural Experiment Station, Cook College of Rutgers, The State University, The Cooperative Marketing Associations in New Jersey, Inc., Cultivated Sod Association of New Jersey, Inc., Garden State Dairy Goat Association, Inc., Garden State Milk Council, Garden State Service Cooperative Association, Inc., New Jersey Angus Association, Inc., New Jersey Agricultural Society, Inc., New Jersey Apple Institute, Inc., New Jersey Association of Agricultural Fairs, New Jersey Association of Nurserymen, Inc., New Jersey Beekeepers' Association, Inc., New Jersey Christmas Tree Growers' Association, New Jersey Crop Improvement Cooperative Association, Inc., New Jersey Farm Bureau, Inc., New Jersey Guernsey Breeders' Association, Inc., New Jersey Hereford

Association, New Jersey Holstein-Friesian Association, Inc., New Jersey Horse Council, New Jersey Livestock Cooperative Association, Inc., New Jersey Peach Promotion Council, Inc., New Jersey Plant and Flower Growers Association, Inc., New Jersey Pony Breeders and Owners, Inc., New Jersey Sheep and Wool Cooperative Association, Inc., New Jersey State Florists' Association, Inc., New Jersey State Grange, Patrons of Husbandry, Inc., New Jersey State Horticultural Society, Inc., New Jersey State Potato Association, Inc., New Jersey State Poultry Association, Inc., New Jersey State Sweet Potato Industry Association, Inc., New Jersey Turkey Association, New Jersey Vocational Agriculture Teachers Association, North Jersey Metropolitan Association of Nurserymen, Inc., each Pomona Grange, Patrons of Husbandry, Standardbred Breeders and Owners Association of New Jersey, Inc., Thoroughbred Breeders' Association of New Jersey, Tru-Blu Cooperative Association, Inc., Vegetable Growers Association of New Jersey, Inc., and the E. B. Voorhees Agricultural Society.

Prior to the time fixed for the holding of the annual convention each of the organizations named in this section shall choose from its members the authorized number of delegates and certify to the convention their qualifications as such. The credentials shall be filed with the proper convention officer or committee, and upon the acceptance thereof by the convention such persons shall have all the rights and powers of delegates.

2. This act shall take effect immediately.

Approved July 30, 1986.

CHAPTER 68

AN ACT concerning the disposal of household chemicals and waste and making an appropriation.

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

1. The Legislature finds that there has been no systematic strategy for the disposal of unused hazardous household chemicals and wastes; that these wastes are commonly disposed of in sanitary landfills from which they leach into the soil and water resources of the surrounding area; and that these discharges must then be cleaned up at great expense to the public.

The Legislature further finds that the disposal of these wastes is complicated by the problems that arise from the commingling of different types of waste, the containers the wastes are disposed in, and the necessity for a market for the wastes; that these issues must be addressed before a systematic strategy may be devised for the disposal of these wastes; and that the Hazardous Waste Advisory Council is the most appropriate body to study these issues and recommend appropriate legislative or administrative actions.

2. The Hazardous Waste Advisory Council established pursuant to section 6 of P. L. 1981, c. 279 (C. 13:1E-54) shall, in cooperation and consultation with the Department of Environmental Protection, conduct and complete, within one year of the effective date of this act, a study of the disposal of hazardous household chemicals and waste.

This study shall include, but shall not be limited to:

- a. An analysis of the means by which hazardous household chemicals and waste may be collected for treatment or disposal;
- b. A review of the methods by which hazardous household chemicals and waste may be economically removed or separated from their containers and recycled or otherwise properly disposed of;
- c. An analysis of the market conditions necessary to support the collection, treatment, storage, and disposal of hazardous household chemicals and waste, including such public sector participation as may be necessary to initiate or maintain the necessary markets;
- d. The development of recommendations for administrative and legislative action including the banning from sale or use in the State of hazardous substances which, due to the nature of their use, and their common manner of disposal, represent serious actual or potential harm to public health or safety.

The results of the study, together with recommendations, shall be submitted to the Governor and Legislature upon completion.

3. There is appropriated the sum of \$25,000.00 from the General Fund to the Department of Environmental Protection, to be allocated to the Hazardous Waste Advisory Council for the purpose of implementing the provisions of this act.

4. This act shall take effect immediately.

Approved July 30, 1986.

CHAPTER 69

AN ACT concerning ordinances authorizing municipal indebtedness, amending R. S. 40:49-27 and supplementing chapter 49 of Title 40 of the Revised Statutes.

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

1. R. S. 40:49-27 is amended to read as follows:

Debt-authorization referendum procedure.

40:49-27. Any ordinance authorizing the incurring of any indebtedness, except for current expenses, shall become operative 20 days after the publication thereof after its final passage, unless within those 20 days a protest against the incurring of such indebtedness shall be filed in the office of the municipal clerk, by a petition signed by registered voters of the municipality equal in number to at least 15% of the number of votes cast in the municipality at the most recent general election at which members of the General Assembly were elected, in which case such ordinance shall remain inoperative until a proposition for the ratification thereof shall be adopted, at an election to be held for that purpose, by a majority of the qualified voters of the municipality voting on the proposition, subject to the provisions of R. S. 40:49-10 to 40:49-12.

A petition circulated pursuant to this section shall be subject to the provisions of sections 2 through 5 of P. L. 1986, c. 69 (C. 40:49-27a to 40:49-27c).

C. 40:49-27a Signatures.

2. (New section) The signatures to a petition circulated pursuant to R. S. 40:49-27 need not all be appended to one paper, but each signer shall add after his signature his place of residence, giving the street and number. One of the signers of each paper shall make an oath before an officer competent to administer the same that the statement made therein is true as he believes, and that each signature on the paper is the genuine signature of the person whose name it purports to be.

C. 40:49-27b Certification of petition.

3. (New section) Within 10 days after the filing of the petition, the municipal clerk shall examine the same and ascertain whether

or not it is signed by the requisite number of qualified voters, and shall attach its certificate showing the result of the examination. If the petition is insufficient, the clerk shall return the petition to the person filing it. The petition may be amended and refiled within 10 days after the receipt thereof from the clerk. Within 10 days after receiving an amended petition, the clerk shall examine the petition. If the petition is sufficient, the clerk shall submit it to the governing body of the municipality without delay, and shall take all necessary steps required by R. S. 40:49-10 and this amendatory and supplementary act for the scheduling of an election on the ordinance. If the petition is not sufficient, the clerk shall return it to the person filing it, and the ordinance shall become operative immediately or on the 20th day following publication of the ordinance after final passage, as appropriate.

C. 40:49-27c Notice of election.

4. (New section) If the ordinance is to be submitted to the voters, notice of the election shall be published at least once in a newspaper published in the municipality or, if there is no such newspaper, in a newspaper published in the county and circulating in the municipality. The notice shall be published at least 10 days before the date of the election.

5. This act shall take effect immediately, but shall not apply to any referendum required pursuant to a petition filed on or before the effective date of this act.

Approved July 30, 1986.

CHAPTER 70

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

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

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby

ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S. 18A:24-16 was not prepared and filed as required by N. J. S. 18A:24-16 and N. J. S. 18A:24-17, and notwithstanding that notices relating to such election were not published at the time required by the provisions of N. J. S. 18A:14-25, and notwithstanding that election officers did not sign the statement of result for one of the school election voting districts as required by the provisions of N. J. S. 18A:14-61; provided, however, that a supplemental debt statement has heretofore been prepared, sworn to and filed in the places required by N. J. S. 18A:24-17; and provided further, that such notices were published at least 30 days prior to the election; and provided further, that the voting machine return sheet was signed by each election official for such voting district; and provided further, that no action, suit or other proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved July 30, 1986.

CHAPTER 71

AN ACT concerning certain mentally ill persons 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. 30:4-82.1 Findings, declarations.

1. It is found and declared:

a. That a significant number of inmates in State-owned or operated correctional facilities suffer from mental illness requiring treatment either in the form of counseling or inpatient treatment during the period of their incarceration.

b. That because of prison overcrowding, a lack of resources, and the inability of the Department of Human Services and the Department of Corrections to agree on a policy to provide adequate and

appropriate mental health services to these persons, they are not receiving the mental health treatment they need.

c. That the inability of the two departments to agree on policy is attributable to their separate missions, the Department of Human Services being constituted to provide treatment and not security, and the Department of Corrections being constituted to provide secure custody and not treatment.

d. That mentally ill inmates who do not receive treatment present a danger to other inmates and to correction officers while they are incarcerated and pose a threat to their families and to other citizens of the State when they are released.

e. That the existing procedures of the Division of Mental Health and Hospitals in the Department of Human Services and of the Department of Corrections, as well as existing laws, seem to provide sufficient authority to enable the two State agencies to alleviate the problems caused by the lack of treatment made available to mentally ill inmates.

C. 30:4-82.2 Mental health services plan.

2. The Commissioner of the Department of Human Services and the Commissioner of Corrections shall formulate a plan to provide adequate and appropriate mental health services to inmates in State-owned or operated correctional facilities.

The plan shall include, but need not be limited to, the following:

a. Procedures for identifying a person in need of mental health services when the person is initially admitted to a State-owned or operated correctional facility and while the person is confined therein;

b. Procedures for providing a mental health evaluation to a person identified under subsection a. of this section to determine whether the person is in need of mental health services;

c. Procedures for providing to a person evaluated to be in need under subsection b. of this section, adequate and appropriate mental health treatment;

d. Enumeration of the types of mental health treatment that may be provided to a person evaluated to be in need under subsection b. of this section, which types of treatment shall include, but need not be limited to, individual or group counseling, treatment with prescription drugs, and confinement in a secure hospital setting;

e. Procedures for terminating the treatment provided under subsection c. of this section when it is no longer needed by the person receiving it;

f. Procedures for insuring cooperation between the Department of Corrections and the Department of Human Services at all personnel levels and at every stage of identification, evaluation, treatment and termination of treatment so that adequate and appropriate mental health services are provided;

g. Procedures for biennial review and revision of the plan developed under this section.

C. 30:4-82.3 Deadline; regulations.

3. The plan required under section 2 of this act shall be formulated no later than the 181st day after the effective date of this act. Pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the Commissioner of the Department of Human Services and the Commissioner of Corrections jointly shall adopt regulations establishing the procedures formulated under the plan required by section 2 of this act.

4. The Commissioner of the Department of Human Services and the Commissioner of Corrections jointly shall report to the Senate Institutions, Health and Welfare Committee, the General Assembly Health and Human Resources Committee and the General Assembly Law, Public Safety and Corrections Committee no later than the 181st day after the effective date of this act. The report shall contain an explanation of the plan required under section 2 of this act, justifications for the plan's provisions, and recommendations for any legislation deemed to be necessary for the implementation of the plan.

5. This act shall take effect immediately.

Approved August 5, 1986.

CHAPTER 72

AN ACT concerning State contracts and amending P. L. 1954, c. 48.

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

1. Section 7 of P. L. 1954, c. 48 (C. 52:34-12) is amended to read as follows:

C. 52:34-12 State advertisement for bids.

7. Whenever advertising is required: (a) specifications and invitations for bids shall permit such full and free competition as is consistent with the procurement of supplies and services necessary to meet the requirements of the using agency and shall, wherever practicable, include such factors as life-cycle costs, sliding percentage preference scales, or other similar analysis as shall be deemed effective by the Director of the Division of Purchase and Property; (b) the advertisement for bids shall be in such newspaper or newspapers selected by the State Treasurer as will best give notice thereof to bidders and shall be sufficiently in advance of the purchase or contract to promote competitive bidding; (c) the advertisement shall designate the time and place when and where sealed proposals shall be received and publicly opened and read, the amount of the cash or certified check, if any, which must accompany each bid, and such other terms as the State Treasurer may deem proper; (d) notice of revisions or addenda to advertisements or bid documents relating to bids shall be published in a newspaper or newspapers as selected by the State Treasurer to best give notice to bidders and sent to the prospective bidder no later than five days, Saturdays, Sundays and holidays excepted, prior to the bid due date; (e) failure to advertise for the receipt of bids or to provide proper notification of revisions or addenda to advertisements or bid documents related to bids as prescribed by subsection (d) of this section shall prevent the acceptance of bids and require the readvertisement for bids; (f) award shall be made with reasonable promptness by written notice to that responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State, price and other factors considered. Any or all bids may be rejected when the State Treasurer or the Director of the Division of Purchase and Property determines that it is in the public interest so to do.

2. This act shall take effect on the 30th day after enactment.

Approved August 5, 1986.

CHAPTER 73

AN ACT concerning certain school district contracts for group legal insurance under certain circumstances, 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:18A-3.2 Group legal insurance.

1. Any school district, hereinafter referred to as an employer, may enter into contracts of group legal insurance with an insurer authorized, pursuant to P. L. 1981, c. 160 (C. 17:46C-1 et seq.), to engage in the business of legal insurance in this State or may contract with a duly recognized prepaid legal services plan with respect to the benefits which they are authorized to provide. The contract or contracts shall provide coverage for the employees of the employer and may include their dependents. "Dependents" shall include an employee's spouse and the employee's unmarried children, including stepchildren and legally adopted children, and, at the option of the employer and the carrier, foster children, under the age of 19 who live with the employee in a regular parent-child relationship, and may also include, at the option of the employer and the carrier, other unmarried children of the employee under the age of 23 who are dependent upon the employee for support and maintenance. A spouse or child enlisting or inducted into military service shall not be considered a dependent during the military service.

"Employees" shall not include persons employed on a short-term, seasonal, intermittent or emergency basis, persons compensated on a fee basis, or persons whose compensation from the public employer is limited to reimbursement of necessary expenses actually incurred in the discharge of their duties.

The contract shall include provisions to prevent duplication of benefits and shall condition the eligibility of an employee for coverage upon satisfying a waiting period stated in the contract.

The coverage of an employee, and of his dependents, if any, shall cease upon the discontinuance of his employment or upon cessation of active full-time employment in the classes eligible for coverage, subject to the provision as may be made in a contract by his employer for limited continuance of coverage during dis-

ability, part-time employment, leave of absence other than leave for military service or layoff, or for continuance of coverage after retirement.

A contract for group legal insurance entered into pursuant to this act shall not include any legal services attendant to a claim brought by a teaching staff member against a board of education or legal services for the defense of a teaching staff member facing disciplinary action pursuant to subarticle B of article 2 of chapter 6 of Title 18A of the New Jersey Statutes (N. J. S. 18A:6-9 et seq.).

C. 18A:18A-3.3 Payment of premiums.

2. An employer entering into a contract is authorized to pay part or all of the premiums or charges for the contract and may appropriate any money necessary to pay the premiums or charges or portions thereof. The contribution required of an employee toward the cost of the coverage may be deducted from the pay, salary or other compensation of the employee upon an authorization in writing made to the appropriate disbursing officer.

The continuance of coverage after retirement of an employee may be provided at the rates and under the conditions as shall be prescribed in the contract, subject, however, to the requirements hereinafter set forth in this section. The contribution required of a retired employee toward the cost of the coverage may be paid by him to his former employer or in any other manner as the employer shall direct.

Retired employees may be required to pay for the entire cost of coverage for themselves and their dependents at rates which are determined based upon the reasonable expected use of retired persons.

C. 18A:18A-3.4 Employer payment for retirees.

3. In providing for the continuance of coverage after retirement of employees and their dependents as authorized by section 2 of this act and notwithstanding any of the provisions of section 2 to the contrary, the employer may assume the entire cost of the coverage and pay all the premiums for employees who have retired after 25 years or more of service with the employer, including the premiums for their dependents, if any, under uniform conditions as the school district shall prescribe.

4. This act shall take effect immediately.

Approved August 5, 1986.

CHAPTER 74

AN ACT concerning the protection of shareholder rights, and supplementing Title 14A of the New Jersey Statutes.

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

C. 14A:10A-1 Short title.

1. This act shall be known and may be cited as the "New Jersey Shareholders' Protection Act." The requirements of this act shall be in addition to the requirements of applicable law, including Title 14A of the New Jersey Statutes and any additional requirements contained in the certificate of incorporation or bylaws of a resident domestic corporation with respect to business combinations as defined herein.

C. 14A:10A-2 Findings, declarations.

2. The Legislature hereby finds and declares it to be the public policy of this State, the following:

a. Resident domestic corporations, as defined in this act, encompass, represent and affect, through their ongoing business operations, a variety of constituencies, including New Jersey shareholders, employees, customers, suppliers and local communities and their economies whose welfare is vital to the State's interests.

b. In order to promote such welfare, the regulation of the internal affairs of resident domestic corporations as reflected in the laws of this State governing business corporations should allow for the stable, long-term growth of resident domestic corporations.

c. Takeovers of public corporations financed largely through debt to be repaid in the short term by the sale of substantial assets of the target corporation, in other states, have impaired local employment conditions and disrupted local commercial activity. These takeovers prevent shareholders from realizing the full value of their holdings through forced mergers and other coercive devices. The threat of these takeovers also deprives shareholders of value by forcing the adoption of short-term business strategies as well as defensive tactics which may not be in the public interest.

C. 14A:10A-3 Definitions.

3. As used in this act:

a. "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, a specified person.

b. "Announcement date," when used in reference to any business combination, means the date of the first public announcement of the final, definitive proposal for that business combination.

c. "Associate," when used to indicate a relationship with any person, means (1) any corporation or organization of which that person is an officer or partner or is, directly or indirectly, the beneficial owner of 10% or more of any class of voting stock, (2) any trust or other estate in which that person has a substantial beneficial interest or as to which that person serves as trustee or in a similar fiduciary capacity, or (3) any relative or spouse of that person, or any relative of that spouse, who has the same home as that person.

d. "Beneficial owner," when used with respect to any stock, means a person:

(1) that, individually or with or through any of its affiliates or associates, beneficially owns that stock, directly or indirectly;

(2) that, individually or with or through any of its affiliates or associates, has (a) the right to acquire that stock (whether that right is exercisable immediately or only after the passage of time), pursuant to any agreement, arrangement or understanding (whether or not in writing), or upon the exercise of conversion rights, exchange rights, warrants or options, or otherwise; provided, however, that a person shall not be deemed the beneficial owner of stock tendered pursuant to a tender or exchange offer made by that person or any of that person's affiliates or associates until that tendered stock is accepted for purchase or exchange; or (b) the right to vote that stock pursuant to any agreement, arrangement or understanding (whether or not in writing); provided, however, that a person shall not be deemed the beneficial owner of any stock under this subparagraph if the agreement, arrangement or understanding to vote that stock (i) arises solely from a revocable proxy or consent given in response to a proxy or consent solicitation made in accordance with the applicable rules and regulations under the Exchange Act, and (ii) is not then reportable on a Schedule 13D under the Exchange Act (or any comparable or successor report); or

(3) that has any agreement, arrangement or understanding (whether or not in writing), for the purpose of acquiring, holding, voting (except voting pursuant to a revocable proxy or consent as described in subparagraph (b) of paragraph (2) of

this subsection), or disposing of that stock with any other person that beneficially owns, or whose affiliates or associates beneficially own, directly or indirectly, that stock.

e. "Business combination," when used in reference to any resident domestic corporation and any interested stockholder of that resident domestic corporation, means:

(1) any merger or consolidation of that resident domestic corporation or any subsidiary of that resident domestic corporation with (a) that interested stockholder or (b) any other corporation (whether or not it is an interested stockholder of that resident domestic corporation) which is, or after a merger or consolidation would be, an affiliate or associate of that interested stockholder;

(2) any sale, lease, exchange, mortgage, pledge, transfer or other disposition (in one transaction or a series of transactions) to or with that interested stockholder or any affiliate or associate of that interested stockholder of assets of that resident domestic corporation or any subsidiary of that resident domestic corporation (a) having an aggregate market value equal to 10% or more of the aggregate market value of all the assets, determined on a consolidated basis, of that resident domestic corporation, (b) having an aggregate market value equal to 10% or more of the aggregate market value of all the outstanding stock of that resident domestic corporation, or (c) representing 10% or more of the earning power or income, determined on a consolidated basis, of that resident domestic corporation;

(3) the issuance or transfer by that resident domestic corporation or any subsidiary of that resident domestic corporation (in one transaction or a series of transactions) of any stock of that resident domestic corporation or any subsidiary of that resident domestic corporation which has an aggregate market value equal to 5% or more of the aggregate market value of all the outstanding stock of that resident domestic corporation to that interested stockholder or any affiliate or associate of that interested stockholder, except pursuant to the exercise of warrants or rights to purchase stock offered, or a dividend or distribution paid or made, pro rata to all stockholders of that resident domestic corporation;

(4) the adoption of any plan or proposal for the liquidation or dissolution of that resident domestic corporation proposed by, on behalf of or pursuant to any agreement, arrangement or understanding (whether or not in writing) with, that interested stockholder or any affiliate or associate of that interested stockholder;

(5) any reclassification of securities (including, without limitation, any stock split, stock dividend, or other distribution of stock in respect of stock, or any reverse stock split), or recapitalization of that resident domestic corporation, or any merger or consolidation of that resident domestic corporation with any subsidiary of that resident domestic corporation, or any other transaction (whether or not with, or into, or otherwise involving that interested stockholder), proposed by, on behalf of or pursuant to any agreement, arrangement or understanding (whether or not in writing) with, that interested stockholder or any affiliate or associate of that interested stockholder, which has the effect, directly or indirectly, of increasing the proportionate share of the outstanding shares of any class or series of stock or securities convertible into voting stock of that resident domestic corporation or any subsidiary of that resident domestic corporation which is directly or indirectly owned by that interested stockholder or any affiliate or associate of that interested stockholder, except as a result of immaterial changes due to fractional share adjustments; or

(6) any receipt by that interested stockholder or any affiliate or associate of that interested stockholder of the benefit, directly or indirectly (except proportionately as a stockholder of that resident domestic corporation), of any loans, advances, guarantees, pledges or other financial assistance or any tax credits or other tax advantages provided by or through that corporation.

f. "Common stock" means any stock other than preferred stock.

g. "Consummation date," with respect to any business combination, means the date of consummation of that business combination.

h. "Control," including the terms "controlling" "controlled by" and "under common control with," means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting stock, by contract, or otherwise. A person's beneficial ownership of 10% or more of the voting power of a corporation's outstanding voting stock shall create a presumption that that person has control of that corporation. Notwithstanding the foregoing in this subsection, a person shall not be deemed to have control of a corporation if that person holds voting power, in good faith and not for the purpose of circumventing this section, as an agent, bank, broker, nominee, custodian or trustee for one

or more beneficial owners who do not individually or as a group have control of that corporation.

i. "Exchange Act" means the "Securities Exchange Act of 1934," 48 Stat. 881 (15 U. S. C. § 78a et seq.) as the same has been or hereafter may be amended from time to time.

j. "Interested stockholder," when used in reference to any resident domestic corporation, means any person (other than that resident domestic corporation or any subsidiary of that resident domestic corporation or a bank holding company as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133 (12 U. S. C. § 1841 et seq.) as amended, or any subsidiary of a bank holding company) that:

(1) is the beneficial owner, directly or indirectly, of 10% or more of the voting power of the outstanding voting stock of that resident domestic corporation; or

(2) is an affiliate or associate of that resident domestic corporation and at any time within the five-year period immediately prior to the date in question was the beneficial owner, directly or indirectly, of 10% or more of the voting power of the then outstanding stock of that resident domestic corporation. For the purpose of determining whether a person is an interested stockholder pursuant to this subsection, the number of shares of voting stock of that resident domestic corporation deemed to be outstanding shall include shares deemed to be beneficially owned by the person through application of subsection d. of this section but shall not include any other unissued shares of voting stock of that resident domestic corporation which may be issuable pursuant to any agreement, arrangement or understanding, or upon exercise of conversion rights, warrants or options, or otherwise.

k. "Market value," when used in reference to property of any resident domestic corporation, means:

(1) in the case of stock, the highest closing sale price during the 30-day period immediately preceding the date in question of a share of that stock on the composite tape for New York Stock Exchange-listed stocks, or, if that stock is not quoted on that composite tape or if that stock is not listed on that exchange, on the principal United States securities exchange registered under the Exchange Act on which that stock is listed, or, if that stock is not listed on any such exchange, the highest closing bid quotation with respect to a share of that stock during the 30-day period preceding the date in question on the National Association of

Securities Dealers, Inc. Automated Quotations System, or any system then in use, or if no such quotations are available, the fair market value on the date in question of a share of that resident domestic stock as determined by the board of directors of that corporation in good faith; and

(2) in the case of property other than cash or stock, the fair market value of that property on the date in question as determined by the board of directors of that resident domestic corporation in good faith.

l. "Preferred stock" means any class or series of stock of a resident domestic corporation which under the bylaws or certificate of incorporation of that resident domestic corporation is entitled to receive payment of dividends prior to any payment of dividends on some other class or series of stock, or is entitled in the event of any voluntary liquidation, dissolution or winding up of the resident domestic corporation to receive payment or distribution of a preferential amount before any payments or distributions are received by some other class or series of stock.

m. "Resident domestic corporation" means an issuer of voting stock which is organized under the laws of this State and, as of the stock acquisition date in question, has its principal executive offices and significant business operations located in this State.

n. "Stock" means:

(1) any stock or similar security, any certificate of interest, any participation in any profit sharing agreement, any voting trust certificate, or any certificate of deposit for stock; and

(2) any security convertible, with or without consideration, into stock, or any warrant, call or other option or privilege of buying stock without being bound to do so, or any other security carrying any right to acquire, subscribe to or purchase stock.

o. "Stock acquisition date," with respect to any person and any resident domestic corporation, means the date that that person first becomes an interested stockholder of that resident domestic corporation.

p. "Subsidiary" of any resident domestic corporation means any other corporation of which voting stock having a majority of the votes entitled to be cast is owned, directly or indirectly, by that resident domestic corporation.

q. "Voting stock" means shares of capital stock of a corporation entitled to vote generally in the election of directors.

C. 14A:10A-4 5-year restriction.

4. Notwithstanding anything to the contrary contained in this act (except section 6 of this act), no resident domestic corporation shall engage in any business combination with any interested stockholder of that resident domestic corporation for a period of five years following that interested stockholder's stock acquisition date unless that business combination is approved by the board of directors of that resident domestic corporation prior to that interested stockholder's stock acquisition date.

C. 14A:10A-5 Permissible business combinations.

5. In addition to the restriction contained in section 4 of this act, and except as provided in section 6 of this act, no resident domestic corporation shall engage at any time in any business combination with any interested stockholder of that resident domestic corporation other than a business combination specified in any one of subsections a., b. or c. of this section:

a. a business combination approved by the board of directors of that resident domestic corporation prior to that interested stockholder's stock acquisition date.

b. a business combination approved by the affirmative vote of the holders of two-thirds of the voting stock not beneficially owned by that interested stockholder at a meeting called for such purpose.

c. a business combination that meets all of the following conditions:

(1) the aggregate amount of the cash and the market value, as of the consummation date, of consideration other than cash to be received per share by holders of outstanding shares of common stock of that resident domestic corporation in that business combination is at least equal to the higher of the following:

(a) the highest per share price (including any brokerage commissions, transfer taxes and soliciting dealers' fees) paid by that interested stockholder for any shares of common stock of the same class or series acquired by it (i) within the five-year period immediately prior to the announcement date with respect to that business combination, or (ii) within the five-year period immediately prior to, or in, the transaction in which that interested stockholder became an interested stockholder, whichever is higher; plus, in either case, interest compounded annually from the earliest date on which that highest per share acquisition price was paid through the consummation date at the rate for one-year United States Treasury obligations from time to time in effect; less the

aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of common stock since that earliest date, up to the amount of that interest; and

(b) the market value per share of common stock on the announcement date with respect to that business combination or on that interested stockholder's stock acquisition date, whichever is higher; plus interest compounded annually from that date through the consummation date at the rate for one-year United States Treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of common stock since that date, up to the amount of that interest;

(2) the aggregate amount of the cash and the market value as of the consummation date of consideration other than cash to be received per share by holders of outstanding shares of any class or series of stock, other than common stock, of that resident domestic corporation is at least equal to the highest of the following (whether or not that interested stockholder has previously acquired any shares of that class or series of stock):

(a) the highest per share price (including any brokerage commissions, transfer taxes and soliciting dealers' fees) paid by that interested stockholder for any shares of that class or series of stock acquired by it (i) within the five-year period immediately prior to the announcement date with respect to that business combination, or (ii) within the five-year period immediately prior to, or in, the transaction in which that interested stockholder became an interested stockholder, whichever is higher; plus, in either case, interest compounded annually from the earliest date on which that highest per share acquisition price was paid through the consummation date at the rate for one-year United States Treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of that class or series of stock since that earliest date, up to the amount of that interest;

(b) the highest preferential amount per share to which the holders of shares of that class or series of stock are entitled in the event of any liquidation, dissolution or winding up of that resident domestic corporation, plus the aggregate amount of any dividends declared or due as to which those holders are entitled

prior to payment of dividends on some other class or series of stock (unless the aggregate amount of those dividends is included in that preferential amount); and

(c) the market value per share of that class or series of stock on the announcement date with respect to that business combination or on that interested stockholder's stock acquisition date, whichever is higher; plus interest compounded annually from that date through the consummation date at the rate for one-year United States Treasury obligations from time to time in effect; less the aggregate amount of any cash dividends paid, and the market value of any dividends paid other than in cash, per share of that class or series of stock since that date, up to the amount of that interest;

(3) the consideration to be received by holders of a particular class or series of outstanding stock (including common stock) of that resident domestic corporation in that business combination is in cash or in the same form as the interested stockholder has used to acquire the largest number of shares of that class or series of stock previously acquired by it;

(4) the holders of all outstanding shares of stock of that resident domestic corporation not beneficially owned by that interested stockholder immediately prior to the consummation of that business combination are entitled to receive in that business combination cash or other consideration for those shares in compliance with paragraphs (1), (2) and (3) of this subsection; and

(5) after that interested stockholder's stock acquisition date and prior to the consummation date with respect to that business combination, that interested stockholder has not become the beneficial owner of any additional shares of stock of that resident domestic corporation, except:

(a) as part of the transaction which resulted in that interested stockholder becoming an interested stockholder;

(b) by virtue of proportionate stock splits, stock dividends or other distributions of stock in respect of stock not constituting a business combination under paragraph (5) of subsection e. of section 2 of this act;

(c) through a business combination meeting all of the conditions of paragraph (3) and this paragraph; or

(d) through purchase by that interested stockholder at any price which, if that price had been paid in an otherwise permissible business combination, the announcement date and consumma-

tion date of which were the date of that purchase, would have satisfied the requirements of paragraphs (1), (2) and (3) of this subsection.

C. 14A:10A-6 Exemptions.

6. a. Unless the certificate of incorporation provides otherwise, the provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder if the resident domestic corporation did not have a class of voting stock registered or traded on a national securities exchange or registered with the Securities and Exchange Commission pursuant to section 12(g) of the Exchange Act, 48 Stat. 892 (15 U. S. C. § 781) on that interested stockholder's stock acquisition date.

b. Unless the certificate of incorporation provides otherwise, the provisions of this act shall not apply to any business combination with an interested stockholder who was an interested stockholder prior to the effective date of this act unless subsequent thereto that interested stockholder increased his or its interested stockholder's proportion of the voting power of the resident domestic corporation's outstanding voting stock to a proportion in excess of the proportion of voting power that interested stockholder held prior to the effective date of this act.

c. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which became an interested stockholder on or after January 12, 1988.

d. The provisions of this act shall not apply to any business combination of a resident domestic corporation with an interested stockholder of that corporation which became an interested stockholder inadvertently, if such interested stockholder (1) as soon as practicable divests itself or himself of a sufficient amount of the voting stock of that resident domestic corporation so that he or it no longer is the beneficial owner, directly or indirectly, of 10% or more of the voting power of the outstanding voting stock of that corporation, or a subsidiary of that resident domestic corporation and (2) would not at any time within the five-year period preceding the announcement date with respect to that business combination have been an interested stockholder but for that inadvertent acquisition.

e. The provisions of this act shall not apply to any business combination of a resident domestic corporation which is a "bank

holding company” as defined in the “Bank Holding Company Act of 1956,” 70 Stat. 133 (12 U. S. C. § 1841 et seq.) as amended, or a subsidiary of the bank holding company with an interested stockholder of that resident domestic corporation.

7. The Office of Economic Policy, created pursuant to P. L. 1966, c. 129 (C. 52:18A-125 et seq.), shall evaluate the economic impact of this act on the economy of this State, on resident domestic corporations and other corporations located in this State, and on individual and institutional stockholders in this State and shall report its findings to the Legislature on or before September 8, 1987.

8. a. If any clause, sentence, subparagraph, paragraph, subsection, section, or other portion of this act or the application thereof to any person or circumstances shall be held invalid, such holding shall not affect, impair or invalidate the remainder of this act or the application of that portion held invalid to any other person or circumstances, but shall be confined in its operation to the clause, sentence, subparagraph, paragraph, subsection, section, or other portion thereof directly involved in that holding or to the person or circumstances therein involved.

b. If any provision of this act is inconsistent with, in conflict with, or contrary to any other provision of law, that provision of this act shall prevail over that other provision and that other provision shall be deemed to be amended, superseded or repealed to the extent of that inconsistency or conflict.

9. This act shall take effect immediately and shall be retroactive to January 23, 1986.

Approved August 5, 1986.

CHAPTER 75

AN ACT concerning controlled dangerous substances and instruments used in connection with them, and amending P. L. 1970, c. 226 and P. L. 1980, c. 133.

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

1. Section 17 of P. L. 1970, c. 226 (C. 24:21-17) is amended to read as follows:

C. 24:21-17 Form of label to be used by pharmacists; altering or removing label.

17. Form of label to be used by pharmacists; altering or removing label. Whenever a pharmacist sells or dispenses any controlled dangerous substance on a prescription issued by a practitioner, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address, and registry number, or the name, address, and registry number of the pharmacist or pharmacy owner for whom he is lawfully acting; the name of the patient or, if the patient is an animal, the name of the owner of the animal and the species of the animal; the name of the practitioner by whom the prescription was issued; the brand name or generic name of the drug dispensed unless the prescriber states otherwise on the prescription, such directions as may be stated on the prescription and such directions as may be required by rules or regulations promulgated by the commissioner.

No person shall alter, deface, or remove any label so affixed as long as any of the original contents remain.

2. Section 6 of P. L. 1980, c. 133 (C. 24:21-51) is amended to read as follows:

C. 24:21-51 Prescription for hypodermic syringe.

6. a. No person shall sell, furnish, or give to any person or persons other than a duly licensed physician, dentist, veterinarian, undertaker, nurse, podiatrist, registered pharmacist, or a hospital, sanitarium, clinical laboratory or any other medical institution, or a State or governmental agency, or a regular dealer in medical, dental or surgical supplies, or a resident physician or intern of a hospital, sanitarium or other medical institution, an instrument commonly known as a hypodermic syringe, hypodermic needle or any instrument adapted for the use of controlled dangerous substances as defined in P. L. 1970, c. 226 (C. 24:21-1 et seq.) by subcutaneous injections without a prescription of a duly licensed physician, dentist or veterinarian. Such prescription shall contain the name and address of the patient, the description of the instrument prescribed and the number of instruments prescribed.

b. Every person who disposes of, or sells, or furnishes, or gives away a hypodermic syringe or a hypodermic needle or an instrument adapted for the use of controlled dangerous substances by subcutaneous injections, upon the prescription of a duly licensed physician, dentist, or veterinarian, shall record the date of the sale

or furnishing of the instrument. This prescription shall be retained on file for a period of two years and shall be open to inspection by any public officer or employee engaged in the enforcement of this section. A prescription filed in accordance with this section shall be sufficient authority, without the necessity of a renewal or reissuance, to permit subsequent sales or the furnishing of hypodermic syringes or hypodermic needles or instruments adapted for the use of controlled dangerous substances by subcutaneous injections to the person to whom the prescription was issued, for a period of six months from the date of its original issuance.

c. It shall be unlawful for any person or persons, except a duly licensed physician, dentist, veterinarian, nurse, podiatrist, hospital, sanitarium or other medical institution, or a resident physician or intern of a hospital, sanitarium or other medical institution, to have under control or possess a hypodermic syringe, hypodermic needle or any other instrument adapted for the use of controlled dangerous substances by subcutaneous injections with intent to use such syringe, needle or instrument for such purpose, unless such possession be obtained upon a valid prescription form, and such use be authorized or directed by a duly licensed physician or veterinarian. For the purposes of this subsection, no such prescription shall be valid which has been outstanding for more than six months.

d. Any person who violates this section is guilty of a disorderly persons offense.

3. This act shall take effect on the 90th day after enactment.

Approved August 5, 1986.

CHAPTER 76

A SUPPLEMENT to "An act making appropriations for the support of the State government and the several public purposes for the fiscal year ending June 30, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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

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

FEDERAL FUNDS
DEPARTMENT OF HEALTH
20 Physical and Mental Health
21 Health Services

02-4220	Local and Community Health Services ..	\$1,358,655
---------	--	-------------

Grants:

Maternal and child health block
grant (\$1,358,655)

2. This act shall take effect immediately.

Approved August 5, 1986.

CHAPTER 77

AN ACT concerning commercial motor vehicles and amending
R. S. 39:4-46.

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

1. R. S. 39:4-46 is amended to read as follows:

Commercial motor vehicle identification.

39:4-46. Every vehicle used for commercial purposes on a street or highway, except for passenger automobiles, shall have conspicuously displayed thereon, or on a name plate affixed thereto, the name of the owner, lessee or lessor of the vehicle and the name of the municipality in which the owner, lessee or lessor has his principal place of business. Franchised public utilities and operators of fleets of 50 or more commercial vehicles, shall be exempted from displaying the name of the municipality, provided that their vehicles display a corporate identification number. The sign or name plate shall be in plain view and not less than three inches high. Where available space for lettering is limited, either by the design of the vehicle or by the presence of other legally

specified identification markings, making a strict compliance herewith impractical, the size of the lettering required by this section shall be as close to three inches high as is possible, within the limited space area, provided the name is clearly visible and readily identifiable. In the case of a combination of two vehicles the requirements of this section will be served when either unit of the combination conforms with the above identification specifications. No person shall operate or drive or cause or permit to be operated or driven on a road or highway a commercial vehicle, except for passenger automobiles which does not conform hereto.

For purposes of this section, a franchised public utility means a public utility, as defined in R. S. 48:2-13, that has a defined geographical service territory approved by the Board of Public Utilities.

2. This act shall take effect immediately.

Approved August 5, 1986.

CHAPTER 78

AN ACT authorizing townships with populations under 20,000 to enact ordinances providing for the appointment of local boards of health, and amending R. S. 26:3-9.

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

1. R. S. 26:3-9 is amended to read as follows:

Township board of health.

26:3-9. a. The local board in every township having a population of not more than 20,000 inhabitants shall be composed of the members of the township committee, the township assessor or, if the township has a board of assessors, the township clerk, and one physician to be appointed by the township committee for a term of three years from the time of his appointment and until his successor is appointed. The township committee may by ordinance provide for the appointment of not more than two alternate members. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2." The term of the alternate members shall be for two years, except that of the first

two alternate members appointed, one shall be appointed for a term of one year so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. 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.

b. Any such township may by ordinance adopt the provisions of subdivision B of this article and thereafter shall be subject to the provisions thereof and shall not be subject to the provisions of this subdivision of this article.

2. This act shall take effect immediately.

Approved August 6, 1986.

CHAPTER 79

AN ACT concerning the forfeiture of property used in commission of crimes and amending N. J. S. 2C:64-5.

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

1. N. J. S. 2C:64-5 is amended to read as follows:

Seized property; rights of owners and others holding interests.

2C:64-5. Seized Property; Rights of Owners and Others Holding Interests.

a. No forfeiture under this chapter shall affect the rights of any lessor in the ordinary course of business or any person holding a perfected security interest in property subject to seizure unless it shall appear that such person had knowledge of or consented to any act or omission upon which the right of forfeiture is based. Such rights are only to the extent of interest in the seized property and at the option of the entity funding the prosecuting agency involved may be extinguished by appropriate payment.

b. Property seized under this chapter shall not be subject to forfeiture if the owner of the property establishes by a prepon-

derance of the evidence that the owner was not involved in or aware of the unlawful activity and that the owner had done all that could reasonably be expected to prevent the proscribed use of the property by an agent. A person who uses or possesses property with the consent or knowledge of the owner is deemed to be the agent of the owner for purposes of this chapter.

c. Property seized under this chapter shall not be subject to forfeiture if the property is seized while entrusted to a person by the owner or the agent of the owner when the property has been entrusted to the person for repairs, restoration or other services to be performed on the property, and that person, without the owner's knowledge or consent, uses the property for unlawful purposes.

2. This act shall take effect immediately.

Approved August 6, 1986.

CHAPTER 80

AN ACT concerning the use of seafood wastes as fertilizers and supplementing chapter 9 of Title 4 of the Revised Statutes.

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

C. 4:9-15.33a Fertilizer regulation.

1. The department may adopt rules and regulations it may deem appropriate concerning the preparation, processing or distribution of seafood wastes to be used to fertilize or otherwise improve the chemical or physical characteristics of soil.

C. 4:9-15.33b Cooperation encouraged.

2. The department may cooperate with any State or federal agency or any private organization to effectuate the purposes of this act.

3. This act shall take effect immediately.

Approved August 6, 1986.

CHAPTER 81

AN ACT authorizing the indemnification of certain persons for claims made against them in performing certain public contracts and supplementing P. L. 1966, c. 301 (C. 27:1A-1 et seq.).

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

C. 27:1A-5.2 Indemnification of public contractors.

1. The Commissioner of Transportation, in consultation with the Attorney General, may agree to defend and indemnify any person who, pursuant to a written contract with the Department of Transportation, constructs public works or improvements or provides services to the department for claims, causes of action, demands, costs or judgments against that person arising as a direct result of the contamination of the environment by hazardous substances if the contamination is a direct result of the construction or services. The commissioner shall not agree to indemnify a person unless the commissioner determines that adequate environmental liability insurance is either unavailable to that person in connection with a particular contract or that the cost therefor is prohibitive.

The commissioner is authorized to enter into an agreement to defend and indemnify a person upon the terms and limitations the commissioner deems reasonable and appropriate. The commissioner shall not enter into an agreement to provide legal defense and indemnification to any person pursuant to this section after January 1, 1988. The commissioner shall not agree to defend or indemnify any person for acts which arise from gross negligence, willful misconduct, fraud, intentional tort, bad faith or criminal wrongdoing or for claims for punitive or exemplary damages.

An agreement to defend and indemnify pursuant to this section does not bar, reduce, limit or affect any remedies which the department may have to enforce its contract or to assert a claim for damages to which the department may be entitled arising out of the person's failure to perform the contract, or for the recovery of funds expended for the defense of a person if the defense was undertaken in response to a claim or cause of action brought against the person which is proven to have arisen from gross negligence, willful misconduct, fraud, intentional tort, bad faith, or criminal misconduct.

No one other than the person performing construction or services pursuant to a written contract with the department has the right to enforce any agreement for defense or indemnification between that person and the commissioner. For purposes of this section, the term "person" means public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals, public authorities, the United States, the State of New Jersey and any of its political subdivisions or agents. The term "services" means work performed by design or other expert consultants and work or technical functions performed by nonexperts on projects for public works, building or improvements, including work preliminary to construction under a contract and work which results in or from a contract modification. The term "hazardous substances" shall have the same meaning as provided in section 3 of P. L. 1976, c. 141 (C. 58:10-23.11b).

C. 27:1A-5.3 Time limitation.

2. Notwithstanding the time limitation established by section 1 of this act, the commissioner may defend and indemnify any person covered by an agreement which was made by him prior to January 1, 1988.

C. 27:1A-5.4 Rules, regulations.

3. The Commissioner of Transportation may adopt rules and regulations to effectuate the purposes of this act.

4. This act shall take effect immediately, and shall apply to contracts entered into prior to the effective date of this act on which work is still in progress on the effective date of this act and to contracts entered into on the effective date of this act.

Approved August 6, 1986.

CHAPTER 82

AN ACT concerning the funding for certain workers' compensation benefits and amending R. S. 34:15-94, R. S. 34:15-105, R. S. 34:15-112 and P. L. 1980, c. 83.

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

1. R. S. 34:15-94 is amended to read as follows:

Supplemental assessments for workers' compensation.

34:15-94. Each mutual association or stock company writing compensation or employer's liability insurance in this State, and each self-insurer, shall pay to the Commissioner of Labor a sum equal to that proportion of 150% of the total amount of moneys paid under R. S. 34:15-95 during the preceding calendar year, less the amount of net assets exceeding \$5,000,000.00 remaining in such fund as of December 31 of said preceding calendar year, which the total compensation payments of such mutual association, stock company or self-insurer bear to the total compensation payments made by all such mutual associations, stock companies, and self-insurers during such preceding calendar year. Such sum shall be paid by the Commissioner of Labor to the State Treasurer.

On or before August 1, 1986, the Commissioner of Labor shall recalculate payments due for calendar year 1986 in accordance with the formula provided above, and levy supplemental assessments to adjust for any difference due to be paid in satisfaction of obligations for calendar year 1986, giving full credit for payments previously due and paid on or before August 15, 1986. Such supplemental assessments, if necessary to be levied, shall be paid on or before September 15, 1986. Commencing January 1, 1987, and each calendar year thereafter, annual payments shall be calculated by the commissioner and sums due shall be paid in equal quarterly installments on or before March 15, on or before June 15, on or before September 15 and on or before December 15 of each year.

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

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

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

1. Any employee or dependent receiving further weekly benefits as provided under R. S. 34:15-95, R. S. 34:15-12(b) or R. S. 34:15-13 at a rate applicable prior to January 1, 1980, and whose payment is less than the maximum compensation rate in effect for the year 1980, shall be entitled to receive a special adjustment benefit payment from the fund provided for by R. S. 34:15-94 and

R. S. 34:15-95 and from those sources as provided for by this 1980 amendatory and supplementary act.

Any dependent, as defined in R. S. 34:15-13, of a person totally disabled who dies while receiving compensation from the fund provided for by R. S. 34:15-94 and 34:15-95, shall become entitled to dependent benefits under this chapter which are comparable to payments made to other dependents under the Workers' Compensation Law, on or after the effective date of this 1980 amendatory and supplementary act.

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

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

The amount of the special adjustment benefit payment shall be such that when added to the workers' compensation rate awarded pursuant to R. S. 34:15-95, R. S. 34:15-12(b), R. S. 34:15-13 or this section as a result of injury or death, the total shall bear the same percentage relationship to the 1980 maximum workers' compensation rate that the worker's own compensation rate awarded as a result of the injury or death bears to the then effective maximum workers' compensation rate. The amount of the special adjustment benefit shall be payable at a rate of 35% of the adjustment during the fiscal year 1981 commencing July 1, 1980; 75% of the adjustment during the fiscal year 1982; and 100% of the adjustment during the fiscal year 1983 and thereafter. The special adjustment benefit payment provided herein shall be reduced by an amount equal to the individual's benefit payable under the Federal Old-age, Survivors' and Disability Insurance Act (not including increases in such benefits due to any federal statutory increases after May 31, 1980), Black Lung benefits, or the employer's share of disability pension payments received from or on account of an employer. Where any person refuses to authorize the release of information concerning the amount of benefits payable under the aforementioned benefits, the division's estimate of that amount shall be deemed to be correct unless and until the actual amount is established and no adjustment shall be made for any period of time covered by any such refusal.

Payments of the adjustment shall be made from the fund created under R. S. 34:15-94 in the manner hereinafter provided. The Commissioner of Labor shall make payments from the fund directly to the persons who are now receiving benefits under R. S. 34:15-95 and to their dependents becoming eligible for dependents' benefits under this 1980 amendatory and supplementary act by increasing or, as the case may be, setting the weekly compensation payments to include the weekly adjustment. In the case of persons who are entitled to compensation under R. S. 34:15-12(b) or R. S. 34:15-13, the insurance carrier or self-insured employer in the second and subsequent fiscal years after enactment shall increase the weekly compensation payments to include the weekly adjustment and shall credit the payment against the assessments payable by the insurance carrier or self-insurer under R. S. 34:15-94. The insurance carrier or self-insurer claiming such credit shall submit vouchers upon forms prescribed by the Commissioner of Labor, identifying each case and indicating the weekly benefit adjustment applicable thereto.

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

3. R. S. 34:15-105 is amended to read as follows:

Stock workers' compensation security fund.

34:15-105. There is hereby created a fund to be known as "the stock workers' compensation security fund," for the purpose of

assuring to persons entitled thereto the compensation provided by this chapter for employments insured in insolvent stock carriers and for the purpose of providing money for first year annual adjustments for benefit payments and supplemental payments during fiscal years 1984 and 1985 provided for by this 1980 amendatory and supplementary act. Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to this chapter, and remaining unpaid, in whole or in part, by reason of the default, after March 26, 1935, of an insolvent stock carrier. Expenses of administration also shall be paid from the fund as herein provided. Such fund shall consist of all contributions received and paid into the fund by stock carriers, as herein defined, all property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned upon moneys deposited or invested as herein provided. The fund shall be administered by the Commissioner of Insurance in accordance with the provisions of this chapter.

4. R. S. 34:15-112 is amended to read as follows:

Mutual workers' compensation security fund.

34:15-112. There is hereby created a fund to be known as "the mutual workers' compensation security fund," for the purpose of assuring to persons entitled thereto the compensation provided by the workers' compensation act for employments insured in insolvent mutual carriers and for the purpose of providing money for first year annual adjustments for benefit payments and supplemental payments during fiscal years 1984 and 1985 provided for by this 1980 amendatory and supplementary act. Such fund shall be applicable to the payment of valid claims for compensation or death benefits heretofore or hereafter made pursuant to this chapter, and remaining unpaid, in whole or in part, by reason of the default, after the effective date of this act, of an insolvent mutual carrier. Expenses of administration also shall be paid from the fund as herein provided. Such fund shall consist of all contributions received and paid into the fund by mutual carriers, as herein defined, of property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned upon moneys deposited or invested as herein provided. The fund shall be administered by the Commissioner of Insurance in accordance with the provisions of this article.

5. This act shall take effect immediately.

Approved August 6, 1986.

CHAPTER 83

AN ACT concerning radon gas and radon progeny contamination, supplementing P. L. 1958, c. 116 (C. 26:2D-1 et seq.), and making appropriations.

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

C. 26:2D-70 Radon tester certification.

1. The Department of Environmental Protection shall within 180 days of the enactment of this act establish a program for the certification of persons who test for the presence of radon gas and radon progeny in buildings.

C. 26:2D-71 Radon mitigator certification.

2. The Department of Environmental Protection shall within 180 days of the enactment of this act establish a program for the certification of persons who mitigate, and safeguard buildings from, the presence of radon gas and radon progeny.

C. 26:2D-72 Mandatory programs.

3. Beginning 90 days after the establishment of the certification programs by the Department of Environmental Protection pursuant to sections 1 and 2 of this act, no person who is not certified pursuant to section 1 or section 2 of this act, as appropriate, shall test for, or mitigate or safeguard a building from, the presence of radon gas and radon progeny. The provisions of this section shall not apply to a person performing this testing or mitigation on a building which he owns, or to a person performing testing or mitigation without remuneration.

C. 26:2D-73 Confidentiality.

4. No person shall disclose to any person, except to the Department of Environmental Protection or the Department of Health, the address or owner of a nonpublic building that the person tested or treated for the presence of radon gas and radon progeny, unless the owner of the building waives, in writing, this right of confidentiality.

The provisions of this section shall not apply to a person performing testing or treatment on a building which he owns, or to instances where disclosure is necessary to contract for further testing or to contract for the mitigating and safeguarding of a building from the presence of radon gas and radon progeny. In the case of

a prospective sale of a building which has been tested for radon gas and radon progeny, the seller shall provide the buyer, at the time the contract of sale is entered into, with a copy of the results of that test and evidence of any subsequent mitigation or treatment, and any prospective buyer who contracts for the testing shall have the right to receive the results of that testing.

C. 26:2D-74 Disclosure to Department of Environmental Protection.

5. A person certified pursuant to section 1 or 2 of this act to provide testing or mitigation services shall, within 30 days of the provision of these services, disclose to the Department of Environmental Protection the address or location of the building, the name of the owner of the building where the services were provided, and the results of any tests performed. The Department of Environmental Protection shall provide to the Department of Health this information upon the request of the Department of Health.

C. 26:2D-75 Fee schedule.

6. The department shall establish a fee schedule to cover the costs of the certification programs established pursuant to sections 1 and 2 of this act.

C. 26:2D-76 Rules, regulations.

7. The department shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations to implement the provisions of this act.

C. 26:2D-77 3rd degree crimes.

8. A person who violates the provisions of section 3, 4, or 5 of this act, or any rule or regulation adopted pursuant thereto, is guilty of a crime of the third degree.

C. 26:2D-78 Not public records.

9. For the purposes of P. L. 1963, c. 73 (C. 47:1A-1 et seq.), health data relating to individuals and data relating to radon gas and radon progeny contamination at specific properties, including residential dwellings, gathered pursuant to the provisions of this act and the provisions of P. L. 1985, c. 408 (C. 26:2D-59 et seq.) shall not be deemed to be public records. The Departments of Health and Environmental Protection shall destroy all information in their possession relating to the names and addresses of persons owning properties on which data were collected relating to radon gas and radon progeny contamination, at the end of five years from the date on which the data were collected.

C. 26:2D-79 Specialized scientific personnel.

10. The Departments of Environmental Protection and Health are authorized to employ persons with specialized scientific training necessary to implement the provisions of P. L. 1985, c. 408 (C. 26:2D-59 et seq.) without regard to the provisions of Title 11 of the Revised Statutes.

C. 26:2D-80 New-house testing.

11. The Department of Community Affairs is authorized to enter into an agreement with a public or private agency to carry out testing for radon gas and radon progeny at the sites of residential dwellings, the construction of which is in progress or commences on or after the effective date of this act, and to provide funding for that testing, provided that each \$1.00 of that funding is matched by \$1.00 from other public or private sources.

12. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$1,000,000.00 to carry out the provisions of P. L. 1985, c. 408 (C. 26:2D-59 et seq.).

13. There is appropriated from the General Fund to the Department of Community Affairs the sum of \$140,000.00 to carry out the provisions of section 11 of this act.

14. This act shall take effect immediately.

Approved August 14, 1986.

CHAPTER 84

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P. L. 1986, c. 41).

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

1. In addition to the sums appropriated under P. L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management—State Aid

04-8030 Local Government Services \$389,647

Special Purpose:

Special assistance to the city of
 Jersey City to help defray the
 costs of providing essential public
 services during the Statue of
 Liberty Centennial Celebra-
 tion (\$269,647)

Special assistance to help defray
 the cost of providing essential
 public services during the Statue
 of Liberty Centennial Celebration(120,000)

The amount herein appropriated shall be apportioned to the town
 of West New York, to the township of North Bergen, to the city of
 Union City, to the town of Guttenberg, to the township of Wee-
 hawken, to the city of Bayonne, and to the city of Hoboken.

DIRECT STATE SERVICES

42 Department of Environmental Protection

40 Community Development and Environmental Management

45 Recreational Resource Management

12-4875 Parks Management \$90,000

Personal Services:

New positions (\$90,000)

2. Notwithstanding any provision of the Local Budget Law,
 N. J. S. 40A:4-1 et seq., a municipality receiving State aid under
 the provisions of this act may anticipate the receipt of the amount
 of State aid certified to it by the director and may file such amend-
 ments to or corrections of its local budget as may be required to
 properly reflect such amount in its budget for the 1986 local budget
 year.

3. This act shall take effect immediately, but shall remain inoperative until the enactment into law of the annual appropriation act for the fiscal year ending June 30, 1987, P. L. 1986, c. 41.

Approved August 14, 1986.

STATEMENT TO CHAPTER 84
(Senate Bill No. 2298 (2nd OCR))

Pursuant to Article V, Section 1, Paragraph 15 of the Constitution, I am appending to Assembly Reprint for Senate Bill No. 2298 (OCR) at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This bill would appropriate \$389,647 to the Department of Community Affairs to be apportioned among Jersey City and seven smaller municipalities in Hudson County to help them defray the cost of providing essential public services undertaken during the Statue of Liberty Centennial Celebration. The bill would also appropriate \$90,000 to the Department of Environmental Protection for parks management costs related to the Celebration.

I favor granting the Department of Community Affairs discretion in the awarding of the \$120,000 appropriated by this bill to smaller Hudson County municipalities that undertook special efforts during the Statue of Liberty Centennial Celebration. The Department of Community Affairs, through its Division of Local Government Services, can best assess the amount of money municipalities should receive for their efforts consistent with the appropriations contained in this bill. It is my understanding that the Department of Community Affairs has been working with the Department of Defense and the State Police in determining a fair apportionment of funds among affected municipalities.

Accordingly, I am modifying the appropriations contained in Assembly Reprint for Senate Bill No. 2298 (OCR) as follows:

Page 2, Section 1, Line 23: Delete "as follows:"

Page 2, Section 1, Line 24: Delete "\$15,000.00;"

Page 2, Section 1, Line 25: After "North Bergen," delete "\$15,000.00;" after "Union City," delete "\$15,000.00;"

- Page 2, Section 1, Line 26:* Delete "\$15,000.00;"
- Page 2, Section 1, Line 27:* At the beginning of the line, delete "\$15,000.00;" after "Bayonne," delete "\$15,000.00;"
- Page 2, Section 1, Line 28:* Delete "\$30,000.00"

Respectfully,

/s/ THOMAS H. KEAN

Governor

CHAPTER 85

AN ACT concerning victim impact statements in presentence reports and amending N. J. S. 2C:44-6 and P. L. 1982, c. 77.

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

1. N. J. S. 2C:44-6 is amended to read as follows:

Procedure on sentence; presentence investigation and report.

2C:44-6. Procedure on Sentence; Presentence Investigation and Report. a. The court shall not impose sentence without first ordering a presentence investigation of the defendant and according due consideration to a written report of such investigation when required by Rules of Court. The court may order a presentence investigation in any other case.

b. The presentence investigation shall include an analysis of the circumstances attending the commission of the offense, the defendant's history of delinquency or criminality, family situation, personal habits, the disposition of any charge made against any codefendants and may include a report on his physical and mental condition and any other matters that the probation officer deems relevant or the court directs to be included. The presentence report may also include a statement by the victim of the offense for which the defendant is being sentenced. The statement may include the nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss to include loss of earnings or ability to work suffered by the victim and the effect of the crime upon the victim's family. The probation department shall notify the victim or nearest relative

of a homicide victim of his right to make a statement for inclusion in the presentence report if the victim or relative so desires. Any such statement shall be made within 20 days of notification by the probation department.

The presentence report shall specifically include an assessment of the gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, disability, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance.

c. If, after the presentence investigation, the court desires additional information concerning an offender convicted of an offense before imposing sentence, it may order that he be examined as to his medical or mental condition, except that he may not be committed to an institution for such examination.

d. Disclosure of any presentence investigation report or psychiatric examination report shall be in accordance with law and the Rules of Court.

e. The court shall not impose a sentence of imprisonment for an extended term unless the ground therefor has been established at a hearing after the conviction of the defendant and on written notice to him of the ground proposed. The defendant shall have the right to hear and controvert the evidence against him and to offer evidence upon the issue.

f. (Deleted by amendment, P. L. 1986, c. 85.)

2. Section 23 of P. L. 1982, c. 77 (C. 2A:4A-42) is amended to read as follows:

C. 2A:4A-42 Predispositional evaluation.

23. Predispositional evaluation. a. Before making a disposition, the court may refer the juvenile to an appropriate individual, agency or institution for examination and evaluation.

b. In arriving at a disposition, the court may also consult with such individuals and agencies as may be appropriate to the juvenile's situation, including the county probation department, the Division of Youth and Family Services, school personnel, clergy, law enforcement authorities, family members and other interested and knowledgeable parties. In so doing, the court may convene a predispositional conference to discuss and recommend disposition.

6. The predisposition report ordered pursuant to the Rules of Court may include a statement by the victim of the offense for which the juvenile has been adjudicated delinquent or by the nearest relative of a homicide victim. The statement may include the nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss to include loss of earnings or ability to work suffered by the victim and the effect of the crime upon the victim's family. The probation department shall notify the victim or nearest relative of a homicide victim of his right to make a statement for inclusion in the predisposition report if the victim or relative so desires. Any statement shall be made within 20 days of notification by the probation department.

3. This act shall take effect immediately.

Approved August 14, 1986.

CHAPTER 86

AN ACT to permit the extension of certain exemptions from taxation in certain cases, amending P. L. 1967, c. 114, and amending and supplementing P. L. 1961, c. 40 and P. L. 1965, c. 95.

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

C. 40:55C-41.2 Findings, declarations.

1. The Legislature finds and declares that:

a. The "Urban Renewal Corporation and Association Law of 1961," P. L. 1961, c. 40 (C. 40:55C-40 et seq.), commonly known as the Fox-Lance Law, and the "Urban Renewal Nonprofit Corporation Law of 1965," P. L. 1965, c. 95 (C. 40:55C-77 et seq.) have accomplished a great deal in helping municipalities embark upon rehabilitation and construction projects.

b. These projects have encouraged many businesses and industries to expand their operations in their municipalities without seeking to locate elsewhere.

c. The abrupt termination of the benefits under these laws may cause severe dislocations, may result in the movement of commercial tenants to the suburbs and to out-of-State locations

and cause a lack of additional capital investment in older urban cities thereby halting the beneficent effects of urban renewal.

d. This termination may make the ownership of real property less desirable and may result in a substantial reduction of commercial ratables and a deterioration of existing buildings.

e. To encourage the further investment of private capital and participation by private enterprise, it is in the best interests of the older cities that municipalities be granted the authority necessary to address this issue now in ways which will prevent its recurrence in the future.

2. Section 4 of P. L. 1967, c. 114 (C. 40:55C-44.2) is amended to read as follows:

C. 40:55C-44.2 "Urban renewal entity."

4. "Urban renewal entity" shall mean any urban renewal corporation or urban renewal association as defined herein or in the act to which this act is a supplement. The term "entity" when used in P. L. 1961, c. 40 (C. 40:55C-40 et seq.) shall be understood to be a contraction of the term "urban renewal entity."

3. Section 26 of P. L. 1961, c. 40 (C. 40:55C-65) is amended to read as follows:

C. 40:55C-65 Duration of tax exemption; annual service charge.

26. The rehabilitation or improvements made in the development or redevelopment of a blighted area or area adjacent thereto or State investment blighted area, pursuant to this act, shall be exempt from taxation for a limited period as hereinafter provided. Any such exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions and no such claim shall be allowed unless the municipality wherein said property is situated shall certify that a financial agreement with an urban renewal corporation or association for the development or the redevelopment of the property has been entered into and is in effect as required by the provisions of this act. In the event that an exemption status changes during a tax year, the procedure for the apportionment of the taxes for said year shall be the same as in the case of other changes in tax exemption status during the tax year.

a. The duration of the exemption shall be as follows: (1) for housing or residential condominium projects, a term of 35 years from the date of the execution of the financial agreement; or (2) for all other projects, a term of 20 years from the date of the execution of the financial agreement; except that all projects

of any type, for which an executed financial agreement, authorized by the provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.) is in force and effect on the date of the enactment of this amendatory and supplementary act, shall be eligible for an additional term of 15 years from the date of the termination of that existing financial agreement.

b. During the term of any exemption, in lieu of any taxes to be paid on the improvements of the project, the entity shall make payment to the municipality of an annual service charge as hereinafter provided.

c. The annual service charge to be paid by the entity for any period of exemption, other than a period of exemption which has been extended pursuant to the provisions of this amendatory and supplementary act, shall be determined as follows:

(1) With respect to any projects or portions of any projects which are not housing projects devoted to condominium ownership pursuant to P. L. 1969, c. 257 (C. 46:8B-1 et seq.), the urban renewal corporation or association shall make payment to the municipality of an annual service charge for municipal services supplied to said project, in an annual amount equal to 15% of the annual gross revenue from each unit of the project, if the project is undertaken in units, or from the total project, if the project is not undertaken in units, for each of the years of operation commencing with the date of the completion of such unit or of the project, as the case may be.

(2) Where all or part of a housing project is devoted to condominium ownership by the recording of a master deed pursuant to P. L. 1969, c. 257 (C. 46:8B-1 et seq.), the project or portions thereof so utilized shall be liable for, and the urban renewal corporation or association, or a condominium owner, as the case may be, shall pay to the municipality, an amount equal to 15% of the annual gross revenue from each condominium unit in the project, or the condominium unit owned, as the case may be, for each of the first 10 years of operation commencing upon the date of the completion of the project, or each condominium unit, if the project is undertaken in units, as the case may be. For the remainder of the period of the exemption, the annual service charge shall be determined in the same manner as provided in this paragraph, subject to the following modifications:

(a) For the eleventh year and for each succeeding year thereafter through the fifteenth year, an amount equal to either 15% of the annual gross revenue, or 20% of the amount of taxes

otherwise due on the value of the land and improvements, whichever shall be greater;

(b) For the sixteenth year and for each succeeding year thereafter through the twentieth year, an amount equal to either 15% of the annual gross revenue, or 40% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater;

(c) For the twenty-first year and for each succeeding year thereafter through the twenty-fifth year, an amount equal to either 15% of the annual gross revenue, or 60% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater; and

(d) For the twenty-sixth year and for each succeeding year thereafter through the thirtieth year, an amount equal to either 15% of the annual gross revenue, or 80% of the amount of taxes otherwise due on the value of the land and improvements, whichever shall be greater.

At the option of the municipality, or where because of the nature of the development, ownership, use or occupancy of the project or any unit thereof, if the project is to be undertaken in units, the total annual gross rental cannot be reasonably ascertained under the provisions of section 12 of this act (C. 40:55C-51), or the annual gross revenue cannot be reasonably ascertained under the provisions of section 1 of P. L. 1978, c. 93 (C. 40:55C-58.1), the governing body shall provide in the financial agreement that the annual service charge shall be a sum equal to 2% of the total project cost or total project unit cost determined pursuant to section 8 of this act (C. 40:55C-47), calculated from the first day of the month following the substantial completion of the project or any unit thereof, if the project is undertaken in units.

Against such annual charge the corporation or association, or, in the case of a condominium unit, the unit owner, shall be entitled to credit for the amount, without interest, of the real estate taxes on land paid by it in the last four preceding quarterly installments.

In all cases, the amount of the annual service charge to be paid by an entity shall be the greater of the following: either the amount of the annual service charge determined pursuant to subsection c. of this section or the amount of the minimum annual service charge as determined pursuant to section 10 of this amendatory and supplementary act.

d. The annual service charge to be paid by the entity for a period of exemption which has been extended pursuant to the provisions of this amendatory and supplementary act shall be determined as follows:

(1) For projects for which the annual service charge in the initial financial agreement was determined as a percentage of annual gross revenue, the annual service charge in the period of extension shall be as follows: (a) for each of the first five years of the extension period, an amount equal to 16% of the annual gross revenue; (b) for each of the second five years of the extension period, an amount equal to 17% of the annual gross revenue; and (c) for each of the final five years of the extension period, an amount equal to 18% of the annual gross revenue.

(2) For projects for which the annual service charge in the initial financial agreement was determined as a percentage of total project cost, the annual service charge in the period of extension shall be determined as follows: (a) for each of the first five years of the extension period, an amount equal to 4% of the total project cost; (b) for each of the second five years of the extension period, an amount equal to 5% of the total project cost; and (c) for each of the final five years of the extension period, an amount equal to 6% of the total project cost.

The annual service charge for these projects shall be further increased in each year of the extended period by an amount as hereinafter determined: For each year following the first year of the extended period, there shall be added to the annual service charge the amount produced by multiplying the annual service charge for the project in the previous year by the percentage that the total tax levy of the municipality for the current tax year has increased over the total tax levy of the municipality for the immediately preceding tax year. For the purposes of this section, "total tax levy" means the total amount the municipality is required to raise by property taxation for municipal, school and county purposes, as shown in the Table of Aggregates prepared pursuant to R. S. 54:4-52 and set forth in Column 12D of the Abstract of Ratables for the county. In any year in which there is no increase or a reduction in the total tax levy of the municipality, the amount to be added pursuant to this paragraph shall be zero.

In addition, the annual service charge for these projects shall be further increased by the capital improvements required to be made to those projects pursuant to the provisions of section 8

of this amendatory and supplementary act or by any other capital improvement made thereto. The amount of the increase to be added in each year of the extended period pursuant to this paragraph shall be determined by multiplying the cost of the capital improvement to the project by the applicable percentage rate as provided in this subsection. The amount to be annually added to the annual service charge under the provisions of this paragraph shall first be added in the year in which the affected capital improvement is deemed completed by the municipality, pursuant to section 8 of this amendatory and supplementary act.

(3) In the event that the project is divided into units, the annual service charge for the extension period shall be calculated as set forth in paragraphs (1) and (2) above, and distributed pro rata to each unit on the basis of the relationship that the floor area of the unit bears to the total floor area of all units over which the charge is to be distributed.

e. All exemptions granted pursuant to P. L. 1961, c. 40 (C. 40:55C-40 et seq.) or extended pursuant to the provisions of this amendatory and supplementary act shall terminate at the time prescribed herein. In the instance of housing, the exemption shall terminate at the end of 25 years from the date of execution of the financial agreement or earlier, at the end of 30 years of the operation of any unit, if the project is undertaken in units, whichever first occurs, or if the project is devoted to condominium ownership, at the end of 30 years after the recording of the master deed. For all other projects, the exemption shall cease at the earlier of 20 years from the date of the execution of the financial agreement or 15 years from the date of the completion of the project; except that for all projects of any type, for which an executed financial agreement, authorized by the provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.), is in force and effect on the date of the enactment of this amendatory and supplementary act and for which an extension of the period of exemption has been granted by the municipality pursuant to the provisions of section 11 of this amendatory and supplementary act, the exemption shall terminate 15 years from the date of the termination of the financial agreement in force and effect on the date of the enactment of this amendatory and supplementary act.

Upon the termination of any exemption granted pursuant to P. L. 1961, c. 40 (C. 40:55C-40 et seq.) or any exemption extended pursuant to the provisions of this amendatory and supplementary act, the project, all affected parcels, and all improvements made

thereto shall be assessed and subject to taxation as are other taxable properties in the municipality.

After the date of termination, all restrictions and limitations upon the entity shall terminate and be at an end upon the entity's rendering its final accounting to and with the municipality.

4. Section 28 of P. L. 1961, c. 40 (C. 40:55C-67) is amended to read as follows:

C. 40:55C-67 Termination of exemption.

28. Except as otherwise provided in section 11 and section 18 of this amendatory and supplementary act, tax exemption provided herein shall apply only so long as the urban renewal corporation or association and its project remain subject to the provisions of this act but in no event longer than 20 years from the date of the execution of the financial agreement, except in the instance of housing, the tax exemption to the extent of such use shall apply for 35 years from said date. Any corporation or association organized hereunder may, at any time after the expiration of one year from the completion date of the project, notify the governing body of the municipality with which it has entered into a financial agreement that, as of a certain date designated in the notice, it relinquishes its status hereunder. As of the date so set, the tax exemption, the service charges and the profit and dividend restriction shall terminate. Upon any termination of such tax exemption, obligations and restrictions, whether by affirmative action of the corporation or association as above provided or by the provisions of this act or pursuant to the financial agreement made hereunder, the date of such termination shall be deemed to be the end of the fiscal year of said corporation or association. Within 90 days after the date of such termination, the corporation or association shall pay to the municipality a sum equal to the amount of the reserve, if any, maintained pursuant to section 27 of this act (C. 40:55C-66), as well as the excess profit, if any, payable pursuant to said section 27 by reason of the treatment of such date as the end of a fiscal year.

5. Section 21 of P. L. 1965, c. 95 (C. 40:55C-97) is amended to read as follows:

C. 40:55C-97 Urban renewal nonprofit corporation exemption.

21. The improvements made in the development or redevelopment of a blighted area, pursuant to this act, shall be exempt from taxation for a limited period as hereinafter provided. Any such

exemption shall be claimed and allowed in the same or a similar manner as in the case of other real property exemptions and no such claim shall be allowed unless the municipality wherein said property is situated shall certify that a financial agreement with an urban renewal nonprofit corporation for the development or the redevelopment of the property has been entered into and is in effect as required by the provisions of this act. In the event that an exemption status changes during a tax year, the procedure for the apportionment of the taxes for said year shall be the same as in the case of other changes in tax exemption status during the tax year.

a. The duration of the exemption shall be as follows: for all projects, a term of not more than 25 years from the date of the execution of the financial agreement; except that all projects of any type, for which an executed financial agreement, authorized by the provisions of P. L. 1965, c. 95 (C. 40:55C-77 et seq.), is in force and effect on the date of enactment of this amendatory and supplementary act, shall be eligible for an additional term of 15 years from the date of the termination of that existing financial agreement.

b. During the term of any exemption, in lieu of any taxes to be paid on the improvements of the project, the entity shall make payment to the municipality of an annual service charge as hereinafter provided.

c. The annual service charge to be paid by the entity for any period of exemption, other than a period of exemption which has been extended pursuant to the provisions of this amendatory and supplementary act, shall be determined as follows:

(1) With respect to any projects or portions of any projects, the urban renewal nonprofit corporation shall make payment to the municipality of an annual service charge for municipal services applied to said project, in an annual amount equal to 15% of the annual gross revenue from each unit of the project, if the project is undertaken in units, or from the total project, if the project is not to be undertaken in units, for each of the years of operation commencing with the date of the completion of such unit or of the project, as the case may be.

(2) Where because of the nature of the development, ownership, use or occupancy of the project or any unit thereof, if the project is to be undertaken in units, the total annual gross rental cannot be reasonably ascertained under the provisions of section 9 of this act,

the governing body shall provide in the financial agreement that the annual service charge shall be a sum equal to 2% of the total project cost or total project unit cost determined pursuant to section 8 of this act, calculated from first day of the month following the substantial completion of the project or any unit thereof, if the project is to be undertaken in units.

Against such annual charge the corporation shall be entitled to credit for the amount, without interest, of the real estate taxes on land paid by it in the last four preceding quarterly installments.

In all cases, the amount of the annual service charge to be paid by an entity shall be the greater of the following: either the amount of the annual service charge determined pursuant to subsection c. of this section or the amount of the minimum annual service charge as determined pursuant to section 16 of this amendatory and supplementary act.

d. The annual service charge to be paid by the entity for a period of exemption which has been extended pursuant to the provisions of this amendatory and supplementary act shall be determined as follows:

(1) For projects for which the annual service charge in the initial financial agreement was determined as a percentage of annual gross revenue, the annual service charge in the period of extension shall be as follows: (a) for each of the first five years of the extension period, an amount equal to 16% of the annual gross revenue; (b) for each of the second five years of the extension period, an amount equal to 17% of the annual gross revenue; and (c) for each of the final five years of the extension period, an amount equal to 18% of the annual gross revenue.

(2) For projects for which the annual service charge in the initial financial agreement was determined as a percentage of total project cost, the annual service charge in the period of extension shall be determined as follows: (a) for each of the first five years of the extension period, an amount equal to 4% of the total project cost; (b) for each of the second five years of the extension period, an amount equal to 5% of the total project cost; and (c) for each of the final five years of the extension period, an amount equal to 6% of the total project cost.

The annual service charge for these projects shall be further increased in each year of the extended period by an amount as hereinafter determined: For each year following the first year of the extended period, there shall be added to the annual service charge the amount produced by multiplying the annual service

charge for the project in the previous year by the percentage that the total tax levy of the municipality for the current tax year has increased over the total tax levy of the municipality for the immediately preceding tax year. For the purposes of this section, "total tax levy" means the total amount the municipality is required to raise by property taxation for municipal, school and county purposes, as shown in the Table of Aggregates prepared pursuant to R. S. 54:4-52 and set forth in Column 12D of the Abstract of Ratables for the county. In any year in which there is no increase or a reduction in the total tax levy of the municipality, the amount to be added pursuant to this paragraph shall be zero.

In addition, the annual service charge for these projects shall be further increased by the capital improvements required to be made to those projects pursuant to the provisions of section 14 of this amendatory and supplementary act or by another capital improvement made thereto. The amount of the increase to be added in each year of the extended period pursuant to this paragraph shall be determined by multiplying the cost of the capital improvement to the project by the applicable percentage rate as provided in this subsection. The amount to be annually added to the annual service charge under the provisions of this paragraph shall first be added in the year in which the affected capital improvement is deemed completed by the municipality, pursuant to section 14 of this amendatory and supplementary act.

(3) In the event that the project is divided into units, the annual service charge for the extension period shall be calculated as set forth in paragraphs (1) and (2) above, and distributed pro rata to each unit on the basis of the relationship that the floor area of the unit bears to the total floor area of all units over which the charge is to be distributed.

e. All exemptions granted pursuant to P. L. 1965, c. 95 (C. 40:55C-77 et seq.) or extended pursuant to the provisions of this amendatory and supplementary act shall terminate at the time prescribed herein. For all projects, the exemption shall terminate at the earlier of 25 years from the date of the execution of the financial agreement or 20 years from the date of the completion of the project; except that for all projects for which an executed financial agreement, authorized by the provisions of P. L. 1965, c. 95 (C. 40:55C-77 et seq.), is in force and effect on the date of the enactment of this amendatory and supplementary act and for which an extension of the period of exemption has been granted by the

municipality pursuant to the provisions of section 17 of this amendatory and supplementary act, the exemption shall terminate 15 years from the date of the termination of the financial agreement in force and effect on the date of the enactment of this amendatory and supplementary act.

Upon the termination of any exemption granted pursuant to P. L. 1965, c. 95 (C. 40:55C-77 et seq.), or any exemption extended pursuant to the provisions of this amendatory and supplementary act, the project, all affected parcels, and all improvements made thereto shall be assessed and subject to taxation as are other properties in the municipality.

After the date of termination, all restrictions and limitations upon the entity in regard to the project covered by the agreement shall terminate and be at an end upon the entity's rendering its final accounting to and with the municipality.

6. Section 23 of P. L. 1965, c. 95 (C. 40:55C-99) is amended to read as follows:

C. 40:55C-99 Duration of tax exemption, service charges and payments to municipality.

23. Duration of Tax Exemption, Service Charges and Payments to Municipality. Except as otherwise provided in section 17 of this amendatory and supplementary act, the tax exemption provided herein shall apply only so long as the urban renewal nonprofit corporation and its projects remain subject to the provisions of this act but in no event longer than 25 years from the date of the execution of the financial agreement applicable to any project. Any corporation organized hereunder may, at any time after the expiration of one year from the completion date of the project, notify the governing body of the municipality with which it has entered into a financial agreement that, as of a certain date designated in the notice, it relinquishes its status with regard to the project covered by the financial agreement hereunder. As of the date so set, the tax exemption, the service charges and the profit restrictions shall terminate. Upon any termination of such tax exemption, obligations and restrictions upon a project, whether by affirmative action of the corporation as above provided or by the provisions of this act or pursuant to the financial agreement made hereunder, the date of such termination shall be deemed to be the end of the fiscal year of the project covered by the financial agreement. Within 90 days after the date of such termination, the corporation shall pay to the municipality the sum

equal to the amount of the reserve, if any, maintained pursuant to section 22 of this act, as well as the excess profit, if any, applicable to that project, payable pursuant to said section by reason of the treatment of such date as the end of a fiscal year.

7. (New section) P. L. 1961, c. 40 (C. 40:55C-40 et seq.) is supplemented as follows:

C. 40:55C-67.1 New financial agreement.

Every urban renewal entity which is a party to a financial agreement entered into pursuant to the provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.), which is in force and effect on the date of the enactment of this amendatory and supplementary act, shall have the right to apply in writing to the municipality to request a new financial agreement which would extend the term of the existing tax exemption for that project for a period of 15 years. The application shall be in the form prescribed by the municipality and shall include those certified facts and data the municipality may require, including, but not limited to:

a. A description of the project, including the land area and improvements thereon which are to be subject to the new financial agreement.

b. A detailed explanation as to the need for the extension of the period of exemption, including the financial impact of the extension.

c. A fiscal plan outlining the expected financial performance of the project for the period of the extension, including projections of annual gross revenue, estimated expenses for operations and maintenance, estimated amounts of capital investment, payments for interest and principal on outstanding debt and estimated payments of annual service charges and land taxes to the municipality.

d. A detailed statement of the charges imposed upon and payments made by the project, for annual services charges, land taxes and any penalties and interest imposed thereon, and any other taxes levied by the municipality, for the entire term of the initial financial agreement, showing the exact amount of any arrears owed to the municipality by the project, with a schedule as to when such arrears are to be paid.

e. A general description of the capital improvements to be made pursuant to section 8 of this amendatory and supplementary act, their estimated cost and the projected dates when the entity

intends to make the required investments in those capital improvements to the project.

An application for an extension shall be submitted to the municipality not more than one year before the date on which the financial agreement that is in force and effect on the date of the enactment of this amendatory and supplementary act terminates nor shall it be submitted to the municipality less than six months before the date of the termination of that financial agreement; except that any entity which is a party to a financial agreement that is scheduled to terminate on or before January 1, 1987 may submit an application for an extension at any time prior to the date on which that financial agreement terminates.

The application, together with a copy of the proposed new financial agreement, shall be addressed and submitted to the mayor of the municipality. Within 30 days of the receipt of the application and the copy of the proposed new financial agreement, which has been deemed to be complete and proper as to form by the chief legal officer of the municipality, the mayor shall submit it to the governing body along with his recommendations. The governing body shall, by resolution, approve or disapprove the application. In the event of disapproval, the governing body may suggest any changes it may deem necessary in order to secure its approval. An application may be revised and resubmitted. No application may be considered or approved for any project, however, if the tax collector of the municipality shall determine that there exist any financial arrears or outstanding financial obligations owed to the municipality for that project under the terms of the financial agreement in force and effect on the date of the enactment of this amendatory and supplementary act.

8. (New section) P. L. 1961, c. 40 (C. 40:55C-40 et seq.) is supplemented as follows:

C. 40:55C-67.2 Investment in capital improvements.

No application for an extension shall be approved unless the application shall provide that the entity shall, during the extended period, invest in capital improvements to the project in an amount equal to not less than 5% of total project cost during each five year segment of the extended period, except that the investment for the third five year segment of the extended period shall be made no later than the twelfth year of the extended period.

Every capital improvement undertaken pursuant to the provisions of this section shall be reported to the municipality, along with a certified financial statement as to its cost, no later than 90 days after its completion. As used in this section, the term "completion of a capital improvement" means the date on which the enforcing agency pursuant to P. L. 1975, c. 217 (C. 52:27D-119 et seq.) determines the capital improvement to have been completed. The term "cost of capital improvement," as used in this section, means the aggregate total of the following items: a. All fees paid or due to architects, engineers and attorneys by the entity for any work in connection with the capital improvement; b. All surveying and testing charges associated with the capital improvement; c. All actual costs of the construction of the capital improvement, as certified to by the architect responsible for supervising the construction, including but not limited to all aspects of site preparation as well as all aspects of the construction of the actual capital improvement; d. All costs of insurance, financing and interest incurred in relation to the capital improvement; and e. The developer's overhead, calculated at the rate of 5% of the aggregate total of the amounts reported and certified pursuant to subsections a. through d. of this section. The cost of the capital improvement shall be certified to the municipality by a certified public accountant on behalf of the entity not more than 90 days following the date of completion of the capital improvement. No capital improvement shall be deemed to have been made during the extended period if the permit for that improvement was issued by the enforcing agency pursuant to P. L. 1975, c. 217 (C. 52:27D-119 et seq.) prior to the date on which the extension, granted by the municipality pursuant to section 11 of this amendatory and supplementary act, shall commence.

9. (New section) P. L. 1961, c. 40 (C. 40:55C-40 et seq.) is supplemented as follows:

C. 40:55C-67.3 Mandatory contract provisions.

Every extension granted by a municipality pursuant to the provisions of section 11 of this amendatory and supplementary act shall be evidenced by a new financial agreement between the municipality and the entity. The agreement shall be prepared as to form by the entity, subject to the approval of the municipality, and submitted as part of the entity's application for that extension pursuant to section 7 of this amendatory and supplementary act.

The new financial agreement shall be in the form of a contract requiring full performance and shall have a term of 15 years, commencing on the day following the day on which the financial agreement in force and effect on the date of enactment of this amendatory and supplementary act terminates.

The new financial agreement shall include, but not be limited to, the following provisions:

a. That the profits of and dividends payable by the entity shall be limited as provided by P. L. 1961, c. 40 (C. 40:55C-40 et seq.);

b. That the improvements to the project which were exempt from taxation under the terms of the financial agreement in force and effect on the date of the enactment of this amendatory and supplementary act shall continue to be exempt during the period of extension;

c. That the entity shall make timely payments of both the annual service charge and land taxes as are provided for by P. L. 1961, c. 40 (C. 40:55C-40 et seq.) or this amendatory and supplementary act;

d. That the entity shall submit annually within 90 days after the close of its fiscal year, a certified audit report of its financial condition to the mayor and governing body of the municipality;

e. That the entity shall, upon request, permit inspection of property, equipment, buildings and other facilities of the entity and also permit examination and audit of its books, contracts, records, documents and papers by authorized representatives of the municipality;

f. That in the event of any dispute between the parties, the matters in controversy shall be resolved by arbitration in the manner provided therein;

g. That operation under the financial agreement shall be terminable by the entity in the manner provided by section 28 of P. L. 1961, c. 40 (C. 40:55C-67);

h. That the entity shall at all times prior to the termination of the agreement remain bound by the provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.) and the provisions of this amendatory and supplementary act;

i. That the provisions of sections 21, 22 and 23 of P. L. 1961, c. 40 (C. 40:55C-60 through 62, inclusive), as are applicable to the period of extension, shall remain in force and effect;

j. That the entity shall make the capital investments and improvements to the project during the term of the agreement as are required by the provisions of section 8 of this amendatory and supplementary act and set forth in the application for the extension pursuant to section 7 of this amendatory and supplementary act;

k. That the entity shall in an accurate and timely manner report to the municipality on all capital improvements completed during the extended period, including certified statements of cost;

l. That all annual service charges shall be paid quarterly on the same due dates as required by general law for the payment of real property taxes, and that in the event of any delinquency in any payment due to the municipality, the municipality shall impose penalties and interest charges on the delinquent amounts at the same rates as are then in force and effect for penalties and interest for delinquent real property taxes; and

m. That for all obligations to the municipality arising out of the project, including the annual service charge, any taxes assessed against any property or land, and any interest and penalties pursuant thereto, the municipality shall have the same rights, priorities, duties and powers of enforcement and collection as may be provided in general law for the collection and enforcement of real property taxes.

10. (New section) P. L. 1961, c. 40 (C. 40:55C-40 et seq.) is supplemented as follows:

C. 40:55C-65.1 Minimum annual service charge.

Any other provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.) to the contrary notwithstanding, whenever the minimum amount of the annual service charge for the project, as determined pursuant to this section, shall exceed the amount which otherwise would be due as the annual service charge, the amount determined pursuant to this section shall be deemed to be the amount of the annual service charge.

For any project, the minimum annual service charge shall be the amount of the total taxes assessed against all real property in the area covered by the project in the calendar year immediately preceding the year in which that area was acquired by the municipality or its agency, or by the private or public owner from whom the urban renewal entity acquired the land.

11. (New section) P. L. 1961, c. 40 (C. 40:55C-40 et seq.) is supplemented as follows:

C. 40:55C-67.4 15-year extension.

Any other provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.) to the contrary notwithstanding, a municipality may grant an extension of the period of exemption for any project for which an executed financial agreement, authorized pursuant to the provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.), is in force and effect on the date of the enactment of this amendatory and supplementary act. Such extension shall be for a period of 15 years, commencing on the day following the termination of the financial agreement in force and effect on the date of the enactment of this amendatory and supplementary act. At the conclusion of that period of extension, no further extension shall be permitted.

Any such extension shall be granted at the sole discretion of the municipality and shall be subject to the provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.) and the provisions of this amendatory and supplementary act. No extension shall be granted to any project for which an executed financial agreement, authorized pursuant to the provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.), is not in force and effect on the date of the enactment of this amendatory and supplementary act.

12. (New section) P. L. 1965, c. 95 (C. 40:55C-77 et seq.) is supplemented as follows:

C. 40:55C-81.1 "Entity" defined.

"Urban renewal entity" means any urban renewal nonprofit corporation as defined herein or in this amendatory and supplementary act. The term "entity" when used in P. L. 1965, c. 95 (C. 40:55C-77 et seq.) or in this amendatory and supplementary act shall be understood to be a contraction of the term "urban renewal entity."

13. (New section) P. L. 1965, c. 95 (C. 40:55C-77 et seq.) is supplemented as follows:

C. 40:55C-99.1 Application for extension.

Every urban renewal entity which is a party to a financial agreement entered into pursuant to the provisions of P. L. 1965, c. 95 (C. 40:55C-77 et seq.), which is in force and effect on the date of the enactment of this amendatory and supplementary act, shall have the right to apply in writing to the municipality to

request a new financial agreement which would extend the term of the existing tax exemption for that project for a period of 15 years. The application shall be in the form prescribed by the municipality and shall include those certified facts and data the municipality may require, including, but not limited to:

a. A description of the project, including the land area and improvements thereon which are to be subject to the new financial agreement.

b. A detailed explanation as to the need for the extension of the period of exemption, including the financial impact of the extension.

c. A fiscal plan outlining the expected financial performance of the project for the period of the extension, including projections of annual gross revenue, estimated expenses for operations and maintenance, estimated amounts of capital investment, payments for interest and principal on outstanding debt and estimated payments of annual service charges and land taxes to the municipality.

d. A detailed statement of the charges imposed upon and payments made by the project, for annual services charges, land taxes and any penalties and interest imposed thereon, and any other taxes levied by the municipality, for the entire term of the initial financial agreement, showing the exact amount of any arrears owed to the municipality by the project, with a schedule as to when such arrears are to be paid.

e. A general description of the capital improvements to be made pursuant to section 14 of this amendatory and supplementary act, their estimated cost and the projected dates when the entity intends to make the required investments in those capital improvements to the project.

An application for an extension shall be submitted to the municipality not more than one year before the date on which the financial agreement that is in force and effect on the date of the enactment of this amendatory and supplementary act terminates nor shall it be submitted to the municipality less than six months before the date of the termination of that financial agreement; except that any entity which is a party to a financial agreement that is scheduled to terminate on or before January 1, 1987 may submit an application for an extension at any time prior to the date on which that financial agreement terminates.

The application, together with a copy of the proposed new financial agreement, shall be addressed and submitted to the

mayor of the municipality. Within 30 days of the receipt of the application and the copy of the proposed new financial agreement, which has been deemed to be complete and proper as to form by the chief legal officer of the municipality, the mayor shall submit it to the governing body along with his recommendations. The governing body shall, by resolution, approve or disapprove the application. In the event of disapproval, the governing body may suggest any changes it may deem necessary in order to secure its approval. An application may be revised and resubmitted. No application may be considered or approved for any project, however, if the tax collector of the municipality shall determine that there exist any financial arrears or outstanding financial obligations owed to the municipality for that project under the terms of the financial agreement in force and effect on the date of the enactment of this amendatory and supplementary act.

14. (New section) P. L. 1965, c. 95 (C. 40:55C-77 et seq.) is supplemented as follows:

C. 40:55C-99.2 5% investment obligation.

No application for an extension shall be approved unless the application shall provide that the entity shall, during the extended period, invest in capital improvements to the project in an amount equal to not less than 5% of total project cost during each five year segment of the extended period, except that the investment for the third five year segment of the extended period shall be made no later than the twelfth year of the extended period.

Every capital improvement undertaken pursuant to the provisions of this section shall be reported to the municipality, along with a certified financial statement as to its cost, no later than 90 days after its completion. As used in this section, the term "completion of a capital improvement" means the date on which the enforcing agency pursuant to P. L. 1975, c. 217 (C. 52:27D-119 et seq.) determines the capital improvement to have been completed. The term "cost of capital improvement," as used in this section, means the aggregate total of the following items: a. All fees paid or due to architects, engineers and attorneys by the entity for any work in connection with the capital improvement; b. All surveying and testing charges associated with the capital improvement; c. All actual costs of the construction of the capital improvement, as certified to by the architect responsible for super-

vising the construction, including but not limited to all aspects of site preparation as well as all aspects of the construction of the actual capital improvement; d. All costs of insurance, financing and interest incurred in relation to the capital improvement; and e. The developer's overhead, calculated at the rate of 5% of the aggregate total of the amounts reported and certified pursuant to subsections a. through d. of this section. The cost of the capital improvement shall be certified to the municipality by a certified public accountant on behalf of the entity not more than 90 days following the date of completion of the capital improvement. No capital improvement shall be deemed to have been made during the extended period if the permit for that improvement was issued by the enforcing agency pursuant to P. L. 1975, c. 217 (C. 52:27D-119 et seq.) prior to the date on which the extension, granted by the municipality pursuant to section 17 of this amendatory and supplementary act, shall commence.

15. (New section) P. L. 1965, c. 95 (C. 40:55C-77 et seq.) is supplemented as follows:

C. 40:55C-99.3 Financial agreement requirements.

Every extension granted by a municipality pursuant to the provisions of section 17 of this amendatory and supplementary act shall be evidenced by a new financial agreement between the municipality and the entity. The agreement shall be prepared as to form by the entity, subject to the approval of the municipality, and submitted as part of the entity's application for that extension pursuant to section 13 of this amendatory and supplementary act.

The new financial agreement shall be in the form of a contract requiring full performance and shall have a term of 15 years, commencing on the day following the day on which the financial agreement in force and effect on the date of enactment of this amendatory and supplementary act terminates.

The new financial agreement shall include, but not be limited to, the following provisions:

a. That the profits of and dividends payable by the entity shall be limited as provided by P. L. 1965, c. 95 (C. 40:55C-77 et seq.);

b. That the improvements to the project which were exempt from taxation under the terms of the financial agreement in force and effect on the date of the enactment of this amendatory and

supplementary act shall continue to be exempt during the period of extension;

c. That the entity shall make timely payments of both the annual service charge and land taxes as are provided for by P. L. 1965, c. 95 (C. 40:55C-77 et seq.) or this amendatory and supplementary act;

d. That the entity shall submit annually within 90 days after the close of its fiscal year, a certified audit report of its financial condition to the mayor and governing body of the municipality;

e. That the entity shall, upon request, permit inspection of property, equipment, buildings and other facilities of the entity and also permit examination and audit of its books, contracts, records, documents and papers by authorized representatives of the municipality;

f. That in the event of any dispute between the parties, the matters in controversy shall be resolved by arbitration in the manner provided therein;

g. That operation under the financial agreement shall be terminable by the entity in the manner provided by section 23 of P. L. 1965, c. 95 (C. 40:55C-99);

h. That the entity shall at all times prior to the termination of the agreement remain bound by the provisions of P. L. 1965, c. 95 (C. 40:55C-77 et seq.) and the provisions of this amendatory and supplementary act;

i. That the provisions of sections 17, 18 and 19 of P. L. 1965, c. 95 (C. 40:55C-93 through 95, inclusive), as are applicable to the period of extension, shall remain in force and effect;

j. That the entity shall make the capital investments and improvements to the project during the term of the agreement as are required by the provisions of section 14 of this amendatory and supplementary act and set forth in the application for the extension pursuant to section 13 of this amendatory and supplementary act;

k. That the entity shall in an accurate and timely manner report to the municipality on all capital improvements completed during the extended period, including certified statements of cost;

l. That all annual service charges shall be paid quarterly on the same due dates as required by general law for the payment of real property taxes, and that in the event of any delinquency in any payment due to the municipality, the municipality shall

impose penalties and interest charges on the delinquent amounts at the same rates as are then in force and effect for penalties and interest for delinquent real property taxes; and

m. That for all obligations to the municipality arising out of the project, including the annual service charge, any taxes assessed against any property or land, and any interest and penalties pursuant thereto, the municipality shall have the same rights, priorities, duties and powers of enforcement and collection as may be provided in general law for the collection and enforcement of real property taxes.

16. (New section) P. L. 1965, c. 95 (C. 40:55C-77 et seq.) is supplemented as follows:

C. 40:55C-97.1 Determination of annual service charge.

Any other provisions of P. L. 1965, c. 95 (C. 40:55C-77 et seq.) to the contrary notwithstanding, whenever the minimum amount of the annual service charge for the project, as determined pursuant to this section, shall exceed the amount which otherwise would be due as the annual service charge, the amount determined pursuant to this section shall be deemed to be the amount of the annual service charge.

For any project, the minimum annual service charge shall be the amount of the total taxes assessed against all real property in the area covered by the project in the calendar year immediately preceding the year in which that area was acquired by the municipality or its agency, or by the private or public owner from whom the urban renewal entity acquired the land.

17. (New section) P. L. 1965, c. 95 (C. 40:55C-77 et seq.) is supplemented as follows:

C. 40:55C-99.4 Exemption extension.

Any other provisions of P. L. 1965, c. 95 (C. 40:55C-77 et seq.) to the contrary notwithstanding, a municipality may grant an extension of the period of exemption for any project for which an executed financial agreement, authorized pursuant to the provisions of P. L. 1965, c. 95 (C. 40:55C-77 et seq.), is in force and effect on the date of the enactment of this amendatory and supplementary act. Such extension shall be for a period of 15 years, commencing on the day following the termination of the financial agreement in force and effect on the date of the enactment of this amendatory and supplementary act. At the conclusion of that period of extension, no further extension shall be permitted.

Any such extension shall be granted at the sole discretion of the municipality and shall be subject to the provisions of P. L. 1965, c. 95 (C. 40:55C-77 et seq.) and the provisions of this amendatory and supplementary act. No extension shall be granted to any project for which an executed financial agreement, authorized pursuant to the provisions of P. L. 1965, c. 95 (C. 40:55C-77 et seq.), is not in force and effect on the date of the enactment of this amendatory and supplementary act.

18. (New section) P. L. 1961, c. 40 (C. 40:55C-40 et seq.) is supplemented as follows:

C. 40:55C-67.5 Criteria for 15-year extension.

Any other provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.) to the contrary notwithstanding, a municipality may grant an additional period of exemption of 15 years for any project which meets the requirements of this section. In order to qualify for consideration for approval by the municipality pursuant to this section, the project must meet all of the following:

a. The project must be the subject of an executed financial agreement authorized pursuant to the provisions of P. L. 1961, c. 40 (C. 40:55C-40 et seq.), the termination date of which occurs after December 31, 1985 and before January 1, 1987.

b. Prior to December 31, 1986, the project must make written application to the municipality for the additional period of exemption. The application must be in the same form and subject to the same requirements as set forth in section 7 of this amendatory and supplementary act, except for the time for submission of the application.

Any project qualified for consideration pursuant to this section for which an application is approved by the municipality in accordance with this amendatory and supplementary act shall be evidenced by a new financial agreement between the municipality and the entity. That agreement shall be in the same form and subject to the same conditions as set forth in section 9 of this amendatory and supplementary act, except that the term of the new agreement shall be for 15 years, beginning on the day following the approval by the municipality.

Any project for which an additional period of exemption is granted pursuant to this section shall also be subject to the same requirements for any project for which an extended period of ex-

emption is approved as are set forth in sections 3, 8 and 10 of this amendatory and supplementary act.

19. This act shall take effect immediately.

Approved August 14, 1986.

CHAPTER 87

AN ACT concerning fraudulent academic degrees 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:3-15.1 Deceptive diploma practices.

1. A person shall not with the intent to deceive buy, sell, make or alter, give, issue, obtain or attempt to obtain any diploma or other document purporting to confer any academic degree, or which certifies the completion in whole or in part of any course of study in any institution of higher education.

C. 18A:3-15.2 Use of fraudulent degree.

2. A person or other legal entity shall not use, or attempt to use, in connection with any business, trade, profession or occupation any academic degree or certification of degree or degree credit, including but not limited to a transcript of course work, which has been fraudulently issued, obtained, forged or altered. A person shall not, with intent to deceive, falsely represent himself as having received any such degree or credential.

C. 18A:3-15.3 Letter designation restricted.

3. A person shall not append to his name any letters in the same form designated by the Board of Higher Education as entitled to the protection accorded to an academic degree unless the person has received from a duly authorized institution of higher education the degree or certificate for which the letters are registered. For the purposes of this section, a duly authorized institution of higher education means an in-State institution licensed by the Board of Higher Education or an out-of-State institution licensed by the appropriate State agency and regionally accredited or seeking accreditation by the appropriate accrediting body recognized by the Council on Postsecondary Education or the United States Department of Education.

C. 18A:3-15.4 Out-of-State degrees.

4. An in-State university, college, business, trade or vocational school may not offer, advertise, or by agreement with an out-of-State institution, offer or advertise any academic degree from any out-of-State university, college, business, trade or vocational school when three-quarters or more of the degree requirements are obtained by course work completed at the institution in New Jersey unless the degree program has been approved by the Board of Higher Education or is a degree program at an institution specifically exempted from the provisions of N. J. S. 18A:68-6.

C. 18A:3-15.5 Civil penalty.

5. Any person who violates any provision of this act is liable to a civil penalty of \$1,000.00 for each offense, which shall be collected pursuant to the provisions of "the penalty enforcement law," N. J. S. 2A:58-1 et seq.

C. 18A:3-15.6 Rules, regulations.

6. The Board of Higher Education shall 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.

7. This act shall take effect immediately.

Approved August 14, 1986.

CHAPTER 88

AN ACT to abolish the New Jersey State Youth Commission and the Advisory Council on the Chronic Sick, amending the title of "An act concerning public health, providing for the prevention and control of chronic illness; establishing a Division of Chronic Illness Control and an Advisory Council on the Chronic Sick within the State Department of Health; and prescribing the functions, powers and duties of such division and such council," approved April 28, 1952 (P. L. 1952, c. 102), so that the same shall read "An act concerning public health, providing for the prevention and control of chronic illness; establishing a Division of Chronic Illness Control within the State Department of Health; and prescribing the functions, powers and duties of the division," amending the body of the act, and repealing sections 7 through 10, inclusive thereof and P. L. 1961, c. 140.

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

Title amended.

1. The title of P. L. 1952, c. 102 (C. 26:1A-92 et seq.) is amended to read as follows:

An act concerning public health, providing for the prevention and control of chronic illness; establishing a Division of Chronic Illness Control within the State Department of Health; and prescribing the functions, powers and duties of the division.

2. Section 11 of P. L. 1952, c. 102 (C. 26:1A-102) is amended to read as follows:

C. 26:1A-102 Health funds expenditure.

11. The State Department of Health shall administer the distribution and expenditure of moneys appropriated for the purposes described in section 6 of this act in such manner and in such amounts as the State Commissioner of Health with the approval of the Director, Division of Budget and Accounting in the Department of the Treasury shall determine to be most feasible, practicable and beneficial for the recipients thereof and in accordance with the formula of participation determined upon by the State Commissioner of Health but the money shall not be paid to any physician as salary or fee for treatments administered to the chronic sick except where such treatments may be administered for research purposes approved by the State Commissioner of Health, nor shall direct assistance in cash or merchandise for the general support of needy persons be paid therefrom.

3. (New section) The following bodies are abolished:

a. The New Jersey State Youth Commission, created by P. L. 1961, c. 140 (C. 9:23A-1 et seq.);

b. The Advisory Council on the Chronic Sick, created by P. L. 1952, c. 102 (C. 26:1A-92 et seq.).

4. (New section) The terms of office of the members of the public bodies abolished by this act are terminated. The files and records remaining in the possession of the members of these public bodies shall be made available for inspection by the Office of Legislative Services and the Division of the State Library, Archives and History for a determination as to material which should be retained by the Office of Legislative Services, filed in the State Library, delivered to another State agency or destroyed. Physical property of

these public bodies shall be reported to the Division of Purchase and Property for appropriate disposition. All unexpended balances of funds appropriated to these public bodies are lapsed to the general treasury.

Repealer.

5. The following are repealed:

- a. P. L. 1961, c. 140 (C. 9:23A-1 et seq.);
- b. Sections 7 through 10, inclusive of P. L. 1952, c. 102 (C. 26:1A-98 through 101, inclusive).

6. This act shall take effect immediately.

Approved August 14, 1986.

CHAPTER 89

AN ACT concerning the appointment of a receiver for animal pounds and shelters and supplementing chapter 22 of Title 4 of the Revised Statutes.

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

C. 4:22-50.1 Petition for animal pound receivership.

1. When the owner or operator of an animal pound or shelter is arrested pursuant to the provisions of article 2 of chapter 22 of Title 4 of the Revised Statutes by an agent of the New Jersey Society for the Prevention of Cruelty to Animals or any other person authorized to make the arrest under that article, or when the warrant is issued for the arrest, the person making the arrest or any other officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals may petition the Chancery Division of Superior Court to remove the owner or operator as custodian of the animals and appoint a receiver to operate the pound or shelter. The petitioner shall serve a copy of the petition on the Department of Health, the local board of health, and the owner or operator.

C. 4:22-50.2 Appointment; notice, hearing.

2. The court may appoint a responsible person as a receiver upon a finding that the appointment is in the best interests of the animals at the pound or shelter.

A court shall not appoint a receiver without a hearing except upon a finding that immediate and irreparable harm to the animals may result. The owner shall be given notice of the hearing in a manner designated by the court. After receipt of this notice the owner shall be granted an opportunity to contest the imposition of the receivership at the hearing.

C. 4:22-50.3 Powers of receiver; compensation.

3. The receiver shall be the custodian of the animals at the pound or shelter and shall have control over all real and personal property necessary for the daily operation of the pound or shelter. The receiver may assume the role of the administrator of the pound or shelter and take control of the daily operations or direct the owner or operator in the performance of his duties.

The court shall allow from the revenues of the pound or shelter a reasonable amount of compensation for the expenditures and services of the receiver. The revenues in excess of the cost of the receivership are to be paid to the owner of the pound or shelter. The owner is liable for a deficiency in the costs of the receivership, unless the deficiency results from the gross negligence, incompetence, or intentional misconduct of the receiver, in which case the receiver shall be liable for the deficiency. The receiver may be required to furnish a bond, the amount and form of which shall be approved by the court. The cost of the bond shall be paid for by the shelter or pound.

C. 4:22-50.4 Presentation, settlement of accounts.

4. The court shall require the filing, at periodic intervals, of reports of action taken by the receiver and of accounts itemizing the revenues and expenditures. The reports shall be open to inspection to all parties to the case. Upon motion of the court, the receiver, or owner or operator, the court may require a presentation or settlement of the accounts. Notice of a motion for presentation or settlement of the accounts shall be served on the owner or operator or any party of record who appeared in the proceeding and any party in interest in the revenues and expenditures.

C. 4:22-50.5 Termination of receivership.

5. The receiver, owner, or operator may make a motion to terminate the receivership on grounds that the conditions complained of have been eliminated or remedied. The court may immediately terminate the receivership, or terminate the receivership subject to the terms the court deems necessary or appropriate to prevent the condition complained of from recurring.

C. 4:22-50.6 Pounds subject to act.

6. This act applies to pounds and shelters as defined and licensed pursuant to P. L. 1941, c. 151 (C. 4:19-15.1 et seq.); to pounds and places of confinement owned and operated by municipalities, counties, or regional governmental authorities; and to every contractual warden or impounding service.

7. This act shall take effect immediately.

Approved August 14, 1986.

CHAPTER 90

AN ACT concerning certain county parks and recreation places and supplementing chapter 37 of Title 40 of the Revised Statutes.

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

C. 40:37-95.42 Governing body control of county parks.

1. It is lawful for the governing body of any county of the second class having a population in excess of 425,000, but less than 450,000, according to the most recent federal decennial census, to assume and thereafter to exercise the administration, regulation and control of the county parks and recreation places within that county whenever the governing body decides, by resolution adopted by the affirmative vote of a majority of all its members, to do so. The governing body shall hold a public hearing on the resolution prior to voting thereon and shall, in at least one newspaper circulating in the county, publish notice of the date, time and place of the public hearing at least two weeks prior to the hearing. Upon approval of the resolution, the governing body shall file a certificate of that decision attested to by the clerk in the office of the Secretary of State. When the certificate is filed, the administration, regulation and control of the county parks and recreation places of that county shall no longer be with the county park commission but with the governing body of the county. The governing body shall not consider or approve a resolution altering the assumption of the administration, regulation and control of the county parks and recreation places until three years have passed from the date of the filing of the certificate.

C. 40:37-95.43 Advisory commission.

2. The governing body of any county acting pursuant to section 1 of this act may appoint a county park advisory commission to

be composed of the same number of persons as the number of county park commissioners formerly required to be appointed by law. The advisory commission shall advise the governing body in matters concerning the administration, regulation and control of the county parks and recreation places within the county. The advisory commissioners first appointed in any county shall hold office as follows: a. In the case of an advisory commission having five members, two for terms of one year, two for terms of two years and one for a term of three years, respectively, as indicated and fixed in their orders of appointment; b. In the case of an advisory commission having seven members, three for terms of one year, two for terms of two years and two for terms of three years, respectively, as indicated and fixed in their orders of appointment; and c. In the case of an advisory commission having nine members, four for terms of one year, three for terms of two years and two for terms of three years, respectively, as indicated and fixed in their orders of appointment. Thereafter all advisory commissioners shall hold office for the full term of three years and vacancies shall be filled in the manner generally provided by law. The members shall serve without compensation but their necessary expenses shall be allowed and paid.

C. 40:37-95.44 Former commissioners.

3. It is the intent of this act that members of any former county park commission in office in the county on the date the certificate is filed with the Secretary of State pursuant to section 1 of this act shall continue in office as advisory commissioners pursuant to this act, and, therefore, that each former county park commissioner is appointed as an initial member of the advisory commission for a term which most nearly corresponds to the time remaining of the term for which he was originally appointed as a county park commissioner. In any case where it is not practicable to appoint each former county park commissioner to an initial term as advisory commissioner nearly corresponding to the time remaining in the original term, the former commissioners shall determine by lot the initial term for which each is appointed.

C. 40:37-95.45 Property transfer.

4. Whenever the county governing body acts pursuant to section 1 of this act, all moneys, files, books, papers, records, equipment and other property, real or personal, owned, controlled or possessed by any former county park commission shall be transferred to the governing body of the county.

C. 40:37-95.46 Employee rights unimpaired.

5. Whenever the county governing body acts pursuant to section 1 of this act, all employees employed by or on behalf of any former county park commission shall continue under the direction, supervision and control of the county governing body and nothing in this act shall deprive any employee of any tenure rights or any right or protection provided by any employment status, pension law or retirement system.

C. 40:37-95.47 Succession of rights, duties.

6. Whenever the county governing body acts pursuant to section 1 of this act, it shall succeed to all the rights, powers, duties and obligations of any former county park commission.

C. 40:37-95.48 Rules, regulations.

7. Whenever the county governing body acts pursuant to section 1 of this act, it shall prescribe rules and regulations for the administration, regulation and control of the county parks and recreation places within the county.

C. 40:37-95.49 Limited applicability.

8. The provisions of this act shall not apply to any county governed by the provisions of the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.), but a county so governed, which assumes the exercise of the administration, regulation and control of county parks and recreation places within the county, shall do so pursuant to the reorganization powers granted under section 30 of P. L. 1972, c. 154 (C. 40:41A-30).

9. This act shall take effect immediately.

Approved August 14, 1986.

CHAPTER 91

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, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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

1. In addition to the sums appropriated under P. L. 1985, c. 209, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

54 Manpower and Employment Services

07-4535 Vocational Rehabilitation Services \$150,000

Special Purpose:

West Essex Rehabilitation Center (\$150,000)

2. This act shall take effect immediately and be retroactive to July 1, 1985.

Approved August 14, 1986.

CHAPTER 92

AN ACT concerning motor vehicles retired from use as school buses and supplementing Chapter 8 of Title 39 of the Revised Statutes.

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

C. 39:3B-5.4 Bus safety standards.

1. A motor vehicle retired from use as a school bus as defined in R. S. 39:1-1 which is used to transport children or senior citizens to entertainment programs, recreational areas, sporting events, or camping activities shall not be used for those purposes unless the motor vehicle has met the safety regulations for school buses dealing with mechanical condition and body integrity adopted in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) by the Department of Education, with the exception of school bus chrome yellow color and amber and red warning lamp system regulations. No motor vehicle retired from use as a school bus shall be required to meet the safety regulations for school buses adopted by the Department of Education other than those in effect for the class of vehicle of which the bus was a member on the date upon which the vehicle was last inspected prior to its retirement as a school bus.

2. This act shall take effect immediately.

Approved August 27, 1986.

CHAPTER 93

AN ACT concerning railroad passes for certain retired railroad employees and supplementing P. L. 1979, c. 150 (C. 27:25-1 et seq.).

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

C. 27:25-5.1 Railroad passes for retired employees.

1. a. Notwithstanding any law, rule or regulation to the contrary, the governing board of the corporation shall allow a retired railroad employee, as defined in subsection b. of this section, to pass and repass, free of charge during offpeak times as defined in section 2 of P. L. 1973, c. 126 (C. 27:1A-65), in regular coach service operated by the corporation within the borders of this State.

b. As used in this act, "retired railroad employee" means a citizen and resident of this State who retired prior to January 1, 1983 after service of at least 15 years with either Conrail, the Penn Central Railroad, the Central Railroad of New Jersey, the Erie-Lackawanna Railroad or the Pennsylvania Reading Seashore Line serving New Jersey.

C. 27:25-5.2 Certificates; rules.

2. The governing board of the corporation shall issue a certificate in card form to those retired railroad employees determined to be eligible pursuant to section 1 of this act. The corporation shall promulgate rules concerning the distribution and use of the certificate.

C. 27:25-5.3 Restrictions.

3. The certificate shall be produced and shown on request of the conductor or person in charge of the train on which the retired railroad employee is riding. The presentation shall entitle the retired employee to whom the certificate is issued to pass and repass without payment of fare during offpeak times in regular coach service on the corporation's railroads operating passenger service in this State, within the borders of this State; but no certificate shall be valid for passage on interstate trains which do not provide intrastate service, or on extra fare or special purpose trains.

C. 27:25-5.4 Illegal use.

4. Any retired railroad employee who is issued a certificate under section 2 of this act and who loans his certificate, and any person using or attempting to use a certificate belonging to a retired railroad employee, shall be subject to a fine of \$250.00 and costs, to be recovered in a civil action by a summary proceeding in the name of the State under "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.). The fine when recovered shall be paid into the General Fund. In addition to the jurisdiction conferred by N. J. S. 2A:58-2, the municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this section.

C. 27:25-5.5 Confiscation of certificate.

5. The governing board of the corporation, through its agents, may take possession of any certificate presented by any person other than the retired railroad employee to whom it was issued.

6. This act shall take effect on the first day of the third month next following enactment.

Approved August 27, 1986.

CHAPTER 94

AN ACT appropriating \$6,000,000.00 from the "Shore Protection Fund" to finance State projects, and to provide State matching grants to counties and municipalities to research, plan, acquire, develop, construct, and maintain county and municipal shore protection projects.

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

1. a. There is appropriated to the Department of Environmental Protection from the "Shore Protection Fund," created pursuant to section 14 of the "Shore Protection Bond Act of 1983" (P. L. 1983, c. 356), the sum of \$6,000,000.00 to finance State shore protection projects, and to provide State matching grants to counties and municipalities, or agencies thereof, to research, plan, acquire, develop, construct, and maintain county and municipal shore protection projects.

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

2. The expenditure of the sums appropriated by this act is subject to the provisions and conditions of P. L. 1983, c. 356.

3. This act shall take effect immediately.

Approved August 27, 1986.

CHAPTER 95

AN ACT to authorize the borough of Fanwood, in the county of Union, to issue a new plenary retail consumption license under certain circumstances, notwithstanding the limitation on new licenses imposed by P. L. 1947, c. 94.

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

1. Pursuant to the provisions of P. L. 1948, c. 199 (C. 1:6-10 et seq.) and R. S. 1:6-1, under which a petition for a special law has been filed with the Legislature, the borough of Fanwood, in the county of Union is authorized to issue a new plenary retail consumption license to the owner or operator of a hotel containing at least 70 guest sleeping rooms and operated in connection with a restaurant having the capacity to seat 50 or more persons, providing the owner or operator meets the general licensing qualifications set out in R. S. 33:1-25, and notwithstanding the existing number of plenary retail consumption licenses in the borough exceed the limitation imposed by section 2 of P. L. 1947, c. 94 (C. 33:1-12.14).

2. The issue of a new plenary retail consumption license by the borough of Fanwood pursuant to this act, shall not prevent the

borough from the future acquisition and retirement of retail consumption licenses pursuant to the provisions of P. L. 1968, c. 277 (C. 40:48-2.40 et seq.).

3. This act shall take effect upon due adoption of an ordinance of the borough of Fanwood for the purpose of adopting it.

Approved August 27, 1986.

CHAPTER 96

AN ACT concerning penalties for violation of regulations pertaining to patient safety in health care facilities and amending P. L. 1971, c. 136.

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

1. Section 14 of P. L. 1971, c. 136 (C. 26:2H-14) is amended to read as follows:

C. 26:2H-14 Patient safety violation 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 \$250.00 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 \$1,000.00 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.

2. Section 16 of P. L. 1971, c. 136 (C. 26:2H-16) is amended to read as follows:

C. 26:2H-16 Health Care Facilities Improvement Fund.

16. The penalties prescribed and authorized by this act shall be recovered in a summary civil proceeding, brought in the name of the State in the Superior Court pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).

The commissioner may, in his discretion and subject to rules and regulations, accept from any licensee an offer in compromise in such amount as may in his judgment be proper under the circumstances in lieu of any suspension of any license by the commissioner. In no case shall the penalty be compromised for a sum less than \$250.00 for the first offense and \$500.00 for the second and each subsequent offense; provided, however, that any penalty of less than \$250.00 or \$500.00, as the case may be, may be compromised for a lesser sum.

All penalties collected pursuant to this section shall be deposited in a special fund which is designated as the "Health Care Facilities Improvement Fund." The fund shall be dedicated for use by the commissioner to make corrections in a health care facility which is in violation of a licensure standard and in which the owner or operator is unable or unwilling to make the necessary corrections. The owner of the facility is required to repay the fund any monies plus interest at the prevailing rate that were expended by the State to correct the violation at the facility. If the owner fails to promptly reimburse the fund, the commissioner shall have a lien in the name of the State against the facility for the cost of the corrections plus interest and for any administrative cost incurred in filing the lien.

The department may maintain an action in the name of the State to enjoin any person, firm, partnership, association or corporation from continuing to conduct, manage or operate a health care facility without a license, or after suspension or revocation of license, or in violation of rules and regulations promulgated hereunder.

3. This act shall take effect immediately.

Approved August 27, 1986.

CHAPTER 97

AN ACT concerning artists' rights.

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

C. 2A:24A-1 Short title.

1. This act shall be known and may be cited as the "Artists' Rights Act."

C. 2A:24A-2 Findings, declarations.

2. The Legislature finds and declares that:

a. The physical state of a work of fine art is of enduring and crucial importance to the artist and the artist's reputation;

b. There have been cases where works of art have been altered, defaced, mutilated or modified, thereby destroying the integrity of the artwork and causing a loss to the artist and the artist's reputation;

- c. Alteration, defacement, mutilation or other modification of an artist's work may be prejudicial to his career and reputation; and
- d. There are circumstances when an artist has the legal right to object to the alteration, defacement, mutilation or other modification of his work or to claim or disclaim authorship of a work of art.

C. 2A:24A-3 Definitions.

3. As used in this act:

- a. "Artist" means the creator of a work of fine art;
- b. "Conservation" means acts taken to correct deterioration and alteration or acts taken to prevent, stop or retard deterioration;
- c. "Person" means an individual, partnership, corporation, association or other group, however organized;
- d. "Reproduction" means a copy, in any medium, of a work of fine art that is displayed or published under circumstances which, reasonably construed, evince an intent that it be taken as a representation of a work of fine art as created by the artist; and
- e. "Work of fine art" means any original work of visual or graphic art in any medium, which includes, but is not limited to, paintings, drawings, prints, and photographic prints or sculptures of a limited edition of no more than 300 copies; provided, however, that a work of fine art shall not include sequential imagery as in motion pictures.

C. 2A:24A-4 Display in altered form.

4. No person other than the artist, or a person acting with the artist's consent, shall knowingly display in a place accessible to the public a work of fine art of that artist in an altered, defaced, mutilated or modified form, if damage to the artist's reputation is reasonably likely to result and if the work is displayed as being the work of the artist. No person other than the artist, or a person acting with the artist's consent, shall either knowingly publish or reproduce a work of fine art of that artist in an altered, defaced, mutilated or modified form, if damage to the artist's reputation is reasonably likely to result and if the work is published or reproduced as being the work of the artist by use of the artist's name in conjunction with the reproduction or publication.

C. 2A:24A-5 Right to claim, disclaim authorship.

5. The artist shall retain at all times the right to claim authorship or, for just and valid reason, to disclaim authorship of his work of fine art. The right to claim authorship shall include the right of the artist to have his name appear on or in connection

with the work of fine art as the artist. The right to disclaim authorship shall include the right of the artist to prevent his name from appearing on, or in connection with, the work of fine art as the artist. Just and valid reasons for disclaiming authorship shall include: that the work of fine art has been altered, defaced, mutilated or modified other than by the artist; that the work of fine art has been altered, defaced, mutilated or modified without the artist's consent; and that damage to the artist's reputation is reasonably likely to result or has resulted.

C. 2A:24A-6 Not violations.

6. a. Alteration, defacement, mutilation or modification of a work of fine art resulting from the passage of time or the inherent nature of the materials shall not create a violation of this act or a right to disclaim authorship under this act, provided that the alteration, defacement, mutilation or modification was not the result of gross negligence in maintaining or protecting the work of fine art.

b. In the case of a reproduction, a change that is an ordinary result of the medium of reproduction shall not create a violation of this act or a right to disclaim authorship under this act.

c. Conservation shall not constitute an alteration, defacement, mutilation or modification within the meaning of this act, unless the conservation work is shown to have been performed in a negligent manner.

C. 2A:24A-7 Applicability.

7. This act shall apply only to works of fine art knowingly displayed in a place accessible to the public or published or reproduced in this State. It shall not apply to work prepared under contract for advertising or trade use unless the contract so provides.

C. 2A:24A-8 Legal, injunctive relief.

8. a. An artist aggrieved under this act shall have a cause of action for legal and injunctive relief.

b. No action may be maintained to enforce any liability under this act unless brought within six years of the violation complained of or two years after the constructive discovery of the violation, whichever is later.

9. This act shall take effect immediately.

Approved August 27, 1986.

CHAPTER 98

AN ACT concerning education and amending N. J. S. 18A:12-1 and N. J. S. 18A:13-7.

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

1. N. J. S. 18A:12-1 is amended to read as follows:

Board of education qualifications.

18A:12-1. Each member of any board of education shall be a citizen and resident of the district, or of such constituent district of a consolidated or regional district as may be required by law, and shall have been such for at least one year immediately preceding his appointment or election, and he shall be able to read and write.

2. N. J. S. 18A:13-7 is amended to read as follows:

Regional board members.

18A:13-7. A member of a regional board of education shall be for at least one year a resident of the constituent district of the regional district, to be represented by the member, in the regional board of education.

3. This act shall take effect immediately.

Approved August 27, 1986.

CHAPTER 99

AN ACT concerning certain members of the boards of trustees of joint libraries and amending P. L. 1959, c. 155.

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

1. Section 8 of P. L. 1959, c. 155 (C. 40:54-29.10) is amended to read as follows:

C. 40:54-29.10 Joint library trustees.

8. The board of trustees of such joint library shall consist of (a) the mayor or other chief executive officer of each participating

municipality; (b) the superintendent of schools of the local school district of each such municipality, or, if there be no such official, one of the principals in the local school system, selected by the mayor or other chief executive officer, or, if there be neither of such officials, the president of the board of education; and (c) three citizens to be appointed by the mayor or other chief executive officer of each such municipality, at least two of whom shall be residents of the municipality. The initial appointments of such citizen members shall be for terms of three, four and five years, respectively, as they may be selected by the mayor or other chief executive officer. Thereafter, such citizen appointments shall be for terms of five years and until their successors are appointed and qualify. The original citizen appointments in any municipality having a free public library at the time for the formation of the joint library shall be made from among the appointed citizen members of the board of trustees of such library. Vacancies occurring on the board of trustees shall be filled for the unexpired term only. The mayor or other chief executive officer and the superintendent of schools or the principal, as the case may be, serving as a member of the board, may, respectively, appoint an alternate to act in his place with authority to attend all meetings of the board and in his absence, to vote on all questions before the board.

2. This act shall take effect immediately.

Approved August 27, 1986.

CHAPTER 100

AN ACT to amend "An act providing for the licensing and regulation of convalescent and nursing home administrators, and supplementing chapter 11 of Title 30 of the Revised Statutes," approved November 26, 1968 (P. L. 1968, c. 356).

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

1. Section 3 of P. L. 1968, c. 356 (C. 30:11-13) is amended to read as follows:

C. 30:11-13 Licensing of nursing home administrators.

3. Upon receipt of an application for license and a license fee of \$100.00, and an examination fee of \$75.00, the department shall

cause an investigation to be made of the applicant and shall issue a license if it is found that said applicant is of good moral character and complies with the provisions of this act, the regulations of the department and the minimum standards established for the administration of a convalescent home or private nursing home. The license shall not be transferable or assignable and shall be posted in a conspicuous place on the licensed premises wherein the individual acts as an administrator, as prescribed by the regulations of the department. The State Department of Health, with the advice of the Nursing Home Administrators' Licensing Board, shall adopt, amend, promulgate and enforce such rules, regulations, and minimum standards for the training, experience and education of individuals acting as administrators of convalescent homes and private nursing homes to be licensed hereunder as may be reasonably necessary to accomplish the purposes of this chapter. Such rules, regulations and minimum standards when adopted shall be binding upon all licensees and applicants for license under this chapter. Licensees and applicants for a license as a convalescent home or private nursing home administrator of an institution or home conducted exclusively for persons who rely upon treatment by spiritual means alone through prayer in accordance with the creed or tenets of a recognized church or religious denomination as described in section 9 of P. L. 1947, c. 340 (C. 30:11-9) shall meet all rules, regulations, and minimum standards prescribed by the board, except medical rules, regulations, and minimum standards.

2. Section 4 of P. L. 1968, c. 356 (C. 30:11-14) is amended to read as follows:

C. 30:11-14 \$100 fee for 2-year license.

4. A license to act as an administrator of a convalescent home or private nursing home shall be valid for two years from the date of issue, and upon issuance or renewal of such license, the commissioner shall collect, respectively, a fee of \$100.00, which shall be paid into the General Fund, and the cost of administration of this act shall be provided for in the annual appropriation law.

3. This act shall take effect immediately.

Approved August 27, 1986.

CHAPTER 101

AN ACT modifying the reporting requirement for certain unsolicited, nonissuer security transactions and amending P. L. 1967, c. 93.

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

1. Section 3 of P. L. 1967, c. 93 (C. 49:3-50) is amended to read as follows:

C. 49:3-50 Exempt securities, transactions.

3. (a) The following securities are exempt from the provisions of sections 13 and 16 of this act:

(1) Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state, or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

(2) Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor;

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank, savings institution, or trust company organized and supervised under the laws of any state or under the laws of the United States;

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any State or Federal Savings and Loan Association, or any building and loan or similar association organized under the laws of any state and authorized to do business in this State;

(5) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of any state and authorized to do business in this State;

(6) Any security issued or guaranteed by any Federal Credit Union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this State;

(7) Any security issued or guaranteed by any railroad, other common carrier, public utility, or holding company which is (A) subject to the jurisdiction of the Interstate Commerce Commission; (B) a registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act; (C) regulated in respect to its rates and charges by a governmental authority of the United States or any state; or (D) regulated in respect of the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada or any Canadian province;

(8) Any security listed or approved for listing upon notice of issuance on the New York Stock Exchange or the American Stock Exchange, and such other exchanges as the bureau chief may from time to time designate by rule or order; any security designated or approved for designation upon notice of issuance as a National Market System security on the National Association of Securities Dealers' Automated Quotation System or any other national quotation system as the bureau chief from time to time may designate by rule or order; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing;

(9) Any security issued by a person organized and operated exclusively for religious, educational, benevolent, fraternal, charitable or reformatory purposes and not for pecuniary profit, and no part of the net earnings of which inures to the benefit of any person, private stockholder, or individual;

(10) Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within 12 months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited, or any guarantee of such paper or of any such renewal;

(11) Any investment contract issued in connection with an employees' or professional stock purchase, savings, pension, profit-sharing, retirement or similar benefit plan if the bureau chief is notified in writing 30 days before the inception of the plan or, with respect to plans which are in effect on the effective date of this act, within 60 days thereafter (or within 30 days before they are reopened if they are closed on the effective date of this act);

(12) Any security issued by an issuer registered as an open-end management investment company or unit investment trust pursuant to section 8 of the "Investment Company Act of 1940" (15 U. S. C. § 80a-8), if:

(a) The issuer is advised by an investment advisor that is a depository institution exempt from registration under the "Investment Advisors Act of 1940" or that is currently registered as an investment advisor, and has been registered, or is affiliated with an advisor that has been registered, as an investment advisor under the "Investment Advisors Act of 1940" for at least three years immediately before an offer or sale of the security; and has acted, or is affiliated with an investment advisor that has acted, as investment advisor to one or more registered investment companies or unit investment trusts for at least three years immediately before an offer or sale of the security; or

(b) The issuer has a principal sponsor that has at all times throughout three years before an offer or sale of the security been the principal sponsor for one or more registered investment companies or unit investment trusts, the aggregate total assets of which have exceeded \$100,000,000.00.

For the purposes of this paragraph (12), and notwithstanding subsection (g) of section 2 of P. L. 1967, c. 93 (C. 49:3-49), "investment advisor" shall have the same meaning that it has pursuant to the "Investment Advisors Act of 1940." For the purposes of this paragraph (12), an investment advisor is affiliated with another investment advisor if it controls, is controlled by, or is under common control with the other advisor. For the purposes of this paragraph (12), "sponsor" of a unit investment trust means the person primarily responsible for the organization of the unit investment trust or who has continuing responsibilities for the administration of the affairs of the unit investment trust other than the trustee or custodian. "Sponsor" includes the depositor of the unit investment trust.

(b) The following transactions are exempt from the provisions of sections 13 and 16 of this act:

(1) Any isolated nonissuer transaction, whether effected through a broker-dealer or not;

(2) Any nonissuer transaction of an outstanding security if (A) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of

a date within 18 months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operation, or (B) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors, if less than three years, in the payment of principal, interest, or dividends on the security;

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the bureau chief may by rule require that the customer acknowledge upon a form prescribed by the bureau chief that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period;

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters;

(5) Any transaction on a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a single unit;

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator;

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this act;

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the "Investment Company Act of 1940," pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity;

(9) Any transaction pursuant to an offer directed by the offeror to not more than 10 persons (other than those designated in paragraph (b)(8)) in this State during any period of 12 consecutive months, whether or not the offeror or any of the offerees is then present in this State, if (i) the seller reasonably believes that all buyers are purchasing for investment, and (ii) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective buyer in this State; but the bureau

chief may by rule or order, as to any transaction, withdraw or further condition this exemption, or increase or decrease the number of offerees permitted, or waive the conditions in subdivisions (i) and (ii);

(10) Any offer or sale of a preorganization certificate or subscription if (i) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (ii) the number of subscribers does not exceed 10, and (iii) no payment is made by any subscriber;

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than 90 days of their issuance, if (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this State, or (ii) the issuer first files a notice specifying the terms of the offer and the bureau chief does not by order disallow the exception within the next five full business days;

(12) Any nonpublic transaction by or on behalf of an issuer if (i) the issuer has reasonable grounds to believe and, after making reasonable inquiry, believes, immediately prior to making any sale, that there are no more than 35 purchasers of the issue in this State during any period of 12 consecutive months and that each purchaser either alone or with his representative has the knowledge and experience in financial and business matters that he is or they are capable of evaluating the merits and risks of the prospective investment; (ii) a written offering statement or prospectus is furnished to each offeree, which provides the offeree with substantially the same information as is required by section 14(b) of P. L. 1967, c. 93 (C. 49:3-61); and (iii) a report of the offering is filed with the bureau within 30 days of the completion date of the offering, setting forth the name and address of the issuer, the total amount of the securities sold under this subsection (12), the price at which the securities were sold, the total number of purchasers of the securities, and the names and addresses of the purchasers of the securities, indicating the number and amount of the securities each purchased. The fee for filing the report with the bureau shall be \$250.00. The information in the report of sale shall be deemed confidential and shall not be disclosed to the public except by order of the court or in court proceedings. In calculating

the number of purchasers permitted under this paragraph, accredited investors shall be excluded.

(c) The bureau chief may by order deny or revoke any exemption specified in paragraph (9), (10) or (11) of subsection (a) or in subsection (b) with respect to a specific security or transaction. No such order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except that the bureau chief may by order summarily deny or revoke any of the specified exemptions pending final determination of any proceeding under this subsection. Upon the entry of a summary order, the bureau chief shall promptly notify all interested parties that it has been entered and of the reasons therefor and that within 15 days of the receipt of a written request the matter will be set down for hearing. The order will remain in effect until it is modified or vacated upon notice to all interested parties by the bureau chief. No order under this subsection may operate retroactively.

(d) In any proceeding under this act, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

2. This act shall take effect immediately.

Approved August 27, 1986.

CHAPTER 102

AN ACT regulating the underground storage of hazardous substances, supplementing Title 58 of the Revised Statutes, and making an appropriation.

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

C. 58:10A-21 Findings, declarations.

1. The Legislature finds and declares that millions of gallons of gasoline and other hazardous substances are stored prior to use or disposal, in underground storage tanks; that a significant percentage of these underground storage tanks are leaking due to corrosion or structural defect; that this leakage of hazardous sub-

stances from underground storage tanks is among the most common causes of groundwater pollution in the State; and that it is thus necessary to provide for the registration and the systematic testing and monitoring of underground storage tanks to detect leaks and discharges as early as possible and thus minimize further degradation of potable water supplies. The Legislature further finds and declares that with the enactment by the United States Congress of the "Hazardous and Solid Waste Amendments of 1984," Pub. L. 98-616 (42 U. S. C. § 6991) it is necessary to authorize the Department of Environmental Protection to adopt a regulatory program that permits the delegation of the authority to carry out the federal act, but also recognizes the need of this State to protect its natural resources in the manner consistent with well-established environmental principles.

C. 58:10A-22 Definitions.

2. As used in this act:

a. "Commissioner" means the Commissioner of the Department of Environmental Protection;

b. "Department" means the Department of Environmental Protection;

c. "Discharge" means the intentional or unintentional release by any means of hazardous substances from an underground storage tank into the environment;

d. "Facility" means one or more underground storage tanks;

e. "Hazardous substances" means motor fuels and those elements and compounds, including petroleum products which are liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute), which are defined as hazardous substances by the department after public hearing, and which shall be consistent to the maximum extent possible with and which shall include the list of hazardous wastes adopted by the United States Environmental Protection Agency pursuant to section 3001 of the "Resource Conservation and Recovery Act of 1976," Pub. L. 94-580 (42 U. S. C. § 6921), the list of hazardous substances adopted by the United States Environmental Protection Agency pursuant to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," Pub. L. 92-500 (33 U. S. C. § 1321), the list of toxic pollutants designated by Congress or the Environmental Protection Agency pursuant to section 307 of that act (33 U. S. C. § 1317), and any substance defined as a hazardous substance pursuant to section 101 (14) of the "Comprehen-

sive Environmental Response, Compensation, and Liability Act of 1980," Pub. L. 96-510 (42 U. S. C. § 9601);

f. "Leak" means the release of a hazardous substance from an underground storage tank into a space created by a method of secondary containment wherein it can be detected by visual inspection or a monitoring system before it enters the environment;

g. "Monitoring system" means a system capable of detecting leaks or discharges, or both, other than an inventory control system, used in conjunction with an underground storage tank, or a facility, conforming to criteria established pursuant to section 5 of this act;

h. "Nonoperational storage tank" means any underground storage tank in which hazardous substances are not contained, or from which hazardous substances are not dispensed;

i. "Operator" means any person in control of, or having responsibility for, the daily operation of a facility;

j. "Owner" means any person who owns a facility, or in the case of a nonoperational storage tank, the person who owned the nonoperational storage tank immediately prior to the discontinuation of its use;

k. "Person" means any individual, partnership, company, corporation, consortium, joint venture, commercial or any other legal entity, the State of New Jersey, or the United States Government;

l. "Residential building" means a single and multi-family dwelling, nursing home, trailer, condominium, boarding house, apartment house, or other structure designed primarily for use as a dwelling;

m. "Secondary containment" means an additional layer of impervious material creating a space wherein a leak of hazardous substances from an underground storage tank may be detected before it enters the environment;

n. "Substantially modify" means construction at, or restoration, refurbishment or renovation of, an existing facility which increases or decreases the in-place storage capacity of the facility or alters the physical configuration or impairs or affects the physical integrity of the facility or its monitoring systems;

o. "Test" or "testing" means the testing of underground storage tanks in accordance with standards adopted by the department;

p. "Underground storage tank" means any one or combination of tanks, including appurtenant pipes, lines, fixtures, and other re-

lated equipment, used to contain an accumulation of hazardous substances, the volume of which, including the volume of the appurtenant pipes, lines, fixtures and other related equipment, is 10% or more below the ground. "Underground storage tank" shall not include:

(1) Farm or residential tanks of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

(2) Tanks used to store heating oil for on-site consumption in a nonresidential building with a capacity of 2,000 gallons or less;

(3) Tanks used to store heating oil for on-site consumption in a residential building, except that for the purposes of sections 3, 7 and 8 of this act, a tank with a capacity of more than 2,000 gallons used to store heating oil for on-site consumption in a residential building shall be considered an "underground storage tank";

(4) Septic tanks installed in compliance with regulations adopted by the department pursuant to "The Realty Improvement Sewerage and Facilities Act (1954)," P. L. 1954, c. 199 (C. 58:11-23 et seq.);

(5) Pipelines, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968," Pub. L. 90-481 (49 U. S. C. § 1671 et seq.), the "Hazardous Liquid Pipeline Safety Act of 1979," Pub. L. 96-129 (49 U. S. C. § 2001 et seq.), or intrastate pipelines regulated under State law;

(6) Surface impoundments, pits, ponds, or lagoons, operated in compliance with regulations adopted by the department pursuant to the "Water Pollution Control Act," P. L. 1977, c. 74 (C. 58:10A-1 et seq.);

(7) Storm water or wastewater collection systems operated in compliance with regulations adopted by the department pursuant to the "Water Pollution Control Act";

(8) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;

(9) Tanks situated in an underground area, including, but not limited to, basements, cellars, mines, drift shafts, or tunnels, if the storage tank is situated upon or above the surface of the floor, or storage tanks located below the surface of the ground which are equipped with secondary containment and are uncovered so as to allow visual inspection of the exterior of the tank; and

(10) Any pipes, lines, fixtures, or other equipment connected to any tank exempted from the provisions of this act pursuant to paragraphs (1) through (9) of this subsection.

C. 58:10A-23 Registration of underground storage facilities.

3. a. The owner or operator of a facility shall, within 180 days of the effective date of this act, on forms and in a manner prescribed by the commissioner, register that facility with the department. The department may extend the registration period for an additional 180 days.

b. The commissioner shall, within 120 days of the effective date of this act and pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations to provide for the registration of all facilities in the State, prescribing the forms and procedures therefor.

This registration shall require the following:

(1) The name and address of the owner and operator of the facility;

(2) A site plan of the facility indicating the number and location of the underground storage tanks;

(3) The date of installation of each of the underground storage tanks;

(4) Any other relevant information requested by the commissioner.

These rules and regulations shall provide for the annual certification by the owner or operator of the facility that the information contained on the registration remains unchanged. The owner or operator of a facility shall, within 30 days of completing the activities for which a permit was acquired pursuant to section 4 of this act, register or reregister, as the case may be, in accordance with the provisions of this section.

C. 58:10A-24 Permit for modification.

4. An owner or operator of a facility proposing to replace, install, expand or substantially modify the facility shall obtain a permit therefor from the commissioner. The commissioner shall not issue a permit unless the owner or operator demonstrates that:

a. The facility is constructed of materials that meet or exceed the standards contained in, and is installed in a manner consistent with, the State Uniform Construction Code adopted pursuant to the "State Uniform Construction Code Act," P. L. 1975, c. 217 (C. 52:27D-119 et seq.) and with the rules and regulations adopted pursuant to this act;

b. The facility is equipped with either an approved method of secondary containment or a monitoring system;

c. The facility utilizes corrosion control features necessary to protect the structural integrity of underground storage tanks susceptible to corrosion.

C. 58:10A-25 Rules, regulations.

5. a. The commissioner shall, within one year of the effective date of this act, adopt, pursuant to the "Administrative Procedure Act," rules and regulations which:

(1) Establish a schedule for the testing of all facilities, taking into account the age of the underground storage tank, the hazardous substance stored therein, the proximity of the underground storage tank to potable water supplies, and the soil resistivity and other corrosive conditions which may precipitate a discharge, and for the periodic testing for structural integrity of facilities utilizing secondary containment which do not incorporate a monitoring system, and the reporting of results thereof to the department.

(2) Identify and require corrosion control features necessary to protect the structural integrity of facilities, including cathodic protection, impressed current or isolative protection or any other measures to counteract or minimize soil resistivity and other corrosive conditions which may precipitate a leak or discharge.

(3) Establish standards for monitoring systems which shall include the requirement of at least a warning method indicating a leak or discharge. Monitoring systems may include electric or mechanical devices, monitoring wells, or any other method of monitoring approved by the department. Any regulations adopted by the department pursuant to this section requiring the installation of monitoring systems at a facility shall reflect the financial ability of an owner or operator of a facility, or classes of facilities, to install the monitoring system required by the department.

(4) Require the maintaining of records of any monitoring or leak detection system, inventory control system or underground storage tank testing system.

(5) Require the reporting of any discharges and the corrective action taken in response to a discharge from an underground storage tank.

(6) Require the taking of corrective action in response to a discharge from an underground storage tank by the owner or operator of the underground storage tank.

(7) Require the owner or operator of an underground storage tank to prepare plans for the closure of an underground storage

tank to prevent the future discharge of hazardous substances into the environment.

(8) Require the maintaining of evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by a discharge.

(9) Require the development of performance standards for new and substantially modified existing underground storage tanks.

(10) Require the notification of the department and local agencies of the existence of any operational or nonoperational underground storage tanks.

b. In developing the regulations required pursuant to this section the department shall consider the regulations concerning underground storage tanks adopted by the United States Environmental Protection Agency pursuant to the "Hazardous and Solid Waste Amendments of 1984," Pub. L. 98-616 (42 U. S. C. § 6991 et al.) and shall use the recommendations and standard procedures of the following organizations:

(1) American Petroleum Institute (API), 1220 L Street, N.W., Washington, D. C. 20005;

(2) American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103;

(3) National Association of Corrosion Engineers (NACE), P.O. Box 218340, Houston, Texas 77218;

(4) National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269; and

(5) Underwriters Laboratories (UL), 333 Pfingston Road, Northbrook, Illinois 60062.

c. The Department of Community Affairs shall adopt in the State Uniform Construction Code the rules and regulations adopted by the department pursuant to this section within 60 days.

C. 58:10A-26 Monthly inspections.

6. Monitoring systems shall be installed, maintained, and operated in accordance with the manufacturer's requirements. Each monitoring system shall be inspected at least monthly to determine that it is functionally unimpaired.

C. 58:10A-27 Inventory records.

7. The owner or operator of a facility shall maintain inventory records for each underground storage tank which shall, at a minimum, record daily hazardous substance transfers and a periodic

average. These records shall be maintained at the site of the facility for at least one year.

C. 58:10A-28 Leaks, discharges.

8. a. If the inventory records maintained pursuant to section 7 of this act or a monitoring system indicates an unaccountable loss of the equivalent of 1% of the storage capacity of an underground storage tank or 40 gallons, whichever is smaller, the owner or operator of the facility shall, within 24 hours of discovery, notify the department and the appropriate local health agencies of the loss of volume.

b. Upon notification, the department shall promptly conduct an inspection to determine if the disclosed loss of volume represents a leak or a discharge.

c. Upon a finding that the loss of volume represents a leak or a discharge that is not an imminent threat to the proximate groundwater resources or public health or safety, the commissioner shall order the owner of the underground storage tank to remove, replace, or repair the underground storage tank, establish a date by which the removal, replacement, or repair shall be effected, and take any other action, or require the owner of the tank to take any action, necessary to abate, contain, clean up, or remove, or any combination thereof, the leak or discharge.

d. Upon a finding that the loss of volume represents a discharge which has entered or threatens groundwater resources or public health or safety, the commissioner shall order the immediate removal of the contents of the underground storage tank, and shall take, or require the owner of the underground storage tank to take, all other appropriate actions necessary to abate, contain, clean up, or remove, or any combination thereof, the discharge.

e. If the commissioner provides for the removal, replacement or repair of an underground storage tank by any person other than the owner, or takes other appropriate actions necessary to mitigate the adverse effects of a leak or discharge, the costs of these measures shall be borne by the owner of the underground storage tank.

C. 58:10A-29 Secondary containment, monitoring system.

9. Within five years of the effective date of this act, all facilities shall be equipped with an approved method of secondary containment or a monitoring system. This section shall not apply to facilities used principally for agricultural purposes on land qualified for a special tax assessment pursuant to the "Farmland Assess-

ment Act of 1964," P. L. 1964, c. 48 (C. 54:4-23.1 et seq.) and installed prior to the effective date of this act.

C. 58:10A-30 Inspection authority.

10. The department shall have the authority to enter, at reasonable hours, any property or place of business where underground storage tanks or nonoperational storage tanks are or may be located to inspect any underground storage tank or nonoperational storage tank, and to photograph any records related to the operation of an underground storage tank or a nonoperational storage tank; to obtain samples or evidence of a discharge from any underground storage tank or nonoperational storage tank, or from the surrounding air, soil, or surface or groundwater; and to conduct monitoring or testing of any underground storage tank or nonoperational storage tank or the surrounding air, soil or surface or groundwater. The owner or operator of a facility or a nonoperational storage tank shall allow and cooperate with any action taken by the department pursuant to the provisions of this section.

C. 58:10A-31 Registration fees.

11. The commissioner may adopt, pursuant to the "Administrative Procedure Act," any rules and regulations in addition to those required pursuant to this act, necessary to carry out the provisions of this act, including rules and regulations imposing fees for the processing of initial registrations pursuant to section 3 of this act and for any renewal thereof, and for processing permits required pursuant to section 4 of this act.

Registration fees shall be established for subsequent registrations and shall not exceed the estimated yearly cost of implementing the provisions of this act. The commissioner may consider the size, contents and the location of the underground storage tanks in establishing these fees. The commissioner shall provide for the recovery of the amount appropriated in section 19 of this act within four years from the date these fees are first imposed. These fees shall be deposited in the General Fund. The Legislature shall annually appropriate to the department an amount equivalent to the amount anticipated to be collected as fees charged under this section for the purposes of administering the provisions of this act. No fee shall be charged for six months after the effective date of this act.

C. 58:10A-32 Penalties.

12. A person violating the provisions of this act is liable to the penalties prescribed in section 10 of P. L. 1977, c. 74 (C. 58:10A-10).

C. 58:10A-33 Exemption.

13. The owner or operator of a facility equipped with a monitoring system who has obtained a permit for groundwater discharges pursuant to section 6 of P. L. 1977, c. 74 (C. 58:10A-6) is exempt from the requirements of section 9 of this act.

C. 58:10A-34 Other powers unaffected.

14. Nothing in this act shall be construed to limit the department's authority to respond to, or remove or clean up, a discharge pursuant to the provisions of any other State or federal law.

15. Within two years of the effective date of this act the department shall prepare and submit to the Legislature a report summarizing the progress in implementing the provisions of this act and outlining the economic impact on owners or operators of facilities in complying with the provisions of this act.

C. 58:10A-35 Local laws superseded.

16. a. It is the intent of the Legislature that the program established by this act for the regulation of underground storage tanks constitute the only program regulating underground storage tanks in this State. To this end no municipality, county, or political subdivision thereof shall enact any law or ordinance regulating underground storage tanks, and, further, the enactment of this act shall supersede any law or ordinance regulating underground storage tanks enacted by a municipality, county or political subdivision thereof prior to the enactment of this act.

b. However, the department shall develop criteria for determining in which case a municipal ordinance more stringent than the provisions of this act is warranted. If the conditions in the municipality are deemed to meet the criteria developed pursuant to this subsection, the ordinance is hereby deemed to be effective and not preempted and the municipality may enforce and administer its provisions. The department shall have 180 days to determine whether an ordinance meets the criteria developed pursuant to this section.

c. Any municipality, county or political subdivision may petition the department for a modification of any rule adopted under this act. The petition shall be forwarded to the department together with a written statement setting forth all provisions of the municipal ordinance which differ from the criteria identified, the reasons for the differences, and all supporting facts and data. The department shall evaluate the petition using the criteria adopted under subsection b. of this section and accept or reject the petition

in a written statement which shall include the basis for the department's determination.

When the department determines that a rule change is justified it shall evaluate the applicability of that rule change on a regional or areawide basis and modify the rules to provide areawide requirements as appropriate.

C. 58:10A-36 Underground Storage Tank Improvement Fund.

17. a. The State Underground Storage Tank Improvement Fund, hereinafter referred to as the "fund," is established in the department as a revolving fund. The fund shall be administered by the department and shall be credited with such moneys as are appropriated by the Legislature and sums received as repayment of principal and interest on outstanding loans made from the fund, except as otherwise provided herein.

b. Moneys in the fund shall be allocated and used to provide loans which shall bear interest of not more than 6% per year, and shall be for a term of not more than 10 years. These loans shall be made to owners of facilities who have been directed pursuant to law by the Commissioner of the Department of Environmental Protection to replace or repair one or more underground storage tanks. These loans shall also be made to owners of facilities for the purpose of installing monitoring systems. These loans shall be made in accordance with criteria developed and adopted by the commissioner pursuant to section 18 of this act.

c. No loan shall be made after December 31 of the fifth full calendar year subsequent to the effective date of this act. All moneys remaining in the fund or received by the fund after that date as repayment for loans made by the fund shall immediately revert to the General Fund.

C. 58:10A-37 Administration of fund.

18. The commissioner shall, within 180 days of the effective date of this act, and pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations to administer the fund. These rules and regulations shall include, but need not be limited to, the following:

a. The establishment of criteria for determining degrees of economic hardship which shall take into account, among other relevant factors, the annual gross receipts derived from the operation of the facility, its net profit and the contractual relationship between the owner and the operator of the facility.

b. A schedule establishing percentages up to and including 100% of the total cost of repair or replacement of underground storage tanks or installation of monitoring systems, or both, which percentages shall reflect the degree of economic hardship of loan recipients.

19. There is appropriated to the department from the General Fund the sum of \$700,000.00 to implement the provisions of this act.

20. This act shall take effect immediately.

Approved September 3, 1986.

CHAPTER 103

AN ACT regulating continuing care retirement facilities, establishing an advisory council, supplementing Title 52 of the Revised Statutes and making an appropriation therefor.

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

C. 52:27D-330 Short title.

1. This act shall be known and may be cited as the "Continuing Care Retirement Community Regulation and Financial Disclosure Act."

C. 52:27D-331 Findings, declarations.

2. The Legislature finds and declares that: continuing care retirement communities are becoming an important and increasingly preferred alternative for the long-term residential, social and health care needs of New Jersey's senior citizens; because senior citizens often expend a significant portion of their savings in order to purchase care in the retirement community and thereby expect to receive care at the retirement community for the rest of their lives, tragic consequences can result to senior citizens when a continuing care provider becomes insolvent or unable to provide responsible care; and there is a need for full disclosure concerning the terms of agreements made between prospective residents and the continuing care providers and the operations of the providers; therefore, it is the policy of this State that providers of continuing care shall register with and be monitored by the State Department of

Community Affairs and that a Continuing Care Advisory Council be established to advise and assist the Commissioner of Community Affairs in the monitoring of these providers and the regulation of continuing care retirement facilities.

C. 52:27D-332 Definitions.

3. As used in this act:

a. "Application fee" means the fee an individual is charged, in addition to an entrance fee or any other fee, to cover the provider's reasonable cost for processing the individual's application to become a resident at the facility. A reasonable application fee shall be established pursuant to regulations adopted by the department.

b. "Commissioner" means the Commissioner of the Department of Community Affairs.

c. "Continuing care" means the provision of lodging and nursing, medical or other health related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges. An individual who is provided continuing care is not related by consanguinity or affinity to the person who provides the care.

d. "Department" means the State Department of Community Affairs.

e. "Entrance fee" means a transfer to a provider of a sum of money or other property made or promised to be made as full or partial consideration for acceptance of a specified person as a resident in a facility and includes a fee which is refundable upon the death, departure or option of the resident.

A fee which is less than the sum of the regular periodic charges for one year of residency is not considered an entrance fee for the purposes of this act. A transfer of a sum of money or other property, by or on behalf of a resident, to a trust account which is managed by the facility or an independent trustee for the benefit of the resident is not considered an entrance fee for the purposes of this act if the transfer is not a condition of admission or of continued stay and the principal amount and any interest thereon are the exclusive and sole property of the resident or the individual acting on behalf of the resident.

f. "Facility" means the place or places in which a person undertakes to provide continuing care to an individual.

g. "Living unit" means a room, apartment, cottage or other area within a facility set aside for the exclusive use or control of one or more persons.

h. "Operator or administrator" means a person who operates or manages a facility for the provider.

i. "Provider" means a person who undertakes to provide continuing care in a facility.

j. "Resident" means a person entitled to receive continuing care in a facility.

C. 52:27D-333 Certificate of authority.

4. a. A person shall not establish, operate or administer a continuing care facility in this State without obtaining and maintaining a certificate of authority pursuant to this act. A certificate of authority granted pursuant to this act is not transferable.

b. A person shall file an application for a certificate of authority with the department on forms prescribed by the commissioner. The application shall include a disclosure statement prepared pursuant to section 7 of this act and other information as required by the commissioner.

c. Upon receipt of the application for a certificate of authority, the department shall, within 10 business days, issue a notice of filing to the applicant. Within 90 days of the notice of filing, the commissioner shall issue the certificate of authority or reject the application pursuant to subsection d. of this section.

d. If the commissioner determines that any of the requirements of this act has not been met, the commissioner shall notify the applicant in writing and specify those particulars which need to be corrected. The applicant has 30 days from the date of notification to correct the application as specified by the commissioner. If the requirements are not met within the time allowed, the commissioner may reject the application and notify the applicant in writing of the reason for the rejection. The rejection shall be effective 20 days after the foregoing 30 day period. During the 20 day period, the applicant may request reconsideration of the commissioner's action and is entitled to a hearing conducted pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

e. In the case of a provider who has offered continuing care agreements to existing or prospective residents in a facility established prior to the effective date of this act and which has one or

more residents living there pursuant to agreements entered into prior to the effective date of this act, if the provider is unable to comply with section 10 of this act within the time required, the commissioner may, upon the written request of the provider, issue a temporary certificate of authority to the provider. The provider may then enter into continuing care agreements which are in compliance with all other applicable provisions of this act until the permanent certificate is issued. The temporary certificates shall be issued only to those existing providers who shall be able to comply with the provisions of section 10 of this act within a period of time determined by the commissioner but which does not exceed two years.

If a provider is not in compliance on or before the expiration date of the temporary certificate, the provider may request an extension from the commissioner. The commissioner may grant an extension of up to three years to a provider who shall be able to comply with section 10 of this act in that time period.

f. If an existing provider is granted a permanent certificate of authority, the provider shall give a resident who entered into an agreement before the certificate of authority was granted, a copy of the initial disclosure statement and any amendments thereto.

g. If a facility is accredited by a process approved by the commissioner as equivalent to or more stringent than the requirements of this section, the facility is deemed to have met the requirements of this section and the commissioner shall issue a certificate of authority to the facility.

h. A person who establishes, operates or administers a continuing care facility in this State without obtaining or maintaining a certificate of authority pursuant to this act is guilty of a crime of the third degree.

C. 52:27D-334 Revocation of certificates.

5. a. The certificate of authority or temporary certificate of authority of a provider shall remain in effect until revoked, after notice and hearing conducted pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), upon the commissioner's written findings of fact that the provider has:

- (1) Repeatedly failed to correct violations of this act or any regulation adopted hereunder;
- (2) Failed to file an annual disclosure statement or resident agreement pursuant to this act;

(3) Failed to deliver to a prospective resident the disclosure statement required pursuant to this act;

(4) Delivered to a prospective resident a disclosure statement which makes an untrue statement or omits a material fact and the provider at the time of the delivery of the disclosure statement had actual knowledge of the misstatement or omission;

(5) Failed to comply with the terms of a cease and desist order;
or

(6) Committed serious violations of any other State or federal law.

b. The commissioner shall include with the findings of fact in support of revocation a concise and explicit statement of the underlying facts supporting the findings.

c. If the commissioner has cause to believe that the provider is guilty of a violation for which revocation may be ordered, the commissioner may issue an order directing the provider or operator to cease and desist from engaging in any practice in violation of this act.

d. If the cease and desist order is not or may not be effective in remedying the violation, the commissioner, after notice and hearing conducted pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), may revoke the certificate of authority or temporary certificate of authority and order that it be surrendered to the commissioner.

C. 52:27D-335 Acquisition of ownership interest.

6. a. A person who desires to acquire an ownership interest in a continuing care facility shall so notify the department in writing at least 60 days in advance of the acquisition. The person shall obtain the approval of the commissioner for the acquisition prior to the completion of the sale or transfer of the facility's ownership interest.

b. For the purposes of this act, an acquisition of an ownership interest in a continuing care facility shall be deemed to take place if:

(1) The facility is a corporation and there is an acquisition by or a transfer of ownership to an individual, partnership or corporation through purchase, contract, donation, gift or stock option of 25% or more of the corporation's outstanding stock, either preferred or common, or there is acquisition of the physical assets of the facility by a newly formed or existing corporation;

(2) The facility is a partnership and there is an acquisition by or a transfer of ownership to an individual, partnership, or corporation of 10% or more of the existing partnership's total capital interest or there is acquisition of the physical assets of the facility by a newly formed or existing partnership; and

(3) The facility is individually owned and there is a purchase of the physical assets of the facility.

C. 52:27D-336 Initial disclosure statement.

7. The provider shall provide a disclosure statement to a prospective resident of a continuing care facility or the person with whom the provider shall enter into a contract to provide continuing care, prior to the execution of the contract or at the time of or prior to the transfer of any money or other property to the provider by or on behalf of the prospective resident, whichever occurs first. The cover page of the disclosure statement shall state in a prominent location and type face, the date of the disclosure statement. The disclosure statement shall be written in plain English and in language understandable by a layperson.

The provider shall attach a copy of the standard form of contract for continuing care used by the provider as an exhibit to each disclosure statement.

The disclosure statement shall contain the following information unless the information is contained in the contract:

a. The name and business address of the provider and a statement of whether the provider is a partnership, corporation or other type of legal entity.

b. The names and business addresses of the officers, directors, trustees, managing or general partners and any person having a 10% or greater equity or beneficial interest in the provider and a description of that person's interest in or occupation with the provider.

c. With respect to the provider, any person named in response to subsection b. of this section and the proposed operator, if the facility is managed on a day-to-day basis by a person other than an individual directly employed by the provider:

(1) A description of the person's business experience, if any, in the operation or management of similar facilities;

(2) The name and address of any professional service firm, association, trust, partnership or corporation in which the person has a 10% or greater interest and which may provide goods, leases

or services to the facility of a value of \$500.00 or more, within any year;

(3) A description of the goods, leases or services provided pursuant to paragraph (2) of this subsection and the probable or anticipated cost thereof to the facility or provider;

(4) A description of any matter in which the person has been convicted of a felony or pleaded nolo contendere to a felony charge, or has been held liable or enjoined in a civil action which involved fraud, embezzlement, fraudulent conversion or misappropriation of property; and

(5) A description of any matter in which the person is subject to a currently effective injunctive or restrictive court order or, within the past five years, had a State or federal license or permit suspended or revoked as a result of an action brought by a governmental agency or department, which arose out of or related to business activity or health care, including actions affecting a license to operate a residential health care facility, nursing home, retirement home, home for the aged or facility registered under this act or a similar act in another state.

d. A statement whether the provider is or ever has been affiliated with a religious, charitable or other nonprofit organization, the nature of the affiliation, if any, the extent to which the affiliate organization is responsible for the financial and contractual obligations of the provider, and the provision of the federal Internal Revenue Code, if any, under which the provider or affiliate is exempt from the payment of income tax.

e. The location and description of the physical property of the facility, both existing and proposed, and with respect to proposed property, the estimated completion date, the date construction began or shall begin and the contingencies subject to which construction may be deferred.

f. The services provided or proposed to be provided under contracts for continuing care at the facility, including the extent to which medical care and other services are furnished under the basic contract and which other care or services are available at or by the facility at extra charge.

g. A description of all fees required of residents, including the application fee, entrance fee and periodic charges, if any, the manner by which the provider may adjust periodic charges or other recurring fees and the limitation on the adjustments, if any, and if the facility is already in operation or if the provider or

operator operates one or more similar facilities within this State, tables showing the frequency and average dollar amount of each increase in periodic rates at each facility for the previous five years or as many years as the facility has been operated by the provider or operator, whichever is less.

h. The provisions that have been made or will be made, if any, to provide reserve funding or security which will enable the provider to fully perform its obligations under contracts to provide continuing care at the facility, including the establishment of escrow accounts, trusts or reserve funds, the manner in which the funds shall be invested and the names and experience of persons who will make the investment decisions.

i. Certified financial statements of the provider, which include balance sheets and income statements for the two most recently completed fiscal years or for as long as the provider has been in existence, whichever is less.

j. If operation of the facility has not yet commenced, a statement of the anticipated source and application of the funds used or to be used in the purchase or construction of the facility, including:

(1) An estimate of the cost of purchasing or construction and equipping the facility, which includes related costs such as financing expenses, legal expenses, land costs, marketing and development costs and other similar costs the provider expects to incur or become obligated for prior to the commencement of operations;

(2) A description of any mortgage loan or other long-term financing intended to be used for the financing of the facility and the anticipated terms and costs of the financing;

(3) An estimate of the total amount of entrance fees to be received from or on behalf of residents at or prior to commencement of operation of the facility;

(4) An estimate of the funds, if any, which are anticipated to be necessary to fund start-up losses and provide reserve funds to assure full performance of the obligations of the provider under contracts for the provision of continuing care;

(5) A projection of estimated income from fees and charges other than entrance fees, a description of individual rates anticipated to be charged, the assumptions used for calculating the estimated occupancy rate of the facility and the effect on the income of the facility of government subsidies, if any, for health care services provided pursuant to the contracts for continuing care;

New Jersey State Library

(6) A projection of estimated operating expenses of the facility, including a description of the assumptions used in calculating the expenses and separate allowances, if any, the replacement of equipment and furnishings and any anticipated major structural repairs or additions;

(7) Identification of assets pledged as collateral for any purpose; and

(8) An estimate of annual payments of principal and interest required by any mortgage loan or other long-term financing.

k. Other material information concerning the facility or the provider as required by the department or as the provider wishes to include.

l. The provider shall designate and make knowledgeable personnel available to prospective residents to answer questions about any information contained in the disclosure statement or contract. The provider shall also advise prospective residents to seek the independent advice of an attorney and financial advisor of their choice concerning the disclosure statement or contract. The disclosure statement and the contract shall each state on the cover or top of the first page in bold print the following: "This matter involves a substantial financial investment and a legally binding contract. In evaluating the disclosure statement and the contract prior to any commitment, it is recommended that you consult with an attorney and financial advisor of your choice, if you so elect, who can review these documents with you."

C. 52:27D-337 Annual disclosure statement.

8. a. The provider shall file an annual disclosure statement with the commissioner, which contains the information required for the initial disclosure statement pursuant to section 7 of this act. The annual disclosure statement also shall include a narrative describing any material differences between the pro forma income statement filed pursuant to this act either as part of the initial application for a certificate of authority or the most recent annual disclosure statement and the actual results of operations during the fiscal year. The statement also shall contain a revised pro forma income statement for the next fiscal year. The commissioner may request additional income statements if necessary.

The provider shall file the annual disclosure statement within six months following the end of the provider's fiscal year.

b. Prior to the provider's acceptance of part or all of any application or entrance fee or the execution of the continuing care agreement by the resident, whichever occurs first, the provider

shall deliver the most current annual disclosure statement to the current or prospective resident and to any other person with whom the continuing care agreement is or may be entered into.

c. A provider shall amend its currently filed annual disclosure statement at any time if, in the opinion of the provider or the department, an amendment is necessary to prevent the disclosure statement from containing any material misstatement of fact or omission to state a material fact as required pursuant to this act. The provider shall file an amendment or amended disclosure statement with the commissioner before the provider provides it to a resident or prospective resident.

C. 52:27D-338 False, misleading statements.

9. a. No provider or person acting on behalf of the provider shall make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public in a newspaper or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement of any sort containing an assertion, representation or statement which is untrue, deceptive or misleading.

b. No provider or person acting on behalf of the provider shall file with the department or make, publish, disseminate, circulate or deliver to any person or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or delivered to any person, or placed before the public, any disclosure statement, financial statement or continuing care agreement that contains an assertion, representation, or statement which is untrue, deceptive or misleading.

c. A person who willfully and knowingly violates the provisions of this section is guilty of a crime of the third degree.

C. 52:27D-339 Liquid reserves.

10. a. Each provider shall establish and maintain liquid reserves in an amount equal to or exceeding the greater of:

(1) The total of all principal and interest payments due during the next 12 months on account of any mortgage loan or other long-term financing of the facility; or

(2) 15% of the projected annual operating expenses of the facility, exclusive of depreciation.

b. A provider shall notify the commissioner in writing at least 10 days prior to reducing the amount of funds available to satisfy

the applicable liquid reserve requirement. A provider may not expend more than $\frac{1}{12}$ of the required balance each calendar month.

c. In a facility where some residents are not under continuing care agreements, the reserve shall be computed only on the proportional share of financing or operating expenses that is applicable to residents under continuing care agreements at the end of the provider's most recent fiscal year.

d. A provider may use funds in an endowment fund or escrow account, including an escrow account established by or pursuant to a mortgage loan, bond indenture or other long-term financing, to satisfy the reserve requirements of this section, if the funds are available to make payments when operating funds are insufficient for these purposes.

C. 52:27D-340 Escrow account.

11. a. The commissioner may require a provider to establish and maintain in escrow, on a current basis with a bank, trust company or other escrow agent approved by the department, a portion of all entrance fees received by the provider in an aggregate amount not to exceed the total of all principal and interest payments due during the next 12 months on account of any first mortgage loan or other long-term financing of the facility. The provider may invest the funds in the escrow account, with the earnings thereon payable to the provider. If the provider so requests in writing, the escrow agent shall release up to $\frac{1}{12}$ of the original principal balance of the escrow account. The escrow agent shall not so release funds more than once during any calendar month, and then only after the escrow agent has given written notice to the commissioner at least 10 days prior to the release. The amount of this escrow fund shall be included in satisfying the reserves required pursuant to section 10 of this act.

b. This section is applicable only when the commissioner has cause to believe that additional protection is necessary to secure the provider's performance of the terms of all resident agreements.

C. 52:27D-341 Filing of lien.

12. Prior to the issuance of a certificate of authority pursuant to this act, or at any other time the commissioner determines it is in the best interest of residents of a facility, the commissioner may file a lien on the real and personal property of the provider or facility to secure the obligations of the provider pursuant to existing and future contracts for continuing care. A lien filed under this section is effective for a period of 10 days following its

filing and may be extended by the commissioner, if the commissioner finds that the extension is advisable for the protection of residents of the facility.

The commissioner may foreclose on the lien upon the liquidation of the facility or the insolvency or bankruptcy of the provider. In this event, the commissioner shall use the proceeds thereof for full or partial satisfaction of obligations of the provider pursuant to contracts for continuing care in effect at that time.

The lien provided for in this section is subordinate to the lien of any first mortgage on the real property of the facility, and if the commissioner determines and so states in writing that it is advisable for the efficient operation of the facility, the lien may be subordinated to the claims of other persons.

C. 52:27D-342 Releases from escrow.

13. The commissioner shall require a provider to establish an interest bearing escrow account with a bank, trust company or other escrow agent approved by the commissioner, as a condition of issuing a certificate of authority. The provider shall place in the escrow account any entrance fees or payments in excess of 5% of the then existing entrance fee for the living unit that are received by the provider prior to the date the resident is permitted to occupy the living unit in the facility. The fees or payments are subject to release from the escrow account in the following manner:

a. If the entrance fee gives the resident the right to occupy a living unit which has been previously occupied, the entrance fee and any interest earned thereon shall be released to the provider when the living unit becomes available for occupancy by the new resident.

b. If the entrance fee applies to a living unit which has not been previously occupied, the entrance fee and any interest earned thereon shall be released to the provider when the commissioner is satisfied that:

(1) Aggregate entrance fees received or receivable by the provider pursuant to executed continuing care agreements equal at least 50% of the sum of the entrance fees due at full occupancy of the portion of the facility under construction, except that entrance fees receivable pursuant to an agreement shall be counted only if the facility has received a deposit of 35% or more of the entrance fee due from the individual signing the contract;

(2) The aggregate entrance fees received or receivable pursuant to the preceding paragraph plus anticipated proceeds of any first

mortgage loan or other long-term financing commitment and funds from other sources in the actual possession of the provider are equal to at least 50% of the aggregate cost of constructing or purchasing, equipping and furnishing the facility plus at least 50% of the funds necessary to fund start-up losses as estimated by the provider in the statement of anticipated source and application of funds submitted pursuant to subsection j. of section 7 of this act; and

(3) The provider has received a preliminary commitment for any permanent mortgage loan or other long-term financing described pursuant to subsection j. of section 7 of this act and any conditions of the commitment prior to disbursement of funds thereunder, other than completion of the construction or closing of the purchase of the facility, are substantially satisfied.

c. If the funds in the escrow account established pursuant to this section and any interest earned thereon are not released within 36 months, or a greater time if so specified by the provider with the consent of the commissioner, the escrow agent shall return the funds to the individuals who made payments to the provider.

d. Nothing in this section shall require the provider to place any nonrefundable application fees charged to prospective residents in escrow.

e. In lieu of any escrow required pursuant to this section, a provider is entitled to post a letter of credit from a financial institution, negotiable securities or a bond by a surety authorized to do business in this State, in a form approved by the commissioner and in an amount not to exceed the amount required by paragraph (1) of subsection b. of this section. The provider shall execute the letter of credit, negotiable securities or bond in favor of the commissioner on behalf of individuals who are entitled to a refund of entrance fees from the provider.

f. A provider may apply to the commissioner for a waiver of the applicable escrow requirements of this section when a provider constructs additional living units in an amount that does not exceed 10% of the facility's existing living units for continuing care residents.

The provider shall apply for the waiver in writing to the commissioner. The commissioner may grant the waiver, which may be effective for a period of one year or longer, at the discretion of the commissioner, if the construction of additional units meets the requirements of this subsection.

g. Upon receipt of a notice from the provider that an individual is entitled to a refund of an entrance fee, the escrow agent shall return the funds held in the escrow account to the individual.

C. 52:27D-343 Collateral.

14. A provider shall pledge only the unencumbered assets of a continuing care facility as collateral for the purpose of securing loans for other continuing care facilities, whether proposed or existing.

C. 52:27D-344 Continuing care agreement.

15. a. A continuing care agreement executed on or after the effective date of this act shall be written in plain English and in language understandable by a layperson and shall include, but not be limited to, the following:

(1) A provision for the continuing care of one resident, or two or more residents occupying space designed for multiple occupancy under appropriate procedures established by the provider, and a statement showing the value of all property transferred, including donations, subscriptions, fees and any other amounts payable by, or on behalf of, the resident;

(2) A statement on a form provided by the commissioner specifying all services which are to be provided to the resident by the provider, including, in detail, all items which the resident will receive, such as food, shelter, nursing care, pharmaceuticals and burial, and whether the items will be provided for a designated period of time or for life;

(3) A description of the health and financial conditions upon which the provider may have the resident relinquish his space in the designated facility;

(4) A description of the health and financial conditions required for a person to continue as a resident;

(5) A description of the circumstances under which the resident shall be permitted to remain in the facility in the event of financial difficulties of the resident. The stated policy may not be less than the terms stated in subsection e. of this section;

(6) A statement of the fees that will be charged if the resident marries a person who is not a resident of the facility, the terms concerning the entry of a spouse into the facility and the consequences if the spouse does not meet the requirements for entry;

(7) A statement providing that the agreement may be canceled upon giving at least 60 days' notice by the provider or the resident, except that if an agreement is canceled by the provider because

there has been a good faith determination in writing, signed by the medical director and the administrator of the facility, that a resident is a danger to himself or others, only notice that is reasonable under the circumstances is required;

(8) A statement providing in clear and understandable language, in print no smaller than the largest type used in the body of the agreement, the terms governing the refund of any portion of the entrance fee;

(9) A statement of the terms under which an agreement is canceled by the death of the resident, which statement may contain a provision stating that upon the death of the resident the moneys paid for the continuing care of the resident shall be considered earned and become the property of the provider; and

(10) A statement providing for at least 30 days' advance notice to the resident before any change in fees or changes in the scope of care or services are effective, except for changes required by State or federal assistance programs.

b. A resident has the right to rescind a continuing care agreement without penalty or forfeiture, except those costs specifically incurred by the facility at the request of the resident and set forth in writing in a separate addendum signed by both parties to the agreement, within 30 days after making an initial deposit or executing the agreement. A resident shall not be required to move into the facility designated in the agreement before the expiration of the 30 day period.

c. If a resident dies before the occupancy date, or through illness, injury or incapacity is precluded from becoming a resident under the terms of the continuing care agreement, the agreement shall be automatically rescinded and the resident or the resident's legal representative shall receive a full refund of all moneys paid to the facility, except those costs specifically incurred by the facility at the request of the resident and set forth in writing in a separate addendum signed by both parties to the agreement.

d. No agreement for care shall permit dismissal or discharge of the resident from the facility prior to the expiration of the agreement without just cause for the removal. For the purposes of this act, "just cause" means but is not limited to a good faith determination in writing, signed by the medical director and the administrator of the facility, that a resident is a danger to himself or others while remaining in the facility. The written determination shall state: (1) that the determination is made in good faith; (2) the reasons supporting the determination that the resident is

a danger to himself or others; (3) the basis for the conclusion that there is no less restrictive alternative to dismissal, discharge or cancellation, as the case may be, for abating the dangerousness of the resident; and (4) the basis for the conclusion that the danger is such that a notice period of less than 60 days is appropriate.

If a facility dismisses a resident for just cause, the resident shall be entitled to a refund of his unearned entrance fee, if any, in the same manner as provided in subsection e. of this section. A resident may request a hearing to contest a facility's decision to dismiss or discharge the resident. The hearing shall be held pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

e. It shall not be deemed just cause if the resident is unable to pay monthly maintenance fees until the entire unearned entrance fee plus, where applicable, any third-party insurance benefits received, are earned by the facility. For the purpose of this subsection, the unearned portion shall be the difference between the entrance fee paid by, or on behalf of, the resident and the cost of caring for the resident based upon the per capita cost to the facility. In lieu of calculating the actual per capita cost of caring for a resident, a facility may provide, in the agreement for continuing care, that the per capita cost of caring for the resident shall be calculated as follows:

(1) No more than 2% of the entrance fee for each month the resident occupies, or is entitled to occupy, a bed in the residential unit of the facility;

(2) No more than 4% of the entrance fee for each month the resident occupies, or is entitled to occupy, a bed in the nursing unit of the facility; and

(3) No more than 10% of the entrance fee as a one-time charge for processing and refurbishment.

If these entrance fees are exhausted within 90 days of the date of failure to pay, the facility may not require the resident to leave before 90 days from the date of failure to pay, during which time the resident shall continue to pay the facility a reduced fee based upon the resident's current income.

f. No act, agreement or statement of a resident or of an individual purchasing care for a resident under any agreement to furnish care to the resident shall constitute a valid waiver of any provision of this act intended for the benefit or protection of the resident or the individual purchasing care for the resident.

g. An agreement entered into prior to the effective date of this act or prior to the issuance of a certificate of authority to the provider is valid and binding upon both parties in accordance with the terms of the agreement.

h. The provider shall designate and make knowledgeable personnel available to prospective residents to answer questions about any information contained in the agreement for continuing care. The provider shall also advise prospective residents to seek the independent advice of an attorney or financial advisor of their choice concerning the agreement. The agreement shall state on the cover or top of the first page in bold print the following: "This matter involves a substantial financial investment and a legally binding contract. In evaluating the disclosure statement and the contract prior to any commitment, it is recommended that you consult with an attorney and financial advisor of your choice, if you so elect, who can review these documents with you."

C. 52:27D-345 Residents' organizations; quarterly meetings.

16. a. Residents living in a facility which holds a certificate of authority issued pursuant to this act have the right of self-organization. No retaliatory conduct shall be permitted against a resident for organization or membership or participation in a residents' organization; for the resident's lawful efforts to secure or enforce his rights under the continuing care agreement, the laws of the State of New Jersey or its governmental subdivisions, or of the United States; or for the resident's good faith complaint to a governmental authority of the provider's alleged violation of any health or safety law, regulation, code or ordinance or State law or regulation which has as its objective the regulation of the facility or the delivery of health care services.

b. The board of directors, a designated representative, or other governing body of a continuing care facility shall hold quarterly meetings with the residents or their elected representatives of the continuing care facility for the purpose of free discussion of subjects which may include income, expenditures and financial matters as they apply to the facility and proposed changes in policies, programs and services. Residents shall be given at least seven days' notice of each quarterly meeting.

c. The provider shall designate and make knowledgeable personnel available to address resident complaints about the operation and management of the facility.

C. 52:27D-346 Bankruptcy proceedings.

17. a. The commissioner may apply to a court of competent jurisdiction or to the federal bankruptcy court, if that court had previously taken jurisdiction over the provider or facility, for an order authorizing the commissioner to appoint a trustee to rehabilitate or to liquidate the facility if, after notice and hearing pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the commissioner determines that:

(1) A portion of a provider's reserve fund escrow as required pursuant to this act has been or is proposed to be released;

(2) A provider is or will be unable to meet the pro forma income or cash flow projections filed pursuant to section 7 of this act, except in a manner that may endanger the ability of the provider to fully meet its continuing care contract obligations;

(3) A provider has failed to maintain the reserves required under this act; or

(4) A provider is bankrupt or insolvent, or in imminent danger of becoming bankrupt or insolvent.

b. An order to rehabilitate a facility shall direct the commissioner or trustee to take possession of the property of the provider and to conduct the business thereof, including the employment of managers or agents that the commissioner or trustee deems necessary and to take those steps the court directs toward removal of the causes and conditions which have made rehabilitation necessary.

c. If the court finds, upon petition of the commissioner, trustee or provider, or on its own motion, that the objectives of an order to rehabilitate a facility have been accomplished and that the facility may be returned to the provider's management without further jeopardy to the residents, creditors and owners of the facility, and to the public, the court may, upon a full report and accounting of the conduct of the facility's affairs during the rehabilitation and the facility's current financial condition, terminate the rehabilitation and order return of the facility and its assets and affairs to the provider's management.

d. If the commissioner determines that further efforts to rehabilitate the provider would be useless, the commissioner may apply to the court for an order of liquidation.

e. The court may issue an order of liquidation upon application to the commissioner, whether or not a prior order to rehabilitate the facility had been issued. The order shall act as a revocation of the certificate of authority issued to the facility pursuant to

this act. The order shall direct the commissioner or a trustee to marshal and liquidate all of the provider's assets located within the State.

f. In applying for an order to rehabilitate or liquidate a facility, the commissioner shall give due consideration in the application to the manner in which the welfare of persons who have previously contracted with the provider for continuing care may be best served.

In furtherance of this objective, the proceeds of any lien obtained by the commissioner pursuant to this act may be:

- (1) Used in full or partial payment of entrance fees;
- (2) Used on behalf of residents of a facility that is being liquidated; or
- (3) Paid, on behalf of those persons, to other facilities operated by providers who hold a certificate of authority issued pursuant to this act.

g. The court shall refuse or vacate an order for rehabilitation if the provider posts a bond by a surety authorized to do business in this State and executed in favor of the commissioner on behalf of persons who may be found entitled to a refund of entrance fees from the provider or other damages in the event the provider is unable to fulfill the terms of its contracts to provide continuing care at the facility. The amount of the bond shall be equal to the reserve funding which would otherwise need to be available to fulfill the provider's obligations, as determined by the court.

h. The commissioner or his designee shall attempt to keep residents of the community informed about his actions to rehabilitate or liquidate the facility and, when appropriate, the commissioner or his designee shall meet with residents of the facility.

C. 52:27D-347 Liability for damages.

18. a. A provider or person acting on behalf of the provider is liable to the person who contracts for the continuing care for damages, including repayment of all fees paid to the provider, facility or person who violates this act plus interest thereon at the legal rate, court costs and reasonable attorney's fees, if the provider or person acting on behalf of the provider:

- (1) Enters into a contract for continuing care at a facility which does not have a certificate of authority issued pursuant to this act;
- (2) Enters into a contract for continuing care at a facility without having first delivered a disclosure statement to a person contracting for continuing care pursuant to this act; or

(3) Enters into a contract for continuing care at a facility with a person who has relied on a disclosure statement which omits a material fact required to be stated therein pursuant to this act.

The reasonable value of care and lodging provided to the resident by or on whose behalf the contract for continuing care was entered into prior to discovery of the violation, misstatement or omission or the time the violation, misstatement or omission should reasonably have been discovered shall be deducted from the amount of repayment due the person.

b. A provider is liable under this section whether or not the provider has actual knowledge of the violation, misstatement or omission. A person acting on behalf of the provider is liable under this section only if the person has actual knowledge of the violation, misstatement or omission.

c. A person may not file or maintain an action under this section if before filing the action, the person received an offer to refund all amounts paid to the provider, facility or person violating this act plus interest from the date of payment, less the reasonable value of care and lodging provided prior to receipt of the offer, and the person failed to accept the offer within 30 days of its receipt. At the time a provider makes a written offer of rescission, the provider shall file a copy with the commissioner and obtain the approval of the commissioner for the offer. The offer shall be written in clear and understandable language and shall explain the limitation on court action provided pursuant to this subsection. Subject to the provisions of this subsection, nothing in this act shall prohibit any person from seeking injunctive or other relief from the provider in a court of law or equity in this State.

d. A person shall not institute an action to enforce a liability created under this act more than six years after the violation is discovered or could have been discovered in the exercise of due diligence.

e. Except as expressly provided in this act, civil liability in favor of a private party shall not arise against a person by implication from or as a result of the violation of this act or an order issued pursuant to this act. This act shall not limit a liability which may exist by virtue of any other law if this act were not in effect.

C. 52:27D-348 Investigatory powers.

19. a. The commissioner or his designee may, as often as he reasonably deems necessary, conduct an investigation to determine whether any person has violated or is about to violate any provision

of this act or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder.

b. For the purpose of any investigation or proceeding under this act, the commissioner or his designee may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the commissioner deems relevant or material to the inquiry.

C. 52:27D-349 Examination of records.

20. The commissioner or his designee shall visit each facility offering continuing care in this State to examine its books and records at least once every four years.

C. 52:27D-350 Consumers' guide; residents' rights booklet.

21. a. The commissioner shall prepare and cause to be distributed to the public a consumers' guide to continuing care facilities and an annual directory of continuing care facilities in the State.

b. The commissioner shall prepare and cause to be distributed to the public a residents' rights booklet that describes the rights of residents and obligations of providers under this act.

C. 52:27D-351 Equitable relief.

22. If the commissioner determines or has cause to believe that a person has engaged in any act or practice which constitutes a violation of this act, the commissioner may:

a. Issue an order requiring the person to cease and desist from engaging in the act or practice; or

b. Bring an action in a court of competent jurisdiction to enjoin the act or practice and to enforce compliance with this act. Upon a proper showing, the court may grant a permanent or temporary injunction, restraining order or writ of mandamus and may appoint a receiver or conservator for the defendant or the defendant's assets. The commissioner shall not be required to post a bond.

C. 52:27D-352 Criminal violations.

23. a. The commissioner may refer any available evidence concerning criminal violations of this act to the Attorney General or the appropriate county prosecutor.

b. The Attorney General or a county prosecutor may institute appropriate criminal proceedings either in response to a referral from the commissioner or on their own initiative.

c. Nothing in this act limits the power of the State to punish any person for any conduct which constitutes a crime under any other law.

C. 52:27D-353 Fees.

24. The commissioner shall determine reasonable fees for filing an application for a certificate of authority and other required documents pursuant to this act. The commissioner also may assess a provider for reasonable expenses incurred by the department in the investigation or rehabilitation of a provider or facility pursuant to this act.

C. 52:27D-354 One year to comply.

25. A provider who is offering but not providing continuing care on the effective date of this act may be given a reasonable time, not to exceed one year from the date of promulgation of applicable regulations, within which to comply with the requirements of this act and obtain a certificate of authority.

C. 52:27D-355 Exclusion.

26. A facility which has not entered into any agreements for continuing care pursuant to this act since 1965 is not subject to the provisions of this act; but this exclusion shall not apply if that facility enters into one or more agreements for continuing care on or after the effective date of this act.

C. 52:27D-356 Fewer than 50 residents.

27. A facility which has less than 50 residents who are under continuing care agreements on the date of enactment of this act is not subject to the provisions of this act, but this exclusion shall not apply if that facility increases the number of its residents under continuing care agreements to 50 or more, after the date of enactment of this act.

C. 52:27D-357 Continuing Care Advisory Council.

28. a. There is created a Continuing Care Advisory Council which consists of 17 members as follows: the Commissioners of the Departments of Community Affairs, Health and Insurance, or their designees, who shall serve ex officio and shall be non-voting members; 10 public members appointed by the Governor, with the advice and consent of the Senate, who are residents of the State and two of whom are administrators of continuing care facilities in this State, one of whom is a representative of the business community and knowledgeable in the area of management, one of whom is a certified public accountant, one of whom is an attorney licensed to practice in this State, three of whom are residents of continuing care retirement communities in this State, one of whom is a trustee or director of a continuing care retirement community in this State and one of whom is a representative of the New Jersey Association of Non-Profit Homes for the Aging; two members of the Senate

appointed by the President thereof; and two members of the General Assembly appointed by the Speaker thereof.

b. The term of office for each public member is three years, or until the member's successor has been appointed; except that of the public members first appointed, two shall be appointed for a term of one year, two for a term of two years and three for a term of three years. The legislative members shall be appointed for their legislative terms of office.

A vacancy in the membership of the council shall be filled in the same manner as the original appointment, but for the unexpired term. A member of the council is eligible for reappointment.

The members of the council shall serve without compensation, but the council shall reimburse the members for the reasonable expenses incurred in the performance of their duties.

c. The council shall hold an organizational meeting within 30 days after the appointment of its members. The members of the council shall elect from among them a chairman, who shall be the chief executive officer of the council, and the members shall elect a secretary who need not be a member of the council.

d. The council shall meet at least four times a year but may meet more frequently at the discretion of the chairman or the commissioner.

e. The council may call to its assistance and avail itself of the services and assistance of any officials and employees of the Department of Community Affairs or other State agency and political subdivisions and their departments, boards, bureaus, commissions and agencies as it requires and as is available to it for this purpose and may expend any funds that are appropriated or otherwise made available to it pursuant to this act.

f. The council shall:

(1) Advise and provide information to the commissioner on matters pertaining to the operation and regulation of continuing care retirement facilities, upon request of the commissioner;

(2) Review and comment upon, as appropriate, any proposed rules and regulations and legislation pertaining to continuing care retirement facilities;

(3) Make recommendations to the commissioner about any needed changes in rules and regulations and State and federal laws pertaining to continuing care retirement facilities; and

(4) Assist in the rehabilitation of a continuing care retirement facility, upon request of the commissioner.

g. The commissioner shall report annually to the Governor and the Legislature, the commissioner's and the council's findings and recommendations concerning continuing care retirement communities and the implementation of this act.

C. 52:27D-358 Rules, regulations.

29. The commissioner shall adopt rules and regulations necessary to carry out the provisions of this act, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.). The commissioner shall adopt the regulations within six months of the effective date of this act.

C. 52:27D-359 Health Department authority.

30. Nothing in this act shall be construed to limit the licensing and regulatory authority of the Department of Health, pursuant to P. L. 1971, c. 136 (C. 26:2H-1 et seq.), concerning health care services provided by a facility subject to this act.

C. 52:27D-360 Community Affairs authority.

31. Nothing in this act shall be construed to limit the authority of the Department of Community Affairs to enforce any otherwise applicable statute, code, or regulation in a facility subject to this act.

32. There is appropriated \$50,000.00 from the General Fund to the Department of Community Affairs to carry out the purposes of this act.

33. This act shall take effect on the 180th day following enactment.

Approved September 3, 1986.

CHAPTER 104

AN ACT requiring certain bridges and overpasses to have their maximum clearance marked or posted thereon, and providing for signs warning approaching motorists of the bridges and overpasses.

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

C. 27:5G-1 Bridge clearance posting, municipal roads.

1. a. Every bridge or overpass carrying a municipal road or highway or under the jurisdiction of a municipality, with a clearance of less than 14 feet 6 inches from the roadway beneath shall have the maximum clearance marked or posted thereon in accor-

dance with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways.

b. Signs warning persons driving motor vehicles that they are approaching a bridge or overpass with less than 14 feet 6 inches clearance shall be posted at the last safe exit or detour preceding the bridge or overpass and the maximum clearance of the bridge or overpass shall be indicated on these signs.

c. The signs or markings required by this section shall be posted or marked, as appropriate, by, and shall be maintained by the governmental entity, be it the State or the political subdivision, which has jurisdiction over the roadway underneath the bridge or overpass. The provisions of this section shall not apply to the toll road authorities.

C. 27:5G-2 County roads.

2. a. Every bridge or overpass carrying a county road or highway or under the jurisdiction of a county, which a clearance of less than 14 feet 6 inches from the roadway beneath, shall have the maximum clearance marked or posted thereon in accordance with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways.

b. Signs warning persons driving motor vehicles that they are approaching a bridge or overpass with less than 14 feet 6 inches clearance shall be posted at the last safe exit or detour preceding the bridge or overpass and the maximum clearance of the bridge or overpass shall be indicated on these signs.

c. The signs or markings required by this section shall be posted or marked, as appropriate, by, and shall be maintained by the governmental entity, be it the State or the political subdivision, which has jurisdiction over the roadway underneath the bridge or overpass. The provisions of this section shall not apply to the toll road authorities.

C. 27:5G-3 State roads.

3. a. Every bridge or overpass carrying a State road or highway or under the jurisdiction of the Department of Transportation, with a clearance of less than 14 feet 6 inches from the roadway beneath, shall have the maximum clearance marked or posted thereon in accordance with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways.

b. Signs warning persons driving motor vehicles that they are approaching a bridge or overpass with less than 14 feet 6 inches

clearance shall be posted at the last safe exit or detour preceding the bridge or overpass and the maximum clearance of the bridge or overpass shall be indicated on these signs.

c. The signs or markings required by this section shall be posted or marked, as appropriate, by, and shall be maintained by the governmental entity, be it the State or the political subdivision, which has jurisdiction over the roadway underneath the bridge or overpass. The provisions of this section shall not apply to the toll road authorities.

C. 27:5G-4 Railroad overpasses.

4. a. Every bridge or overpass carrying a railroad, with a clearance of less than 14 feet 6 inches from the roadway beneath, shall have the maximum clearance marked or posted thereon in accordance with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways.

b. Signs warning persons driving motor vehicles that they are approaching a bridge or overpass with less than 14 feet 6 inches clearance shall be posted at the last safe exit or detour preceding the bridge or overpass and the maximum clearance of the bridge or overpass shall be indicated on these signs.

c. The signs or markings required by this section shall be posted or marked, as appropriate, by, and shall be maintained by the governmental entity, be it the State or the political subdivision, which has jurisdiction over the roadway underneath the bridge or overpass. The provisions of this section shall not apply to the toll road authorities.

5. This act shall take effect immediately, except that signs or markings shall not be required to be posted or marked until the first day of the 24th month after the effective date of this act.

Approved September 5, 1986.

STATEMENT TO CHAPTER 104
(SENATE BILL No. 396 (2nd OCR))

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 396 (2nd OCR) at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

This legislation provides that every bridge or overpass with a clearance of less than 14½ feet, under the jurisdiction of or carrying a municipal, county or State road or highway, must have the maximum clearance marked or posted thereon. This is designed to correct situations where certain commercial vehicles become wedged between the road surface and a bridge or overpass because of inadequate postings of height restrictions. The posting shall be made in accordance with the standards prescribed by the Manual on Uniform Traffic Control Devices for Streets and Highways. Furthermore, the legislation requires the installation of warning signs at the last safe exit or detour preceding a bridge or overpass with a clearance under 14½ feet. The warning signs would indicate the maximum clearance of an approaching bridge or overpass.

The responsibility for the placement and maintenance of the aforementioned warning signs shall rest with the governmental entity possessing jurisdiction over the roadway underneath a particular bridge or overpass. Additionally, the bill appropriates \$95,000.00 from the General Fund to the Department of Transportation to provide counties and municipalities with assistance for the costs associated with the legislation.

Although I support the intention of this legislation, I find the appropriation provided in Senate Bill No. 396 (2nd OCR) to be unnecessary. I believe that the costs incurred by a county or municipality to install and maintain the required warning signs can be easily absorbed by each political subdivision affected by this legislation. In contrast, the Department of Transportation would have to incur expenses far in excess of the proposed \$95,000.00 appropriation to administer and oversee distribution of the funds.

Accordingly, I am removing the appropriation contained in Senate Bill No. 396 (2nd OCR) as follows:

Page 1, Title, line 4: Omit “, and making an appropriation”

Page 3, Section 5, Lines 1-4: Delete in its entirety.

Page 3, Section 6, Line 1: Delete “6.” and insert “5.”

Respectfully,

/s/ THOMAS H. KEAN
Governor

CHAPTER 105

AN ACT to protect employees from retaliatory action by employers and supplementing Title 34 of the Revised Statutes.

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

C. 34:19-1 Short title.

1. This act shall be known and may cited as the "Conscientious Employee Protection Act."

C. 34:19-2 Definitions.

2. As used in this act:

a. "Employer" means any individual, partnership, association, corporation or any person or group of persons acting directly or indirectly on behalf of or in the interest of an employer with the employer's consent and shall include all branches of State Government, or the several counties and municipalities thereof, or any other political subdivision of the State, or a school district, or any special district, or any authority, commission, or board or any other agency or instrumentality thereof.

b. "Employee" means any individual who performs services for and under the control and direction of an employer for wages or other remuneration.

c. "Public body" means:

(1) the United States Congress, any State legislature, or any popularly-elected local governmental body, or any member or employee thereof;

(2) any federal, State, or local judiciary, or any member or employee thereof, or any grand or petit jury;

(3) any federal, State, or local regulatory, administrative, or public agency or authority, or instrumentality thereof;

(4) any federal, State, or local law enforcement agency, prosecutorial office, or police or peace officer;

(5) any federal, State or local department of an executive branch of government; or

(6) any division, board, bureau, office, committee or commission of any of the public bodies described in the above paragraphs of this subsection.

d. "Supervisor" means any individual with an employer's organization who has the authority to direct and control the work

performance of the affected employee, who has authority to take corrective action regarding the violation of the law, rule or regulation of which the employee complains, or who has been designated by the employer on the notice required under section 7 of this act.

e. "Retaliatory action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

C. 34:19-3 Retaliatory action prohibited.

3. An employer shall not take any retaliatory action against an employee because the employee does any of the following:

a. Discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law;

b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer; or

c. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:

(1) is in violation of a law, or a rule or regulation promulgated pursuant to law;

(2) is fraudulent or criminal; or

(3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare.

C. 34:19-4 Written notice required.

4. The protection against retaliatory action provided by this act pertaining to disclosure to a public body shall not apply to an employee who makes a disclosure to a public body unless the employee has brought the activity, policy or practice in violation of a law, or a rule or regulation promulgated pursuant to law to the attention of a supervisor of the employee by written notice and has afforded the employer a reasonable opportunity to correct the activity, policy or practice. Disclosure shall not be required where the employee is reasonably certain that the activity, policy or practice is known to one or more supervisors of the employer or where the employee reasonably fears physical harm as a result of the disclosure provided, however, that the situation is emergency in nature.

C. 34:19-5 Civil action.

5. Upon a violation of any of the provisions of this act, an aggrieved employee or former employee may institute a civil action in a court of competent jurisdiction, within one year, for relief which may include, and which the court may order, the following:

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

C. 34:19-6 Fees, costs to employer.

6. A court, upon notice of motion in accordance with the Rules Governing the Courts of the State of New Jersey, may also order that reasonable attorneys' fees and court costs be awarded to an employer if the court determines that an action brought by an employee under this act was without basis in law or in fact. However, an employee shall not be assessed attorneys' fees under this section if, after exercising reasonable and diligent efforts after filing a suit, the employee files a voluntary dismissal concerning the employer, within a reasonable time after determining that the employer would not be found to be liable for damages.

C. 34:19-7 Posting of notices.

7. An employer shall conspicuously display notices of its employees' protections and obligations under this act, and use other appropriate means to keep its employees so informed. Each notice posted pursuant to this section shall include the name of the person or persons the employer has designated to receive written notifications pursuant to section 4 of this act.

C. 34:19-8 Other rights, remedies unaffected.

8. Nothing in this act shall be deemed to diminish the rights, privileges, or remedies of any employee under any other federal or State law or regulation or under any collective bargaining agree-

ment or employment contract; except that the institution of an action in accordance with this act shall be deemed a waiver of the rights and remedies available under any other contract, collective bargaining agreement, State law, rule or regulation or under the common law.

9. This act shall take effect immediately.

Approved September 5, 1986.

CHAPTER 106

AN ACT establishing the New Jersey Emergency Medical Service Helicopter Response Program and an emergency medical transportation service, amending P. L. 1984, c. 146 and supplementing Title 26 of the Revised Statutes.

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

C. 26:2K-35 Definitions.

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

a. "Commissioner" means the Commissioner of the Department of Health.

b. "Dispatch" means the coordinated request for and dispatch of the emergency medical service helicopter response unit by a central communications center located in the service area, following protocols developed by the mobile intensive care hospital, the regional trauma or critical care center, the commissioner and the superintendent.

c. "Emergency medical service helicopter response unit" means a specially equipped hospital-based emergency medical service helicopter staffed by advanced life support personnel and operated for the provision of advanced life support services under the medical direction of a mobile intensive care program and the regional trauma or critical care center authorized by the commissioner.

d. "Emergency medical transportation" means the prehospital or interhospital transportation of an acutely ill or injured patient by a dedicated emergency medical service helicopter response unit operated, maintained and piloted by the Division of State Police

of the Department of Law and Public Safety, pursuant to regulations adopted by the commissioner under chapter 40 of Title 8 of the New Jersey Administrative Code.

e. "Medical direction" means the medical control and medical orders transmitted from the physician of the mobile intensive care hospital or from the physician at the regional trauma or critical care center to the staff of the helicopter. The mobile intensive care unit coordinating center and regional trauma or critical care center shall have the ability to cross patch and consult with each other as approved by the commissioner.

f. "Mobile intensive care hospital" means a hospital authorized by the commissioner to develop and maintain a mobile intensive care unit to provide advanced life support services in accordance with P. L. 1984, c. 146 (C. 26:2K-7 et al.).

g. "Regional trauma center" means a State designated level one hospital-based trauma center equipped and staffed to provide emergency medical services to an accident or trauma victim, including, but not limited to, the level one trauma centers at the University of Medicine and Dentistry of New Jersey-University Hospital in Newark and the Cooper Hospital/University Medical Center in Camden.

h. "Critical care center" means a hospital authorized by the commissioner to provide regional critical care services, such as trauma, burn, spinal cord, cardiac, poison or neonatal care.

i. "Superintendent" means the Superintendent of the Division of State Police of the Department of Law and Public Safety.

C. 26:2K-36 Emergency Medical Service Helicopter Response Program.

2. (New section) a. There is established the New Jersey Emergency Medical Service Helicopter Response Program in the Division of Local and Community Health Services of the Department of Health. The commissioner shall designate a mobile intensive care hospital and a regional trauma or critical care center which shall develop and maintain a hospital-based emergency medical service helicopter response unit. The commissioner shall designate at least two units in the State, of which no less than one unit each shall be designated for the northern and southern portions of the State, respectively.

b. Each emergency medical service helicopter response unit shall be staffed by at least two persons trained in advanced life support and approved by the commissioner. The staff of the emergency

medical service helicopter response unit shall render life support services to an accident or trauma victim, as necessary, in the course of providing emergency medical transportation.

C. 26:2K-37 Transportation service.

3. (New section) The Division of State Police of the Department of Law and Public Safety shall establish an emergency medical transportation service to provide medical transportation service pursuant to this amendatory and supplementary act. The superintendent shall operate and maintain at least one dedicated helicopter for each emergency medical service helicopter response unit designated by the commissioner pursuant to section 2 of this amendatory and supplementary act.

C. 26:2K-38 Civil immunity.

4. (New section) No mobile intensive care paramedic, licensed physician, hospital or its board of trustees, officers and members of the medical staff, nurses or other employees of the hospital, first aid, ambulance or rescue squad members or officers is liable for any civil damages as the result of an act or the omission of an act committed while training for or in rendering advanced life support services in good faith and in accordance with this amendatory and supplementary act.

5. Section 10 of P. L. 1984, c. 146 (C. 26:2K-16) is amended to read as follows:

C. 26:2K-16 Advisory council.

10. The commissioner shall establish a State mobile intensive care advisory council, which shall advise the department on all matters of mobile intensive care services, the Emergency Medical Service Helicopter Response Program and emergency medical transportation. The council shall select a chairman annually to chair the meetings and coordinate the activities of the advisory council. The chairman shall appoint subcommittees to review and recommend policy on subjects including, but not limited to, advanced life support training programs, advanced life support patient care equipment, biomedical and telecommunications equipment and procedures, treatment protocols, and helicopter equipment and procedures, as well as other medical matters.

6. This act shall take effect on the 90th day following enactment.

Approved September 5, 1986.

CHAPTER 107

AN ACT to amend and supplement "An act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P. L. 1986, c. 41).

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

1. The following items of P. L. 1986, c. 41 are amended to read as follows:

DIRECT STATE SERVICES

54 DEPARTMENT OF HUMAN SERVICES

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

01-7600	Purchased Residential Care	\$77,545,000
02-7600	Social Supervision and Consultation	10,515,000
03-7600	Adult Activities	41,961,000
04-7600	Education and Day Training	7,585,000
99-7600	Management and Administrative Services	10,163,000
	Total Appropriation, Division of Develop- mental Disabilities	<u>\$147,769,000</u>

Less:

Federal Funds

<i>Purchased Residential Care</i>	<i>(\$26,661,000)</i>
<i>Social Supervision and Consultation</i>	<i>(4,914,000)</i>
<i>Adult Activities</i>	<i>(13,563,000)</i>
<i>Management and Administrative Services</i>	<i>(7,095,000)</i>

<i>Total Federal Funds</i>	(\$52,233,000)	
Total Appropriation, Division of Developmental Disabilities		\$95,536,000

2. In addition to the amounts appropriated under P. L. 1986, c. 41, there are appropriated out of the General Fund the following sums for the purposes specified:

DIRECT STATE SERVICES

LEGISLATIVE BRANCH

01 LEGISLATURE

09 Legislative Commissions

09-0041 New Jersey Statue of Liberty Centennial Commission		\$50,000
--	--	----------

Total Appropriation, Legislative Commissions		\$50,000
--	--	----------

Special Purpose:

Expenses of Commission	(\$50,000)	
------------------------------	-------------	--

Total Appropriation, Legislative Commissions		\$50,000
--	--	----------

Total Appropriation, Legislative Branch ...		\$50,000
---	--	----------

22 DEPARTMENT OF COMMUNITY AFFAIRS

50 Economic Planning, Development and Security

55 Related Social Services Programs

05-8050 Community Resources		\$50,000
-----------------------------------	--	----------

15-8051 Women's Programs		175,000*
--------------------------------	--	----------

Total Appropriation, Related Social Services Programs		\$225,000*
---	--	------------

Special Purpose:

Job Training Center for Urban Women Act	(\$125,000*)	
---	---------------	--

Grants:	
Morris Shelter for the Homeless ..(	25,000)
Morris Junior League	(25,000)
Warren County Rape Crisis Center (	50,000)
Total Appropriation, Department of	
Community Affairs	\$225,000*

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

16 Detention and Rehabilitation

7025 System-Wide Program Support

13-7025 Institutional Program Support	\$97,000
Total Appropriation, Institutional Program	
Support	\$97,000

Grants:	
Theatre without Bars	(\$97,000)
Total Appropriation, Department of	
Corrections	\$97,000

38 DEPARTMENT OF ENERGY

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

10-4050 Public Broadcasting Services	\$250,000
Total Appropriation, Cultural and Intellec-	
tual Development Services	\$250,000

Special Purpose:	
Grant to Channel 13	(\$250,000)
Total Appropriation, Department of Energy	\$250,000

	42 DEPARTMENT OF ENVIRONMENTAL PROTECTION	
40	Community Development and Environmental Management	
	45 Recreational Resource Management	
12-4875	Parks Management	\$40,000
	Total Appropriation, Recreational Resource Management	\$40,000
		<hr/>
	Special Purpose:	
	Maintenance—Old Barracks, Trenton (State share)	(\$40,000)
	Total Appropriation, Department of Environmental Protection	\$40,000
		<hr/> <hr/>
	46 DEPARTMENT OF HEALTH	
	20 Physical and Mental Health	
	21 Health Services	
05-4250	Alcoholism Control	\$75,000*
	Total Appropriation, Health Services	\$75,000*
		<hr/>
	Grants:	
	Shire Alcoholism Center	(\$75,000*)
	Total Appropriation, Department of Health	\$75,000*
		<hr/> <hr/>
	50 DEPARTMENT OF HIGHER EDUCATION	
30	Educational, Cultural and Intellectual Development	
	36 Higher Educational Services	
5630	University of Medicine and Dentistry of New Jersey	
12-5630	Sponsored Programs and Research	\$100,000
13-5630	Extension and Public Service	500,000
	Total Appropriation, University of Medicine and Dentistry	\$600,000
		<hr/>

Special Purpose:

Research under contract with the
 Institute of Medical Research,
 Camden(\$100,000)
 Ambulance service—Camden(500,000)

UMDNJ is authorized to establish fees in such amounts as it shall determine for ambulance service—Camden.

Total Appropriation, Department of Higher
 Education \$600,000*

54 DEPARTMENT OF HUMAN SERVICES

30 Educational, Cultural and Intellectual Development

32 Operation and Support of Educational Institutions

7600 Division of Developmental Disabilities

02-7600 Social Supervision and Consultation \$200,000

Total Appropriation, Division of Develop-
 mental Disabilities \$200,000

Personal Services:

Salaries and wages(\$200,000)

50 Economic Planning, Development and Security

53 Economic Assistance and Security

7570 Division of Youth and Family Services

18-7570 General Social Services \$383,000

Total Appropriation, Division of Youth and
 Family Services \$383,000

Grants:

Triad House (Mercer county)(\$100,000)

Fisherman's Mark for Child Care
 and Support Services(108,000)

Bonnie Brae Educational Center ..(175,000)

Total Appropriation, Department of Human
 Services \$583,000

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

12 Law Enforcement

06-1200 Patrol Activities and Crime Control \$70,000

Total Appropriation, Law Enforcement \$70,000

Special Purpose:

Police Emergency Network (\$70,000)

Total Appropriation, Department of Law
and Public Safety \$70,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

05-2530 Support of the Arts \$550,000*

Total Appropriation, Cultural and Intellec-
tual Development Services \$550,000*

Special Purpose:

Hunterdon Arts Center (\$100,000)

William Carlos Williams Center .. (150,000*)

John Harms Regional Performing
Arts Center (100,000*)Newark Community School for the
Fine Arts (50,000*)

Ethnic Heritage Museum (150,000)

Total Appropriation, Department of State .. \$550,000*

Total Appropriation, Direct State Services .. \$2,540,000*

STATE AID

22 DEPARTMENT OF COMMUNITY AFFAIRS

40 Community Development and Environmental Management

41 Community Development Management—State Aid

04-8030. Local Government Services	\$805,000*
Total Appropriation, Community Development Management	\$805,000*

State Aid:

Special Assistance—Township of North Bergen	(\$75,000*)
Grant to Franklin Township for the Elizabeth Avenue Volunteer Fire Company for a firehouse	(5,000*)
Grant to Hamilton Township for Rusling Hose Rescue Squad Company	(5,000*)
Grant to Keansburg to renovate police station	(10,000)
Grant to Fairview First Aid Squad of Middletown Township	(10,000)
Grant to Old Bridge Police Department for computer equipment ...	(5,000*)
Grant to Hazlet for a police car	(5,000*)
Grant to Springfield (Union County) for police training, first aid and CPR	(15,000*)
Municipal finance officers' training .	(25,000)
Grant to Middlesex County for John E. Toolan Kiddie Keep Well Camp	(50,000)
Raze Vacant Buildings, Newark ...	(250,000*)
Raze Vacant Buildings, Camden ...	(200,000)
Raze Vacant Buildings, Trenton ...	(150,000)

50 Economic Planning, Development and Security

55 Related Social Services Programs—State Aid

05-8050	Community Resources	\$1,845,000*
08-8060	Programs for the Aging	136,000
	Total Appropriation, Related Social Services Programs	<u>\$1,981,000*</u>

State Aid:

Grant to West Side Unit of Newark Boys and Girls Club	(\$100,000*)
Franklin Township Water Tower ..	(50,000*)
Grant to Trenton Follow Through Program	(280,000)
Grant to United Vailsburg	(70,000*)
Grant to Leaguers	(90,000)
Grant to La Casa De Don Pedro ..	(60,000)
Grant to Mercy Mission Emergency Services	(50,000)
Grant to YMCA of Madison Well- ness Child Care Center	(125,000)
Grant to Bayshore Day Care Center	(5,000)
Grant to Saint Ambrose Parish, Old Bridge—Meals on Wheels	(5,000)
Grant to North Ward Cultural Center	(150,000*)
Grant to Latin American Commu- nity Agency, Hudson County ...	(150,000)
Grant to Ironbound Cultural Center	(150,000*)
Project Freedom—Handicapped home construction	(150,000)
Grant to Museum of Early American History, Hamilton Township	(10,000)
Grant to Red Bank for lunch break meals on wheels	(150,000)
Grant to Millville YMCA	(150,000*)

Grant to Commercial Township for improvements at Mauricetown Park	(15,000)	
Grant to Keyport Youth Athletic League	(5,000*)	
Grant to Irvington for Police Athletic Programs	(5,000)	
Grant to Union City for recreation program and staffing	(75,000*)	
Grant to Kenilworth for Senior Citizen Center Construction	(50,000)	
Grant to Roselle Park for Senior Citizen Bus	(36,000)	
Grant to Hillside for the Senior Citizen Program	(50,000)	
Total Appropriation, Department of Community Affairs		<u>\$2,786,000*</u>

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

31 Direct Educational Services and Assistance—State Aid

03-5120 Miscellaneous Grants-in-Aid		\$80,000
Total Appropriation, Direct Educational Services and Assistance		<u>\$80,000</u>

State Aid:

Focus on Literacy	(\$20,000)	
Drenk Memorial Guidance Center (	60,000)	
Total Appropriation, Department of Education		<u>\$80,000</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

42 Natural Resource Management—State Aid

05-4840 Water Supply and Watershed Management		\$50,000
Total Appropriation, Natural Resource Management		<u>\$50,000</u>

State Aid:

Wesley Lake rehabilitation and silt
removal (\$50,000)

43 Environmental Quality—State Aid

07-4850	Water Monitoring and Planning	\$600,000*
08-4855	Water Enforcement	200,000
	Total Appropriation, Environmental Quality	<u>\$800,000*</u>

State Aid:

Woodbury Lake cleanup (\$250,000*)
Takanassee Lake cleanup (100,000)
Lake Topanemus cleanup—Freehold
Township (150,000*)
Sylvan Lake cleanup (100,000)
Grant to Beachwood Borough (200,000)

44 Hazardous and Toxic Pollution Control—State Aid

19-4815	Spill Prevention, Response and Site Cleanup	\$225,000
	Total Appropriation, Hazardous and Toxic Pollution Control	<u>\$225,000</u>

State Aid:

Grant to Belleville for costs related
to toxic waste cleanup (\$225,000)

45 Recreational Resource Management—State Aid

12-4875	Parks Management	\$480,000*
21-4895	Navigational Aids	250,000
	Total Appropriation, Recreational Resource Management	<u>\$730,000*</u>

State Aid:

Grant to Jersey City to support
Statue of Liberty Centennial ... (\$100,000*)
Ocean Grove Auditorium
restoration (250,000)

Holcombe-Jimison, Historical farmstead restoration	(25,000)	
Grant to Borough of Stanhope to refurbish Plaster Mill National Historical site	(40,000)	
Deal Lake silt retention and bank stabilization	(250,000)	
Grant in aid Long Branch Museum (	10,000)	
Grant in aid Allgor-Barlon Museum (	25,000*)	
Grant in aid Manasquan Railroad Station Museum	(10,000*)	
Grant in aid Monmouth Museum ... (	10,000*)	
Grant in aid Strauss Museum	(10,000*)	
Total Appropriation, Department of Environmental Protection		\$1,805,000*

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services—State Aid

5400 Office of the Chancellor

06-5400 Aid to County Colleges	\$100,000
Total Appropriation, Office of the Chancellor	\$100,000

State Aid:

Brookdale Community College

Urban Campus Initiative

(\$100,000)

Total Appropriation, Department of Higher Education	\$100,000
--	------------------

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

54 Manpower and Employment Services—State Aid

10-4545 Employment Development Services	\$50,000
Total Appropriation, Manpower and Employment Services	\$50,000

State Aid:

Women's employment demonstra- tion program	(\$50,000)	
Total Appropriation, Department of Labor		<u>\$50,000</u>

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services—State Aid

06-2535 Museum Services		\$300,000*
Total Appropriation, Cultural and Intellec- tual Development Services		<u>\$300,000*</u>

State Aid:

Turtle Back Zoo	(\$150,000)	
Clinton Historical Museum	(100,000*)	
Ocean County Council on the Arts .	(50,000)	
Total Appropriation, Department of State .		<u>\$300,000*</u>
Total Appropriation, State Aid		<u>\$5,121,000*</u>

CAPITAL CONSTRUCTION

38 DEPARTMENT OF ENERGY

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

Capital Project:

WBGO-FM Newark	(\$30,000*)	
Total Appropriation, Department of Energy		<u>\$30,000*</u>

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION

40 Community Development and Environmental Management

45 Recreational Resource Management

Capital Project:

Repair Imlaystown Pond Dam	(\$250,000)	
Total Appropriation, Department of Environmental Protection		<u>\$250,000</u>

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5600 Rutgers, The State University

Capital Project:

Replace Victor Building(\$500,000)

Total Appropriation, Department of Higher
Education

\$500,000

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services

Capital Project:

Sacred Heart Cathedral(\$200,000)

Total Appropriation, Department of State ..

\$200,000

Total Appropriation, Capital Construction..

\$980,000*

Total Appropriation, General Fund

\$8,641,000*

3. This act shall take effect immediately but shall remain inoperative until the enactment into law of the annual appropriations act for the fiscal year ending June 30, 1987, P. L. 1986, c. 41.

Approved September 5, 1986.

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

STATEMENT TO CHAPTER 107

(Senate Bill No. 1901)

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am herewith returning Senate Bill No. 1901 with my signature, along with certain constitutionally permitted modifications set forth in this statement.

This bill is a supplement to the General Appropriations Act for Fiscal Year 1987, approved on June 30 as P. L. 1986, c. 41. In approving the bill, I have exercised my line-item veto power to reduce the total amount appropriated from \$10,751,000 to \$8,641,000—a reduction of \$2,110,000.

S-1901 provides support for a wide variety of programs and organizations that the appropriations committees of the Legislature have selected. These programs are generally worthwhile and deserving of State support. The reductions I have made are not based on the value of the individual programs. Rather, they reflect judgments as to suitable levels of support for individual programs within general categories, given the overall limits on State fiscal resources.

The items included in the bill are particular examples of numerous projects and programs of the same character which have been or might be proposed. In light of this fact, the appropriations provided for Fiscal Year 1987 should generally be considered as one-time appropriations and the sponsors and organizations involved should not anticipate these amounts in their budgets for next year.

I am therefore appending to Senate Bill No. 1901 at the time of signing it this statement of the items or parts thereof to which I object, so that each item or part thereof so objected to shall not take effect.

“Direct State Services”

“Department of Community Affairs”

Page Line

2	2	“15-8051 Women’s Programs	\$225,000”
		This item is reduced to \$175,000.	
2	3-4	“Total Appropriation, Related Social Services Programs	275,000”
		This item is reduced to \$225,000.	
2	6-7	“Job Training Center for Urban Women Act	(175,000)”
		This item is reduced to \$125,000.	
3	12-13	“Total Appropriation, Department of Community Affairs	275,000”
		This item is reduced to \$225,000.	

*“Department of Health”**Page Line*

4	1	“05-4250 Alcoholism Control	100,000”
		This item is reduced to \$75,000.	
4	2	“Total Appropriation, Health Services	100,000”
		This item is reduced to \$75,000.	
4	4	“Shire Alcoholism Center	(100,000)”
		This item is reduced to \$75,000.	
4	5	“Total Appropriation, Department of Health	100,000”
		This item is reduced to \$75,000.	

*“Department of Higher Education”**Page Line*

4	1	“13-5620 Extension and Public Service	100,000”
		This item is deleted in its entirety.	
4	2-3	“Total Appropriation, Agriculture Experiment Station	100,000”
		This item is deleted in its entirety.	
4	4-5	“Special Purpose: Urban Gardening	(100,000)”
		This item is deleted in its entirety.	
4	6-7	“Total Appropriation, Rutgers, The State University	100,000”
		This item is deleted in its entirety.	
4	12-13	“Total Appropriation, Department of Higher Education	700,000”
		This item is reduced to \$600,000.	

*“Department of State”**Page Line*

5	1	“05-2530 Support of the Arts	710,000”
		This item is reduced to \$550,000.	

Page Line

5	2-3	“Total Appropriation, Cultural and Intellectual Development Services	710,000”
		This item is reduced to \$550,000.	
5	5	“Newark Boys Chorus	(40,000)”
		This item is deleted in its entirety.	
5	7	“William Carlos Williams Center	(200,000)”
		This item is reduced to \$150,000.	
5	8-9	“John Harms Regional Performing Arts Center	(120,000)”
		This item is reduced to \$100,000.	
5	10-11	“Newark Community School for the Fine Arts	(100,000)”
		This item is reduced to \$50,000.	
5	13	“Total Appropriation, Department of State	710,000”
		This item is reduced to \$550,000.	
5	14	“Total Appropriation, Direct State Services	2,875,000”
		This item is reduced to \$2,540,000.	

*“State Aid”**“Department of Community Affairs”**Page Line*

6	1	“04-8030 Local Government Services	\$1,235,000”
		This item is reduced to \$805,000.	
6	2-3	“Total Appropriation, Community Development Management	1,235,000”
		This item is reduced to \$805,000.	
6	5-6	“Special Assistance—Township of North Bergen	(115,000)”
		This item is reduced to \$75,000.	
6	7-9	“Grant to Franklin Township for the Elizabeth Avenue Volunteer Fire Company for a firehouse	(50,000)”
		This item is reduced to \$5,000.	

Page Line

6	10-12	“Grant to Hamilton Township for Rusling Hose Rescue Squad Company This item is reduced to \$5,000.	(50,000)”
6	17-18	“Grant to Old Bridge Police Department for computer equipment This item is reduced to \$5,000.	(15,000)”
6	19	“Grant to Hazlet for a police car This item is reduced to \$5,000.	(15,000)”
6	20-22	“Grant to Springfield (Union County) for police training, first aid and CPR This item is reduced to \$15,000.	(45,000)”
6	27	“Raze Vacant Buildings, Newark This item is reduced to \$250,000.	(500,000)”
6	1	“05-8050 Community Resources This item is reduced to \$1,845,000.	2,470,000”
6	3-4	“Total Appropriation, Related Social Services Programs This item is reduced to \$1,981,000.	2,606,000”
7	6-7	“Grant to West Side Unit of Newark Boys and Girls Club This item is reduced to \$100,000.	(150,000)”
7	8	“Franklin Township Water Tower This item is reduced to \$50,000.	(100,000)”
7	11	“Grant to United Vailsburg This item is reduced to \$70,000.	(80,000)”
7	18-19	“Grant to West Essex Rehabilitation Center This item is deleted in its entirety.	(150,000)”
7	24-25	“Grant to North Ward Cultural Center This item is reduced to \$150,000.	(200,000)”
7	28	“Grant to Ironbound Cultural Center This item is reduced to \$150,000.	(350,000)”
7	36	“Grant to Millville YMCA This item is reduced to \$150,000.	(225,000)”

<i>Page</i>	<i>Line</i>		
7	40-41	“Grant to Keyport Youth Athletic League	(10,000)”
		This item is reduced to \$5,000.	
7	42-44	“Grant to Middletown Township Recreation programs and playing field	(10,000)”
		This item is deleted in its entirety.	
8	47-48	“Grant to Union City for recreation program and staffing	(100,000)”
		This item is reduced to \$75,000.	
8	55-56	“Total Appropriation, Department of Community Affairs	3,841,000”
		This item is reduced to \$2,786,000.	
		<i>“Department of Environmental Protection”</i>	

<i>Page</i>	<i>Line</i>		
8	1	“07-4850 Water Monitoring and Planning	950,000”
		This item is reduced to \$600,000.	
8	3	“Total Appropriation, Environmental Quality	1,150,000”
		This item is reduced to \$800,000.	
8	5	“Woodbury Lake cleanup	(500,000)”
		This item is reduced to \$250,000.	
8	7-8	“Lake Topanemus cleanup—Freehold Township	(250,000)”
		This item is reduced to \$150,000.	
9	1	“12-4875 Parks Management	730,000”
		This item is reduced to \$480,000.	
9	3-4	“Total Appropriation, Recreational Resource Management	980,000”
		This item is reduced to \$730,000.	
9	6-7	“Grant to Jersey City to support Statue of Liberty Centennial	(300,000)”
		This item is reduced to \$100,000.	

Page Line

9	18	“Grant in aid Allgor-Barlon Museum This item is reduced to \$25,000.	(50,000)”
9	19	“Grant in aid Manasquan Railroad Station Museum This item is reduced to \$10,000.	(15,000)”
9	21	“Grant in aid Monmouth Museum This item is reduced to \$10,000.	(25,000)”
9	22	“Grant in aid Strauss Museum This item is reduced to \$10,000.	(15,000)”
9	23-24	“Total Appropriation, Department of Environmental Protection This item in reduced to \$1,805,000.	2,405,000”

*“Department of State”**Page Line*

10	1	“06-2535 Museum Services This item is reduced to \$300,000.	350,000”
10	2-3	“Total Appropriation, Cultural and Intellectual Development Services This item is reduced to \$300,000.	350,000”
10	6	“Clinton Historical Museum This item is reduced to \$100,000.	(150,000)”
10	8	“Total Appropriation, Department of State This item is reduced to \$300,000.	350,000”
10	9	“Total Appropriation, State Aid This item is reduced to \$5,121,000.	6,826,000”

*“Capital Construction”**“Department of Energy”**Page Line*

10	2	“WBGO-FM Newark This item is reduced to \$30,000.	(\$100,000)”
10	3	“Total Appropriation, Department of Energy This item is reduced to \$30,000.	100,000”

Page Line

11	4	“Total Appropriation, Capital Construction	1,050,000”
		This item is reduced to \$980,000.	
11	5	“Total Appropriation, General Fund	10,751,000”
		This item is reduced to \$8,641,000.	

As always, I stand ready to work the Legislature to address the needs of our great State.

Respectfully,

/s/ THOMAS H. KEAN
Governor

CHAPTER 108

AN ACT creating the New Jersey Olympian Development and Recognition Study Commission and making an appropriation.

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

1. The Legislature finds and determines that:
 - a. The citizens of New Jersey shared the excitement and pride of our nation over the success of the United States Olympic team at the 1984 summer games in Los Angeles;
 - b. New Jersey is the home state of over 55 Olympic gold medalists and over 150 Olympic athletes, among whom are Milt Campbell, the 1956 decathlon champion, who is regarded as the State's greatest athlete, and Abel Kiviat, the oldest living Olympic medalist;
 - c. These athletes, who have represented the State in Olympic games with dedication and distinction, have not been properly recognized for their outstanding athletic ability and accomplishments;
 - d. There is a need in the State to provide motivation, support, and opportunities for young New Jersey athletes who aspire to prepare and train for Olympic competition in the future; and
 - e. It is, therefore, proper and necessary that a commission be created to study and recommend ways to implement the development and recognition of New Jersey Olympic athletes.

2. There is created a commission to be known as the New Jersey Olympian Development and Recognition Study Commission, consisting of 10 members as follows:

a. Two members of the Senate to be appointed by the President thereof, no more than one of whom shall be a member of the same political party;

b. Two members of the General Assembly to be appointed by the Speaker thereof, no more than one of whom shall be a member of the same political party;

c. Four public members to be appointed by the Governor, no more than two of whom shall be of the same political party; and

d. The Executive Director of the Governor's Council on Physical Fitness and Sports and the State Chairman of the United States Olympic Committee.

Members of the commission shall serve without compensation but shall, within the limits of available funds, be entitled to reimbursement for expenses incurred in the performance of their duties.

3. The commission shall organize as soon as may be practicable after the appointment of its members and shall elect a chairman and vice chairman from among its members and a secretary, who need not be a member of the commission.

4. The commission shall conduct a comprehensive study of the ways in which the development and recognition of New Jersey Olympic athletes may be implemented.

5. 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 to it for its purposes, and to employ professional and clerical assistants and incur traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, within the limits of funds appropriated or otherwise made available to it for its purposes.

6. The commission may meet and hold hearings at places it designates, and shall, within six months following its organizational meeting, report its findings and recommendations to the Legislature with any legislative bills it may desire to recommend for adoption by the Legislature.

7. There is appropriated \$10,000.00 to the commission from the General Fund to effectuate the purposes of this act.

8. This act shall take effect immediately and shall expire six months after the submission of the final report required in section 6 of this act.

Approved September 19, 1986.

CHAPTER 109

AN ACT concerning the membership of certain temporary employees in the Public Employees' Retirement System and amending P. L. 1954, c. 84.

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

1. Section 7 of P. L. 1954, c. 84 (C. 43:15A-7) is amended to read as follows:

C. 43:15A-7 Public Employees' Retirement System.

7. There is hereby established the Public Employees' Retirement System of New Jersey in the Division of Pensions of the Department of the Treasury. The membership of the retirement system shall include:

a. The members of the former "State Employees' Retirement System of New Jersey" enrolled as such as of December 30, 1954, who shall not have claimed for refund their accumulated deductions in said system as provided in this section;

b. Any person becoming an employee of the State or other employer after January 2, 1955 and every veteran, other than those whose appointments are seasonal, becoming an employee of the State or other employer after such date, including a temporary employee with at least one year's continuous service;

c. Every employee veteran in the employ of the State or other employer on January 2, 1955, who is not a member of any retirement system supported wholly or partly by the State.

d. Membership in the retirement system shall be optional for elected officials other than veterans, and for school crossing guards, who having become eligible for benefits under other pension systems are so employed on a part-time basis. Any such part-time school crossing guard who is eligible for benefits under

any other pension system and who was hired as a part-time school crossing guard prior to March 4, 1976, may at any time terminate his membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving such application, the board of trustees shall terminate his enrollment in the system and direct the employer to cease accepting contributions from the member or deducting from the compensation paid to the member. State employees who become members of any other retirement system supported wholly or partly by the State as a condition of employment shall not be eligible for membership in this retirement system. Notwithstanding any other law to the contrary, all other persons accepting employment in the service of the State shall be required to enroll in the retirement system as a condition of their employment, regardless of age. No person in employment, office or position, for which the annual salary or remuneration is fixed at less than \$500.00, shall be eligible to become a member of the retirement system.

e. Membership of any person in the retirement system shall cease if he shall discontinue his service for more than two consecutive years.

f. The accumulated deductions of the members of the former "State Employees' Retirement System" which have been set aside in a trust fund designated as Fund A as provided in section 5 of this act and which have not been claimed for refund prior to February 1, 1955 shall be transferred from said Fund A to the Annuity Savings Fund of the Retirement System, provided for in section 25 of this act. Each member whose accumulated deductions are so transferred shall receive the same prior service credit, pension credit, and membership credit in the retirement system as he previously had in the former "State Employees' Retirement System" and shall have such accumulated deductions credited to his individual account in the Annuity Savings Fund. Any outstanding obligations of such member shall be continued.

g. Any school crossing guard electing to terminate his membership in the retirement system pursuant to subsection d. of this section shall, upon his request, receive a refund of his accumulated deductions as of the date of his appointment to the position of school crossing guard. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.

h. A temporary employee who is employed under the federal Job Training Partnership Act, Pub. L. 97-300 (29 U. S. C. § 1501) shall not be eligible for membership in the system. Membership for temporary employees employed under the federal Job Training Partnership Act, Pub. L. 97-300 (29 U.S.C. § 1501) who are in the system on the effective date of this 1986 amendatory act shall be terminated, and affected employees shall receive a refund of their accumulated deductions as of the date of commencement of employment in a federal Job Training Partnership Act program. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.

2. This act shall take effect immediately.

Approved September 19, 1986.

CHAPTER 110

A SUPPLEMENT to the "municipal and county utilities authorities law," approved August 22, 1957 (P. L. 1957, c. 183; C. 40:14B-1 et seq.) as said short title was amended by P. L. 1977, c. 384.

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

C. 40:14B-13.1 New sewerage system authorized.

1. Notwithstanding the provisions of P. L. 1957, c. 183 (C. 40:14B-1 et seq.) or any other law to the contrary, the governing body of any municipality located in a county of the third class having a county population of at least 80,000 persons but not more than 85,000 persons according to the most recent federal decennial census, which municipality has created, participated in the creation of or joined a municipal utilities authority or has entered into a contract with a municipal utilities authority for the treatment and disposal of sewage within the whole or portions of the municipality pursuant to section 49 of P. L. 1957, c. 183 (C. 40:14B-49), may, pending the dissolution of the authority in accordance with the provisions of section 13 of P. L. 1957, c. 183 (C. 40:14B-13) and the provisions of the "Local Authorities Fiscal Control Law," P. L. 1983, c. 313 (C. 40A:5A-1 et seq.), and pursuant to a duly adopted ordinance therefor, commence in its own name or by creating

another municipal utilities authority pursuant to law the acquisition, construction, maintenance and operation of a new sewerage system, including the expenditure of its own moneys for the costs related thereto, for the purposes of the provision of adequate sewage collection, treatment, purification and disposal service within the municipality. Any actions undertaken by the governing body of the municipality must be consistent with the "Water Quality Planning Act," P. L. 1977, c. 75 (C. 58:11A-1 et seq.) and with P. L. 1970, c. 33 (C. 13:1D-1 et seq.).

2. This act shall take effect immediately.

Approved September 23, 1986.

CHAPTER 111

AN ACT to establish the New Jersey Birthplace of Football Monument Commission and prescribing the powers, duties and functions thereof.

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

C. 28:2-20 Findings, declarations.

1. The Legislature finds and declares:

a. The first intercollegiate game of football, in the distinctively American sense of the term, was played in this State, at New Brunswick, in the year 1869, between Rutgers College and the College of New Jersey (Princeton).

b. The subsequent development of this sport, with its widespread popularity and its pervasive influence upon the values and ethos of the American people, has had a profound impact upon the life and culture of this country.

c. It is fitting that the event of 1869 which renders New Jersey the birthplace of American football be commemorated through the erection of some suitable memorial; firstly, for the inherent importance of the event, and secondly, so that this State's historic role receives appropriate public and durable recognition, together with any incidental benefits that may accrue to the State through the augmentation of tourism encouraged by this form of memorial.

d. While it is appropriate that organs of State Government provide organizational and administrative direction and support for this project, it is feasible and desirable that private organizations, firms and citizens provide the means of carrying it out.

C. 28:2-21 Birthplace of Football Monument Commission.

2. There is created in the Division of Parks and Forestry in the Department of Environmental Protection a commission to be known as the New Jersey Birthplace of Football Monument Commission, hereinafter referred to as "the commission." The commission shall consist of: a. the Commissioner of the Department of Environmental Protection, who shall be the chairman and chief executive officer of the commission; b. the chairman, or his designee, of the New Jersey Historical Commission in the Department of State; c. the mayor of the city of New Brunswick; d. the Administrator of the Office of New Jersey Heritage, within the Department of Environmental Protection; and e. three citizens and residents of this State not holding any other public office or position, who shall be chosen without regard to political affiliation and solely upon the basis of knowledge or experience in areas relevant to the duties and functions of the commission. Appointive members shall be appointed by the Governor with the advice and consent of the Senate, and shall serve for terms of three years, except that of the first three appointees, one shall serve for a term of three years, one shall serve for a term of two years and one for a term of one year. Vacancies among appointive members shall be filled in the same manner as the original appointment was made, but for the unexpired term only. Members of the commission shall serve without remuneration, but shall be entitled to reimbursement for actual expenses necessarily incurred in the performance of their duties as members of the commission.

C. 28:2-22 Allocated to Environmental Protection.

3. a. For purposes of compliance with Article V, Section IV, paragraph 1 of the State Constitution, the commission created by this act is allocated to the Department of Environmental Protection, which shall provide such office space and general clerical and administrative services and facilities as may be required for the performance of the commission's functions. The commission shall also be entitled to request and receive such technical, professional, managerial and administrative assistance as may be available from the Department of State and the Department of Commerce and Economic Development in relation to the responsibilities of those departments in the areas of historical preservation and the

promotion of tourism, as well as from the Department of Environmental Protection in relation to its responsibility for historic sites.

b. Whenever the commission is authorized by this act, or by any other law, to acquire or dispose of property, to enter into contracts or other agreements, or to receive, hold, invest or disburse funds, it shall be the duty of the Commissioner of the Department of Environmental Protection, or of such subordinate official or officials of the department as the commissioner may from time to time charge with that responsibility, to carry out such transactions on behalf of the commission when authorized and directed to do so by a resolution of the commission duly adopted.

C. 28:2-23 Monument erection.

4. It shall be the duty of the commission to provide, within the limit of funds and other means available pursuant to section 5 of this act, for the siting, design, erection and maintenance of a suitable monument in the city of New Brunswick commemorating the occasion of the first intercollegiate football game, which was played in that city in the year 1869, together with such appurtenant facilities and improvements as may be necessary or suitable for the proper display of the monument and its fullest use and enjoyment by the general public.

C. 28:2-24 Powers of commission.

5. For the purpose of carrying out its duties under section 4 of this act, the commission shall be entitled to:

- a. Acquire, hold and dispose of real and personal property;
- b. Solicit and accept gifts, legacies, bequests and endowments from private or public sources, and in connection therewith agree to any regulations or restrictions on the use thereof not inconsistent with the terms and purposes of this act;
- c. Invest any funds received by it, and not immediately necessary for carrying out its duties and functions, in securities which are legal for trust funds in the State of New Jersey;
- d. Make, enter into and perform all contracts or agreements necessary or incidental to the performance of its duties, powers and functions.

6. This act shall take effect immediately.

Approved September 23, 1986.

CHAPTER 112

AN ACT to regulate the employment, tenure and discharge of certain State employees and certain employees of political subdivisions; to establish a Department of Personnel as a principal department in the Executive Branch of State government; revising parts of the statutory law; enacting a new title to be known as Title 11A, Civil Service, of the New Jersey Statutes and making an appropriation.

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

TITLE 11A

CIVIL SERVICE

Table of Contents

Chapter

1. General provisions, 11A:1-1 to 11A:1-2.
2. Department of Personnel, 11A:2-1 to 11A:2-24.
 - Article
 1. Organization, 11A:2-1 and 11A:2-2.
 2. Merit System Board, 11A:2-3 to 11A:2-7.
 3. Commissioner of Personnel, 11A:2-8 to 11A:2-12.
 4. Appeals, 11A:2-13 to 11A:2-22.
 5. Political activity, 11A:2-23.
 6. Employee protection against reprisals, 11A:2-24.
 3. Classification, services and compensation, 11A:3-1 to 11A:3-8.
 4. Selection and appointment, 11A:4-1 to 11A:4-16.
 5. Veterans' preference, 11A:5-1 to 11A:5-15.
 6. Leaves, hours of work, and employee development, 11A:6-1 to 11A:6-32.
 - Article
 1. Leaves of absence, supplemental compensation, and hours of work, 11A:6-1 to 11A:6-24.
 2. Employee programs, 11A:6-25 to 11A:6-28.
 3. Awards, 11A:6-29 to 11A:6-32.

7. Equal employment opportunity, 11A:7-1 to 11A:7-13.
8. Layoffs, 11A:8-1 to 11A:8-4.
9. Political subdivisions, 11A:9-1 to 11A:9-10.
10. Violations and penalties, 11A:10-1 to 11A:10-5.
11. Agency transfer, 11A:11-1 to 11A:11-6.
12. Miscellaneous, 11A:12-1 to 11A:12-6.

CHAPTER 1

GENERAL PROVISIONS

Section

11A:1-1 Short title.

11A:1-2 Declaration of policy.

11A:1-1. Short title. This title shall be known and may be cited as the "Civil Service Act."

11A:1-2. Declaration of policy. The Legislature finds and declares that:

a. It is the public policy of this State to select and advance employees on the basis of their relative knowledge, skills and abilities;

b. It is the public policy of this State to provide public officials with appropriate appointment, supervisory and other personnel authority to execute properly their constitutional and statutory responsibilities;

c. It is the public policy of this State to encourage and reward meritorious performance by employees in the public service and to retain and separate employees on the basis of the adequacy of their performance;

d. It is the public policy of this State to ensure equal employment opportunity at all levels of the public service; and

e. It is the public policy of this State to protect career public employees from political coercion and to ensure the recognition of such bargaining and other rights as are secured pursuant to other statutes and the collective negotiations law.

CHAPTER 2

DEPARTMENT OF PERSONNEL

ARTICLE 1

Organization

Section

- 11A:2-1 Department of Personnel created.
11A:2-2 Implementation.

ARTICLE 2

Merit System Board

- 11A:2-3 Members; term; quorum; vacancies.
11A:2-4 Removal of a board member other than commissioner.
11A:2-5 Compensation.
11A:2-6 Powers and duties.
11A:2-7 Subpenas; oaths.

ARTICLE 3

Commissioner of Personnel

- 11A:2-8 Commissioner of Personnel.
11A:2-9 Term.
11A:2-10 Compensation.
11A:2-11 Powers and duties of the commissioner.
11A:2-12 Delegation.

ARTICLE 4

Appeals

- 11A:2-13 Opportunity for appointing authority hearing.
11A:2-14 Notice to employee of right to appeal.
11A:2-15 Appeal procedure.
11A:2-16 Appeal procedure for suspension or fine of five days or less.
11A:2-17 Use immunity.
11A:2-18 Representation.
11A:2-19 Authority to increase or decrease penalty imposed.

- 11A:2-20 Forms of disciplinary action.
11A:2-21 Burden of proof.
11A:2-22 Back pay, benefits, seniority and reasonable attorney fees.

ARTICLE 5

Political Activity

- 11A:2-23 Political activity limited.

ARTICLE 6

Employee Protection Against Reprisals

- 11A:2-24 Protection against reprisals.

ARTICLE 1

Organization

11A:2-1. Department of Personnel created. There is established in the Executive Branch of State government a principal department which shall be known as the Department of Personnel, which shall consist of a Merit System Board, a Commissioner of Personnel, subdivisions and officers and employees as specifically referred to in this title and as may be constituted or employed by virtue of the authority conferred by this title or any other law. For the purpose of this title, "board" means Merit System Board, "commissioner" means the Commissioner of Personnel and "department" means the Department of Personnel.

11A:2-2. Implementation. The department shall implement and enforce this title.

ARTICLE 2

Merit System Board

11A:2-3. Members; term; quorum; vacancies. The Merit System Board shall consist of five members, one of whom shall be the Commissioner of Personnel, who shall serve as the chairperson. The other members shall be appointed by the Governor with the advice and consent of the Senate for staggered terms of four years and until the appointment and qualification of their successors. No more than three of the five members shall be of the same political party. Three members of the board shall constitute a quorum.

The holding over of an incumbent beyond the expiration of the term of office shall reduce, in commensurate length, the term of office of a successor. Vacancies shall be filled for the unexpired terms in the same manner as original appointments. No member shall hold any other State or federal office or position.

11A:2-4. Removal of a board member other than commissioner. A board member other than the commissioner may be removed from office by the Governor for cause, upon notice and an opportunity to be heard. A board member removed from office shall be entitled to receive compensation only up to the date of removal.

11A:2-5. Compensation. A board member, other than the commissioner, shall receive a salary as fixed by law and shall also be entitled to sums incurred for necessary expenses.

11A:2-6. Powers and duties. In addition to other powers and duties vested in it by this title or by any other law, the board shall:

a. After a hearing, render the final administrative decision on appeals concerning permanent career service employees or those in their working test period in the following categories:

- (1) Removal,
- (2) Suspension or fine as prescribed in N. J. S. 11A:2-14,
- (3) Disciplinary demotion, and
- (4) Termination at the end of the working test period for unsatisfactory performance;

b. On a review of the written record, render the final administrative decision on other appeals except for those matters listed or delegated to the commissioner pursuant to subsection h. of N. J. S. 11A:2-11;

c. Provide for interim remedies or relief in a pending appeal where warranted;

d. Adopt and enforce rules to carry out this title and to effectively implement a comprehensive personnel management system;

e. Interpret the application of this title to any public body or entity; and

f. Authorize and conduct such studies, inquiries, investigations or hearings in the operation of this title as it deems necessary.

11A:2-7. Subpenas; oaths. The commissioner or the board may subpoena and require the attendance of witnesses in this State

and the production of evidence or documents relevant to any proceeding under this title. Those persons may also administer oaths and take testimony. Subpenas issued under this section shall be enforceable by order of the Superior Court.

ARTICLE 3

Commissioner of Personnel

11A:2-8. Commissioner of Personnel. The Governor shall, with the advice and consent of the Senate, appoint a Commissioner of Personnel, who shall be the chief executive of the department. The commissioner shall give full time to the duties of this office and shall hold no other public office or position.

11A:2-9. Term. The commissioner shall serve at the pleasure of the Governor.

11A:2-10. Compensation. The commissioner shall receive a salary as fixed by law and shall also be entitled to sums incurred for necessary expenses.

11A:2-11. Powers and duties of the commissioner. In addition to other powers and duties vested in the commissioner by this title or any other law, the commissioner:

a. Shall be the principal executive and request officer of the department, allocating the functions and activities of the department among departmental subdivisions as the commissioner may establish;

b. May appoint one deputy commissioner, who shall be in the unclassified service, and may appoint other necessary employees. All employees shall be confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P. L. 1941, c. 100 (C. 34:13A-1 et seq.);

c. Shall maintain a management information system necessary to carry out the provisions of this title;

d. Shall have the authority to audit payrolls, reports or transactions for conformity with the provisions of this title;

e. Shall plan, evaluate, administer and implement personnel programs and policies in State government and political subdivisions operating under this title;

f. Shall establish and supervise the selection process and employee performance evaluation procedures;

g. Shall develop programs to improve efficiency and effectiveness of the public service, including, but not limited to, employee training, development, assistance and incentives;

h. Shall set standards and procedures for review and render the final administrative decision on a written record or after recommendation by an independent reviewer assigned by the commissioner of appeals from classification, salary, layoff rights and in the State service noncontractual grievances;

i. May establish pilot programs and other projects for a maximum of one year outside of the provisions of this title;

j. Shall provide for a public employee interchange program pursuant to the "Government Employee Interchange Act of 1967," P. L. 1967, c. 77 (C. 52:14-6.10 et seq.) and may provide for an employee interchange program between public and private sector employees;

k. May establish an internship program;

l. Shall assist the Governor in general work force planning, personnel matters and labor relations;

m. Shall establish and consult with advisory boards representing political subdivisions, personnel officers, labor organizations and other appropriate groups;

n. Shall make an annual report to the Governor and Legislature and all other special or periodic reports as may be required. The annual report shall indicate the number of persons, by title, who, on March 31, June 30, September 30, and December 31 of each year, held appointments to positions in the senior executive service and the number of noncareer employees by title, who, on those same dates, held appointments in positions in the senior executive service;

o. Shall have the authority to assess costs for special or other services; and

p. Shall recommend rules to the board for the implementation of this title.

11A:2-12. Delegation. The commissioner may delegate to an appointing authority the responsibility for classifying positions, administering examinations and other technical personnel functions according to prescribed standards, but the commissioner may not delegate any function of the board.

This delegation shall be written and shall conform to the provisions of this title. The commissioner may assign staff of the

department to an appointing authority to assist the appointing authority in its delegated personnel duties. The employees shall continue as employees of the department. All delegation shall be subject to supervision by the commissioner and post-audit and may be cancelled, modified or limited at any time by the commissioner. Such delegation is to be performed in consultation with the advisory board representing political subdivisions, and approved by an affected appointing authority when the delegation requires substantial costs. The commissioner, in consultation with the advisory board representing political subdivisions, shall recommend rules to the Merit System Board to define substantial costs.

ARTICLE 4

Appeals

11A:2-13. Opportunity for appointing authority hearing. Before any disciplinary action in subsection a. (1), (2) and (3) of N. J. S. 11A:2-6 is taken against a permanent employee in the career service or a person serving a working test period, the employee shall be notified in writing and shall have the opportunity for a hearing before the appointing authority or its designated representative. The hearing shall be held within 30 days of the notice of disciplinary action unless waived by the employee. Both parties may consent to an adjournment to a later date.

This section shall not prohibit the immediate suspension of an employee without a hearing if the appointing authority determines that the employee is unfit for duty or is a hazard to any person if allowed to remain on the job or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. In addition, where a suspension is based on a formal charge of a crime of the first, second or third degree, or a crime of the fourth degree if committed on the job or directly related to the job, the suspension may be immediate and continue until a disposition of the charge. The board shall establish, by rule, procedures for hearings and suspensions with or without pay.

11A:2-14. Notice to employee of right to appeal. Within 20 days of the hearing provided in N. J. S. 11A:2-13, the appointing authority shall make a final disposition of the charges against the employee and shall furnish the employee with written notice. If the appointing authority determines that the employee is to be removed, demoted or receive a suspension or a fine greater than

five days, the employee shall have a right to appeal to the board. The suspension or fine of an employee for five days or less shall be appealable if an employee's aggregate number of days suspended or fined in any one calendar year is 15 days or more. Where an employee receives more than three suspensions or fines of five or less days in a calendar year, the last suspension or fine is appealable.

11A:2-15. Appeal procedure. Any appeal from adverse actions specified in N. J. S. 11A:2-13 and subsection a. (4) of N. J. S. 11A:2-6 shall be made in writing to the board no later than 20 days from receipt of the final written determination of the appointing authority. If the appointing authority fails to provide a written determination, an appeal may be made directly to the board within reasonable time.

11A:2-16. Appeal procedure for suspension or fine of five days or less. If a State employee receives a suspension or fine of five days or less, the employee may request review by the board under standards and procedures established by the board or appeal pursuant to an alternate appeal procedure where provided by a negotiated contract provision. If an employee of a political subdivision receives a suspension or fine of five days or less, the employee may request review under standards and procedures established by the political subdivision or appeal pursuant to an alternate appeal procedure where provided by a negotiated contract provision.

11A:2-17. Use immunity. A person shall not be excused from testifying or producing evidence on the ground that the testimony or the evidence might tend to incriminate the person, but an answer shall not be used or admitted in any proceeding against the person, except in a prosecution for perjury. The foregoing use immunity shall not be granted without prior written approval by the Attorney General.

11A:2-18. Representation. An employee may be represented at any hearing before an appointing authority or the board by an attorney or authorized union representative.

11A:2-19. Authority to increase or decrease penalty imposed. The board may increase or decrease the penalty imposed by the appointing authority, but removal shall not be substituted for a lesser penalty.

11A:2-20. Forms of disciplinary action. The board shall establish by rule the general causes which constitute grounds for disciplinary action and the kinds of disciplinary action which may be taken by appointing authorities against permanent career service employees or those serving in their working test periods. Unless offered by the appointing authority and selected by an employee as a disciplinary option, a fine may only be imposed by an appointing authority as a form of restitution or in lieu of a suspension when a suspension would be detrimental to the public health, safety or welfare. When a fine is assessed, it may either be paid in a lump sum or deducted from the employee's salary over time as provided by board rule. Except as provided for in N. J. S. 11A:2-13, an appointing authority may not impose a suspension or fine greater than six months.

11A:2-21. Burden of proof. In categories listed in subsection a. (1), (2) and (3) of N. J. S. 11A:2-6, the employer shall have the burden of proof while in category (4), the employee shall have the burden of proof.

11A:2-22. Back pay, benefits, seniority and reasonable attorney fees. The board may award back pay, benefits, seniority and reasonable attorney fees to an employee as provided by rule.

ARTICLE 5

Political Activity

11A:2-23. Political activity limited. A person holding a position in the career service or senior executive service shall not directly or indirectly use or seek to use the position to control or affect the political action of another person or engage in political activity during working hours.

ARTICLE 6

Employee Protection Against Reprisals

11A:2-24. Protection against reprisals. An appointing authority shall not take or threaten to take any action against an employee in the career, senior executive or unclassified service in retaliation for an employee's lawful disclosure of information on the violation of any law or rule, governmental mismanagement or abuse of authority. An employee who is the subject of a reprisal action by an appointing authority for the lawful disclosure of information may appeal such action to the board.

CHAPTER 3

CLASSIFICATION, SERVICES AND COMPENSATION

- 11A:3-1 Classification.
- 11A:3-2 Career service.
- 11A:3-3 Senior executive service.
- 11A:3-4 State unclassified service.
- 11A:3-5 Political subdivision unclassified service.
- 11A:3-6 Public hearing required when moving title from career to unclassified service.
- 11A:3-7 Employee compensation.
- 11A:3-8 Payroll audits.

11A:3-1. Classification. The board shall assign and reassign titles among the career service, senior executive service and unclassified service. The commissioner shall:

- a. Establish, administer, amend and continuously review a State classification plan governing all positions in State service and similar plans for political subdivisions;
- b. Establish, consolidate and abolish titles;
- c. Ensure the grouping in a single title of positions with similar qualifications, authority and responsibility;
- d. Assign and reassign titles to appropriate positions; and
- e. Provide a specification for each title.

11A:3-2. Career service. The career service shall have two divisions, the competitive division and the noncompetitive division. The commissioner shall assign and reassign such titles to each division and may provide for movement, including promotion, of employees from one division to the other.

11A:3-3. Senior executive service. A senior executive service shall be established in State government and include those positions having substantial managerial, policy influencing or policy executing responsibilities as determined by the board. Titles included in a collective negotiations unit shall not be included in the senior executive service. The total number of senior executive service employees shall not exceed 1,200. The board shall adopt rules providing for the selection, placement, transfer, development, compensation, separation and performance appraisal of senior executive service employees, and for the reinstatement of career service employees to the career service. The senior executive ser-

vice shall not be subject to the provisions of this title unless otherwise specified. The senior executive service shall include noncareer and career service employees. The number of noncareer employees shall not exceed 15% of the entire senior executive service work force.

Where an employee holds permanent career service status in a position in a title that is assigned to the senior executive service, the employee, with appointing authority approval, shall be provided the option of joining the senior executive service. Permanent career service employees who opt not to join the senior executive service or who do not receive approval to join the senior executive service shall have the right to reinstatement to the career service to a level directly under the senior executive service. Permanent career service employees who join the senior executive service and who are later separated from the senior executive service shall have a right of reinstatement to the career service to a level held prior to entry in the senior executive service, unless the employee has been separated, after opportunity for hearing, from the senior executive service for reasons which constitute cause for removal from the career service.

11A:3-4. State unclassified service. The State unclassified service shall not be subject to the provisions of this title unless otherwise specified and shall include the following:

- a. Appointments of the Governor;
- b. Department heads and members of boards and commissions authorized by law;
- c. Employees in the legislative branch of State government;
- d. Heads of institutions;
- e. Superintendents, teachers and instructors in the public schools, the agricultural experiment station and State institutions, where certified teachers are employed under the supervision of and qualified by the State Department of Education, and other institutions maintained wholly or in part by the State;
- f. Physicians, surgeons and dentists;
- g. Assistant and Deputy Attorneys General and legal assistants appointed by the Attorney General;
- h. One secretary and one confidential assistant to each department head, board, principal executive officer and commission. Each certification and appointment hereunder shall be recorded in the minutes of the board;

- i. Employees in the military or naval service of the State;
- j. Student assistants;
- k. Domestic employees in the Governor's household; and
- l. All other titles as provided by law or as the board may determine.

11A:3-5. Political subdivision unclassified service. The political subdivision unclassified service shall not be subject to the provisions of this title unless otherwise specified and shall include the following:

- a. Elected officials;
- b. One secretary and one confidential assistant to each mayor;
- c. Members of boards and commissions authorized by law;
- d. Heads of institutions;
- e. Physicians, surgeons and dentists;
- f. Attorneys of a county, municipality or school district operating under this title;
- g. Teaching staff, as defined in N. J. S. 18A:1-1, in the public schools and county superintendents and members and business managers of boards of education;
- h. Principal executive officers;
- i. One secretary, clerk or executive director to each department, board and commission authorized by law to make the appointment;
- j. One secretary or clerk to each county constitutional officer, principal executive officer, and judge;
- k. One deputy or first assistant to a principal executive officer who is authorized by statute to act for and in place of the principal executive officer;
- l. No more than 12 county department heads and the heads of divisions within such departments; provided that the total number of unclassified positions created by the county administrative code pursuant to this subsection shall not exceed 20;
- m. One secretary or confidential assistant to each unclassified department or division head established in subsection l.;
- n. Employees of county park commissions, appointed pursuant to R. S. 40:37-96 through R. S. 40:37-174, in counties of the second class;
- o. Directors of free public libraries in cities of the first class having a population of more than 300,000;

p. One secretary to the municipal council in cities of the first class having a population of less than 300,000;

q. One secretary and one confidential aide for each member of the board of freeholders other than the director, and one secretary and two confidential aides for the freeholder director, of any county of the second class with a population of at least 470,000, which has not adopted the provisions of the "Optional County Charter Law," P. L. 1972, c. 154 (C. 40:41A-1 et seq.) and one secretary or confidential aide for each member of the board of freeholders of any other county which has not adopted the provisions of the "Optional County Charter Law";

r. In school districts organized pursuant to N. J. S. 18A:17-1 et seq., the executive controller, public information officer and the executive directors of board affairs, personnel, budget, purchasing, physical facilities, data processing, financial affairs, and internal audit;

s. The executive director, assistant executive director, director of staff operations, director of administration, director of redevelopment and the urban initiatives coordinator of a local housing authority; and

t. All other titles as provided by statute or as the board may determine in accordance with criteria established by rule.

11A:3-6. Public hearing required when moving title from career to unclassified service. Whenever the board considers moving a title from the career service to the unclassified service, the board shall first hold a public hearing before reaching a determination.

11A:3-7. Employee compensation. The commissioner shall establish, administer and amend an equitable State employee compensation plan which shall include pay schedules, the assignment and reassignment of salaries for all State titles, and standards and procedures for salary adjustments other than as provided for in the State compensation plan for the career, senior executive and unclassified services. When an employee has erroneously received a salary overpayment, the commissioner may waive repayment based on a review of the case. Employees of political subdivisions are to be paid in reasonable relationship to titles and shall not be paid a base salary below the minimum or above the maximum established salary for an employee's title.

11A:3-8. Payroll audits. The commissioner may audit State payrolls and the payrolls of political subdivisions to determine

compliance with this title. The commissioner may order and enforce immediate compliance as necessary.

CHAPTER 4

SELECTION AND APPOINTMENT

- 11A:4-1 Examinations.
- 11A:4-2 Holding of examinations.
- 11A:4-3 Admission to examinations.
- 11A:4-4 Eligible lists and certifications.
- 11A:4-5 Use of eligible list.
- 11A:4-6 Duration of lists.
- 11A:4-7 Exceptions to duration of a list.
- 11A:4-8 Certification and appointment.
- 11A:4-9 Types of eligible lists.
- 11A:4-10 Arrests and criminal records.
- 11A:4-11 Removal on criminal record.
- 11A:4-12 Priority of lists.
- 11A:4-13 Types of appointment.
- 11A:4-14 Promotion.
- 11A:4-15 Working test period.
- 11A:4-16 Transfer, reassignment and lateral title change.

11A:4-1. Examinations. The commissioner shall provide for:

a. The announcement and administration of examinations which shall test fairly the knowledge, skills and abilities required to satisfactorily perform the duties of a title or group of titles. The examinations may include, but are not limited to, written, oral, performance and evaluation of education and experience;

b. The rating of examinations;

c. The security of the examination process and appropriate sanctions for a breach of security;

d. The selection of special examiners to act as subject matter specialists or to provide other assistance. Employees of the State or political subdivisions may be so engaged as part of their official duties during normal working hours with the approval of their appointing authority. Extra compensation may be provided for such service outside normal working hours; and

e. The right to appeal adverse actions relating to the examination and appointment process, which shall include but not be limited to rejection of an application, failure of an examination and removal from an eligible list.

11A:4-2. Holding of examinations. A vacancy shall be filled by a promotional examination when considered by the commissioner to be in the best interest of the career service.

11A:4-3. Admission to examinations. If it appears that an eligible list is not likely to provide full certification for existing or anticipated vacancies from among qualified residents of this State, or of political subdivisions where required by law, the commissioner may admit other qualified nonresident applicants. Where residency preference is provided pursuant to any other statute, the commissioner may limit applicants to such classes as are necessary to establish a sufficient pool of eligibles.

11A:4-4. Eligible lists and certifications. The commissioner shall provide for:

- a. The establishment and cancellation of eligible lists;
- b. The certification of an eligible list to positions in other appropriate titles; and
- c. The consolidation of eligible lists which may include, but is not limited to, the combining of names of eligibles by scores.

11A:4-5. Use of eligible list. Once the examination process has been initiated due to the appointment of a provisional or an appointing authority's request for a list to fill a vacancy, the affected appointing authority shall be required to make appointments from the list if there is a complete certification, unless otherwise permitted by the commissioner for valid reason such as fiscal constraints. If the commissioner permits an appointing authority to leave a position vacant in the face of a complete list, the commissioner may order the appointing authority to reimburse the department for the costs of the selection process.

11A:4-6. Duration of lists. The commissioner shall set the duration of an eligible list, which shall not be more than three years from the date of its establishment, except that it may be extended by the commissioner for good cause and a list shall not have a duration of more than four years. Notwithstanding the duration of a list, the commissioner may revive a list to implement a court order or decision of the board or commissioner in the event of a

successful appeal instituted during the life of the list or to correct an administrative error. The commissioner may revive a list to effect the appointment of an eligible whose working test period was terminated by a layoff.

11A:4-7. Exceptions to duration of a list. Notwithstanding the provisions of N. J. S. 11A:4-6, a special reemployment list, a police reemployment list and a fire reemployment list shall have unlimited duration.

11A:4-8. Certification and appointment. The commissioner shall certify the three eligibles who have received the highest ranking on an open competitive or promotional list against the first provisional or vacancy. For each additional provisional or vacancy against whom a certification is issued at that time, the commissioner shall certify the next ranked eligible. If more than one eligible has the same score, the tie shall not be broken and they shall have the same rank. If three or more eligibles can be certified as the result of the ranking without resorting to all three highest scores, only those eligibles shall be so certified.

A certification that contains the names of at least three interested eligibles shall be complete and a regular appointment shall be made from among those eligibles. An eligible on an incomplete list shall be entitled to a provisional appointment if a permanent appointment is not made.

Eligibles on any type of reemployment list shall be certified and appointed in the order of their ranking and the certification shall not be considered incomplete.

11A:4-9. Types of eligible lists. The commissioner may establish the following types of eligible lists:

- a. Open competitive, which shall include all qualified eligibles without regard to whether they are currently employed by the State or a political subdivision;
- b. Promotional, which shall include qualified permanent eligibles;
- c. Regular reemployment, which shall include former permanent employees who resigned in good standing and whose reemployment is certified by the appointing authority as in the best interest of the service. The name of any such employee shall not remain on a reemployment list for more than three years from the date of resignation, unless otherwise extended pursuant to N. J. S. 11A:4-6;

d. Police or fire reemployment, which shall include former permanent uniformed members of a police or fire department who have resigned in good standing and whose reemployment is certified by the appointing authority as in the best interest of the service; and

e. Special reemployment, which shall include permanent employees laid off or demoted in lieu of layoff from permanent titles.

11A:4-10. Arrests and criminal records. Eligibles may be questioned as to criminal convictions and pending criminal charges. Eligibles for a law enforcement, fire fighter or correction officer title may also be questioned as to any arrest.

11A:4-11. Removal on criminal record. Upon the request of an appointing authority, the commissioner may remove an eligible with a criminal record from a list when the criminal record includes a conviction for a crime which adversely relates to the employment sought. The following factors may be considered in such determination:

- a. Nature and seriousness of the crime;
- b. Circumstances under which the crime occurred;
- c. Date of the crime and age of the eligible when the crime was committed;
- d. Whether the crime was an isolated event; and
- e. Evidence of rehabilitation.

The presentation to an appointing authority of a pardon or expungement shall prohibit an appointing authority from rejecting an eligible based on such criminal conviction, except for law enforcement, fire fighter or correction officer and other titles as determined by the commissioner.

11A:4-12. Priority of lists. When more than one list exists, the priority of lists shall be as follows:

- a. Special reemployment when the available position is in the department from which the eligible was laid off or demoted in lieu of layoff;
- b. Promotional;
- c. Special reemployment when the available position is located in a department other than that from which the eligible was laid off or demoted;
- d. Regular reemployment, police reemployment or fire reemployment; and
- e. Open competitive.

11A:4-13. Types of appointment. The commissioner shall provide for the following types of appointment:

a. Regular appointments shall be to a title in the competitive division of the career service upon examination and certification or to a title in the noncompetitive division of the career service upon appointment. The appointments shall be permanent after satisfactory completion of a working test period;

b. Provisional appointments shall be made only in the competitive division of the career service and only in the absence of a complete certification, if the appointing authority certifies that in each individual case the appointee meets the minimum qualifications for the title at the time of appointment and that failure to make a provisional appointment will seriously impair the work of the appointing authority. In no case shall any provisional appointment exceed a period of 12 months;

c. Temporary appointments may be made, without regard to the provisions of this chapter, to temporary positions established for a period aggregating not more than six months in a 12-month period as approved by the commissioner. These positions include, but are not limited to, seasonal positions. Positions established as a result of a short-term grant may be established for a maximum of 12 months. Appointees to temporary positions shall meet the minimum qualifications of a title;

d. Emergency appointments shall not exceed 30 days and shall only be permitted where nonappointment will result in harm to persons or property;

e. Senior executive service appointments shall be made pursuant to N. J. S. 11A:3-3; and

f. Unclassified appointments shall be made pursuant to N. J. S. 11A:3-4 and N. J. S. 11A:3-5.

11A:4-14. Promotion. The commissioner shall establish the minimum qualifications for promotion and shall provide for the granting of credit for performance and seniority where appropriate.

11A:4-15. Working test period. The purpose of the working test period is to permit an appointing authority to determine whether an employee satisfactorily performs the duties of a title. A working test period is part of the examination process which shall be served in the title to which the certification was issued and appointment made. The commissioner shall provide for:

a. A working test period following regular appointment of four months, which may be extended to six months at the discretion of the commissioner, except that the working test period for political subdivision employees shall be three months and the working test period for entry level law enforcement, correction officer, and fire fighter titles shall be 12 months;

b. Progress reports to be made by the appointing authority and provided to the employee at such times during the working test period as provided by rules of the board and a final progress report at the end of the entire working test period shall be provided to the employee and the commissioner;

c. Termination of an employee at the end of the working test period and termination of an employee for cause during the working test period; and

d. The retention of permanent status in the lower title by a promoted employee during the working test period in the higher title and the right to return to such permanent title if the employee does not satisfactorily complete the working test period, but employees removed for cause during a working test period shall not be so returned.

11A:4-16. Transfer, reassignment and lateral title change. The rules of the board shall define and establish the procedures for transfer, reassignment and lateral title change. Employees shall be granted no less than 30 days' notice of transfer, except with employee consent or under emergent circumstances as established by rules of the board. The commissioner shall provide for relocation assistance for State employees who are transferred or reassigned to a new work location due to a phasedown or closing of a State operation, subject to available appropriations. Transfers, reassignments, or lateral title changes shall not be utilized as part of a disciplinary action, except following an opportunity for hearing. Nothing herein shall prohibit transfers, reassignments, or lateral title changes made in good faith. The burden of proof demonstrating lack of good faith shall be on the employee.

CHAPTER 5

VETERANS' PREFERENCE

11A:5-1 Definitions.

11A:5-2 Spouse of disabled veteran or deceased veteran.

11A:5-3 Parent and spouse of veteran who has died in service.

- 11A :5-4 Disabled veterans' preference.
- 11A :5-5 Veterans' preference.
- 11A :5-6 Appointment of veterans.
- 11A :5-7 Inapplication of statutes to promotions.
- 11A :5-8 Preference in appointment in noncompetitive division.
- 11A :5-9 Preference to veteran in layoffs.
- 11A :5-10 Hearing on dismissal of veteran.
- 11A :5-11 Veterans not to be discriminated against because of physical defects.
- 11A :5-12 Employment or promotion of persons awarded Congressional Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross.
- 11A :5-13 World War soldiers in employment of a county, municipality or school district; promotion.
- 11A :5-14 Veteran police officer or fire fighter in city of first class; examination and promotion.
- 11A :5-15 Enforcement.

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, after September 16, 1940, who shall have served at least 90 days beginning on or before September 2, 1945 in such active service, exclusive of any period assigned 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, after June 23, 1950, who shall have served at least 90 days beginning on or before July 27, 1953, in active service, exclusive of any period assigned 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, after December 31, 1960, who shall have served at least 90 days beginning on or before August 1, 1974, in active service, exclusive of any period assigned 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;

c. "War service" means service by a veteran in any war or conflict described in this chapter during the periods specified.

11A:5-2. Spouse of disabled veteran or deceased veteran. The spouse of any disabled veteran is eligible to receive disabled veteran's preference under this chapter, if that veteran is not in the service of the State or any political subdivision which operates under this title and the veteran officially waives, if able to do so, any right to preference for the duration of the spouse's employment.

The surviving spouse of any disabled veteran or veteran shall be entitled to receive the same preference under this chapter to which the disabled veteran or deceased veteran would have been entitled to if still living. The preference shall terminate upon the remarriage of the surviving spouse.

11A:5-3. Parent and spouse of veteran who has died in service. A parent and spouse of any veteran who died while in service and who would have qualified under this chapter as a veteran, shall be entitled to a disabled veteran's preference. Where both a parent and spouse survive, the exercise of the preference by one shall suspend the right of any other so long as the first individual who exercises preference remains in the employ of the State or any political subdivision operating under the provisions of this title.

11A:5-4. Disabled veterans' preference. The names of disabled veterans who receive passing scores on open competitive examinations shall be placed at the top of the employment list in the order of their respective final scores.

11A:5-5. Veterans' preference. The names of veterans who receive passing scores on open competitive examinations shall be placed on the employment list in order of their respective scores immediately after disabled veterans.

11A:5-6. Appointment of veterans. Whenever a disabled veteran or veteran shall be certified to an appointing authority from an open competitive employment list under the provisions of N. J. S. 11A:4-8, the appointing authority shall appoint the disabled veteran or veteran in the order of ranking.

11A:5-7. Inapplication of statutes to promotions. Nothing contained in N. J. S. 11A:5-4 through 11A:5-6 shall apply to promotions, but whenever a veteran ranks highest on a promotional certification, a nonveteran shall not be appointed unless the appointing authority shall show cause before the board why a veteran should not receive such promotion.

11A:5-8. Preference in appointment in noncompetitive division. From among those eligible for appointment in the noncompetitive

division, preference shall be given to a qualified veteran. Before an appointing authority shall select a nonveteran and not appoint a qualified veteran, the appointing authority shall show cause before the board why a veteran should not be appointed. In all cases, a disabled veteran shall have preference over all others.

11A:5-9. Preference to veterans in layoffs. When a layoff occurs, preference shall be given first to a disabled veteran and then to a veteran; but the preference shall apply only where the disabled veteran or veteran has seniority in title equal to that of a nonveteran also affected by the layoff.

11A:5-10. Hearing on dismissal of veteran. Before any department head shall dismiss any veteran, as provided in N. J. S. 11A:5-9, such department head shall show cause before the board why such veteran should not be retained, at which time such veteran or veterans may be privileged to attend. The board shall be the sole judge of the facts constituting such qualification.

11A:5-11. Veterans not to be discriminated against because of physical defects. Veterans suffering from any physical defect caused by wounds or injuries received in the line of duty in the military or naval forces of the United States during war service set forth in N. J. S. 11A:5-1 shall not be discriminated against in an examination, classification or appointment because of the defect, unless this defect, in the opinion of the board, would incapacitate the veteran from properly performing the duties of the office, position or employment for which applied.

11A:5-12. Employment or promotion of persons awarded Congressional Medal of Honor, Distinguished Service Cross, Air Force Cross or Navy Cross. Any individual who has served in the Army, Air Force, Navy, or Marine Corps of the United States and who has been awarded the Congressional Medal of Honor, the Distinguished Service Cross, Air Force Cross or Navy Cross, while a resident of this State, shall be appointed or promoted without complying with the rules of the board. The appointing authority to whom the individual applies for appointment or promotion shall, at its discretion, appoint or promote that person. Upon promotion or appointment, that person shall become subject to the rules of the board. A person who qualifies under this section shall not be limited to only one appointment or promotion.

11A:5-13. World War soldiers in employment of a county, municipality or school district; promotion. A soldier who served in the Army of the United States during the war between the United

States and Germany, who holds the French Medaille Militaire, the Croix de Guerre with Palm, Croix de Guerre with Silver Star, Croix de Guerre with Bronze Star and who was on March 26, 1926, employed by any county, municipality or school district operating under the provisions of this title shall be eligible for promotion without complying with any of the rules or regulations of the board. The head, or person in charge of the office in which the person is employed, may promote such employee for the good of the service as may in his judgment seem proper.

11A:5-14. Veteran police officer or fire fighter in city of first class; examination and promotion. A member of the police or fire department in a city of the first class who is a veteran shall be entitled to be admitted to the examination for promotion to a superior rank and upon successfully passing such examination shall be entitled to appointment in such superior rank, notwithstanding the fact that such person may not have held the position or rank held or occupied by him at the time of taking the examination for a period of two years, if the employee has or shall have held or occupied the same for a period of one year.

11A:5-15. Enforcement. The board may promulgate rules for the proper administration and enforcement of this chapter.

Nothing herein contained shall be construed to amend, modify or supersede N. J. S. 40A:14-25, N. J. S. 40A:14-115 or N. J. S. 40A:14-143.

CHAPTER 6

LEAVES, HOURS OF WORK AND EMPLOYEE DEVELOPMENT

ARTICLE 1

Leaves of Absence, Supplemental Compensation and Hours of Work

- 11A:6-1 Leaves.
- 11A:6-2 Vacation leave; full-time State employees.
- 11A:6-3 Vacation leave; full-time political subdivision employees.
- 11A:6-4 Death of employee having vacation credit.
- 11A:6-5 Sick leave.
- 11A:6-6 State administrative leave.
- 11A:6-7 Leaves for part-time employees.

- 11A:6-8 Sick leave injury in State service.
- 11A:6-9 Leaves of absence for police officers and fire fighters.
- 11A:6-10 Convention leave for police officers and fire fighters.
- 11A:6-11 Leave for athletic competition.
- 11A:6-12 Leaves of absence for elected and appointed union officials.
- 11A:6-13 Appointment by Governor; leave of absence without pay.
- 11A:6-14 Elective office; leave of absence without pay; appointments to position; reemployment list.
- 11A:6-15 Eligibility for promotions during leave of absence.
- 11A:6-16 Supplemental compensation upon retirement in State employment.
- 11A:6-17 Supplemental compensation; employees of Rutgers, The State University, New Jersey Institute of Technology and the University of Medicine and Dentistry of New Jersey.
- 11A:6-18 Supplemental compensation; deferred retirement.
- 11A:6-19 Supplemental compensation; computation; limitation.
- 11A:6-20 Supplemental compensation; certification of accumulated sick leave.
- 11A:6-21 Supplemental compensation; break in service.
- 11A:6-22 Supplemental compensation; inapplicability to other pension retirement benefits.
- 11A:6-23 Supplemental compensation; rules.
- 11A:6-24 Hours of work, overtime and holiday pay.

ARTICLE 2

Employee Programs

- 11A:6-25 State training programs.
- 11A:6-26 Employee career development.
- 11A:6-27 Political subdivisions.
- 11A:6-28 Employee performance evaluations.

ARTICLE 3

Awards

- 11A:6-29 Awards committee.
- 11A:6-30 Awards.

11A:6-31 Powers and duties of the committee.

11A:6-32 Payment of awards.

ARTICLE 1

Leaves of Absence, Supplemental Compensation and Hours of Work

11A:6-1. Leaves. The board shall designate the types of leaves and adopt rules for State employees in the career and senior executive services regarding procedures for sick leave, vacation leave and other designated leaves with or without pay as the board may designate. Any political subdivision subject to the provisions of this title shall prepare procedures regarding these items.

In all cases, a leave of absence with or without pay shall not exceed a period of one year at any one time unless renewal or extension is granted upon written approval of the commissioner.

11A:6-2. Vacation leave; full-time State employees. Vacation leave for full-time State employees in the career and senior executive service shall be at least:

- a. Up to one year of service, one working day for each month of service;
- b. After one year and up to five years of continuous service, 12 working days;
- c. After five years and up to 12 years of continuous service, 15 working days;
- d. After 12 years and up to 20 years of continuous service, 20 working days;
- e. Over 20 years of continuous service, 25 working days; and
- f. Vacation not taken in a given year because of business demands shall accumulate and be granted during the next succeeding year only.

11A:6-3. Vacation leave; full-time political subdivision employees. Vacation leave for full-time political subdivision employees shall be at least:

- a. Up to one year of service, one working day for each month of service;
- b. After one year and up to 10 years of continuous service, 12 working days;
- c. After 10 years and up to 20 years of continuous service, 15 working days;

- d. After 20 years of continuous service, 20 working days; and
- e. Vacation not taken in a given year because of business demands shall accumulate and be granted during the next succeeding year only.

11A:6-4. Death of employee having vacation credit. The estate of a deceased employee covered by this title who had accumulated annual vacation leave shall be paid a sum equal to the compensation for that vacation leave.

11A:6-5. Sick leave. Full-time State and political subdivision employees shall receive a sick leave credit of no less than one working day for each completed month of service during the remainder of the first calendar year of service and 15 working days in every year thereafter. Unused sick leave shall accumulate without limit.

11A:6-6. State administrative leave. Administrative leave for personal reasons including religious observances for full-time State employees or those employees of Rutgers, The State University, New Jersey Institute of Technology and the University of Medicine and Dentistry of New Jersey who perform services similar to those performed by employees of the New Jersey State colleges who are in the career service shall be three working days per calendar year. Administrative leave shall not be cumulative and any administrative leave unused by an employee at the end of any year shall be cancelled.

11A:6-7. Leaves for part-time employees. Part-time employees shall receive proportionate vacation, sick and administrative leave.

11A:6-8. Sick leave injury in State service. Leaves of absence for career, senior executive and unclassified employees in State service due to injury or illness directly caused by and arising from State employment shall be governed by rules of the board. Leaves of absence for career and unclassified employees of a political subdivision directly caused by or arising from employment shall be governed by rules of the political subdivision. Any sick leave with pay shall be reduced by the amount of workers' compensation or disability benefits, if any, received for the same injury or illness.

11A:6-9. Leaves of absence for police officers and fire fighters. Leaves of absence for police officer and fire fighter titles shall be governed by the applicable provisions of Title 40A of the New Jersey Statutes and N. J. S. 11A:6-10.

11A:6-10. Convention leave for police officers and fire fighters. A leave of absence with pay shall be given to every employee who is a duly authorized representative of the New Jersey Patrolmen's Benevolent Association, Inc., Fraternal Order of Police, Firemen's Mutual Benevolent Association, Inc., the Fire Fighters Association of New Jersey or the New Jersey State Association of Chiefs of Police, to attend any State or national convention of the organization. The leave of absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for travel to and from the convention. A certificate of attendance at the convention shall, upon request, be submitted by the representative so attending.

11A:6-11. Leave for athletic competition. Any State employee in the career, senior executive or unclassified service who qualifies as a member of the United States team for athletic competition at the world, Pan American or Olympic level, in a sport contested in either Pan American or Olympic competition, shall be granted a leave of absence with pay and without loss of rights, privileges and benefits and without interruption of membership in any retirement system of the State for the purpose of preparing for and engaging in the competition. The paid leave granted pursuant to this title shall be no more than 90 calendar days in one year or the combined days of the official training camp and competition, whichever is less.

11A:6-12. Leaves of absence for elected and appointed union officials. An appointing authority may grant an unpaid leave of absence to any employee elected or appointed as an official of the employee's union. The maximum period for such leaves shall be a subject of negotiation between the employer and union.

11A:6-13. Appointment by Governor; leave of absence without pay. Any employee in the career or senior executive service who is appointed to any position pursuant to P. L. 1947, c. 14 (C. 52:14-16.2) shall be entitled to a leave of absence without pay from the permanent career or senior executive service title for the length of the appointment. Upon the expiration of the leave, the employee shall have the right to return to the former title and receive all of the rights, privileges and benefits of that title as if the employee had remained in that title.

11A:6-14. Elective office; leave of absence without pay; appointments to position; reemployment list. Any person holding a posi-

tion in the career service of any political subdivision shall upon written request be granted a leave of absence, without pay, to fill any elective public office for the term of the office. Upon the expiration of the term of office, that person shall be entitled to resume the position held at the time of the granting of the leave of absence, if the employee shall apply for reinstatement before the expiration of the leave of absence and return to duty within six years after the commencement of the leave. The time spent in serving the term of an elective office, up to a maximum of six years from the commencement of the leave, shall be included in the computation of that person's seniority rights.

All appointments to the position of that person during the period of six years from the date the leave of absence commences shall be made from eligible lists and the appointments shall, during such six-year period, be held to be interim and shall be terminated on the return to duty within the six-year period of the person to whom the leave of absence was granted.

In the event that the term of the elective public office of the person to whom such leave was granted expires after six years from the commencement of such leave, the name of such person, upon the expiration of the six-year period, shall be placed on a special reemployment list.

11A:6-15. Eligibility for promotions during leave of absence. A leave of absence shall not disqualify an applicant for a promotional examination.

11A:6-16. Supplemental compensation upon retirement in State employment. State employees in the career service, and those in the senior executive and unclassified services who have been granted sick leave under terms and conditions similar to career service employees, shall be entitled upon retirement from a State-administered retirement system to receive a lump sum payment as supplemental compensation for each full day of accumulated sick leave which is credited on the effective date of retirement.

11A:6-17. Supplemental compensation; employees of Rutgers, The State University, New Jersey Institute of Technology, and the University of Medicine and Dentistry of New Jersey. The supplemental compensation provided under this chapter shall also be paid to each employee of Rutgers, The State University, New Jersey Institute of Technology, and the University of Medicine and Dentistry of New Jersey who performs services similar to those

performed by employees of the New Jersey State colleges who are in the career service or who have been granted sick leave under terms and conditions similar to career service employees, including those employees of the University of Medicine and Dentistry of New Jersey who are members of the Newark Employees' Retirement System.

11A:6-18. Supplemental compensation; deferred retirement. A State employee who elects deferred retirement shall not be eligible for the supplemental compensation provided under this chapter.

11A:6-19. Supplemental compensation; computation; limitation. Supplemental compensation shall be computed at the rate of one-half of the eligible employee's daily rate of pay for each day of accumulated sick leave based upon the compensation received during the last year of employment prior to the effective date of retirement, but supplemental compensation shall not exceed \$15,000.00. If an employee dies after the effective date of retirement but before payment is made, payment shall be made to the employee's estate.

11A:6-20. Supplemental compensation; certification of accumulated sick leave. Upon application for supplemental compensation made by an employee, the appointing authority shall, within 45 days, certify the number of accumulated sick days for which supplemental compensation is to be paid. Payment shall be made from a special State account established for this purpose.

11A:6-21. Supplemental compensation; break in service. An employee who has incurred or shall incur a break in service as a result of separation due to layoff shall be credited with sick leave accrued both before separation and after return to employment. An employee incurring a break in service for any other type of separation shall have sick leave computed only from the date of return to employment.

11A:6-22. Supplemental compensation; inapplicability to other pension retirement benefits. The supplemental compensation provided for accumulated sick leave shall in no way affect, increase or decrease any pension or retirement benefits under any other statute.

11A:6-23. Supplemental compensation; rules. The board shall adopt rules for the implementation of supplemental compensation, which shall include but need not be limited to application and eligibility procedures.

11A:6-24. Hours of work, overtime and holiday pay. State employees in the career, senior executive and unclassified services in titles or circumstances designated by the board shall be eligible for overtime compensation and holiday pay. Overtime compensation and holiday pay shall be either cash compensation at a rate representing $1\frac{1}{2}$ times the employee's hourly rate of base salary or compensatory time off at a rate of $1\frac{1}{2}$ hours for each hour worked beyond the regular workweek, at the discretion of the department head, with the approval of the commissioner.

The board shall adopt rules for the implementation of hours of work, overtime compensation and holiday pay programs, which shall include but need not be limited to application and eligibility procedures.

ARTICLE 2

Employee Programs

11A:6-25. State training programs. The commissioner may establish and shall review and approve training and education programs for State employees in the career, senior executive and unclassified services and shall supervise a State training center with appropriate courses and fee schedules. Particular training may be required by the commissioner for certain employees, for which an assessment to State departments may be imposed.

11A:6-26. Employee career development. The commissioner shall develop and stimulate employee career development and improve management and efficiency in State government through programs, for which an assessment to State departments may be imposed, that include but are not limited to:

- a. Career mobility and transferability;
- b. Employee advisory services for counseling and rehabilitation;
- c. Retirement planning; and
- d. Interchange and internship programs.

11A:6-27. Political subdivisions. The commissioner may, at the request of any political subdivision, initiate programs similar to those authorized in this chapter and provide technical assistance to political subdivisions to improve the efficiency and effectiveness of their personnel management programs. The commissioner may require reasonable reimbursement from a participating political subdivision.

11A:6-28. Employee performance evaluations. The commissioner shall establish an employee performance evaluation system for State employees in the career and senior executive services. The system shall utilize standards and criteria related to job content and program goals.

Political subdivisions may adopt employee performance evaluation systems for their employees.

The board shall adopt and enforce rules with respect to the utilization of performance ratings in promotion, layoff or other matters.

ARTICLE 3

Awards

11A:6-29. Awards committee. The New Jersey Employee Awards Committee shall be established in the department under the supervision of the commissioner. The committee shall be composed of seven persons, each of whom shall be employed in a different department within the Executive Branch. Appointments to the committee shall be made by the Governor, from nominations by the commissioner, for staggered terms of three years or until a successor is appointed. No member shall serve more than two consecutive full terms. Members shall serve without compensation but shall be entitled to sums incurred for necessary expenses. The commissioner shall designate an employee of the department as executive secretary to the committee.

11A:6-30. Awards. The committee, subject to appropriations made for that purpose, may provide awards to State employees for, but not limited to:

- a. Meritorious suggestions and accomplishments which promote efficiency, productivity or economy;
- b. Heroism or exceptional service;
- c. Professional achievements; and
- d. Service.

11A:6-31. Powers and duties of the committee. The committee shall:

- a. Adopt rules for the implementation of the awards programs, subject to the approval of the commissioner;
- b. Request and receive assistance from any department in State government;

c. Prepare an annual report to the Governor from the commissioner concerning the operation of the awards program; and

d. Establish and supervise the awards committees in the departments in State government.

11A:6-32. Payment of awards. Suggestion awards shall be paid from State funds appropriated for that purpose.

CHAPTER 7

EQUAL EMPLOYMENT OPPORTUNITY

- 11A:7-1 Equal employment opportunity.
- 11A:7-2 Division of Equal Employment Opportunity and Affirmative Action.
- 11A:7-3 Equal employment opportunity and affirmative action program.
- 11A:7-4 Agency goals.
- 11A:7-5 Department responsibilities.
- 11A:7-6 Agency affirmative action officer.
- 11A:7-7 Agency accountability for affirmative action plan.
- 11A:7-8 Agency affirmative action plan.
- 11A:7-9 Agency failure to achieve affirmative action goals; penalties.
- 11A:7-10 Citation by Governor for attaining affirmative action results.
- 11A:7-11 Equal Employment Opportunity Advisory Commission; creation.
- 11A:7-12 Equal Employment Opportunity Advisory Commission; membership; term; vacancy; meetings; executive secretary.
- 11A:7-13 Accommodation for the handicapped and examination waiver.

11A:7-1. Equal employment opportunity. The head of each State agency shall ensure equality of opportunity for all of its employees and applicants seeking employment. Equal employment opportunity includes, but is not limited to, the following areas: recruitment, selection, hiring, training, promotion, transfer, layoff, return from layoff, compensation and fringe benefits. Equal employment opportunity further includes policies, procedures, and programs for recruitment, employment, training, promotion, and retention of minorities, women and handicapped persons.

The head of each State agency shall explore innovative personnel policies in order to enhance these efforts and where appropriate shall implement them to the fullest extent authorized. Where the implementation of those policies is not authorized, an agency head shall recommend implementation to the appropriate State agency.

11A:7-2. Division of Equal Employment Opportunity and Affirmative Action. A Division of Equal Employment Opportunity and Affirmative Action is established in the department. The division shall have all of the powers and shall exercise all of the functions and duties set forth in this chapter, subject to the supervision and control of the commissioner.

11A:7-3. Equal employment opportunity and affirmative action program. The division shall develop, implement and administer an equal employment opportunity and affirmative action program for all State agencies. The program shall consider the particular personnel requirements that are reasonably related to job performance of each State agency. The director of the division shall ensure that the affirmative action and equal employment goals of each State agency for minorities, women and handicapped persons shall be reasonably related to their population in the relevant surrounding labor market areas. The director, in accordance with applicable federal and State guidelines, shall:

- a. Ensure each State agency's compliance with all laws and rules relating to equal employment opportunity and seek correction of discriminatory practices, policies and procedures;
- b. Recommend appropriate sanctions for noncompliance to the commissioner who, with the concurrence of the Governor, is authorized to implement sanctions;
- c. Review State personnel practices, policies and procedures, inclusive of recruitment, selection, and promotion, in order to identify and eliminate artificial barriers to equal employment opportunity;
- d. Act as liaison with federal, State, and local enforcement agencies;
- e. Recommend appropriate legislation to the commissioner and perform other actions deemed necessary by the commissioner to implement this chapter; and
- f. Provide, under rules adopted by the board, for review of equal employment complaints.

11A:7-4. Agency goals. The department shall establish reasonable equal employment and affirmative action goals for State agencies in the form of regulations.

11A:7-5. Department responsibilities. The department, through the Division of Equal Employment Opportunity and Affirmative Action, shall:

a. Ensure that the pool of applicants for all vacant positions in State agencies includes minorities, women and handicapped persons so that affirmative action goals are attainable through agency selection decisions;

b. Undertake a comprehensive review of its rules, regulations and testing procedures in order to amend or eliminate those which serve to discriminate against minorities, women and handicapped persons;

c. Ensure that selection devices do not discriminate against minorities, women and handicapped persons;

d. Analyze job specifications to isolate and eliminate prerequisites that are artificial barriers to employment;

e. Review all discrimination complaints under Title VII of the Civil Rights Act of 1964, Pub. L. 88-352 (42 U. S. C. § 2000e et seq.), evaluate trends, and recommend appropriate policy changes; and

f. Receive, analyze and transmit to the Governor, at least semi-annually, progress reports on affirmative action in all State agencies.

11A:7-6. Agency affirmative action officer. The head of each State agency shall appoint at least one person with the responsibility for equal employment opportunity as the affirmative action officer. Unless otherwise permitted by the director with the approval of the commissioner, such person shall serve on a full-time basis and shall be responsible to the Division of Equal Employment Opportunity and Affirmative Action.

11A:7-7. Agency accountability for affirmative action plan. The head of each State agency shall be accountable to the Governor for achieving and maintaining agency compliance with the affirmative action program.

11A:7-8. Agency affirmative action plan. Each State agency shall submit an affirmative action plan with goals and timetables plus quarterly and annual affirmative action reports to the director. Each affirmative action plan shall identify existing inequities in hiring, promotion, and all other conditions of employment and pro-

vide specific remedies for these inequities and establish the time periods for the accomplishment of remedial action. Each State agency shall make good faith efforts to meet its goals and timetables.

11A:7-9. Agency failure to achieve affirmative action goals; penalties. If there is a failure by a State agency to achieve its affirmative action goals or to demonstrate good faith efforts, appropriate sanctions and penalties may be imposed by the department in accordance with federal and State regulations, subject to the concurrence of the Governor and the commissioner. These sanctions may include, but are not limited to, placing a moratorium on departmental personnel actions in the career, senior executive and unclassified services, and such other sanctions as may be allowed by law.

11A:7-10. Citation by Governor for attaining affirmative action results. State agencies which achieve outstanding affirmative action results shall be cited by the Governor for their efforts.

11A:7-11. Equal Employment Opportunity Advisory Commission; creation. There is established in the department an Equal Employment Opportunity Advisory Commission, which shall advise the Division of Equal Employment Opportunity and Affirmative Action and recommend improvements in the State's affirmative action efforts.

11A:7-12. Equal Employment Opportunity Advisory Commission; membership; term; vacancy; meetings; executive secretary. The Equal Employment Opportunity Advisory Commission shall consist of 11 members appointed by the Governor, at least six of whom shall be minorities, women and handicapped persons. Consideration shall be given to appropriate representation of each group. The remaining members of the commission may be comprised of State agency heads or their designated representatives. All members of the commission shall be residents of the State. Members shall be appointed for staggered terms of four years but members appointed under section 10 of P. L. 1981, c. 124 (C. 11:2D-10) shall continue on the commission for the duration of their respective terms. Each member shall hold office for the term of the appointment and until a successor is appointed. Members may not serve more than two consecutive terms. A vacancy in the membership of the commission shall be filled by appointment by the Governor for the remainder of the term. The commission shall meet at least quarterly to review implementation of this chapter.

The Director of the Division of Equal Employment Opportunity and Affirmative Action shall serve as executive secretary.

11A:7-13. Accommodation for the handicapped and examination waiver. The commissioner may establish procedures for the reasonable accommodation of handicapped persons in the employee selection process for the State and the political subdivisions covered by this title. Pursuant to rules adopted by the board, the commissioner may waive an examination for an applicant who suffers from a physical, mental or emotional affliction, injury, dysfunction, impairment or disability which:

- a. Makes it physically or psychologically not practicable for that person to undergo the testing procedure for the title for which applied, but
- b. Does not prevent that person from satisfactorily performing the responsibilities of the title under conditions of actual service; and
- c. In making such determination, the commissioner may require the submission of sufficient and appropriate medical documentation.

CHAPTER 8

LAYOFFS

- 11A:8-1 Layoff.
 11A:8-2 Pre-layoff actions.
 11A:8-3 Alternatives to layoff.
 11A:8-4 Appeals.

11A:8-1. Layoff. A permanent employee may be laid off for economy, efficiency or other related reason. The employee shall be demoted in lieu of layoff whenever possible. A permanent employee shall receive 45 days' written notice, unless in State government a greater time period is ordered by the commissioner, which shall be served personally or by certified mail, of impending layoff or demotion and the reasons therefor. The notice shall expire 120 days after service unless extended by the commissioner for good cause. At the same time the notice is served, the appointing authority shall provide the commissioner with a list of the names and permanent titles of all employees receiving the notice. The board shall adopt rules regarding the order of layoff and employee rights upon recommendation by the commissioner. The commissioner shall consult with the advisory board representing labor organizations prior to such recommendation.

11A:8-2. Pre-layoff actions. The board shall adopt rules for preventive actions to lessen the possibility of a layoff or demotion of permanent employees.

11A:8-3. Alternatives to layoff. The commissioner, in consultation with the advisory committee established pursuant to subsection m. of N. J. S. 11A:2-11, may recommend rules to the board on voluntary reduced work time or other alternatives to layoffs. Employee participation in the program shall not affect special reemployment or retention rights.

11A:8-4. Appeals. A permanent employee who is laid off or demoted in lieu of layoff shall have a right to appeal the good faith of such layoff or demotion to the board. Appeals must be filed within 20 days of final notice of such layoff or demotion. The burden of proof in such actions shall be on the employee and rules adopted pursuant to N. J. S. 11A:2-22 would also be applicable to these appeals.

CHAPTER 9

POLITICAL SUBDIVISIONS

- 11A:9-1 Application.
- 11A:9-2 Adoption of title; petition.
- 11A:9-3 Adoption of title; question placed on ballot; public notice.
- 11A:9-4 Refusal to comply.
- 11A:9-5 School districts.
- 11A:9-6 Adoption of title; elections.
- 11A:9-7 Results certified.
- 11A:9-8 Consolidation of functions.
- 11A:9-9 Status of employees.
- 11A:9-10 Seniority rights.

11A:9-1. Application. This title shall apply to any political subdivision to which the provisions of Title 11 of the Revised Statutes and the supplements thereto applied immediately prior to their repeal and to any political subdivision which hereafter adopts the provisions of this title.

11A:9-2. Adoption of title; petition. The clerk of any county or municipality not operating under the provisions of this title shall submit the question of adopting the provisions of Title 11A of the

New Jersey Statutes to the voters of the county or municipality upon the filing with the clerk of a petition requesting the adoption. The petition shall be signed by the registered voters of the county or municipality equal to 15% of the valid votes cast in the county or municipality during the last general election. Each name shall be signed in ink and the place of residence indicated by street and number or other description sufficient to identify the place. Attached to each separate paper there shall be an affidavit of the circulator thereof that the circulator, and only the circulator, personally circulated the foregoing paper, that all signatures thereto were made in the circulator's presence, and that the circulator believes them to be genuine signatures of the persons whose names they purport to be. Within 10 days from the date of filing the petition, the clerk shall complete an examination and ascertain whether or not the petition is signed by the requisite number of qualified voters and shall attach to the petition a certificate showing the result of the examination.

11A:9-3. Adoption of title; question placed on ballot; public notice. If the petition is sufficient, the clerk shall, 15 days thereafter, give public notice that the question will be submitted to the voters at the next general or municipal election. Public notice includes, but is not limited to, publication in the political subdivision's official newspaper once a week for at least four weeks and posting the notice in five of the most public places in the political subdivision for at least four weeks before the election. The clerk shall also cause the question to be printed upon the ballots to be used at the election.

11A:9-4. Refusal to comply. If the clerk refuses or neglects to comply with the provisions of N. J. S. 11A:9-2 and N. J. S. 11A:9-3, a registered voter of the political subdivision or the commissioner may apply to a judge of the Superior Court in the county in which the political subdivision is located for an order directing and compelling the submission of the question involved in the petition. The judge shall hear the matter summarily. If the judge finds and determines that the petition is in accordance with law, an appropriate order shall be issued. Any clerk failing to comply with the order of the court, or any public official, officer, agent or employee interfering with, or preventing, such clerk from satisfying such order, shall be guilty of a crime of the fourth degree.

11A:9-5. School districts. All the provisions of this chapter shall apply to school districts in which the board of education is elected

by the voters. School districts shall, in the submission of the question to the voters, conform to the provisions of this chapter as nearly as possible.

11A:9-6. Adoption of title; elections. The method of submitting the question of the adoption of this title to the voters of a county or municipality shall conform as nearly as possible to the provisions of Title 19 of the Revised Statutes relating to the submission of public questions and when submitted at a school district election shall conform as nearly as possible to the provisions of Title 18A of the New Jersey Statutes relating to the submission of public questions in school districts.

11A:9-7. Results certified. The result of the election shall be certified by the clerk of the political subdivision to the commissioner.

11A:9-8. Consolidation of functions. When the functions of two or more political subdivisions are consolidated, and any one of the political subdivisions shall be operating under this title at the time of such consolidation, the other political subdivision or subdivisions shall be deemed to have adopted this title with regard to the combined functions.

11A:9-9. Status of employees. Any employee of a political subdivision who, at the time of adoption of this title, was actively employed by the political subdivision continuously for a period of at least one year prior to the adoption of this title, or any employee who was on an approved leave of absence and had at least one year of continuous service with the political subdivision prior to the adoption of the title, and who comes within the career service, shall continue to hold such position, and shall not be removed except in accordance with the provisions contained in this title.

11A:9-10. Seniority rights. At the time of adoption of this title, the seniority rights of employees shall be based upon the length of their continuous service with that political subdivision.

CHAPTER 10

VIOLATIONS AND PENALTIES

- 11A:10-1 Disapproval of salary.
- 11A:10-2 Criminal violation of title or order.
- 11A:10-3 Noncompliance.

11A:10-4 Action for enforcement.

11A:10-5 Resident actions.

11A:10-1. Disapproval of salary. The board or the commissioner may disapprove and order the payment stopped of the salary of any person employed in violation of this title or an order of the board or commissioner and recover all disapproved salary from such person. Any person or persons who authorize the payment of a disapproved salary or have employment authority over the person whose salary has been disapproved may be subject to penalties, including, but not limited to, the disapproval of their salaries and payment from their personal funds of improper expenditures of the moneys as may be provided by the rules of the board. This section shall not be limited by the amounts set forth in N. J. S. 11A:10-3.

11A:10-2. Criminal violation of title or order. Any person who purposely or knowingly violates or conspires to violate any provision of this title or board or commissioner order shall be guilty of a crime of the fourth degree.

11A:10-3. Noncompliance. The board or the commissioner may assess all administrative costs incurred under N. J. S. 11A:4-5. Other costs, charges and fines of not more than \$10,000.00 may be assessed for noncompliance or violation of this title or any order of the board or commissioner.

11A:10-4. Action for enforcement. The board, the commissioner, or other party in interest may bring an action in the Superior Court for the enforcement of this title or an order of the board or commissioner.

11A:10-5. Resident actions. Any resident shall have standing to enjoin payments in the Superior Court and require recovery of remuneration paid in violation of this title in the jurisdiction of residence, from the individuals signing, countersigning, authorizing or having employment authority for the payments. Moneys recovered in the action shall be paid from the personal funds of those individuals and shall be paid to the State Treasurer or the treasurer of the political subdivision, as appropriate. The resident shall be entitled to receive not more than 25% of the amount recovered and reasonable attorney fees, at the discretion of the court.

CHAPTER 11

AGENCY TRANSFER

- 11A:11-1 Commissioner of Personnel and Merit System Board.
- 11A:11-2 Department of Personnel.
- 11A:11-3 Names.
- 11A:11-4 Rules.
- 11A:11-5 Pending actions.
- 11A:11-6 Transfer.

11A:11-1. Commissioner of Personnel and Merit System Board. The President of the Civil Service Commission on the effective date of this act shall become the Commissioner of Personnel and the remaining members of the Civil Service Commission on the effective date of this act shall continue as members of the Merit System Board for the duration of their current terms and any reappointments and until their successors are appointed, unless removed for cause.

11A:11-2. Department of Personnel. The Department of Personnel shall replace the Department of Civil Service. Except as otherwise stated in this title, all employees of the Department of Civil Service shall become employees of the Department of Personnel.

In accordance with regulations adopted by the commissioner, the commissioner may direct the consolidation and coordination of personnel, training and related functions in the executive branch of State government and transfer to the Department of Personnel such employees, positions, funding, equipment, powers, duties and functions from throughout the executive branch of State government to effectuate such consolidation and coordination.

11A:11-3. Names. Any law, rule, regulation, judicial or administrative proceeding, appropriation or otherwise which refers to the Department of Civil Service shall mean the Department of Personnel; Civil Service Commission shall mean Merit System Board; and President of the Civil Service Commission or Chief Examiner and Secretary, or both, shall mean Commissioner of Personnel.

11A:11-4. Rules. All rules of the Civil Service Commission shall remain in effect except as changed or modified by this title or board action.

11A:11-5. Pending actions. Any action pending on the effective date of this act shall continue under the prior law and rule.

11A:11-6. Transfer. The transfers directed by this title, except as otherwise provided, shall be made in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

CHAPTER 12

MISCELLANEOUS

- 11A:12-1 Inconsistent laws.
- 11A:12-2 Rights of current employees.
- 11A:12-3 Statutes repealed.
- 11A:12-4 Implementation.
- 11A:12-5 Annual report.
- 11A:12-6 Effective date.

11A:12-1. Inconsistent laws. Any law or statute which is inconsistent with any of the provisions of this title are to the extent of the inconsistency hereby superseded, except that the title is not to be construed either to expand or to diminish collective negotiation rights existing under the "New Jersey Employer-Employee Relations Act," P. L. 1941, c. 100 (C. 34:13A-1 et seq.).

11A:12-2. Rights of current employees. Those employees with permanent classified status shall obtain permanent status in career service without loss of seniority or pension rights.

11A:12-3. Statutes repealed. The following statutes are repealed:

- Title 11 of the Revised Statutes
- P. L. 1938, c. 76 (C. 11:2A-1)
- P. L. 1938, c. 381, s. 10 (C. 11:27-13)
- P. L. 1939, c. 219 (C. 11:4-3.3)
- P. L. 1939, c. 232 (C. 11:24A-1 to 11:24A-6)
- P. L. 1939, c. 322 (C. 11:10-6.1)
- P. L. 1940, c. 15 (C. 11:4-3.4)
- P. L. 1940, c. 178 (C. 11:22-11.1)
- P. L. 1941, c. 91 (C. 11:4-3.5 and 11:4-3.6)
- P. L. 1941, c. 286 (C. 11:4-3.7)
- P. L. 1942, c. 65 (C. 11:20A-1)
- P. L. 1942, c. 137, s. 2 (C. 11:27-1.2)

- P. L. 1942, c. 253 (C. 11:24A-7)
- P. L. 1944, c. 65, s. 11 (C. 11:7-10)
- P. L. 1946, c. 148 (C. 11:24A-6.1 to 11:24A-6.3)
- P. L. 1946, c. 198 (C. 11:4-3.8 and 11:4-3.9)
- P. L. 1947, c. 201, ss. 2-4 (C. 11:14-3 to 11:14-5)
- P. L. 1947, c. 272 (C. 11:20A-2)
- P. L. 1948, c. 121, ss. 2-4, 9 (C. 11:7-11 to 11:7-14)
- P. L. 1948, c. 121, ss. 6-8 (C. 11:22-50 to 11:22-52)
- P. L. 1948, c. 165 (C. 11:22-44.1 to 11:22-44.3)
- P. L. 1948, c. 257 (C. 11:21-5.1)
- P. L. 1948, c. 435 (C. 11:4-3.10)
- P. L. 1948, c. 466 (C. 11:22-44.4 and 11:22-44.5)
- P. L. 1950, c. 235 (C. 11:26B-1 to 11:26B-3)
- P. L. 1951, c. 278 (C. 11:21-5.2)
- P. L. 1951, c. 279 (C. 11:21-4.1)
- P. L. 1952, c. 27 (C. 11:11-4)
- P. L. 1952, c. 302 (C. 11:26C-1 to 11:26C-3)
- P. L. 1952, c. 309 (C. 11:27-1.3)
- P. L. 1952, c. 322, ss. 1 and 2 (C. 11:15-9 and 11:15-10)
- P. L. 1952, c. 323, ss. 1 and 2 (C. 11:22-10.1 and 11:22-10.2)
- P. L. 1953, c. 125 (C. 11:2C-1 to 11:2C-9)
- P. L. 1953, c. 193 (C. 11:14-1.1)
- P. L. 1953, c. 238 (C. 11:4-3.11)
- P. L. 1953, c. 239 (C. 11:4-3.12)
- P. L. 1953, c. 430, ss. 2 and 3 (C. 11:4-3.13 and 11:4-3.14)
- P. L. 1954, c. 182 (C. 11:4-3.15)
- P. L. 1954, c. 232 (C. 11:21-3.1)
- P. L. 1955, c. 188 (C. 11:26C-4)
- P. L. 1959, c. 88, s. 2 (C. 11:24A-1.1)
- P. L. 1961, c. 18 (C. 11:26D-1)
- P. L. 1962, c. 195 (C. 11:14-1.2)
- P. L. 1962, c. 196 (C. 11:24A-1.2)
- P. L. 1964, c. 169 (C. 11:27-1.4 and 11:27-1.5)
- P. L. 1965, c. 46 (C. 11:21-5.3)
- P. L. 1967, c. 199, s. 2 (C. 11:22-10.3)
- P. L. 1968, c. 437 (C. 11:26C-5)
- P. L. 1971, c. 1 (C. 11:21-4.2 and 11:21-4.3)
- P. L. 1971, c. 153 (C. 11:1-20 to 11:1-24)
- P. L. 1971, c. 274 (C. 11:1-25 to 11:1-28)
- P. L. 1972, c. 74 (C. 11:14-6 to 11:14-8)

- P. L. 1973, c. 130 (C. 11:14-9 to 11:14-17)
- P. L. 1977, c. 160 (C. 11:24A-8 and 11:24A-9)
- P. L. 1977, c. 261 (C. 11:9-10.1)
- P. L. 1978, c. 81, s. 2 (C. 11:22-2.1)
- P. L. 1978, c. 99, s. 1 (C. 11:14-18)
- P. L. 1978, c. 147 (C. 11:22-44.6)
- P. L. 1980, c. 134 (C. 11:22-34.1)
- P. L. 1981, c. 92 (C. 11:21-5.4)
- P. L. 1981, c. 124 (C. 11:2D-1 to 11:2D-10)
- P. L. 1981, c. 204 (C. 11:9-15 to 11:9-18)
- P. L. 1981, c. 205 (C. 11:23-10 to 11:23-13)
- P. L. 1981, c. 439 (C. 11:22-10.4)
- P. L. 1981, c. 545, s. 3 (C. 11:21-9.1)
- P. L. 1982, c. 181, ss. 2, 1 (C. 11:1-1.1 and 11:2-8)
- P. L. 1983, c. 167 (C. 11:22-44.7 and 11:22-44.8)
- P. L. 1983, c. 178 (C. 11:27-4.1)
- P. L. 1983, c. 252 (C. 11:4-3.16)
- P. L. 1983, c. 319 (C. 11:9-17.1)
- P. L. 1984, c. 32 (C. 11:21-4.4)
- P. L. 1984, c. 143 (C. 11:22-3.1)
- P. L. 1984, c. 204 (C. 11:22-44.9 and 11:22-44.10)
- P. L. 1985, c. 339 (C. 11:24A-2.1)
- P. L. 1985, c. 484 (C. 11:21-5.5)

11A:12-4. Implementation. There is appropriated from the General Fund to the Department of Personnel \$250,000.00 to implement this act.

11A:12-5. Annual report. One year from the effective date of this act, the department shall provide a report to the Legislature detailing its progress, and reporting on subjects including, but not limited to:

a. The overall size and the number of career and noncareer employees in the senior executive service, the number of senior executive service employees assigned to each principal department, and the progress of programs governing selection, placement, transfer, development, compensation, separation and performance appraisal of senior executive service employees;

b. Progress made in establishing, consolidating and abolishing titles as provided in subsection b. of N. J. S. 11A:3-1;

c. Progress made in reducing the number of provisional employees through the examination process;

d. The uses and effects of the commissioner's authority to delegate responsibilities as provided in N. J. S. 11A:2-12; and

e. The overall effects of this act on employee rights and performance and the role of collective negotiation units in personnel policies.

The report shall include separate reports on these and other subjects from the commissioner and the board, and separate reports from each of the advisory boards regarding their respective areas, as provided for in subsection m. of N. J. S. 11A:2-11.

11A:12-6. Effective date. This act shall take effect immediately and any actions necessary to implement this act may be taken any time thereafter. General implementation is to be completed no later than 12 months following enactment.

Approved September 25, 1986.

CHAPTER 113

AN ACT authorizing the creation of a debt of the State of New Jersey by issuance of bonds of the State in the sum of \$200,000,000.00 to provide moneys for the identification, cleanup and removal of hazardous discharges; authorizing the issuance of refunding bonds; providing the ways and means to pay and discharge the principal and interest thereof; providing for the submission of this act to the people at the general election; and making an appropriation.

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

1. This act shall be known and may be cited as the "Hazardous Discharge Bond Act of 1986."

2. The Legislature finds and declares that the improper, irresponsible, and often illegal discharge of hazardous substances presents a grave threat to the public health and safety, and to the environment, that the dangers posed by these discharges can be minimized only by prompt identification, cleanup and removal of these hazardous discharges, that existing funding sources are not

adequate to finance these identification, cleanup and removal operations, and that it is therefore in the best interests of all citizens of this State to provide a funding mechanism to finance the prompt identification, efficient cleanup and removal of discharges of hazardous substances.

3. As used in this act:

a. "Bonds" means the bonds authorized to be issued, or issued, under this act;

b. "Cost" means the interest or discount on bonds; cost of issuance of bonds; the cost of inspection, appraisal, legal, financial, and other professional services, estimates, and advice; and the cost of organizational, administrative and other work and services, including salaries, supplies, equipment, and materials necessary to administer this act;

c. "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;

d. "Hazardous discharge" means the actual or imminent release, spill, leak, emission or dumping of any hazardous substance into the environment which represents a threat to the public health and safety or the environment;

e. "Hazardous substances" means those elements and compounds, including petroleum products, which are defined as such by the New Jersey Department of Environmental Protection, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," Pub. L. 92-500 (33 U. S. C. § 1321), as amended by the "Clean Water Act of 1977," Pub. L. 95-217 (33 U. S. C. § 1251 et seq.), the list of toxic pollutants designated by Congress or the Environmental Protection Agency pursuant to section 307 of the former act (33 U. S. C. § 1317) and, to the extent they are not otherwise included, any substance defined as hazardous pursuant to section 101 of the "Comprehensive Environmental

Response, Compensation, and Liability Act of 1980," Pub. L. 96-510 (42 U. S. C. § 9601 et seq.); except that sewage and sewage sludge shall not be considered as hazardous substances for the purpose of this act.

4. The Commissioner of the Department of Environmental Protection shall adopt, pursuant to law, rules and regulations necessary to implement the provisions of this act. The commissioner shall review and consider the findings and recommendations of the New Jersey Commission on Capital Budgeting and Planning in implementing the provisions of this act.

5. Bonds of the State of New Jersey are authorized to be issued in the aggregate principal amount of \$200,000,000.00 for the purpose of financing the cost of identification, cleanup and removal of hazardous discharges, but said bonds shall not be issued until the enactment of P. L. 1986, c. 144 (C. 54:10A-5.1 and 54:10A-5.2) or P. L. 1986, c. 143 (C. 58:10-23.11h1 et al.), or both.

6. The bonds authorized under this act shall be serial bonds, term bonds, or a combination thereof, and shall be known as "Hazardous Discharge Bonds of 1986." These bonds shall be issued from time to time as the issuing officials herein named shall determine, and may be issued in coupon form, fully-registered form or book-entry form. These bonds may be made subject to redemption prior to maturity and shall mature and be paid not later than 35 years from the dates of their issuance.

7. The Governor, the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury, or any two of these officials, herein referred to as "the issuing officials," are authorized to carry out the provisions of this act relating to the issuance of bonds, and shall determine all matters in connection therewith, subject to the provisions of this act. If an issuing official is absent from the State or incapable of acting for any reason, the powers and duties of that issuing official shall be exercised and performed by the person authorized by law to act in an official capacity in the place of that issuing official.

8. Bonds issued in accordance with the provisions of this act shall be direct obligations of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the interest thereon when due and for the payment of the principal thereof at maturity. The principal of and interest on the bonds shall be

exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. The bonds shall be signed in the name of the State by means of the manual or facsimile signature of the Governor under the Great Seal of the State, which seal may be by facsimile or by way of any other form of reproduction on the bonds, and attested by the manual or facsimile signature of the Secretary of State, or an Assistant Secretary of State, and shall be countersigned by the facsimile signature of the Director of the Division of Budget and Accounting in the Department of the Treasury and may be manually authenticated by an authenticating agent or bond registrar, as the issuing officials shall determine. Interest coupons, if any, attached to the bonds shall be signed by the facsimile signature of the director. The bonds may be issued notwithstanding that an issuing official signing them or whose manual or facsimile signature appears thereon has ceased to hold office at the time of issuance, or at the time of the delivery of the bonds to the purchaser thereof.

10. a. The bonds shall recite that they are issued for the purposes set forth in section 5 of this act, that they are issued pursuant to this act, that this act was submitted to the people of the State at the general election held in the month of November, 1986, and that this act was approved by a majority of the legally qualified voters of the State voting thereon at the election. This recital shall be conclusive evidence of the validity of the bonds and of the authority of the State to issue them. Any bonds containing this recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of laws applicable hereto, and shall be incontestable for any cause.

b. The bonds shall be issued in such denominations and in such 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. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; except that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. The bonds shall be issued and sold at such price or prices and under such terms, conditions and regulations as the issuing officials may prescribe, after notice of the sale, published at least once in at least three newspapers published in this State, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in this State or in the city of New York, the first notice to appear at least five days prior to the day of bidding. The notice of sale may contain a provision to the effect that any bid in pursuance thereof may be rejected. In the event of rejection or of failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of the advertised sale, may sell the bonds at a private sale at such price or prices and under such terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the federal government or any agency thereof, at a private sale, without advertisement.

13. Until permanent bonds are prepared, the issuing officials may issue temporary bonds in such form and with such privileges as to their registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer, to be held thereby in a separate fund, which shall be known as the "Hazardous Discharge Fund of 1986." 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.

15. a. The moneys in the "Hazardous Discharge Fund of 1986" are specifically dedicated and shall be applied to the cost of the purposes set forth in section 5 of this act, and all such moneys are appropriated for those purposes, and no such moneys shall be expended for those purposes, except as otherwise authorized in this act, without the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided, notwithstanding that the Legislature has not adopted an act making a specific appropriation of any of the moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is authorized to transfer from available money in any fund of the treasury of the State to the credit of the "Hazardous Discharge Fund of 1986," such sums as he may deem necessary. The sums so transferred shall be returned to the same

fund of the treasury by the State Treasurer from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purposes provided in this act, the moneys in the "Hazardous Discharge Fund of 1986" 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 the fund shall be paid into the "Hazardous Discharge Fund of 1986."

16. If any coupon bond, coupon or registered bond is lost, mutilated or destroyed, a new bond or coupon shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bond or coupon, upon the owner furnishing to the issuing officials such evidence satisfactory to them of the loss, mutilation or destruction of the bond or coupon, the ownership thereof and the security, indemnity and reimbursement for expenses connected therewith, as the issuing officials may require.

17. The accrued interest received upon the sale of the bonds shall be applied to the discharge of a like amount of interest upon the bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, authenticating, registering, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of the bonds by the State Treasurer, upon the warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature, including any sinking fund redemptions, not later than the 35th year from the date of issue of such series, and in such amounts as shall be determined by the issuing officials. The issuing officials may reserve to the State by appropriate provision in the bonds of any series the power to redeem any of the bonds prior to maturity at such price or prices and upon such terms and conditions as may be provided in the bonds.

19. The issuing officials may issue refunding bonds and in an amount not to exceed the amount necessary to effecuate the refinancing of all or any bonds issued pursuant to this act, at any time and from time to time, for the purpose of refinancing any bond or bonds issued pursuant to this act, subject to the following provisions:

a. Refunding bonds may be issued at such time prior to the maturity or redemption of the bonds to be refinanced thereby as the issuing officials shall determine; and

b. Each series of refunding bonds may be issued in a sufficient amount to pay or to provide for the payment of the principal of the bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on such bonds to be refinanced to the date of payment of such outstanding bonds, the expenses of issuing such refunding bonds and the expenses, if any, of paying such bonds to be refinanced; and

c. No refunding bonds shall be issued unless the issuing officials shall first determine that the present value of the aggregate principal of and interest on such refunding bonds is less than the present value of the aggregate principal of and interest on the bonds to be refinanced thereby; provided, for the purposes of this limitation, present value shall be computed using a discount rate equal to the yield of such refunding bonds, and yield shall be computed using an actuarial method based upon a 360-day year with semiannual compounding and upon the price or prices paid to the State by the initial purchasers of such refunding bonds; and

d. Any refinancing authorized hereunder may be effected by the sale of the refunding bonds and the application of the proceeds thereof to the immediate payment of the principal of the bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on such bonds to be refinanced to the date of payment of such bonds, the expenses of issuing the refunding bonds and the expenses, if any, of paying such bonds to be refinanced, or, to the extent not required for such immediate payment, shall be deposited, together with any other moneys legally available therefor, in trust with one or more trustees or escrow agents, which trustees or escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, to be applied solely to the payment when due of the principal of, redemption premium, if any, and interest due and to become due on the bonds to be refinanced on or prior to the redemption date or maturity date thereof, as the case may be. Any such proceeds or moneys so held by such trustees or escrow agents may be invested in government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States; provided such government securities shall not be subject to redemption prior to their maturity

other than at the option of the holder thereof. Except as otherwise provided in this subsection, neither government securities nor moneys so deposited with such trustees or escrow agents shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest on the bonds to be refinanced thereby; provided that any cash received from such principal or interest payments on such government securities deposited with such trustees or escrow agents, to the extent such cash will not be required at any time for such purpose, shall be paid over to such trustees or escrow agents, and to the extent such cash will be required for such purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds to be refinanced, on and prior to such redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments to the extent not required for the payment of bonds shall be paid over to the State, as received by such trustees or escrow agents. Notwithstanding anything to the contrary contained herein: (1) such trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with such trustees or escrow agents pursuant to the provisions of this section and redeem or sell government securities so deposited with such trustees or escrow agents and apply the proceeds thereof to the purchase of the bonds which were refinanced by the deposit with such trustees or escrow agents of such moneys and government securities and immediately thereafter cancel all such bonds so purchased or the purchase of different government securities; provided, however, that the moneys and government securities on deposit with such trustees or escrow agents after such purchase and cancellation of such outstanding bonds or such purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which such moneys and government securities were deposited with such trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and (2) in the event that on any date, as a result of any purchases and cancellations of such bonds or any purchases of different government securities as provided in this subsection, the total amount of moneys and government securities remaining on deposit with such trustees or escrow agents is in excess of the total

amount which would have been required to be deposited with such trustees or escrow agents on such date in respect of the remaining bonds for which such deposit was made in order to pay when the principal of, redemption premium, if any, and interest on such remaining bonds, such trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of such excess to the State. Any amounts held by the State Treasurer in a separate fund or funds for the payment of the principal of and interest on bonds to be refinanced, as provided herein, shall, if so directed by the issuing officials, be transferred by the State Treasurer for deposit with one or more trustees or escrow agents as provided herein to be applied to the payment when due of the principal of, redemption premium, if any, and interest to become due on such bonds to be refinanced, as provided in this section, or be applied by the State Treasurer to the payment when due of the principal of and interest on refunding bonds issued hereunder to refinance such bonds. The State Treasurer is authorized to enter into any contract or contracts with one or more trust companies or national or state banks, as provided herein, to act as trustees or escrow agents as provided herein, subject to the approval of the issuing officials;

e. Notwithstanding the provisions of section 12 hereof, any series of refunding bonds issued pursuant to this section shall mature at any time or times not later than five years following the latest scheduled final maturity date, determined without regard to any redemptions prior thereto, of any of the bonds to be refunded thereby, and in no event later than 35 years following the date of issuance of such series of refunding bonds, and such refunding bonds may be sold at public or private sale at such prices and under such terms, conditions and regulations as the issuing officials may prescribe. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations except as to sale provisions and to the extent therein otherwise expressly provided;

f. Upon the decision by the issuing officials to issue refunding bonds pursuant to this section, and prior to the sale of those bonds, the issuing officials shall transmit to the Joint Budget Oversight Committee, or its successor, a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the issuing officials relied when making the decision to issue refunding bonds. The report shall also disclose the intent of the issuing officials to issue and sell the refunding bonds at public or private sale and the reasons therefor;

g. The Joint Budget Oversight Committee, or its successor, shall have the authority to approve or disapprove the sale of refunding bonds as included in each report submitted in accordance with subsection f. of this section. The committee shall notify the issuing officials in writing of the approval or disapproval as expeditiously as possible;

h. No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee, or its successor, as set forth in subsection g. of this section;

i. Within 30 days after the sale of the refunding bonds, the issuing officials shall notify the Joint Budget Oversight Committee, or its successor, of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, the actual amount of debt service savings to be realized as a result of the sale of refunding bonds, and the intended use of the proceeds from the sale of those bonds;

j. The committee, or its successor, shall, however, review all information and reports submitted in accordance with this section and may, on its own initiative, make observations and recommendations to the issuing officials, or to the Legislature, or both, as it deems appropriate.

20. Any bond or bonds issued hereunder shall no longer be deemed to be outstanding, shall no longer constitute a direct obligation of the State of New Jersey and the faith and credit of the State shall no longer be pledged to the payment of the principal of and interest on the bonds, and the bonds shall be secured solely by and payable solely from monies and government securities deposited in trust with one or more trustees or escrow agents, which trustees and escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, as provided herein, whenever there shall be deposited in trust with the trustees or escrow agents as provided herein either moneys or government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States, the principal of and interest on which when due will provide money which, together with the monies, if any, deposited with the trustees or escrow agents at the same time, shall be sufficient to pay when due the principal of, redemption premium, if any, and interest due and to become due on the bonds on or prior to the redemption date or maturity date thereof, as the case may be;

provided the government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. The State of New Jersey hereby covenants with the holders of any bonds for which government securities or monies shall have been deposited in trust with the trustees or escrow agents as provided in this section that, except as otherwise provided in this section, neither the government securities nor monies so deposited with the trustees or escrow agents shall be withdrawn or used by the State for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest to become due on the bonds; provided that any cash received from the principal or interest payments on the government securities deposited with the trustees or escrow agents, to the extent the cash will not be required at any time for the purpose, shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien, pledge or assignment securing the bonds; and to the extent the cash will be required for the purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from the reinvestments shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien or pledge securing the bonds. Notwithstanding anything to the contrary contained herein: a. the trustees or escrow agents shall, if so directed by the issuing officials, apply monies on deposit with the trustees or escrow agents pursuant to the provisions of this section and redeem or sell government securities so deposited with the trustees or escrow agents and apply the proceeds thereof to (1) the purchase of the bonds which were refinanced by the deposit with the trustees or escrow agents of the monies and government securities and immediately thereafter cancel all bonds so purchased, or (2) the purchase of different government securities; provided, however, that the monies and government securities on deposit with the trustees or escrow agents after the purchase and cancellation of the bonds or the purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which the monies and government securities were deposited with the trustees or escrow agents

on or prior to the redemption date or maturity date thereof, as the case may be; and b. in the event that on any date, as a result of any purchases and cancellations of bonds or any purchases of different government securities as provided in this sentence, the total amount of monies and government securities remaining on deposit with the trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the trustees or escrow agents on the date in respect of the remaining bonds for which the deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on the remaining bonds, the trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of the excess to the State, free and clear of any trust, lien, pledge or assignment securing the refunding bonds.

21. Refunding bonds issued pursuant to section 19 of this act may be consolidated with bonds issued pursuant to section 6 of this act or with bonds issued pursuant to any other act for purposes of sale.

22. To provide funds to meet the interest and principal payment requirements for the bonds and refunding bonds issued under this act and outstanding there is appropriated in the order following:

a. Revenue derived from the collection of taxes under the "Sales and Use Tax Act," P. L. 1966, c. 30 (C. 54:32B-1 et seq.), or so much thereof as may be required; and

b. If, at any time, funds necessary to meet the interest and principal payments on outstanding bonds issued under this act are insufficient or not available, there shall be assessed, levied and collected annually in each of the municipalities of the counties of this State, a tax on the real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on the bonds proposed to be issued under this act in the calendar year in which the tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax shall be assessed, levied and collected in the same manner and at the same time as other taxes upon real and personal property. The governing body of each municipality shall pay to the treasurer of the county in which the municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer

shall pay the amount of the tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year, the issuing officials, by resolution, determine that there are moneys in the General Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest payable in the ensuing calendar year, the issuing officials shall file the resolution in the office of the State Treasurer, whereupon the State Treasurer shall transfer the moneys to a separate fund to be designated by him, and shall pay the principal and interest out of the fund as the same shall become due and payable, and the other sources of payment of the principal and interest provided for in this section shall not then be available, and the receipts for the year from the tax specified in subsection b. of this section shall be considered part of the General Fund, available for general purposes.

23. Should the State Treasurer, by December 31 of any year, deem it necessary, because of the insufficiency of funds collected from the sources of revenues as provided in this act, to meet the interest and principal payments for the year after the ensuing year, then the State Treasurer shall certify to the Director of the Division of Budget and Accounting in the Department of the Treasury the amount necessary to be raised by taxation for those purposes, which is to be assessed, levied and collected for and in the ensuing calendar year. The director shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected in each county as herein set forth. This calculation shall be based upon the corrected assessed valuation of each county for the year preceding the year in which the tax is to be assessed, but the tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The director shall certify the amount to the county board of taxation and the treasurer of each county. The county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the ratables as ascertained for the current year.

24. For the purpose of complying with the provisions of the State Constitution, this act shall be submitted to the people at the general election to be held in the month of November, 1986. To inform the people of the contents of this act, it shall be the duty of the Secretary of State, after this section takes effect, and at least 15 days prior to the election, to publish this act in at least 10 news-

papers published in this State and to notify the clerk of each county of this State of the passage of this act; and the clerks respectively, in accordance with the instructions of the Secretary of State, shall have each of the ballots printed as follows:

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>HAZARDOUS DISCHARGE BOND ACT OF 1986</p> <p>Should the "Hazardous Discharge Bond Act of 1986" which authorizes the State to issue bonds in the amount of \$200,000,000.00 for the purpose of financing the cost of identification, cleanup and removal of hazardous discharges, providing ways and means to pay the interest on the debt and also to pay and discharge the principal thereof, which bond issuance shall be conditional on the enactment of other revenue-raising measures for the funding of hazardous discharge cleanup, be approved?</p>
	No.	<p>INTERPRETIVE STATEMENT</p> <p>Approval of this act would authorize the sale of \$200,000,000.00 in bonds to be used to identify, cleanup and remove hazardous discharges which sale is conditioned on the enactment of other revenue-raising measures for the funding of hazardous discharge cleanup.</p>

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in the ballot. No other requirements of law as to notice or procedure, except as herein provided, need be adhered to.

The votes cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned

by the election officer, and a canvass of the election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there is a majority of all votes cast for and against it at the election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

25. There is appropriated the sum of \$5,000.00 to the Department of State for expenses in connection with the publication of notice pursuant to section 24 of this act.

26. The Commissioner of Environmental Protection shall submit to the State Treasurer and the New Jersey Commission on Capital Budgeting and Planning with the Department of Environmental Protection's annual budget request a plan for the expenditure of funds from the "Hazardous Discharge Fund of 1986" for the upcoming fiscal year. This plan shall include the following information: a performance evaluation of the expenditures made from the fund to date; a description of programs planned during the upcoming fiscal year; a copy of the regulations in force governing the operations of programs that are financed, in part or in whole, by funds from the "Hazardous Discharge Fund of 1986"; and an estimate of expenditures for the upcoming fiscal year.

27. Immediately following the submission to the Legislature of the Governor's annual budget message, the Commissioner of Environmental Protection shall submit to the General Assembly Environmental Quality Committee, the Senate Energy and Environment Committee, or their successors, and the Joint Budget Oversight Committee, or its successor, a copy of the plan called for under section 26 of this act, together with such changes therein as may have been required by the Governor's budget message.

28. No less than 30 days prior to entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act, the Commissioner of Environmental Protection shall report to and consult with the Joint Budget Oversight Committee, or its successor.

29. This section and sections 24 and 25 of this act shall take effect immediately and the remainder of this act shall take effect as provided in section 24.

Approved September 26, 1986.

CHAPTER 114

AN ACT concerning the Passaic Valley sewerage district and supplementing chapter 14 of Title 58 of the Revised Statutes.

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

C. 58:14-1.8 Bayonne added to sewerage district.

1. The boundary lines of the sewerage district known as the Passaic Valley sewerage district, created by P. L. 1902, c. 48, as supplemented and continued by R. S. 58:14-1, are altered, amended and extended to include the entire areas within the corporate limits of the city of Bayonne, as hereinafter described:

Beginning at a point in Newark bay at the county of Hudson boundary with the county of Essex, that point being the southwesterly corporate limits of the city of Jersey City; thence (1) proceeding southeasterly along the southerly line of the city of Jersey City to New York bay; thence (2) into New York bay at right angles thereto, to the boundary line between the State of New Jersey and the state of New York; thence (3) along the boundary line through New York bay and the Kill Van Kull into Newark bay as far as the boundary of Hudson county extends; thence (4) along the boundary in Newark bay to the point or place of beginning.

2. This act shall take effect immediately.

Approved September 29, 1986.

CHAPTER 115

AN ACT establishing the Governor's Advisory Commission on Gambling and making an appropriation.

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

1. The Legislature finds and declares that:

a. The existence in this State of casino gambling, parimutuel wagering on horse races, a State lottery, and bingo and raffles

provides a variety of gambling opportunities to the people of this State and has a direct impact upon the life and the society of this State, especially upon the estimated 375,000 compulsive gamblers in New Jersey.

b. Increasingly, the State has looked to revenue from gaming, both in its existing forms and in new forms, as a means to solve the fiscal problems of the State.

c. A study of the social impact of gambling upon the lives of the residents of this State, of the role of legalized gaming as a revenue-raising operation, and of the best way to conduct legalized gaming in this State is appropriate.

2. There is created the "Governor's Advisory Commission on Gambling" consisting of the following members:

a. Three public members appointed by the President of the Senate, no more than two of whom shall be of the same political party;

b. Three public members appointed by the Speaker of the General Assembly, no more than two of whom shall be of the same political party;

c. Three public members appointed by the Governor;

d. The Commissioner of Health or his designee;

e. The State Treasurer or his designee;

f. The Commissioner of Education or his designee;

g. The Counsel to the Governor or his designee;

h. The Chairman of the New Jersey Casino Control Commission or his designee;

i. The Chairman of the New Jersey Racing Commission or his designee;

j. The Director of the Council on Compulsive Gambling of New Jersey;

k. The Chairman of the State Lottery Commission or his designee;

l. The Chairman of the Atlantic City Casino Association or his designee; and

m. The Attorney General or his designee.

All members shall serve without compensation. Vacancies shall be filled in the same manner as the original appointments were made.

3. The commission shall organize as soon as possible after the appointment of its members and shall select a vice chairman from among its nine members appointed pursuant to subsections a., b., and c. of section 2 of this act and a secretary, who need not be a member of the commission. The Governor shall appoint the chairman of the commission from among the members of the commission, prior to the selection by the members of a vice chairman.

4. It shall be the duty of the commission to study the social impact of gambling upon New Jersey, to examine the role of legalized gaming as a revenue-raising operation, and to determine the best way to conduct legalized gaming in this State.

5. The commission is 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 and to employ professional, stenographic and clerical assistants and incur traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for its purposes.

6. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings and recommendations to the Governor and the Legislature not later than 12 months after enactment of this act, accompanying the same with any legislative bills which it may desire to recommend for adoption by the Legislature.

7. The commission has all the powers provided by the provisions of chapter 13 of Title 52 of the Revised Statutes.

8. There is appropriated \$50,000.00 from the General Fund to the commission for the purposes of this act.

9. This act shall take effect immediately and shall expire 12 months after enactment of this act.

Approved October 6, 1986.

CHAPTER 116

AN ACT concerning education and supplementing chapter 16 of Title 18A of the New Jersey Statutes and making an appropriation.

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

C. 18A:6-7.1 Criminal record check.

1. No facility, center, school, 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, other than on a voluntary basis, shall 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, bus driver, 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 shall be disqualified from employment or service under this act if the individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

a. In New Jersey, any crime or disorderly persons offense:

(1) bearing upon or involving sexual offense or child molestation as set forth in N. J. S. 2C:14-1 et seq.; or

(2) endangering the welfare of children or incompetents, as set forth in N. J. S. 2C:24-4 and N. J. S. 2C:24-7; or

b. In an other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section of this act.

c. Notwithstanding the provisions of this subsection, no individual shall 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 if the individual has affirmatively

demonstrated to the Commissioner of Education clear and convincing evidence of his or her rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

- (1) The nature and responsibility of the position which the convicted individual would hold;
- (2) The nature and seriousness of the offense;
- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;
- (5) The age of the individual when the offense was committed;
- (6) Whether the offense was an isolated or repeated incident;
- (7) Any social conditions which may have contributed to the offense;
- (8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

C. 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 State or municipal 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.

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 and a copy of the notice shall be forwarded to the State Board of Examiners. The applicant shall have 30 days from the date of the written notice of disqualification to petition the Commissioner of Education for a hearing on the accuracy of the criminal history record information or to establish his or her rehabilitation under subsection c. of section 1 of this act.

C. 18A:6-7.4 6-month limitation.

4. The Commissioner of Education may maintain the records on a candidate for no longer than six months from the date of a determination as to the candidate's qualification or disqualification for employment with an employer.

C. 18A:6-7.5 Fine for noncompliance.

5. Any employer who fails to comply with the provisions of this act shall be subject to a fine of not more than \$500.00.

6. There is appropriated \$75,000.00 from the General Fund to the Department of Education to effectuate the purposes of this act.

7. This act shall take effect immediately.

Approved October 8, 1986.

CHAPTER 117

AN ACT concerning the taxation of certain personal property used in business, amending R. S. 54:4-1 and P. L. 1966, c. 136 and supplementing chapter 4 of Title 54 of the Revised Statutes.

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

1. R. S. 54:4-1 is amended to read as follows:

Property subject to taxation.

54:4-1. All property real and personal within the jurisdiction of this State not expressly exempted from taxation or expressly excluded from the operation of this chapter shall be subject to taxation annually under this chapter. Such property shall be valued and assessed at the taxable value prescribed by law. Land in agricultural or horticultural use which is being taxed under

the Farmland Assessment Act of 1964, chapter 48, laws of 1964, shall be valued and assessed as provided by said act. An executory contract for the sale of land, under which the vendee is entitled to or does take possession thereof, shall be deemed, for the purpose of this act, a mortgage of said land for the unpaid balance of purchase price. Personal property taxable under this chapter shall include, however, only tangible goods and chattels, exclusive of inventories, used in business of telephone, telegraph and messenger systems, companies, corporations or associations subject to tax under chapter 4, laws of 1940, as amended, and shall not include any intangible personal property whatsoever whether or not such personalty is evidenced by a tangible or intangible chose in action, except as otherwise provided by section 54:4-20 hereof. Property omitted from any assessment may be assessed by the county board of taxation, or otherwise, within such time and in such manner as shall be provided by law. Real property taxable under this chapter means all land and improvements thereon and includes personal property affixed to the real property or an appurtenance thereto, unless:

a. (1) The personal property so affixed can be removed or severed without material injury to the real property;

(2) The personal property so affixed can be removed or severed without material injury to the personal property itself; and

(3) The personal property so affixed is not ordinarily intended to be affixed permanently to real property; or

b. The personal property so affixed is machinery, apparatus, or equipment which is neither functionally essential to a structure the personal property is within or to which the personal property is affixed nor constitutes a structure itself.

Real property, as defined herein, shall not be construed to affect any transaction or security interest provided for under the provisions of chapter 9 of Title 12A of the New Jersey Statutes (N. J. S. 12A:9-101 et seq.). The provisions of this section shall not be construed to repeal or in any way alter any exemption from, or any exception to, real property taxation or any definition of personal property otherwise provided by statutory law.

The Director of the Division of Taxation in the Department of the Treasury may adopt rules and regulations pursuant to the provisions of the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) as may be deemed necessary to implement and administer the provisions of this act.

2. Section 2 of P. L. 1966, c. 136 (C. 54:11A-2) is amended to read as follows:

C. 54:11A-2 Definitions.

2. For the purposes of this act, unless the context otherwise requires:

(a) "Director" shall mean the Director of the Division of Taxation in the Department of the Treasury.

(b) "Personal property used in business" shall mean tangible goods and chattels used or held for use in any business, transaction, activity or occupation conducted for profit, but shall not include:

(1) goods and chattels held as inventory, including raw materials, finished and partially finished products of manufacturers and processors, supplies and materials used or consumed in production, small tools, and goods and chattels held for sale, resale, leasing or to be furnished under contracts of service;

(2) goods and chattels which are taxable as real property pursuant to R. S. 54:4-1;

(3) motor vehicles registered in this State pursuant to Title 39 of the Revised Statutes;

(4) vessels for which tax exemption certificates are or have been issued pursuant to the New Jersey Boat Act of 1962 (P. L. 1962, c. 73), as amended and supplemented;

(5) goods and chattels used or held for use in business by any person, partnership, association or corporation subject to taxation under chapter 4 of the laws of 1940, as amended;

(6) goods and chattels used or held for use in the business of farming; and

(7) goods and chattels used or held for use in business by any life insurance company, domestic or foreign, which is subject to a tax on life insurance premiums collected under the provisions of chapter 132, laws of 1945, as amended.

(c) "Original cost" with respect to any item of personal property shall mean:

(1) In the case of acquisition by purchase, the actual cost to the purchaser of acquiring the property;

(2) In the case of acquisition by an exchange of property, the fair market value of the property given in exchange or,

if such property has no market value, the original cost of the property given in exchange;

(3) In the case of property acquired from a decedent's estate, the fair market value of the property at the time of the decedent's death;

(4) In the case of property acquired as a gift for no consideration, the original cost to the last owner of the property who acquired it for a consideration.

The original cost of any item of personal property also shall include the actual cost to the person acquiring such property of any capital expenditures with respect thereto by way of additions or improvements;

(d) "Taxpayer" shall mean any person subject to taxation under this act.

(e) "Person" shall mean and include an individual, trust, estate, partnership, association, company, joint stock company or corporation.

C. 54:4-1.12 Tank deemed real property.

3. (New section) For the purposes of chapter 4 of Title 54 of the Revised Statutes and notwithstanding the provisions of R. S. 54:4-1, a tank having a capacity of more than 30,000 gallons is deemed to be real property.

4. This act shall take effect immediately, be applicable to real property assessments and taxes for tax year 1986 and thereafter, and further shall be applicable to any proceeding pending in any court or county tax board on the date of enactment.

Approved October 8, 1986.

CHAPTER 118

AN ACT concerning geodetic markers and information, supplementing P. L. 1966, c. 301 (C. 27:1A-1 et seq.) and repealing P. L. 1938, c. 225 (C. 51:3-11 et seq.).

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

C. 27:1A-5.5 Transportation Department responsibility.

1. The Commissioner of Transportation shall: a. receive, preserve and make available to engineers, surveyors and others all records relating to bench marks, plane coordinate monuments and triangulation stations provided for by R. S. 51:3-7 to R. S. 51:3-10, inclusive; b. inspect periodically all these marks, monuments and stations, replacing any which may have been destroyed or establishing new ones in lieu thereof; and c. erect new marks, monuments and stations wherever he considers it to be in the public interest to do so.

The commissioner shall establish a schedule of fees to be charged for supplying copies of maps, diagrams and reports and for providing elevations of bench marks, positions of plane coordinate monuments or other geodetic data.

2. All files, books, papers and records of the Department of Environmental Protection relating to the functions, powers and duties assigned to that department by sections 1 and 2 of P. L. 1938, c. 225 (C. 51:3-11 and C. 51:3-12) shall, upon the effective date of this act, be transferred to the Department of Transportation.

Repealer.

3. P. L. 1938, c. 225 (C. 51:3-11 et seq.) is repealed.

4. This act shall take effect immediately.

Approved October 8, 1986.

CHAPTER 119

AN ACT concerning agricultural buildings and amending and supplementing P. L. 1975, c. 217.

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

1. Section 3 of P. L. 1975, c. 217 (C. 52:27D-121) is amended to read as follows:

C. 52:27D-121 Definitions.

3. Definitions. As used in this act, unless the context clearly indicates otherwise:

“Building” means a structure enclosed with exterior walls or fire walls, built, erected and framed of component structural parts, designed for the housing, shelter, enclosure and support of individuals, animals or property of any kind.

“Business day” means any day of the year, exclusive of Saturdays, Sundays, and legal holidays.

“Certificate of occupancy” means the certificate provided for in section 15 of this act, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the State Uniform Construction Code and any ordinance implementing said code.

“Commissioner” means the Commissioner of Community Affairs.

“Code” means the State Uniform Construction Code.

“Commercial farm building” means any building located on a commercial farm which produces not less than \$2,500.00 worth of agricultural or horticultural products annually, which building’s main use or intended use is related to the production of agricultural or horticultural products produced on that farm. A building shall not be regarded as a commercial farm building if more than 1,200 square feet of its floor space is used for purposes other than its main use.

“Construction” means the construction, erection, reconstruction, alteration, conversion, demolition, removal, repair or equipping of buildings or structures.

“Construction board of appeals” means the board provided for in section 9 of this act.

“Department” means the Department of Community Affairs.

“Enforcing agency” means the municipal construction official and subcode officials provided for in section 8 of this act and assistants thereto.

“Equipment” means plumbing, heating, electrical, ventilating, air conditioning, refrigerating and fire prevention equipment, and elevators, dumbwaiters, escalators, boilers, pressure vessels and other mechanical facilities or installations.

“Hearing examiner” means a person appointed by the commissioner to conduct hearings, summarize evidence, and make findings of fact.

“Maintenance” means the replacement or mending of existing work with equivalent materials or the provision of additional work or material for the purpose of the safety, healthfulness, and up-

keep of the structure and the adherence to such other standards of upkeep as are required in the interest of public safety, health and welfare.

“Manufactured home” or “mobile home” means a unit of housing which:

(1) Consists of one or more transportable sections which are substantially constructed off site and, if more than one section, are joined together on site;

(2) Is built on a permanent chassis;

(3) Is designed to be used, when connected to utilities, as a dwelling on a permanent or nonpermanent foundation; and

(4) Is manufactured in accordance with the standards promulgated for a manufactured home by the Secretary of the United States Department of Housing and Urban Development pursuant to the “National Manufactured Housing Construction and Safety Standards Act of 1974,” Pub. L. 93-383 (42 U. S. C. § 5401 et seq.) and the standards promulgated by the commissioner pursuant to P. L. 1975, c. 217 (C. 52:27D-119 et seq.).

“Municipality” means any city, borough, town, township or village.

“Owner” means the owner or owners in fee of the property or a lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, firm or corporation, directly or indirectly in control of a building, structure, or real property and shall include any subdivision thereof of the State.

“Premanufactured system” means an assembly of materials or products that is intended to comprise all or part of a building or structure and that is assembled off site by a repetitive process under circumstances intended to insure uniformity of quality and material content.

“Public school facility” means any building, or any part thereof, of a school, under college grade, owned and operated by a local, regional, or county school district.

“State sponsored code change proposal” means any proposed amendment or code change adopted by the commissioner in accordance with subsection c. of section 5 of this act for the purpose of presenting such proposed amendment or code change at any of the periodic code change hearings held by the National Model Code Adoption Agencies, the codes of which have been adopted as subcodes under this act.

“Stop construction order” means the order provided for in section 14 of this act.

“State Uniform Construction Code” means the code provided for in section 5 of this act, or any portion thereof, and any modification of or amendment thereto.

“Structure” means a combination of materials to form a construction for occupancy, use, or ornamentation, whether installed on, above, or below the surface of a parcel of land; provided the word “structure” shall be construed when used herein as though followed by the words “or part or parts thereof and all equipment therein” unless the context clearly requires a different meaning.

C. 52:27D-123.2 Agricultural construction criteria.

2. (New section) a. Notwithstanding any other provision of P. L. 1975, c. 217 (C. 52:27D-119 et seq.), the Commissioner of the Department of Community Affairs and the Secretary of Agriculture shall, within 270 days of the effective date of this amendatory and supplementary act, jointly promulgate, pursuant to the “Administrative Procedure Act,” P. L. 1968, c. 410 (C. 52:14B-1 et seq.), separate construction code criteria for commercial farm buildings. The Commissioner shall, upon adoption, incorporate these criteria into the State Uniform Construction Code.

b. The Secretary of Agriculture shall, in consultation with the Commissioner of Community Affairs and all other interested and affected parties, prepare the criteria to be proposed for adoption pursuant to the “Administrative Procedure Act,” P. L. 1968, c. 410 (C. 52:14B-1 et seq.). The Secretary may, in his discretion, make use of the services of Rutgers, The State University to prepare the proposed criteria.

c. The Commissioner and the Secretary shall, to the greatest extent possible, ensure that the criteria provide no impediment to the orderly development of the State’s agricultural and horticultural enterprises. They shall pay particular attention to establishing separate height, area, fire protection and construction type requirements which are more suitable to agricultural and horticultural uses than those which are presently incorporated in the State Uniform Construction Code.

d. The Commissioner and the Secretary shall ensure that, to the greatest extent possible, criteria are completely eliminated for structures and buildings which are not intended for human occupancy, such as storage bins, silos and the like.

C. 52:27D-123.3 High hazard uses.

3. Any use of a commercial farm building, other than its main use, which constitutes a high hazard because it involves the generation, processing or storage of corrosive, highly toxic, flammable or explosive materials shall be segregated from the main use by fire resistance-rated construction.

C. 52:27D-123.4 Public assembly permit.

4. A commercial farm building may be used temporarily as a place of public assembly if a permit for such use has been issued by the local fire official pursuant to the code adopted pursuant to the "Uniform Fire Safety Act," P. L. 1983, c. 383 (C. 52:27D-192 et seq.). The fee for the issuing of the permit and any inspection required in connection with the issuance shall not exceed \$75.00.

5. This act shall take effect immediately.

Approved October 8, 1986.

 CHAPTER 120

AN ACT concerning county, municipal and fire district support of first aid and emergency or volunteer ambulance or rescue squad associations, amending R. S. 40:5-2 and supplementing chapter 14 of Title 40A of the New Jersey Statutes.

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

1. R. S. 40:5-2 is amended to read as follows:

Contributions to first aid squads.

40:5-2. Any county or municipality may make a voluntary contribution of not more than \$25,000.00 annually to any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association of the county, or of any municipality therein, rendering service generally throughout the county, or any of the municipalities thereof. In addition, if any such associations experience extraordinary need, the county or municipality may contribute an additional amount of not more than \$25,000.00 annually; provided, however, that the need for such additional funds is established by the association and is directly related to the performance of said association's duties. The chief financial officer of the county or municipality shall receive an audit performed by a certified public accountant or a registered municipal accountant

in any year in which any contribution is made of each association's financial records for the previous fiscal year and shall file a copy thereof with the clerk of the county or municipality.

Any county or municipality may appropriate such additional sums as it may deem necessary for the purchase of first aid, ambulance, rescue or other emergency vehicles, equipment, supplies and material for use by these associations, the title to which shall remain with the county or municipality, provided that the funds are controlled and disbursed by the county or municipality.

In the case of a joint purchase made by the governing bodies of two or more local units pursuant to the provisions of the "Consolidated Municipal Service Act," P. L. 1952, c. 72 (C. 40:48B-1 et seq.), the title to the purchase shall be held by the joint meeting formed by the contracting governing bodies.

C. 40A:14-85.1 Appropriations by fire districts.

2. (New section) Any fire district may appropriate such sums as it may deem necessary for the purchase of first aid, ambulance, rescue or other emergency vehicles, equipment, supplies and materials for use by duly incorporated first aid, emergency or volunteer ambulance or rescue squad associations rendering service generally throughout the fire district.

3. This act shall take effect immediately.

Approved October 8, 1986.

CHAPTER 121

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

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

1. All proceedings heretofore had or taken by any school district or at any school district meeting or election for the authorization or issuance of bonds of the school district, and any bonds or other obligations of the school district issued or to be issued in pursuance of a proposal adopted by the legal voters at such meeting or election, are hereby ratified, validated and confirmed, notwithstanding that the supplemental debt statement required by N. J. S.

18A:24-16 was not prepared and filed in accordance with the provisions of N. J. S. 18A:24-17; provided, however, that the supplemental debt statement has heretofore been made, sworn to, and filed in the place or places required by N. J. S. 18A:24-16 and N. J. S. 18A:24-17; and provided further that no action, suit, or other proceeding of any nature to contest the validity of such proceedings has heretofore been instituted prior to the date upon which this act shall take effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved October 8, 1986.

CHAPTER 122

AN ACT concerning the noncontributory pension plans of certain State, county, municipal and school district employees, amending and supplementing P. L. 1955, c. 263 and supplementing P. L. 1973, c. 249 (C. 43:5A-1 et seq.).

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

1. Section 5 of P. L. 1955, c. 263 (C. 43:8B-5) is amended to read as follows:

C. 43:8B-5 Maximum pensions.

5. The amount of pension granted under this act shall be fixed by the employer according to uniform percentages of final average salary applicable generally to all employees of such employer subject to the provisions of this act, which percentages shall be adopted by resolution and shall not exceed:

(a) 30% of the employee's final average salary, if he has been employed by the employer for less than 20 years; or

(b) 50% of the employee's final average salary, if he has been employed by the employer for 20 years or more; provided, however, that in the case of an employee having 35 or more years of public employment and being age 65, or having 40 or more years of public employment, the percentage shall not be less than 25% of his final average salary.

No employee shall be eligible for pension benefits based upon disability hereunder unless he shall have at least five years of employment continuously, or in the aggregate, with the employer. No employee shall be eligible for pension benefits other than benefits based upon disability hereunder unless he shall have at least 15 years of employment continuously, or in the aggregate, with the employer.

C. 43:8B-4.1 Local employee eligibility.

2. (New section) Notwithstanding the provisions of section 7 of P. L. 1954, c. 84 (C. 43:15A-7), as amended by P. L. 1985, c. 121, or any other law to the contrary, any employee who has been employed by any county, municipality, or school district continuously for at least 30 years, has become at least 65 years of age on or before April 15, 1986, and is not a member of or eligible to receive a pension from any State or locally-administered retirement system on the effective date of this act, may be eligible to receive the pension benefits provided by P. L. 1955, c. 263 (C. 43:8B-1 et seq.).

C. 43:5A-2.1 State employee eligibility.

3. (New section) Notwithstanding the provisions of section 7 of P. L. 1954, c. 84 (C. 43:15A-7), as amended by P. L. 1985, c. 121, or any other law to the contrary, any employee who has been employed by the State continuously for at least 30 years, has become at least 65 years of age on or before April 15, 1986, and is not a member of or eligible to receive a pension from any State or locally-administered retirement system on the effective date of this act, may be eligible to receive the pension benefits provided by P. L. 1973, c. 249 (C. 43:5A-1 et seq.).

4. This act shall take effect immediately, except that sections 2 and 3 shall be retroactive to April 9, 1985.

Approved October 8, 1986.

CHAPTER 123

AN ACT concerning the State highway system and amending
P. L. 1977, c. 405.

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

1. Section 1 of P. L. 1977, c. 405 is amended to read as follows:

1. The Commissioner of Transportation shall, as soon as practicable, and in accordance with the procedures set forth in article 1 of chapter 7, Title 27, of the Revised Statutes, add to the present State highway system the following described route designated as Route 56: Extending from Carll's Corner, generally in an easterly direction to State Highway 47 in Vineland, New Jersey, and more particularly known as Landis avenue, partly in Cumberland and partly in Salem county, being designated in Cumberland county as roads No. 22 and No. 23 and in Salem county as road No. 6.

2. This act shall take effect immediately.

Approved October 9, 1986.

CHAPTER 124

**AN ACT concerning oaths, affirmations and affidavits and amending
R. S. 41:2-1.**

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

1. R. S. 41:2-1 is amended to read as follows:

Officers authorized to take oaths.

41:2-1. All oaths, affirmations and affidavits required to be made or taken by law of this State, or necessary or proper to be made, taken or used in any court of this State, or for any lawful purpose whatever, may be made and taken before any one of the following officers:

The Chief Justice of the Supreme Court or any of the justices or judges of courts of record of this State;

Masters of the Superior Court;

Municipal judges;

Mayors or aldermen of cities, towns or boroughs or commissioners of commission governed municipalities;

Surrogates, registers of deeds and mortgages, county clerks and their deputies;

Municipal clerks and clerks of boards of chosen freeholders;

Sheriffs of any county;
Members of boards of chosen freeholders;
Clerks of all courts;
Notaries public;
Commissioners of deeds;
Members of the State Legislature;
Attorneys-at-law and counsellors-at-law of this State.

This section shall not apply to official oaths required to be made or taken by any of the officers of this State, nor to oaths or affidavits required to be made and taken in open court.

2. This act shall take effect immediately.

Approved October 9, 1986.

CHAPTER 125

AN ACT concerning municipal housing courts and amending N. J. S. 2A:6-34, P. L. 1983, c. 207, P. L. 1966, c. 168 and P. L. 1971, c. 224.

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

1. N. J. S. 2A:6-34 is amended to read as follows:

Special civil part jurisdiction.

2A:6-34. (a) Every action of a civil nature at law, other than a proceeding in lieu of a prerogative writ, and every action to recover any penalty imposed or authorized by any law of this State, where the debt, balance, penalty, damage or other matter in dispute does not exceed the sum or value of \$5,000.00, exclusive of costs, shall be cognizable in the special civil part of the Superior Court.

(b) The special civil part of the Superior Court shall also have jurisdiction in actions of replevin, where the value of the goods or chattels of which replevin is sought does not exceed the value of \$5,000.00, exclusive of costs; in actions of attachment, for a sum not exceeding \$5,000.00, exclusive of costs; and in actions between landlords and tenants, except that an action for eviction involving property located in a municipality in a county of the first class that has established a full-time municipal housing court may be transferred to the municipal housing court of that city before it

comes to trial; if the special civil part of the Superior Court decides to transfer the matter, either upon its own initiative, or in response to a request from the municipal housing court to have the matter transferred. After the transfer has been made, the municipal housing court shall have exclusive jurisdiction over the action.

(c) The special civil part of the Superior Court shall have jurisdiction of actions by or against county governing bodies, quasi, domestic, foreign and municipal corporations, equally with natural persons, of actions by creditors of a decedent against the heirs or devisees of the decedent, where the amount in dispute, exclusive of costs, does not exceed the sum or value of \$5,000.00, and of such other actions or proceedings as are now or may hereafter be given by law.

(d) In any action transferred to the special civil part from the Superior Court, the special civil part shall have jurisdiction to enter judgment in such amount as the judge or jury shall determine the damages to be, notwithstanding that such damages exceed the sum of \$5,000.00; provided that such jurisdiction shall not be considered determining whether costs shall be denied in the Superior Court pursuant to N. J. S. 2A:15-62.

2. Section 4 of P. L. 1983, c. 207 (C. 2A:8-24.1) is amended to read as follows:

C. 2A:8-24.1 Municipal housing court jurisdiction.

4. Municipal housing courts in municipalities in counties of the first class that have established full-time municipal housing courts shall have exclusive jurisdiction over actions for eviction transferred to the municipal housing court by the special civil part of the Superior Court pursuant to the provisions of subsection b. of N. J. S. 2A:6-34; and shall have concurrent jurisdiction to appoint receivers pursuant to section 6 of P. L. 1966, c. 168 (C. 2A:42-79) and to enforce the provisions of P. L. 1971, c. 224 (C. 2A:42-85 et seq.).

3. Section 6 of P. L. 1966, c. 168 (C. 2A:42-79) is amended to read as follows:

C. 2A:42-79 Receivership for substandard multiple dwelling.

6. Any ordinance adopted under this act may provide that in the event the owner of a substandard multiple dwelling fails to comply with an order for repair, alteration or improvement after notice and reasonable opportunity to do so and where such failure to comply results in the continuation of a condition or conditions harmful to

the health and safety of the occupants of the multiple dwelling or to the general public, the public officer may, by and with the approval of the governing body of the municipality, bring an action in the Superior Court, or, in cases involving property located in municipalities in counties of the first class that have established full-time municipal housing courts, in the municipal housing court of the municipality in which that property is located, to be appointed receiver ex officio of the rents and income from such property and expend the same for the purpose of making such repairs, alterations or improvements as are necessary to correct said harmful condition or conditions. The said rents and income so collected by the said receiver shall also be available for the payment of such costs and expenses of the receivership, as may be adjudged by the court, and for the payment to the municipality of any fines or penalties which may have been imposed on the owner for violation of the ordinance and which have not been paid by the person liable therefor. The court may proceed in the action in a summary manner or otherwise. Such receiver shall not be required to give bond and shall be appointed only for the said purposes.

4. Section 3 of P. L. 1971, c. 224 (C. 2A:42-87) is amended to read as follows:

C. 2A:42-87 Deposit of rents into court.

3. A proceeding by a public officer, tenant, or tenants of a dwelling for a judgment directing the deposit of rents into court and their use for the purpose of remedying conditions in substantial violation of the standards of fitness for human habitation established under the State or local housing codes or regulations or a proceeding by a public officer, a tenant whose utility service has been diverted or a utility company for a judgment directing the deposit of rents into court and their use for correcting any wrongful diversion of utility service in a dwelling may be maintained in a court of competent jurisdiction. The place of trial of the proceeding shall be within the county in which the real property or a portion thereof from which the rents issue is situated. In cases involving real property located in municipalities in counties of the first class that have established full-time municipal housing courts, the proceedings may be brought in the municipal housing court of the municipality in which the property is located.

5. This act shall take effect immediately.

Approved October 9, 1986.

CHAPTER 126

AN ACT concerning fees charged by Intoxicated Driver Resource Centers and the Intoxicated Driving Programs Unit in the Division of Alcoholism and amending R. S. 39:4-50.

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

1. R. S. 39:4-50 is amended to read as follows:

Driving while intoxicated.

39:4-50. (a) A person who operates a motor vehicle while under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug, or operates a motor vehicle with a blood alcohol concentration of 0.10% or more by weight of alcohol in the defendant's blood or permits another person who is under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug to operate a motor vehicle owned by him or in his custody or control or permits another to operate a motor vehicle with a blood alcohol concentration of 0.10% or more by weight of alcohol in the defendant's blood, shall be subject:

(1) For the first offense, to a fine of not less than \$250.00 nor more than \$400.00 and a period of detainment of not less than 12 hours nor more than 48 hours spent during two consecutive days of not less than six hours each day and served as prescribed by the program requirements of the Intoxicated Driver Resource Centers established under subsection (f) of this section and, in the discretion of the court, a term of imprisonment of not more than 30 days and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of not less than six months nor more than one year.

(2) For a second violation, a person shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00, and shall be ordered by the court to perform community service for a period of 30 days, which shall be of such form and on such terms as the court shall deem appropriate under the circumstances, and shall be sentenced to imprisonment for a term of not less than 48 consecutive hours, which shall not be suspended or served on probation, nor more than 90 days, and shall forfeit his right to operate a motor vehicle over the highways of this State for a period of two years upon

conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the director, consistent with subsection (b) of this section.

(3) For a third or subsequent violation, a person shall be subject to a fine of \$1,000.00, and shall be sentenced to imprisonment for a term of not less than 180 days, except that the court may lower such term for each day, not exceeding 90 days, served performing community service in such form and on such terms as the court shall deem appropriate under the circumstances and shall thereafter forfeit his right to operate a motor vehicle over the highways of this State for 10 years.

If the driving privilege of any person is under revocation or suspension for a violation of any provision of this Title at the time of any conviction for a violation of this section, the revocation or suspension period imposed shall commence as of the date of termination of the existing revocation or suspension period. A court that imposes a term of imprisonment under this section may sentence the person so convicted to the county jail, to the workhouse of the county wherein the offense was committed, to an inpatient rehabilitation program or to an Intoxicated Driver Resource Center or other facility approved by the Director of the Division of Alcoholism in the Department of Health; provided that for a third or subsequent offense a person shall not serve a term of imprisonment at an Intoxicated Driver Resource Center as provided in subsection (f).

A person who has been convicted of a previous violation of this section need not be charged as a second or subsequent offender in the complaint made against him in order to render him liable to the punishment imposed by this section on a second or subsequent offender, but if the second offense occurs more than 10 years after the first offense, the court shall treat the second conviction as a first offense for sentencing purposes and if a third offense occurs more than 10 years after the second offense, the court shall treat the third conviction as a second offense for sentencing purposes.

(b) A person convicted under this section must satisfy the screening, evaluation, referral, program and fee requirements of the Division of Alcoholism's Intoxicated Driving Programs Unit, and of the Intoxicated Driver Resource Centers and a program of alcohol education and highway safety, as prescribed by the Director

of the Division of Motor Vehicles. The sentencing court shall inform the person convicted that failure to satisfy such requirements shall result in a mandatory two day term of imprisonment in a county jail and a driver license revocation or suspension and continuation of revocation or suspension until such requirements are satisfied, unless stayed by court order in accordance with Rule 7:8-2 of the N. J. Court Rules, 1969, or R. S. 39:5-22. Upon sentencing, the court shall forward to the Bureau of Alcohol Countermeasures within the Intoxicated Driving Programs Unit a copy of a person's conviction record. A fee of \$80.00 shall be payable to the Alcohol Education, Rehabilitation and Enforcement Fund established pursuant to section 3, P. L. 1983, c. 531 (C. 26:2B-32) to support the Intoxicated Driving Programs Unit.

(c) Upon conviction of a violation of this section, the court shall collect forthwith the New Jersey driver's license or licenses of the person so convicted and forward such license or licenses to the Director of the Division of Motor Vehicles. The court shall inform the person convicted that if he is convicted of personally operating a motor vehicle during the period of license suspension imposed pursuant to subsection (a) of this section, he shall, upon conviction, be subject to the penalties established in R. S. 39:3-40. The person convicted shall be informed orally and in writing. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R. S. 39:3-40. In the event that a person convicted under this section is the holder of any out-of-state driver's license, the court shall not collect the license but shall notify forthwith the director, who shall, in turn, notify appropriate officials in the licensing jurisdiction. The court shall, however, revoke the nonresident's driving privilege to operate a motor vehicle in this State, in accordance with this section. Upon conviction of a violation of this section, the court shall notify the person convicted, orally and in writing, of the penalties for a second, third or subsequent violation of this section. A person shall be required to acknowledge receipt of that written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of this section.

(d) The Director of the Division of Motor Vehicles shall promulgate rules and regulations pursuant to the "Administrative

Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) in order to establish a program of alcohol education and highway safety, as prescribed by this act.

(e) Any person accused of a violation of this section who is liable to punishment imposed by this section as a second or subsequent offender shall be entitled to the same rights of discovery as allowed defendants pursuant to the Rules Governing Criminal Practice, as set forth in the Rules Governing the Courts of the State of New Jersey.

(f) The counties, in cooperation with the Division of Alcoholism and the Division of Motor Vehicles, but subject to the approval of the Division of Alcoholism, shall designate and establish on a county or regional basis Intoxicated Driver Resource Centers. These centers shall have the capability of serving as community treatment referral centers and as court monitors of a person's compliance with the ordered treatment, service alternative or community service. All centers established pursuant to this subsection shall be administered by a certified alcoholism counsellor or other professional with a minimum of five years' experience in treatment of alcoholism. All centers shall be required to develop individualized treatment plans for all persons attending the centers; provided that the duration of any ordered treatment or referral shall not exceed one year. It shall be the center's responsibility to establish networks with the community alcohol education, treatment and rehabilitation resources and to receive monthly reports from the referral agencies regarding a person's participation and compliance with the program. Nothing in this subsection shall bar these centers from developing their own education and treatment programs; provided that they are approved by the Division of Alcoholism.

Upon a person's failure to report to the initial screening or any subsequent ordered referral, the Intoxicated Driver Resource Center shall promptly notify the sentencing court of the person's failure to comply.

Required detention periods at the Intoxicated Driver Resource Centers shall be determined according to the individual treatment classification assigned by the Bureau of Alcohol Countermeasures. Upon attendance at an Intoxicated Driver Resource Center, a person shall be assessed a per diem fee of \$50.00 for the first offender program or a per diem fee of \$75.00 for the second offender program, as appropriate.

The centers shall conduct a program of alcohol education and highway safety, as prescribed by the Director of the Division of Motor Vehicles.

The Director of the Division of Alcoholism shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), in order to effectuate the purposes of this subsection.

2. This act shall take effect immediately.

Approved October 9, 1986.

CHAPTER 127

AN ACT concerning the transfer of funds to the New Jersey Economic Development Authority, supplementing P. L. 1974, c. 80 (C. 34:1B-1 et seq.), and repealing P. L. 1962, c. 204, P. L. 1969, c. 202, P. L. 1970, c. 253, and P. L. 1973, c. 75.

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

C. 34:1B-7.7 Repayment by Economic Development Authority.

1. The New Jersey Economic Development Authority, as successor to the New Jersey State Area Redevelopment Authority through the Executive Reorganization Plan filed February 27, 1978, shall repay without interest to the State Treasurer all moneys realized from borrowers upon loans they obtained through the New Jersey State Area Redevelopment Authority, which loans were made from the sums transferred to the authority under section 10 of P. L. 1962, c. 204, section 1 of P. L. 1970, c. 253, and section 1 of P. L. 1973, c. 75 (C. 2A:37-41.2), from the special trust fund established by N. J. S. 2A:37-41, up to the amounts originally transferred. The repayment from moneys realized from borrowers shall be considered as cash received from payments of principal and interest from the borrowers and received from the liquidation of collateral securing such loans. Such repayments shall be net of all direct expenses incurred in servicing the loan or in protecting and collecting the collateral, or both.

C. 34:1B-7.8 Funds transferred.

2. All sums appropriated or transferred to the New Jersey Area Redevelopment Authority, except those referred to in section 1 of

this act, or to the New Jersey Urban Loan Authority, from any source, are transferred to the New Jersey Economic Development Authority economic development fund to carry out the purposes of P. L. 1974, c. 80 (C. 34:1B-1 et seq.).

C. 34:1B-7.9 Prepayment at discount.

3. The New Jersey Economic Development Authority, as successor to the New Jersey State Area Redevelopment Authority, may, after negotiation and agreement with the State Treasurer, prepay all outstanding appropriations due in future years to the State Treasurer, discounted at an interest rate agreeable to the State Treasurer and the New Jersey Economic Development Authority.

Repealer.

4. The following acts declared inconsistent with and superseded by the Executive Reorganization Plan filed February 27, 1978, are repealed: P. L. 1969, c. 202 (C. 52:27D-71 through 52:27D-98); P. L. 1962, c. 204 (C. 13:1B-15.13 through 13:1B-15.22); P. L. 1970, c. 253; P. L. 1973, c. 75 (C. 2A:37-41.2).

5. This act shall take effect immediately.

Approved October 9, 1986.

CHAPTER 128

AN ACT establishing a commission to plan, promote, and coordinate the celebration of the 350th anniversary of the settlement in this State of Swedes and other Scandinavian people and making an appropriation.

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

1. This act shall be known and may be cited as the "New Sweden Commemorative Act."

2. There is established the New Sweden Commemorative Commission in the Department of State, which shall consist of 28 members to be appointed as follows:

a. Two members of the Senate to be appointed by the President of the Senate, no more than one of whom shall be of the same political party;

b. Two members of the General Assembly to be appointed by the Speaker of the General Assembly, no more than one of whom shall be of the same political party;

c. The Secretary of State, the Commissioner of Commerce and Economic Development, the Commissioner of Community Affairs, the Commissioner of Education, the Commissioner of Environmental Protection, the Chancellor of Higher Education, the Executive Director of the New Jersey Historical Commission, the Executive Director of the New Jersey Historical Society, the Executive Director of the New Jersey State Council on the Arts, the Director of the New Jersey State Museum, the New Jersey State Archeologist, the Coordinator of the Office of Ethnic Affairs in the Department of State, or their designated representatives;

d. 12 public members who are residents of this State to be appointed by the Governor, who shall serve at the pleasure of the Governor. The public members shall include one representative of the New Sweden Company, Inc.; one representative of the Scandinavian-American Heritage Society of New Jersey; one representative from the Vasa Order of America; one or more persons chosen from nominees of the County Cultural and Heritage Commissions of Cape May, Cumberland, Gloucester and Salem counties and the Atlantic County Office of Cultural Affairs; one or more persons chosen from among nominees of municipal and county government, including authorities and regional planning organizations; and one representative from the New Jersey Conservation Foundation.

Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

3. The commission shall organize as soon as may be practicable after the appointment of its members and shall elect a chairman and a vice chairman from among its members and a secretary, who need not be a member of the commission.

4. Members of the commission shall serve without compensation, but, within the limits of available funds, are entitled to reimbursement for expenses incurred in the performance of their duties as members of the commission.

5. It shall be the duty of the commission to plan, promote and coordinate the celebration from 1986 to 1989 of the 350th anniversary of the settlement in this State of Swedes and other Scandinavian people, including to:

a. Plan, promote and coordinate the commemorative programs and activities sponsored and supported by agencies of the State government;

b. Assist and coordinate the commemorative programs and activities developed by counties, municipalities, civic, historical, and other organizations in the State;

c. Plan and arrange fitting observances, programs, and exhibitions to be held during the 350th anniversary celebration;

d. Consult and cooperate with State, local, national, and international organizations in the development of appropriate programs and activities; and

e. Prepare any legislative bills it may desire to recommend for enactment.

6. The commission shall establish a regular schedule of meetings, schedule hearings to solicit and review recommendations for its programs and activities, and report periodically to the Governor and the Legislature on its progress and recommendations. An initial report shall be made within six months of the first meeting of the commission and on each January 1 thereafter, until a final report shall be made on December 31, 1989.

7. The commission is authorized to engage an executive director, to employ professional and clerical assistance, to rent or lease office space, and to incur office, traveling, and other miscellaneous expenses as it deems necessary to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for its purposes.

8. The commission shall be entitled to call to its assistance and avail itself of such 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.

9. The commission may accept and disburse donations or grants of money, property, or personal services from any source.

10. There is appropriated to the commission \$90,000.00 from the General Fund to effectuate the purposes of this act.

11. This act shall take effect immediately and shall expire on December 31, 1989.

Approved October 20, 1986.

CHAPTER 129

AN ACT concerning fraudulent practices and amending N. J. S. 2C:21-10 and N. J. S. 2C:21-11.

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

1. N. J. S. 2C:21-10 is amended to read as follows:

Commercial bribery and breach of duty to act disinterestedly.

2C:21-10. Commercial Bribery and Breach of Duty to Act Disinterestedly. a. A person commits a crime if he solicits, accepts or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he is subject as:

- (1) An agent, partner or employee of another;
- (2) A trustee, guardian, or other fiduciary;
- (3) A lawyer, physician, accountant, appraiser, or other professional adviser or informant;
- (4) An officer, director, manager or other participant in the direction of the affairs of an incorporated or unincorporated association;
- (5) A labor official, including any duly appointed representative of a labor organization or any duly appointed trustee or representative of an employee welfare trust fund; or
- (6) An arbitrator or other purportedly disinterested adjudicator or referee.

b. A person who holds himself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of commodities, real properties or services commits a crime if he solicits, accepts or agrees to accept any benefit to influence his selection, appraisal or criticism.

c. A person commits a crime if he confers, or offers or agrees to confer, any benefit the acceptance of which would be criminal under this section.

d. If the benefit offered, conferred, agreed to be conferred, solicited, accepted or agreed to be accepted in violation of this section is \$75,000.00 or more, the offender is guilty of a crime of the second degree. If the benefit exceeds \$1,000.00, but is less than \$75,000.00, the offender is guilty of a crime of the third degree. If

the benefit is \$1,000.00 or less, the offender is guilty of a crime of the fourth degree.

2. N. J. S. 2C:21-11 is amended to read as follows:

Rigging publicly exhibited contest.

2C:21-11. Rigging Publicly Exhibited Contest. a. A person commits a crime if, with purpose to prevent a publicly exhibited contest from being conducted in accordance with the rules and usages which govern it, he:

(1) Confers or offers or agrees to confer any benefit upon, or threatens any injury to a participant, official or other person associated with the contest or exhibition; or

(2) Tampers with any person, animal or thing.

b. Soliciting or accepting benefit for rigging. A person commits a crime if he knowingly solicits, accepts or agrees to accept any benefit the giving of which would be criminal under subsection a.

c. If the benefit offered, conferred, agreed to be conferred, solicited, accepted or agreed to be accepted in violation of subsections a. and b. of this section is \$75,000.00 or more, the offender is guilty of a crime of the second degree. If the benefit exceeds \$1,000.00, but is less than \$75,000.00, the offender is guilty of a crime of the third degree. If the benefit is \$1,000.00 or less, the offender is guilty of a crime of the fourth degree.

d. Failure to report solicitation for rigging. A person commits a disorderly persons offense if he fails to report, with reasonable promptness, a solicitation to accept any benefit or to do any tampering, the giving or doing of which would be criminal under subsection a.

e. Participation in rigged contest. A person commits a crime of the fourth degree if he knowingly engages in, sponsors, produces, judges, or otherwise participates in a publicly exhibited contest knowing that the contest is being conducted in violation of subsection a. of this section.

3. This act shall take effect immediately.

Approved October 20, 1986.

CHAPTER 130

AN ACT concerning the part-time employment of assistant county prosecutors and amending P. L. 1970, c. 6.

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

1. Section 3 of P. L. 1970, c. 6 (C. 2A:158-15.1) is amended to read as follows:

C. 2A:158-15.1 Part-time teaching by assistant prosecutors.

3. In any county in which the county prosecutor is required or elects to devote his entire time to the duties of his office, assistant prosecutors shall devote their entire time to the duties of such office and shall not engage in the practice of law or other gainful employment; but such assistant prosecutors may be employed with compensation by any institution of higher education in this State for teaching performed on an adjunct or part-time basis as part of a program of law enforcement education, when such teaching has been deemed by the county prosecutor of said county as not inconsistent with the duties of the office of assistant prosecutor.

2. This act shall take effect immediately.

Approved October 20, 1986.

CHAPTER 131

AN ACT to amend "The Professional Service Corporation Act," approved December 16, 1969 (P. L. 1969, c. 232).

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

1. Section 3 of P. L. 1969, c. 232 (C. 14A:17-3) is amended to read as follows:

C. 14A:17-3 Terms defined.

3. Terms defined. As used in this act, the following words shall have the meanings indicated:

(1) The term "professional service" shall mean any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and which prior to the passage of this act and by reason of law could not be performed by a corporation. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this act are the personal services rendered by certified public accountants, architects, optometrists, professional engineers, land surveyors, land planners, chiropractors, dentists, osteopaths, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatrists, chiropodists, veterinarians and, subject to the Rules of the Supreme Court, attorneys-at-law;

(2) The term "professional corporation" means a corporation which is organized under this act for the sole and specific purpose of rendering the same or closely allied professional service as its shareholders, each of whom must be licensed or otherwise legally authorized within this State to render such professional service;

(3) "Closely allied professional service" means and is limited to the practice of (a) architecture, professional engineering, land surveying and land planning and (b) any branch of medicine and surgery, optometry, and dentistry.

2. This act shall take effect immediately.

Approved October 20, 1986.

CHAPTER 132

AN ACT concerning remedies for violations of standards for nursing homes and amending P. L. 1977, c. 238.

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

1. Section 6 of P. L. 1977, c. 238 (C. 26:2H-41) is amended to read as follows:

C. 26:2H-41 Nursing home violations.

6. The court shall proceed in a summary manner and shall render a judgment either:

- a. Dismissing the complaint for failure to affirmatively establish the allegations thereof or because of the affirmative establishment by the owner or licensee of a defense specified in this act; or
- b. Ordering the appointment of a receiver approved by the department in accordance with the provisions of this act; or
- c. Granting such other and further relief as the court deems just and proper.

Upon the request of the department, if a receiver has been appointed the relief may include a requirement that the owner transfer his ownership interest to an entity approved by the department.

2. Section 7 of P. L. 1977, c. 238 (C. 26:2H-42) is amended to read as follows:

C. 26:2H-42 Receivership authorized.

7. a. The court is authorized and empowered to appoint as a receiver any responsible person or persons approved by the department, except that no owner, licensee or administrator of the home shall be appointed as receiver.

b. The receiver, in his discretion, may either (1) assume the role of administrator or manager and take control of all day-to-day operations, or (2) direct the administrator or manager on actions and procedure to be taken to eliminate or rectify the conditions specified in the complaint.

c. With the approval of the court the receiver shall have any or all of the following powers:

(1) To hire any consultants or to undertake any studies of the home he deems appropriate.

(2) To make any repairs, improvements or expenditures to eliminate the conditions specified in the complaint and to direct the method or procedures by which this shall be accomplished.

(3) To hire or discharge any employees including the administrator or manager.

(4) To receive or expend in a reasonable and prudent manner the revenues of the home due on the date of the entry of such judgment and to become due under such judgment.

(5) To continue the business of the home and the care of the residents of the home in all its aspects.

(6) To do all acts necessary or appropriate to conserve the property and promote the health, safety or resident care of the residents in the home.

(7) To exercise such other powers as he deems necessary or appropriate to implement the court order.

d. No provision in this section shall limit the right of any owner upon the approval of the department to sell or mortgage any home subject to receivership under this act.

3. This act shall take effect immediately.

Approved October 20, 1986.

CHAPTER 133

AN ACT concerning private passenger automobile seat belt usage and insurance premiums.

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

C. 17:29A-36.1 Seat belt usage study.

1. The Commissioner of Insurance shall, within 365 days from the effective date of this act, study and determine the impact of P. L. 1984, c. 179 (C. 39:3-76.2e et seq.), on the loss experience for personal injury protection and bodily injury liability coverages for private passenger automobile insurance. If the commissioner determines that the personal injury protection premiums and bodily injury liability premiums for private passenger automobile insurance should be reduced as a result of the impact of the adoption of P. L. 1984, c. 179 (C. 39:3-76.2e et seq.) upon the loss experience for these coverages, the commissioner shall issue an order requiring that the rating plans of all insurers writing private passenger automobile insurance in this State be modified accordingly.

2. This act shall take effect immediately.

Approved October 20, 1986.

CHAPTER 134

AN ACT concerning pertussis vaccine, supplementing Title 26 of the Revised Statutes, and making an appropriation.

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

C. 26:2N-1 Definitions.

1. For the purposes of this act:

- a. "Commissioner" means the Commissioner of Health.
- b. "Department" means the State Department of Health.
- c. "Health care provider" means any licensed health care professional or public or private health care facility in this State that administers pertussis vaccine.
- d. "Major adverse reaction" means collapse or shock, high pitched screaming, persistent crying for three or more hours, excessive somnolence (sleepiness), temperature of 105°, convulsions with or without accompanying fever or severe alterations of consciousness or any serious illness, disability or impairment of mental, emotional, behavioral or physical functioning or development, the first manifestation of which appears within 30 days of the date of administration of pertussis vaccine, and for which there is reasonable scientific or medical evidence that pertussis vaccine causes or significantly contributes to the illness, disability or impairment; or any other reaction which the department determines, by regulation, is a basis for not administering pertussis vaccine.
- e. "Pertussis vaccine" means any vaccine containing a substance intended to prevent the occurrence of pertussis, which is administered separately or in conjunction with other substances intended to prevent the occurrence of other diseases.

C. 26:2N-2 Pertussis immunization pamphlet.

2. The commissioner shall prepare and make available to all health care providers in the State and parents and guardians, upon request, a pamphlet which explains the benefits and possible adverse reactions to immunizations for pertussis. This pamphlet may contain any information which the commissioner deems necessary and may be revised by the department whenever new information concerning these immunizations becomes available. The pamphlet shall include the following information:

a. A list of the immunizations required for admission to a public or private school in the State;

b. Specific information regarding the pertussis vaccine which includes:

(1) The circumstances under which pertussis vaccine should not be administered or should be delayed, including the categories of persons who are significantly more vulnerable to major adverse reactions than are members of the general population;

(2) Possible adverse reactions to pertussis vaccine and the early warning signs or symptoms that may be precursors to a major adverse reaction which, upon occurrence, should be brought to the immediate attention of the health care provider who administered the vaccine;

(3) A form that the parent or guardian may use to monitor symptoms of a possible adverse reaction and which includes places where the parent or guardian can record information about the symptoms that will assist the health care provider; and

(4) Measures that a parent or guardian should take to reduce the risk of, or to respond to, a major adverse reaction including identification of who should be notified of the reaction and when the notification should be made.

The commissioner shall prepare the pamphlet in consultation with the Medical Society of New Jersey and the University of Medicine and Dentistry of New Jersey and shall adopt by regulation the information contained in the pamphlet, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

C. 26:2N-3 Distribution to parents.

3. Prior to administering a pertussis vaccine to a child in this State, a health care provider shall give the child's parent or guardian a copy of the pamphlet prepared pursuant to section 2 of this act and provide the parent or guardian with a reasonable opportunity to read the contents of the pamphlet.

C. 26:2N-4 Contraindication exemption.

4. A child shall not be required to receive a pertussis vaccine as a condition for admission to a public or private school if the child's health care provider states in writing that the vaccine is medically contraindicated pursuant to subsection b. (1) of section 2 of this act and the reasons for the medical contradictions.

C. 26:2N-5 Health record.

5. a. Upon administering a pertussis vaccine to a child in this State, a health care provider shall record and retain as part of the child's permanent health record the date the vaccine was administered, the manufacturer, a lot number and any other available identifying information of the vaccine that was administered, and the name and title of the health care provider who administered the vaccine.

b. The health care provider shall make the information concerning the vaccine available to the child's parent or guardian, upon request.

C. 26:2N-6 Reporting of major adverse reactions.

6. a. If, within seven days of administering a pertussis vaccine the health care provider has reason to believe that the recipient of the vaccine has had a major adverse reaction, the health care provider shall record all relevant information in the child's permanent medical record and report the information, including the manufacturer and the lot number, to the department.

b. Upon receipt of the information, the department shall immediately notify the manufacturer of the vaccine and the Center for Disease Control of the adverse reaction.

C. 26:2N-7 Report to Center for Disease Control.

7. The commissioner shall periodically report information received regarding major adverse reactions to the United States Center for Disease Control.

8. There is appropriated \$75,000.00 from the General Fund to the Department of Health to carry out the purposes of this act.

9. This act shall take effect on the 180th day following enactment.

Approved October 21, 1986.

CHAPTER 135

AN ACT concerning property forfeited as a result of certain criminal investigations and amending N. J. S. 2C:64-6 and N. J. S. 2C:64-7.

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

1. N. J. S. 2C:64-6 is amended to read as follows:

Disposal of forfeited property.

2C:64-6. Disposal of Forfeited Property. Property which has been forfeited shall be destroyed if it can serve no lawful purpose or it presents a danger to the public health, safety or welfare. All other forfeited property or any proceeds resulting from the forfeiture and all money seized pursuant to this chapter shall become the property of the entity funding the prosecuting agency involved and shall be disposed of, distributed, appropriated and used in accordance with the provisions of this chapter.

The prosecutor or the Attorney General, whichever is prosecuting the case, shall divide the forfeited property, any proceeds resulting from the forfeiture or any money seized pursuant to this chapter with any other entity where the other entity's law enforcement agency participated in the surveillance, investigation, arrest or prosecution resulting in the forfeiture, in proportion to the other entity's contribution to the surveillance, investigation, arrest or prosecution resulting in the forfeiture, as determined in the discretion of the prosecutor or the Attorney General, whichever is prosecuting the case. Notwithstanding any other provision of law, such forfeited property and proceeds shall be used solely for law enforcement purposes, and shall be designated for the exclusive use of the law enforcement agency which contributed to the surveillance, investigation, arrest or prosecution resulting in the forfeiture.

The Attorney General is authorized to promulgate rules and regulations to implement and enforce the provisions of this act.

2. N. J. S. 2C:64-7 is amended to read as follows:

Vesting of title in forfeited property.

2C:64-7. Vesting of Title in Forfeited Property. Title to property forfeited under this chapter shall vest in the entity funding the prosecuting agency involved at the time the item was utilized illegally, or, in the case of proceeds, when received.

If another entity's law enforcement agency has participated in the surveillance, investigation, arrest or prosecution resulting in the forfeiture, then the prosecutor or the Attorney General, whichever is prosecuting the case, shall vest title to forfeited property, including motor vehicles, by dividing the forfeited property with the other entity in proportion to the other entity's contribution to the surveillance, investigation, arrest or prosecution resulting in the forfeiture, as determined in the discretion of the prosecutor

or the Attorney General. If the property, including motor vehicles, cannot be divided as required by this section, then the prosecutor or the Attorney General, whichever is prosecuting the case, shall sell the property, including motor vehicles, and the proceeds of the sale shall be divided with the other entity in proportion to the other entity's contribution to the surveillance, investigation, arrest or prosecution resulting in the forfeiture, as determined in the discretion of the prosecutor or the Attorney General.

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

Approved October 21, 1986.

CHAPTER 136

AN ACT concerning youth representation on the boards of trustees of certain institutions of higher education and supplementing chapter 64 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:64-3.1 Students on State college boards.

1. The board of trustees of any State college established pursuant to chapter 64 of Title 18A of the New Jersey Statutes shall provide for the election of two student representatives as provided herein, who shall be full-time, regularly matriculated students in good academic standing, and who shall be 18 years of age or older and citizens of the United States, to be elected by the students in the manner provided herein to serve on the board of trustees of that college for terms of two years commencing at the next organization of the board.

a. In order to implement the provisions of this section, each board of trustees shall schedule a public hearing on the question of the student election. After the public hearing, the board, at its regularly scheduled meeting in March following the effective date of this act, shall determine whether the students are to be elected by the student body at large or by the members of the student government association. Except that, for Thomas A. Edison State College, the method of the selection of the student representatives shall be determined by the board of that college in consultation with the State Board of Higher Education.

b. For the first election held pursuant to this section, one student shall be elected for a one year term as a full voting member, and one student shall be elected for two years, but shall serve as an alternate member during the first year and as a voting member during the second year.

At each subsequent election, one student shall be elected for two years, but shall serve during the first year as an alternate member, and as a voting member during the second year.

Any vacancies which occur shall be filled by the student governing body for the unexpired terms only.

c. The standards for eligibility for student representatives on the board of trustees shall be the same as those required for other student government officers.

d. The student members shall be entitled to full participation in all activities of the board, except that they shall not participate in:

(1) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective officer or employee or current officer or employee employed or appointed by the board, unless all the individual employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting.

(2) Any matter involving the purchase, lease, acquisition or sale of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of these matters were disclosed.

(3) Any pending or anticipated litigation in which the board is, or may become, a party, where it could adversely affect the public interest if discussion of these matters were disclosed, or any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

e. Upon assuming office, the students shall agree to adhere to such standards of responsibility and confidentiality as are established by the State Board of Higher Education.

C. 18A:64-3.2 Rules, regulations.

2. The State Board of Higher Education shall develop 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 this act.

New Jersey State Library

3. This act shall take effect immediately but shall remain inoperative until either Assembly Bill No. 1173 (OCR) and Assembly Bill No. 1177 (OCR) of 1986 (now pending before the Legislature) are enacted into law, or any legislation having a substantially similar effect is enacted into law.

Approved October 21, 1986.

CHAPTER 137

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, 1986 and regulating the disbursement thereof," approved June 28, 1985 (P. L. 1985, c. 209).

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

1. In addition to the sums appropriated under P. L. 1985, c. 209, there is appropriated from the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

54 DEPARTMENT OF HUMAN SERVICES

30 Educational, Cultural and Intellectual Development

33 Supplemental Education and Training Programs

7560 Commission for the Blind and Visually Impaired

12-7560 Instruction and Community Programs . . . \$95,000

Grants

Electronic Information and Educa-
tion Service of New Jersey (\$95,000)

The amount hereinabove shall supplement, and shall not supplant, any amounts already committed by contract or formal agreement to the Electronic Information and Education Service of New Jersey by the Commission for the Blind and Visually Impaired.

2. This act shall take effect immediately.

Approved October 27, 1986.

CHAPTER 138

AN ACT to prevent the use of certain pretexts that cause tenants to vacate premises, amending and supplementing P. L. 1974, c. 49 and amending P. L. 1975, c. 311.

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

1. Section 3 of P. L. 1974, c. 49 (C. 2A:18-61.2) is amended to read as follows:

C. 2A:18-61.2 Notice of action for possession.

3. No judgment of possession shall be entered for any premises covered by section 2 of this act, except in the nonpayment of rent under paragraph a. or f. of section 2, unless the landlord has made written demand and given written notice for delivery of possession of the premises. The following notice shall be required:

a. For an action alleging disorderly conduct under paragraph b. of section 2, or injury to the premises under paragraph c. of section 2, or any grounds under paragraph m. of section 2, three days' notice prior to the institution of the action for possession;

b. For an action alleging continued violation of rules and regulations under paragraph d. of section 2, or substantial breach of covenant under paragraph e. of section 2, or habitual failure to pay rent, one month's notice prior to the institution of the action for possession;

c. For an action alleging any grounds under paragraph g. of section 2, three months' notice prior to the institution of the action;

d. For an action alleging permanent retirement under paragraph h. of section 2, 18 months' notice prior to the institution of the action, and provided that, where there is a lease in effect, no action may be instituted until the lease expires;

e. For an action alleging refusal of acceptance of reasonable lease changes under paragraph i. of section 2, one month's notice prior to institution of action;

f. For an action alleging any grounds under paragraph l. of section 2, two months' notice prior to the institution of the action, and provided that, where there is a written lease in effect, no action shall be instituted until the lease expires;

g. For an action alleging any grounds under paragraph k. of section 2, three years' notice prior to the institution of action, and

provided that, where there is a written lease in effect, no action shall be instituted until the lease expires.

The notice in each of the foregoing instances shall specify in detail the cause of the termination of the tenancy and shall be served either personally upon the tenant or lessee or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his usual place of abode with some member of his family above the age of 14 years, or by certified mail; if the certified letter is not claimed, notice shall be sent by regular mail.

C. 2A:18-61.1b Permanent retirement from residential use.

2. (New section) If an owner seeks an eviction alleging permanent retirement of the premises from residential use pursuant to subsection h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) and if, pursuant to land use law, nonresidential use of the premises is not permitted as a principal permitted use or is limited to accessory, conditional or public use, a rebuttable presumption is created that the premises are not and will not be permanently retired from residential use. Residential premises that are unoccupied, boarded up or otherwise out of service shall not be deemed retired from residential use unless they are converted to a principal permitted nonresidential use. No tenant shall be evicted pursuant to subsection h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) if any State or local permit or approval required by law for the nonresidential use is not obtained. Nothing contained in this section shall be deemed to require obtaining a certificate of occupancy for the proposed use prior to an eviction. The detail specified in notice given pursuant to subsection d. of section 3 of P. L. 1974, c. 49 (C. 2A:18-61.2) shall disclose the proposed nonresidential use to which the premises are to be permanently retired.

C. 2A:18-61.1c 5-year restriction.

3. (New section) The Department of Community Affairs shall not approve an application for registration of conversion pursuant to "The Planned Real Estate Development Full Disclosure Act," P. L. 1977, c. 419 (C. 45:22A-21 et seq.) for any premises for a period of five years following the date on which any dwelling unit in the premises becomes vacant after notice has been given that the owner seeks to permanently board up or demolish the premises or seeks to retire permanently the premises from residential use pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1). Within five days of the date on which any owner provides notice of termination to a tenant pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1), the

owner shall provide a copy of the notice to the Department of Community Affairs.

C. 2A:18-61.1d Maximum authorized rent.

4. (New section) In a municipality which has an ordinance regulating rents in effect, if a dwelling unit in the premises becomes vacated after notice has been given that the owner seeks to permanently board up or demolish the premises or seeks to retire permanently the premises from residential use pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) and if any time thereafter an owner permits the personal occupancy of the premises, the maximum rent authorized for a unit in the premises shall not exceed the rent that would have been authorized for that unit if there had been no vacancy or change of tenancy for the unit. Increased costs which occur during the period of vacancy, which are solely the result of the premises being vacated, closed and reoccupied and which do not add services or amenities not previously provided, or which add new services or amenities whose costs significantly reduce the affordability of the premises, shall not be used as a basis for any rent increase pursuant to any municipal rent regulation provision, fair return or hardship hearing before a municipal rent board or any appeal from such determination. Increased costs of new services and amenities create a rebuttable presumption that they significantly reduce the affordability of the premises, if they result in a doubling of the rent increases otherwise permitted by law during the period of vacancy. Within five days of the date on which any owner provides notice of termination to a tenant pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1), the owner shall provide a copy of the notice to the municipal agency responsible for administering the regulation of rents in the municipality. The owner's notice to the municipal agency shall also include a listing of the current tenants and rents for each dwelling unit in the premises, unless the owner has previously submitted to the municipal agency a listing which is still current.

5. Section 3 of P. L. 1975, c. 311 (C. 2A:18-61.6) is amended to read as follows:

C. 2A:18-61.6 Owner liability for wrongful evictions.

3. a. Where a tenant vacates the premises after being given a notice alleging the owner seeks to personally occupy the premises under subsection l. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) and the owner thereafter arbitrarily fails to personally occupy the premises for a total of at least six months, or arbitrarily fails

to execute the contract for sale, but instead permits personal occupancy of the premises by another tenant or instead permits registration of conversion of the premises by the Department of Community Affairs pursuant to "The Planned Real Estate Development Full Disclosure Act," P. L. 1977, c. 419 (C. 45:22A-21 et seq.), such owner shall be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs.

b. If an owner purchases the premises pursuant to a contract requiring the tenant to vacate in accordance with subsection l. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) and thereafter arbitrarily fails to personally occupy the premises for a total of at least six months, but instead permits personal occupancy of the premises by another tenant or instead permits registration of conversion of the premises by the Department of Community Affairs pursuant to P. L. 1977, c. 419 (C. 45:22A-21 et seq.), such owner-purchaser shall be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs.

c. If a tenant vacates a dwelling unit after notice has been given alleging that the owner seeks to permanently board up or demolish the premises or to retire permanently the premises from residential use pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) and instead, within five years following the date on which the dwelling unit or the premises become vacant, an owner permits residential use of the vacated premises, the owner shall be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs of suit.

An owner of any premises where notice has been given pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1), who subsequently seeks to sell, lease or convey the property to another, shall, before executing any lease, deed or contract for such conveyance, advise in writing the prospective owner that such notice was given and that the owners of the property are subject to the liabilities provided in this subsection and sections 3 and 4 of this 1986 amendatory and supplementary act. Whoever fails to so advise a prospective owner prior to the execution of the contract of sale, lease or conveyance is liable to a civil penalty of not less than \$2,500.00 or more than \$10,000.00 for each offense, and shall also be liable in treble damages, plus attorney fees and costs of suit, for any loss or expenses incurred by a new owner of the property as a result of that failure. The civil penalty prescribed

in this subsection 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, Law Division, Special Civil Part, in the county in which the rental premises are located shall have jurisdiction over such proceedings. Process shall be in the nature of a summons or warrant, and shall issue upon the complaint of the Commissioner of the Department of Community Affairs, the Attorney General, or any other person.

d. If a tenant vacates a dwelling unit after receiving from an owner an eviction notice (1) purporting to compel by law the tenant to vacate the premises for cause or purporting that if the tenant does not vacate the premises, the tenant shall be compelled by law to vacate the premises for cause; and (2) using a cause that is clearly not provided by law or using a cause that is based upon a lease clause which is contrary to law pursuant to section 6 of P. L. 1975, c. 310 (C. 46:8-48); and (3) misrepresenting that, under the facts alleged, the tenant would be subject to eviction, the owner shall be liable to the former tenant in a civil action for three times the damages plus the tenant's attorney fees and costs. An owner shall not be liable under this subsection for alleging any cause for eviction which, if proven, would subject the tenant to eviction pursuant to N. J. S. 2A:18-53 et seq. or P. L. 1974, c. 49 (C. 2A:18-61.1 et seq.).

In any action under this section the court shall, in addition to damages, award any other appropriate legal or equitable relief. For the purposes of P. L. 1974, c. 49 (C. 2A:18-61.1 et seq.), the term "owner" includes, but is not limited to, lessee, successor owner and lessee, and other successors in interest.

e. An owner shall not be liable for damages pursuant to this section or section 6 of this 1986 amendatory and supplementary act or subject to a more restrictive local ordinance adopted pursuant to section 8 of this 1986 amendatory and supplementary act if:

(1) Title to the premises was transferred to that owner by means of a foreclosure sale, execution sale or bankruptcy sale; and

(2) Prior to the foreclosure sale, execution sale or bankruptcy sale, the former tenant vacated the premises after receiving eviction notice from the former owner pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1); and

(3) The former owner retains no financial interest, direct or indirect, in the premises. The term "former owner" shall include, but not be limited to, any officer or board member of a corporation which

was the former owner and any holder of more than 5% equity interest in any incorporated or unincorporated business entity that was the former owner; and

(4) The former tenant is provided notice and rights in accordance with the provisions of section 6 of this 1986 amendatory and supplementary act.

C. 2A:18-61.1e Rights of former tenants.

6. (New section) If a dwelling unit becomes vacated after notice has been given that the owner seeks to permanently board up or demolish the premises or seeks to retire permanently the premises from residential use pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) and if at any time thereafter an owner instead seeks to return the premises to residential use, the owner shall provide the former tenant:

a. Written notice 90 days in advance of any return to residential use or any agreement for possession of the unit by any other party, which notice discloses the owner's intention to return the unit to residential use and all appropriate specifics;

b. The right to return to possession of the vacated unit or, if return is not available, the right to possession of affordable housing relocation in accord with the standards and criteria set forth for comparable housing as defined by section 4 of P. L. 1975, c. 311 (C. 2A:18-61.7); and

c. In the case of a conversion, the right to a protected tenancy pursuant to the "Senior Citizens and Disabled Protected Tenancy Act," P. L. 1981, c. 226 (C. 2A:18-61.22 et seq.), if the former tenant would have at the time of the conversion been a senior citizen or disabled person eligible for a protected tenancy, had the former tenant not vacated the premises.

The 90-day notice shall disclose the tenant's rights pursuant to this section and the method for the tenant's response to exercise these rights. A duplicate of the notice shall be transmitted within the first five days of the 90-day period to the rent board in the municipality or the municipal clerk, if there is no board. Notwithstanding the provisions of subsection c. of section 3 of P. L. 1975, c. 311 (C. 2A:18-61.6), damages awarded shall not be trebled where possession has been returned in accord with this section; nor shall any damages be awarded as provided for in subsection e. of section 3 of P. L. 1975, c. 311 (C. 2A:18-61.6). An owner who fails to provide a former tenant a notice of intention to return to residential use pursuant to this section is liable to a civil penalty of not less than

\$2,500.00 or more than \$10,000.00 for each offense, and shall also be liable in treble damages, plus attorney fees and costs of suit, for any loss or expenses incurred by a former tenant as a result of that failure. 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.). The Superior Court, Law Division, Special Civil Part, in the county in which the rental premises are located shall have jurisdiction over such proceedings. Process shall be in the nature of a summons or warrant, shall issue upon the complaint of the Commissioner of the Department of Community Affairs, the Attorney General, or any other person. No owner shall be liable for a penalty pursuant to this section if the unit is returned to residential use more than five years after the date the premises are vacated or if the owner made every reasonable effort to locate the former tenant and provide the notice, including, but not limited to, the employment of a qualified professional locator service, where no return receipt is obtained from the former tenant.

In any action under this section the court shall, in addition to damages, award any other appropriate legal or equitable relief.

7. Section 4 of P. L. 1974, c. 49 (C. 2A :18-61.3) is amended to read as follows:

C. 2A:18-61.3 Causes for eviction.

4. a. No landlord may evict or fail to renew any lease of any premises covered by section 2 of this act except for good cause as defined in section 2.

b. A person who was a tenant of a landlord in premises covered by section 2 of P. L. 1974, c. 49 (C. 2A :18-61.1) may not be removed by any order or judgment for possession from the premises by the owner's or landlord's successor in ownership or possession except:

(1) For good cause in accordance with the requirements which apply to premises covered pursuant to P. L. 1974, c. 49 (C. 2A :18-61.1 et seq.); or

(2) For proceedings in premises where federal law supersedes applicable State law governing removal of occupants; or

(3) For proceedings where removal of occupants is sought by an authorized State or local agency pursuant to eminent domain or code enforcement laws and which comply with applicable relocation laws pursuant to the "Relocation Assistance Law of 1967," P. L. 1967, c. 79 (C. 52:31B-1 et seq.) and the "Relocation Assistance Act," P. L. 1971, c. 362 (C. 20:4-1 et seq.).

Where the owner's or landlord's successor in ownership or possession is not bound by the lease entered into with the former tenant and may offer a different lease to the former tenant, nothing in this 1986 amendatory and supplementary act shall limit that right.

C. 2A:18-61.1f Local ordinances permitted.

8. (New section) Nothing contained in this 1986 amendatory and supplementary act shall authorize any civil action to require that dwelling units remain vacant, shall limit any defense or challenge to evictions that is otherwise provided by law or shall prohibit any provision of a local ordinance which is not less restrictive, except as prohibited pursuant to subsection e. of section 3 of P. L. 1975, c. 311 (C. 2A:18-61.6). Except as provided in subsection e. of section 3 of P. L. 1975, c. 311 (C. 2A:18-61.6), local ordinances may facilitate the objectives of this 1986 amendatory and supplementary act pertaining to premises where tenants have received notice pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1), including, but not limited to, any ordinance intended to:

a. Require owners to obtain and register tenants' current and forwarding addresses;

b. Provide to tenants and former tenants who have received notice of termination pursuant to subsection g. (1) or h. of section 2 of P. L. 1974, c. 49 (C. 2A:18-61.1) basic information on their relevant rights;

c. Provide a municipal registry for former tenants to file current addresses for receiving notice; and

d. Assist in locating former tenants who become entitled to receive notice pursuant to section 6 of this 1986 amendatory and supplementary act.

9. (New section) P. L. 1974, c. 49 (C. 2A:18-61.1 et seq.) and this 1986 amendatory and supplementary act shall be liberally construed to effectuate the purposes thereof.

C. 2A:18-61.1a Findings.

10. (New section) The Legislature finds that:

a. Acute State and local shortages of supply and high levels of demand for residential dwellings have motivated removal of blameless tenants in order to directly or indirectly profit from conversion to higher income rental or ownership interest residential use.

b. This has resulted in unfortunate attempts to displace tenants employing pretexts, stratagems or means other than those provided

pursuant to the intent of State eviction laws designated to fairly balance and protect rights of tenants and landlords.

c. These devices have circumvented the intent of current State eviction laws by failing to utilize available means to avoid displacement, such as: protected tenancies; rights to purchase; rent affordability protection; full disclosures relevant to eviction challenges; and stays of eviction where relocation is lacking.

d. It is in the public interest of the State to maintain for citizens the broadest protections available under State eviction laws to avoid such displacement and resultant loss of affordable housing, which, due to housing's uniqueness as the most costly and difficult to change necessity of life, causes overcrowding, unsafe and unsanitary conditions, blight, burdens on community services, wasted resources, homelessness, emigration from the State and personal hardship, which is particularly severe for vulnerable seniors, the disabled, the frail, minorities, large families and single parents.

e. Such personal hardship includes, but is not limited to: economic loss, time loss, physical and emotional stress, and in some cases severe emotional trauma, illness, homelessness or other irreparable harm resulting from strain of eviction controversy; relocation search and moving difficulties; anxiety caused by lack of information, uncertainty, and resultant planning difficulty; employment, education, family and social disruption; relocation and empty unit security hazards; relocation to premises of less affordability, capacity, accessibility and physical or environmental quality; and relocation adjustment problems, particularly of the blind or other disabled citizens.

f. It is appropriate to take legislative notice of relevant legislative findings adopted pursuant to section 2 of the "Senior Citizens and Disabled Protected Tenancy Act," P. L. 1981, c. 226 (C. 2A:18-61.23) and section 2 of the "Prevention of Homelessness Act (1984)," P. L. 1984, c. 180 (C. 52:27D-281), which, with the findings of this section, have relevance to this 1986 amendatory and supplementary act and P. L. 1974, c. 49 (C. 2A:18-61.1 et seq.).

g. This 1986 amendatory and supplementary act is adopted in order to protect the public health, safety and welfare of the citizens of New Jersey.

11. This act shall take effect immediately.

Approved October 29, 1986.

CHAPTER 139

AN ACT concerning membership in the Public Employees' Retirement System and amending and supplementing P. L. 1954, c. 84.

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

1. Section 7 of P. L. 1954, c. 84 (C. 43:15A-7) is amended to read as follows:

C. 43:15A-7 Public Employees' Retirement System.

7. There is hereby established the Public Employees' Retirement System of New Jersey in the Division of Pensions of the Department of the Treasury. The membership of the retirement system shall include:

a. The members of the former "State Employees' Retirement System of New Jersey" enrolled as such as of December 30, 1954, who shall not have claimed for refund their accumulated deductions in said system as provided in this section;

b. Any person becoming an employee of the State or other employer after January 2, 1955 and every veteran, other than those whose appointments are seasonal, becoming an employee of the State or other employer after such date, including a temporary employee with at least one year's continuous service; and

c. Every employee veteran in the employ of the State or other employer on January 2, 1955, who is not a member of any retirement system supported wholly or partly by the State.

d. Membership in the retirement system shall be optional for elected officials other than veterans, and for school crossing guards, who having become eligible for benefits under other pension systems are so employed on a part-time basis. Any such part-time school crossing guard who is eligible for benefits under any other pension system and who was hired as a part-time school crossing guard prior to March 4, 1976, may at any time terminate his membership in the retirement system by making an application in writing to the board of trustees of the retirement system. Upon receiving such application, the board of trustees shall terminate his enrollment in the system and direct the employer to cease accepting contributions from the member or deducting from the compensation paid to the

member. State employees who become members of any other retirement system supported wholly or partly by the State as a condition of employment shall not be eligible for membership in this retirement system. Notwithstanding any other law to the contrary, all other persons accepting employment in the service of the State shall be required to enroll in the retirement system as a condition of their employment, regardless of age. No person in employment, office or position, for which the annual salary or remuneration is fixed at less than \$1,500.00, shall be eligible to become a member of the retirement system.

e. Membership of any person in the retirement system shall cease if he shall discontinue his service for more than two consecutive years.

f. The accumulated deductions of the members of the former "State Employees' Retirement System" which have been set aside in a trust fund designated as Fund A as provided in section 5 of this act and which have not been claimed for refund prior to February 1, 1955 shall be transferred from said Fund A to the Annuity Savings Fund of the Retirement System, provided for in section 25 of this act. Each member whose accumulated deductions are so transferred shall receive the same prior service credit, pension credit, and membership credit in the retirement system as he previously had in the former "State Employees' Retirement System" and shall have such accumulated deductions credited to his individual account in the Annuity Savings Fund. Any outstanding obligations of such member shall be continued.

g. Any school crossing guard electing to terminate his membership in the retirement system pursuant to subsection d. of this section shall, upon his request, receive a refund of his accumulated deductions as of the date of his appointment to the position of school crossing guard. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.

h. A temporary employee who is employed under the federal Job Training Partnership Act, Pub. L. 97-300 (29 U. S. C. § 1501) shall not be eligible for membership in the system. Membership for temporary employees employed under the federal Job Training Partnership Act, Pub. L. 97-300 (29 U. S. C. § 1501) who are in the system on the effective date of this 1986 amendatory act shall be terminated, and affected employees shall receive a refund of their

accumulated deductions as of the date of commencement of employment in a federal Job Training Partnership Act program. Such refund of contributions shall serve as a waiver of all benefits payable to the employee, to his dependent or dependents, or to any of his beneficiaries under the retirement system.

2. Section 39 of P. L. 1954, c. 84 (C. 43:15A-39) is amended to read as follows:

C. 43:15A-39 Computing service.

39. In computing for retirement purposes the total service as a member about to be retired, the retirement system shall credit him with the time of all service rendered by him since he last became a member, and in addition with all the service to which he is entitled and with no other service. Except as otherwise provided in this act, such service credit shall be final and conclusive for retirement purposes unless the member shall discontinue his service for more than two consecutive years.

For the purpose of computing service for retirement purposes, the board shall fix and determine by appropriate rules and regulations how much service in any year shall equal a year of service and a part of a year of service. Not more than one year shall be credited for all service in a calendar year. In computing service, time during which a member was absent on an official leave without pay shall be credited, if such absence was for a period of (1) less than three months, or (2) up to a maximum of two years if the leave was due to the member's personal illness or maternity and the period of leave is allowed for retirement purposes within one year following his return to service after the termination of such leave, or (3) the period of leave was specifically allowed for retirement purposes by the provisions of any law of this State. The method of computation, the terms of the purchase and credit granted shall be identical to those stipulated for the purchase of previous membership service by members of the system as provided by section 8 (C. 43:15A-8). In computing the service or in computing final compensation no time during which a member was in employment, office, or position, for which the annual salary or remuneration was fixed at less than \$1,500.00, shall be credited, except that in the case of a veteran member credit shall be given for service rendered prior to January 2, 1955, in an employment, office or position if the annual salary or remuneration therefor was fixed at not less than \$300.00 and such service consisted of the performance of the full duties of such employment, office or position.

3. Section 65 of P. L. 1954, c. 84 (C. 43:15A-65) is amended to read as follows:

C. 43:15A-65 State employee membership.

65. (a) All employees of any public agency or organization of this State, which employs persons engaged in service to the public, shall be eligible to participate in the Public Employees' Retirement System; provided the employer consents thereto by resolution and files a certified copy of such resolution with the board of trustees of the Public Employees' Retirement System and the board of trustees approves thereof by resolution. Such organization shall be referred to in this act as the employer. If the participation of such employees is so approved then the employer shall contribute to the contingent reserve fund on account of its members at the same rate per centum as would be paid by employers other than the State.

(b) Notwithstanding the provisions of subsection (a) of this section, every person becoming an employee of a public agency or organization of this State, which employs persons engaged in service to the public, after June 30, 1966, who is not eligible to become a member of any other retirement system, shall be required to participate in the Public Employees' Retirement System. Notwithstanding the provisions of subsection (a) of this section, membership in the Public Employees' Retirement System shall be optional with any person in the employ of any such public agency or organization on June 30, 1966, provided such person is not required to be a member pursuant to another provision of this act, and provided further that such person is not eligible to be a member of any other retirement system. The provisions of this subsection shall not apply to any person whose position is temporary or seasonal, nor to any person in office, position or employment for which the annual salary or remuneration is fixed at less than \$1,500.00, nor to any person whose position is not covered by the old-age and survivors' insurance provisions of the federal Social Security Act. The public agency or organization employing any such person who becomes a member of the retirement system pursuant to this subsection shall contribute to the contingent reserve fund on account of such employees at the same rate per centum as would be paid by employers other than the State.

4. Section 75 of P. L. 1954, c. 84 (C. 43:15A-75) is amended to read as follows:

C. 43:15A-75 Local employee membership.

75. (a) If this act is so adopted it shall become effective in the county or municipality adopting it on June 30 of the following year. Membership in the Public Employees' Retirement System shall be optional with the employees of the county, board of education or municipality in the service on the day the act becomes effective or on June 30, 1966, whichever is earlier, in such county, board of education or municipality except in the case of public employee veterans who on such date are members. An employee who elects to become a member within one year after this act so takes effect shall be entitled to prior service covering service rendered to the county, board of education or municipality prior to July 1, 1966 or prior to the date this act so becomes effective, whichever is earlier. Membership shall be compulsory for all employees entering the service of the county, board of education or municipality on July 1, 1966 or after the date this act becomes effective, whichever is earlier. Where any such employee entering the service of the county, board of education or municipality after the date this act so becomes effective has had prior service for which evidence satisfactory to the retirement system is presented, as an employee in such county, board of education or municipality before the date upon which this act so becomes effective, or July 1, 1966, whichever is earlier, such employee shall be entitled to prior service covering service rendered to the county, board of education or municipality prior to the date this act so becomes effective, or July 1, 1966, whichever is earlier.

(b) Notwithstanding the provisions of section 74 of this act and subsection (a) of this section, every person, other than a non-veteran elected official, becoming an employee of a county, board of education, municipality or school district after June 30, 1966, who is not eligible to become a member of another retirement system, shall be required to become a member of the Public Employees' Retirement System. Notwithstanding the provisions of section 74 of this act and subsection (a) of this section, membership in the retirement system shall be optional with any elected official who is not a veteran, regardless of the date he assumes office, and with any other person in the employ of any county, board of education, municipality or school district on June 30, 1966, provided such elected official or other person is not then a member and is not required to be a member of the retirement system pursuant to another provision of this act, and provided further that such person is not eligible to be a member of another retirement system.

The provisions of this subsection shall not apply to any person whose position is temporary or seasonal, nor to any person in office, position or employment for which the annual salary or remuneration is fixed at less than \$1,500.00, nor to any person whose position is not covered by the old age and survivors' insurance provisions of the federal Social Security Act. No credit shall be allowed to any person becoming a member of the retirement system pursuant to this subsection for service rendered to the employer prior to July 1, 1966, until the provisions of section 74 of this act have been complied with, in which event such credit shall be allowed in accordance with the provisions of subsection (a) of this section; except that the governing body of any county, board of education or municipality may, by resolution, consent to the allowance of such credit and file a certified copy of such resolution with the board of trustees of the Public Employees' Retirement System.

5. (New section) The provisions of this 1986 amendatory and supplementary act shall not apply to members of the retirement system who became members prior to the effective date of this act and who are in an office, position or employment for which the annual salary or remuneration is fixed at less than \$1,500.00. A member to which this section applies shall notify the Division of Pensions in the Department of the Treasury, in writing, of the member's desire to be covered by the provisions of this section within 180 days of the effective date of this 1986 amendatory and supplementary act. The absence of proper notification by the member to the division shall constitute a waiver of the provisions of this section. A member affected by this section shall not be covered again by this section upon terminating employment in the office, position or employment in which the member was working on the effective date of this 1986 amendatory and supplementary act.

6. This act shall take effect immediately.

Approved November 6, 1986.

CHAPTER 140

AN ACT concerning the crime of corrupting or influencing a jury and amending N. J. S. 2C:29-8.

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

1. N. J. S. 2C:29-8 is amended to read as follows:

Corrupting or influencing a jury.

2C:29-8. Corrupting or Influencing a Jury. Any person who, directly or indirectly, corrupts, influences or attempts to corrupt or influence a jury or juror to be more favorable to the one side than to the other by promises, persuasions, entreaties, threats, letters, money, entertainment or other sinister means; or any person who employs any unfair or fraudulent practice, art or contrivance to obtain a verdict, or attempts to instruct a jury or juror beforehand at any place or time, or in any manner or way, except in open court at the trial of the cause, by the strength of the evidence, the arguments of the parties or their counsel, or the opinion or charge of the court is guilty of a crime. Corrupting or influencing a jury is a crime of the second degree if it is committed by means of violence or the threat of violence. Otherwise, it is a crime of the third degree, provided, however, that the presumption of nonimprisonment set forth in subsection e. of 2C:44-1 for persons who have not previously been convicted of an offense shall not apply.

2. This act shall take effect immediately.

Approved November 6, 1986.

CHAPTER 141

AN ACT to authorize the Commissioner of the Department of Corrections to approve the exchange or transfer under certain circumstances of juveniles adjudicated delinquent or persons convicted of criminal offenses and supplementing P. L. 1976, c. 98 (C. 30:1B-1 et seq.).

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

C. 30:7D-1 Transfer of foreign prisoners.

1. If a treaty in effect between the United States and a foreign country provides for the exchange or transfer of the citizens of that foreign country who are juveniles adjudicated delinquent or persons convicted of criminal offenses pursuant to the laws of this State, the Governor may authorize the Commissioner of the Department of Corrections to approve an exchange or transfer pursuant to the terms of a treaty. The Governor may also authorize the commissioner to take any other action which is necessary for the participation of this State in such exchanges or transfers.

2. This act shall take effect immediately.

Approved November 6, 1986.

CHAPTER 142

AN ACT establishing a procedure for the preparation of an emergency response plan by local fire departments and supplementing Title 52 of the Revised Statutes.

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

C. 52:27D-222 Definitions.

1. As used in this act:

a. "Business entity" means any person or corporation in the State engaged in business operations which has a Standard Industrial Classification, as designated in the Standard Industrial Classification Manual prepared by the federal Office of Management and Budget, within the following Major Group Numbers, Group Numbers, or Industry Numbers, as the case may be: Major Group Number 07 (Agricultural Services), only Industry Number 0782-Lawn and Garden Services; Major Group Numbers 20 through 39 inclusive (Manufacturing Industries); Major Group Number 45 (Transportation by Air), only Industry Number 4511-Air Transportation, Certified Carriers, and Group Number 458-Air Transportation Services; Major Group Number 46 (Pipelines, Except Natural Gas); Major Group Number 47 (Transportation Services), only Group Numbers 471-Freight Forwarding, 474-Rental of Railroad Cars, and 478-Miscellaneous Services Incidental to Transportation; Major Group Number 48 (Communication), only Group Numbers 481-Telephone Communication, and

482—Telegraph Communication; Major Group Number 49 (Electric, Gas and Sanitary Services); Major Group Number 50 (Wholesale Trade-Durable Goods), only Industry Numbers 5085—Industrial Supplies, 5087—Service Establishment Equipment and Supplies, and 5093—Scrap and Waste Materials; Major Group Number 51 (Wholesale Trade, Nondurable Goods), only Group Numbers 512—Drugs, Drug Proprietaries and Druggists' Sundries, 516—Chemicals and Allied Products, 517—Petroleum and Petroleum Products, 518—Beer, Wine and Distilled Alcoholic Beverages, and 519—Miscellaneous Nondurable Goods; Major Group Number 55 (Automobile Dealers and Gasoline Service Stations), only Group Numbers 551—Motor Vehicle Dealers (New and Used), 552—Motor Vehicle Dealers (Used Only), and 554—Gasoline Service Stations; Major Group Number 72 (Personal Services), only Industry Numbers 7216—Dry Cleaning Plants, Except Rug Cleaning, 7217—Carpet and Upholstery Cleaning, and 7218—Industrial Launderers; Major Group Number 73 (Business Services), only Industry Number 7397—Commercial Testing Laboratories; Major Group Number 75 (Automotive Repair, Services, and Garages), only Group Number 753—Automotive Repair Shops; Major Group Number 76 (Miscellaneous Repair Services), only Industry Number 7692—Welding Repair; Major Group Number 80 (Health Services), only Group Number 806—Hospitals; and Major Group Number 82 (Educational Services), only Group Numbers 821—Elementary and Secondary Schools and 822—Colleges and Universities, and Industry Number 8249—Vocational Schools. “Business entity” also means the State and local governments, or any agency, authority, department, bureau, or instrumentality thereof.

b. “Emergency response plan” means a written document, developed by a county fire marshal or appropriate county official and a municipal fire department or fire district in cooperation with a business entity and updated as necessary, which establishes procedures for dealing with fires at facilities that store, manufacture, distribute or warehouse substances identified by the Department of Environmental Protection as unusually hazardous. The purpose of the plan and its process of development is to ensure that emergency response personnel have adequate knowledge of the location and identity of unusually hazardous substances and pre-established procedures for handling an emergency.

c. “Facility” means the building, equipment and contiguous area at a single location used for the conduct of business.

d. "Unusually hazardous" means likely to explode due to a highly volatile nature, a propensity to produce toxic fumes, or a tendency to react with water or common firefighting chemicals and any other property which the Department of Environmental Protection determines will make a substance an uncommon danger to firefighters and the surrounding community in the event of its exposure to a fire.

C. 52:27D-223 List of unusually hazardous substances.

2. a. The Department of Environmental Protection, in consultation with the Department of Community Affairs, shall develop a list of substances and their quantities (1) which are not normally hazardous to the health and safety of a person in their common chemical state but which become unusually hazardous to firefighters and the surrounding community in the event of the exposure of the substance to a fire and (2) which are not already covered by the Emergency Services Information Survey which is developed and distributed pursuant to the "Worker and Community Right to Know Act" (P. L. 1983, c. 315; C. 34:5A-1 et seq.).

b. The department shall develop a fact sheet for each substance contained on the list. The fact sheet shall describe (1) the unusually hazardous nature of a substance to firefighters or the surrounding community, or both, in the event of the exposure of the substance to a fire, and (2) the steps necessary to neutralize the hazard.

c. The department shall include the list of unusually hazardous substances, using their common names, on the Emergency Services Information Survey. The purpose of including this list on the survey is to require business entities to report the manufacture, distribution, storage or warehousing of objects comprised of substances identified by the department as unusually hazardous to firefighters or the surrounding community in the event of the exposure of the substance to fire. It is not the intent of this act to require the reporting of materials that are commonly used in the normal conduct of business, including, but not limited to, desks, paneling, flooring, piping and rugs.

d. The department shall adopt the list and fact sheet developed under this section no later than three months prior to the effective date of this act.

C. 52:27D-224 Emergency response plan.

3. A municipal fire department or fire district in coordination with the county fire marshal or appropriate county official shall

have the exclusive authority to determine, after a review of an Emergency Services Information Survey form, if an emergency response plan is to be required for a business entity. In order to develop an emergency response plan, a municipal fire department or fire district and the county fire marshal or appropriate county official may require a business entity to participate in a preplanning conference. An emergency response plan may include:

- a. An on-site review of operating facilities.
- b. A description of the work area in which the unusually hazardous substance is normally stored.
- c. Facility plant plans or building layout.
- d. The internal and external access routes.
- e. The location and inventory of emergency response equipment and resources.
- f. The location of unusually hazardous substances.
- g. The name and phone number of the emergency response coordinator.
- h. The establishment of a site emergency response command post.
- i. Any special equipment needed to respond to an emergency.
- j. An evacuation plan.
- k. An examination of existing knowledge and techniques used to respond to emergencies dealing with all unusually hazardous substances located at the facility.
- l. A review of all survey information.
- m. Any additional hazards present on site.

An emergency response plan shall be updated periodically or when necessary to reflect any significant changes which have occurred. Information discussed at a preplanning conference or contained in an emergency response plan shall not be disclosed by fire company personnel without the express written approval of the business entity.

C. 52:27D-225 Penalty.

4. A person who violates a provision of this act shall be subject to a penalty of not more than \$5,000.00 for each offense. The fine shall be collected in a summary proceeding under "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.) instituted by the enforcement agency responsible for the enforcement of the "Uniform Fire

Safety Act," P. L. 1983, c. 383 (C. 52:27D-192 et seq.), in the county, municipality or fire district in which the facility of the business entity is located.

C. 52:27D-226 Breathing apparatus.

5. Based on the information obtained in section 3 of this act, a member of a fire company shall wear a self-contained positive pressure breathing apparatus when responding to or abating a fire or an explosion.

C. 52:27D-227 Fact sheet transmittal.

6. No later than 30 days after the effective date of this act, the Department of Community Affairs shall transmit, after a public hearing pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), a copy of the fact sheet developed under section 2 of this act to each county fire marshal or appropriate county official, municipal fire department and fire district in this State. The county fire marshals or appropriate county officials, municipal fire departments and fire districts shall maintain a record of the fact sheet.

C. 52:27D-228 Revision of list, fact sheets.

7. The Department of Environmental Protection, in consultation with the Department of Community Affairs, shall revise the list and fact sheets developed under section 2 of this act in accordance with further scientific information concerning substances which are included or should be included thereon.

8. This act shall take effect one year after enactment but the Department of Environmental Protection shall take any action prior to the effective date of this act to implement the provisions of this act.

Approved November 6, 1986.

CHAPTER 143

AN ACT to amend and supplement the "Spill Compensation and Control Act," approved January 6, 1977 (P. L. 1976, c. 141).

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

1. Section 3 of P. L. 1976, c. 141 (C. 58:10-23.11b) is amended to read as follows:

C. 58:10-23.11b Definitions.

3. Unless the context clearly indicates otherwise, the following terms shall have the following meanings:

a. "Administrator" means the chief executive of the New Jersey Spill Compensation Fund;

b. "Barrel" means 42 United States gallons or 159.09 liters or an appropriate equivalent measure set by the director for hazardous substances which are other than fluid or which are not commonly measured by the barrel;

c. "Board" means a board of arbitration convened by the administrator to settle disputed disbursements from the fund;

d. "Cleanup and removal costs" means all costs associated with a discharge, incurred by the State or its political subdivisions or their agents or any person with written approval from the department in the: (1) removal or attempted removal of hazardous substances, or (2) taking of reasonable measures to prevent or mitigate damage to the public health, safety, or welfare, including, but not limited to, public and private property, shorelines, beaches, surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources, and shall include costs incurred by the department for the indemnification and legal defense of contractors pursuant to subsection a. of section 7 of this act, subject to the appropriation by law of moneys from the General Fund to the fund to defray these costs;

e. "Commissioner" means the Commissioner of Environmental Protection;

f. "Department" means the Department of Environmental Protection;

g. "Director" means the Director of the Division of Taxation in the Department of the Treasury;

h. "Discharge" means any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substances into the waters or onto the lands of the State, or into waters outside the jurisdiction of the State, when damage may result to the lands, waters or natural resources within the jurisdiction of the State;

i. "Fair market value" means the invoice price of the hazardous substances transferred, including transportation charges; but where no price is so fixed, "fair market value" shall mean the market price as of the close of the nearest day to the transfer, paid for similar hazardous substances, as shall be determined by the taxpayer pursuant to rules of the director;

j. "Fund" means the New Jersey Spill Compensation Fund;

k. "Hazardous substances" means the "environmental hazardous substances" on the environmental hazardous substance list adopted by the department pursuant to section 4 of P. L. 1983, c. 315 (C. 34:5A-4); such elements and compounds, including petroleum products, which are defined as such by the department, after public hearing, and which shall be consistent to the maximum extent possible with, and which shall include, the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 311 of the federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500, as amended by the Clean Water Act of 1977, Pub. L. 95-217 (33 U. S. C. § 1251 et seq.); the list of toxic pollutants designated by Congress or the EPA pursuant to section 307 of that act; and the list of hazardous substances adopted by the federal Environmental Protection Agency pursuant to section 101 of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980," Pub. L. 96-510 (42 U. S. C. § 9601 et seq.); provided, however, that sewage and sewage sludge shall not be considered as hazardous substances for the purposes of this act;

l. "Major facility" includes, but is not limited to, any refinery, storage or transfer terminal, pipeline, deep-water port, drilling platform or any appurtenance related to any of the preceding that is used or is capable of being used to refine, produce, store, handle, transfer, process or transport hazardous substances. A vessel shall be considered a major facility only when hazardous substances are transferred between vessels.

A facility shall not be considered a major facility for the purpose of this act unless it has total combined aboveground or buried storage capacity of:

(1) 20,000 gallons or more for hazardous substances which are other than petroleum or petroleum products, or

(2) 200,000 gallons or more for hazardous substances of all kinds.

For the purposes of this definition, "storage capacity" shall mean only that total combined capacity which is dedicated to, used

for or intended to be used for storage of hazardous substances of all kinds. Where appropriate to the nature of the facility, storage capacity may be determined by the intended or actual use of open land or unenclosed space as well as by the capacities of tanks or other enclosed storage spaces;

m. "Natural resources" means all land, fish, shellfish, wildlife, biota, air, waters and other such resources owned, managed, held in trust or otherwise controlled by the State;

n. "Owner" or "operator" means, with respect to a vessel, any person owning, operating or chartering by demise such vessel; with respect to any major facility, any person owning such facility, or operating it by lease, contract or other form of agreement; with respect to abandoned or derelict major facilities, the person who owned or operated such facility immediately prior to such abandonment, or the owner at the time of discharge;

o. "Person" means public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals, the United States, the State of New Jersey and any of its political subdivisions or agents;

p. "Petroleum" or "petroleum products" means oil or petroleum of any kind and in any form, including, but not limited to, oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, and substances or additives to be utilized in the refining or blending of crude petroleum or petroleum stock in this State; however, any compound designated by specific chemical name on the list of hazardous substances adopted by the department pursuant to subsection 3 k. shall not be considered petroleum or a petroleum product for the purposes of this act, unless such compound is to be utilized in the refining or blending of crude petroleum or petroleum stock in this State;

q. "Taxpayer" means the owner or operator of a major facility subject to the tax provisions of this act;

r. "Tax period" means every calendar month on the basis of which the taxpayer is required to report under this act;

s. "Transfer" means onloading or offloading between major facilities and vessels, or vessels and major facilities, and from vessel to vessel or major facility to major facility, except for fueling or refueling operations and except that with regard to the movement of hazardous substances other than petroleum, it shall also include any onloading of or offloading from a major facility;

t. "Vessel" means every description of watercraft or other contrivance that is practically capable of being used as a means of commercial transportation of hazardous substances upon the water, whether or not self-propelled;

u. "Waters" means the ocean and its estuaries to the seaward limit of the State's jurisdiction, all springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of this State;

v. "Act of God" means an act exclusively occasioned by an unanticipated, grave natural disaster without the interference of any human agency.

2. Section 9 of P. L. 1976, c. 141 (C. 58:10-23.11h) is amended to read as follows:

C. 58:10-23.11h Tax on transferred hazardous substances.

9. a. There is hereby levied upon each owner or operator of one or more major facilities a tax to insure compensation for cleanup costs and damages associated with any discharge of hazardous substances to be paid by the transferee; provided, however, that in the case of a major facility which operates as a public storage terminal for hazardous substances owned by others, the owner of the hazardous substance transferred to such major facility or his authorized agent shall be considered to be the transferee or transferor, as the case may be, for the purposes of this section and shall be deemed to be a taxpayer for purposes of this act. Where such person has failed to file a return or pay the tax imposed by this act within 60 days after the due date thereof, the director shall forthwith take appropriate steps to collect same from the owner of the hazardous substance. In the event the director is not successful in collecting said tax, then on notice to the owner or operator of the public storage terminal of said fact said owner or operator shall not release any hazardous substance owned by the taxpayer. The director may forthwith proceed to satisfy any tax liability of the taxpayer by seizing, selling or otherwise disposing of said hazardous substance to satisfy the taxpayer's tax liability and to take any further steps permitted by law for its collection. For the purposes of this act, public storage terminal shall mean a public or privately owned major facility operated for public use which is used for the storage or transfer of hazardous substances. The tax shall be measured by the number of barrels or the fair market value, as the case may be, of hazardous substances transferred to the major facility; provided, however, that the same barrel, including any

products derived therefrom, subject to multiple transfers from or between major facilities shall be taxed only once at the point of the first transfer.

When a hazardous substance other than petroleum which has not been previously taxed is transferred from a major in-State facility to a facility which is not a major facility, the transferor shall be liable for tax payment for said transfer.

b. The tax shall be \$0.0125 per barrel transferred and in the case of the transfer of hazardous substances other than petroleum or petroleum products, the tax shall be the greater of \$0.0125 per barrel or 1.0% of the fair market value of the product; provided, however, that with respect to transfers of hazardous substances other than petroleum or petroleum products which are or contain any precious metals to be recycled, refined, or rerefined in this State, or which are transferred into this State subsequent to being recycled, refined or rerefined, the tax shall be \$0.0125 per barrel of the hazardous substance; and provided further, however, that the total aggregate tax due for any individual taxpayer which has paid the tax in the 1986 tax year shall not exceed 125% of the tax due and payable by that taxpayer during the 1986 tax year; except that for a hazardous substance which is directly converted to, and comprises more than 90% by weight of, a non-hazardous final product, the taxpayer shall pay no more than 100% of the tax due and payable in the 1986 tax year. For the purposes of this section, "precious metals" means gold, silver, osmium, platinum, palladium, iridium, rhodium, ruthenium and copper. In the event of a major discharge or series of discharges of petroleum or petroleum products resulting in reasonable claims against the fund exceeding the existing balance of the fund, the tax shall be levied at the rate of \$0.04 per barrel of petroleum or petroleum products transferred, until the revenue produced by such increased rate equals 150% of the total dollar amount of all pending reasonable claims resulting from the discharge of petroleum or petroleum products; provided, however, that such rate may be set at less than \$0.04 per barrel transferred if the administrator determines that the revenue produced by such lower rate will be sufficient to pay outstanding reasonable claims against the fund within one year of such levy; and provided further, however, that under no circumstances shall this rate be levied for the period of one year immediately following enactment of this 1986 amendatory and supplementary act.

Interest received on moneys in the fund shall be credited to the fund.

c. (1) Every taxpayer and owner or operator of a public storage terminal for hazardous substances shall on or before the 20th day of the month following the close of each tax period render a return under oath to the director on such forms as may be prescribed by the director indicating the number of barrels of hazardous substances transferred and where appropriate, the fair market value of the hazardous substances transferred to or from the major facility, and at said time the taxpayer shall pay the full amount of the tax due.

(2) Every taxpayer or owner or operator of a major facility or vessel which transfers a hazardous substance, as defined in this act, and who is subject to the tax under subsection a. shall within 20 days after the first such transfer in any fiscal year register with the director on such form as shall be prescribed by him.

d. If a return required by this act is not filed, or if a return when filed is incorrect or insufficient in the opinion of the director, the amount of tax due shall be determined by the director from such information as may be available. Notice of such determination shall be given to the taxpayer liable for the payment of the tax. Such determination shall finally and irrevocably fix the tax unless the person against whom it is assessed, within 30 days after receiving notice of such determination, shall apply to the director for a hearing, or unless the director on his own motion shall redetermine the same. After such hearing the director shall give notice of his determination to the person to whom the tax is assessed.

e. Any taxpayer who shall fail to file his return when due or to pay any tax when the same becomes due, as herein provided, shall be subject to such penalties and interest as provided in the "State Tax Uniform Procedure Law," subtitle 9 of Title 54 of the Revised Statutes. If the Division of Taxation determines that the failure to comply with any provision of this section was excusable under the circumstances, it may remit such part or all of the penalty as shall be appropriate under such circumstances.

f. (1) Any person failing to file a return, failing to pay the tax, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this act, or rules or regulations adopted hereunder which is willfully false, or failing to keep any records required by this act or rules and regulations adopted hereunder, shall, in

addition to any other penalties herein or elsewhere prescribed, be guilty of a crime of the fourth degree.

(2) The certificate of the director to the effect that a tax has not been paid, that a return has not been filed, 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 presumptive evidence thereof.

g. In addition to the other powers granted to the director in this section, he is hereby authorized and empowered:

(1) To delegate to any officer or employee of his division such of his powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom such power has been delegated shall possess and may exercise all of said powers and perform all of the duties delegated by the director;

(2) To prescribe and distribute all necessary forms for the implementation of this section.

h. The tax imposed by this act shall be governed in all respects by the provisions of the "State Tax Uniform Procedure Law," subtitle 9 of Title 54 of the Revised Statutes, except only to the extent that a specific provision of this act may be in conflict therewith.

i. (Deleted by amendment, P. L. 1986, c. 143.)

C. 58:10-23.11h1 List of major facilities.

3. (New section) a. The Department of Environmental Protection shall compile a list of facilities which, based on all information made available to or collected by the department pursuant to any State or federal law, may have sufficient storage capacity to be classified as a major facility.

b. The department shall transmit this list to the Director of the Division of Taxation in the Department of the Treasury on January 1 of the year next following the enactment of this act and annually thereafter, provided that the department may update the list more frequently as it deems appropriate.

c. The director shall utilize the list compiled by the department to notify the owners or operators of the facilities thereon that they may be liable for the tax levied pursuant to section 9 of P. L. 1976, c. 141 (C. 58:10-23.11h).

d. The owner or operator of a facility so notified by the director shall pay the tax or provide an explanation as to why the facility should not be classified as a major facility.

C. 58:10-23.11h2 List of facilities for nonpetroleum products.

4. The department shall compile a list of facilities which, based on all information made available to or collected by the department pursuant to any State or federal law, would be classified as a major facility if storage capacity therefor were set at 5,000 gallons of hazardous substances which are not petroleum or petroleum products.

C. 58:10-23.11y1 Annual report.

5. The department shall annually submit a written report to the Senate Energy and Environment Committee and to the Assembly Environmental Quality Committee, or their successors, which shall include the information required pursuant to section 26 of P. L. 1976, c. 141 (C. 58:10-23.11y) as well as the list transmitted to the Director of the Division of Taxation in the Department of the Treasury pursuant to section 3 of this amendatory and supplementary act and the list compiled by the department pursuant to section 4 of this amendatory and supplementary act.

6. This act shall take effect immediately but shall remain inoperative until the enactment of P. L. 1986, c. 113, and P. L. 1986, c. 144 (C. 54:10A-5.1 and 54:10A-5.2); provided, however, that the tax provisions in section 2 of this 1986 amendatory and supplementary act shall take effect on the first day of the third month following enactment.

Approved November 12, 1986.

CHAPTER 144

AN ACT to increase the revenue available for hazardous discharge site cleanup, imposing a surtax upon corporations under the Corporation Business Tax Act, and supplementing P. L. 1945, c. 162 (C. 54:10A-1 et seq.).

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

C. 54:10A-5.1 Corporation surtax.

1. In addition to the franchise tax paid by each taxpayer under subsection (c) of section 5 of P. L. 1945, c. 162 (C. 54:10A-5), every taxpayer shall be assessed and shall pay a surtax equal

to a percentage rate established pursuant to section 2 of this 1986 supplementary act applied to its entire net income or such portion thereof as may be allocable to this State as provided in section 6 of P. L. 1945, c. 162 (C. 54:10A-6). The surtax imposed under this section shall be due and payable in accordance with section 15 of P. L. 1945, c. 162 (C. 54:10A-15). The surtax shall be administered pursuant to the provisions of P. L. 1945, c. 162 (C. 54:10A-1 et seq.).

C. 54:10A-5.2 Determination of rate.

2. The Director of the Division of Taxation, in the Department of the Treasury shall, on or before May 30, 1988 and on or before May 30 annually thereafter, review the most recent annual revenue collections in order to estimate the revenue collections from the franchise tax paid pursuant to subsection (e) of section 5 of P. L. 1945, c. 162 (C. 54:10A-5), attributable solely to changes in federal income tax laws effectuated by the "Tax Reform Act of 1986," Pub. L. . . . (now pending before the Congress as H. R. 3838), which estimate shall be made in multiples of \$1,000,000.00. The director on or before May 30, 1988 and on or before May 30 annually thereafter, shall provide a certification of the estimate of these revenues to the Legislature. The surtax rate in section 1 of this 1986 supplementary act shall be determined pursuant to the following formula:

$$R = .5\% \times ((CA - FA) / 60,000,000)$$

where: R is the surtax percentage rate, which shall not be less than zero; FA is the corporate business tax revenue amount, estimated by the director, attributable solely to changes in federal income tax laws effectuated by the "Tax Reform Act of 1986," Pub. L. . . . (now pending before the Congress as H. R. 3838); and, CA is equal to 40,000,000 for the first certification year, 45,000,000 for the second certification year, 50,000,000 for the third certification year, 45,000,000 for the fourth certification year, and 45,000,000 for the fifth certification year.

The rate of surtax determined shall only be for the report covering the accounting or privilege period ending on or after July 31 of the calendar year in which the certification is made but no later than June 30 of the calendar year next succeeding the calendar year in which the certification was made.

3. The Director of the Division of Taxation in the Department of the Treasury shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt such rules and

regulations as may be necessary to effectuate the purpose of this act.

4. Except as otherwise provided in this section, commencing July 1, 1987 and annually thereafter until June 30, 1992, an amount of \$40,000,000.00 for fiscal year 1988, \$45,000,000.00 for fiscal year 1989, \$50,000,000.00 for fiscal year 1990, \$45,000,000.00 for fiscal year 1991 and \$45,000,000.00 for fiscal year 1992 from the General Fund shall be credited annually to the "Hazardous Discharge Site Cleanup Fund" established pursuant to section 1 of P. L. 1985, c. 247 (C. 58:10-23.34). The amount of \$40,000,000.00 for fiscal year 1988, \$45,000,000.00 for fiscal year 1989, \$50,000,000.00 for fiscal year 1990, \$45,000,000.00 for fiscal year 1991 and \$45,000,000.00 for fiscal year 1992 shall be annually reduced by the amount of surtax collected pursuant to sections 1 and 2 of this 1986 supplementary act. It is the intent of the Legislature that this act assures the annual appropriation of at least \$40,000,000.00 for fiscal year 1988, \$45,000,000.00 for fiscal year 1989, \$50,000,000.00 for fiscal year 1990, \$45,000,000.00 for fiscal year 1991 and \$45,000,000.00 for fiscal year 1992 to the "Hazardous Discharge Site Cleanup Fund" for the purpose of providing a stable funding source for hazardous discharge cleanup.

5. This act shall take effect immediately but shall remain inoperative until the enactment of P. L. 1986, c. 113 and P. L. 1986, c. 143 (C. 58:10-23.11h-1 et al.). This act shall expire commencing with accounting or privilege periods or parts thereof ending after June 30, 1993.

Approved November 12, 1986.

CHAPTER 145

AN ACT concerning permits for the construction of low and moderate income housing in coastal areas and supplementing P. L. 1973, c. 185. (C. 13:19-1 et seq.).

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

C. 13:19-11.1 Coastal area construction.

1. Notwithstanding the provisions of any rule or regulation to the contrary, the department shall not require the provision for

low and moderate income housing as a condition for approval of an application to construct a facility in the coastal area pursuant to the provisions of P. L. 1973, c. 185 (C. 13:19-1 et seq.).

2. This act shall take effect immediately.

Approved November 12, 1986.

CHAPTER 146

AN ACT concerning the "Municipal Court Administration Reimbursement Fund" and amending P. L. 1983, c. 531.

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

1. Section 6 of P. L. 1983, c. 531 (C. 26:2B-35) is amended to read as follows:

C. 26:2B-35 Distribution of enforcement moneys.

6. a. Moneys dedicated for enforcement pursuant to section 2 of this act shall be distributed as follows:

(1) One-third shall be distributed to the "Municipal Court Administration Reimbursement Fund" pursuant to subsection b. of this section.

(2) Two-thirds shall be distributed in the "Drunk Driving Enforcement Fund" established pursuant to section 1 of P. L. 1984, c. 4 (C. 39:4-50.8).

b. (1) Each municipality in this State shall present to the Administrative Office of the Courts, before December 31, 1983, the number of drunk driving arrests in the municipality during calendar year 1980. This number shall be the base year number of arrests. In any municipality in which the number of drunk driving arrests for calendar year 1980 exceeds the average of the number of drunk driving arrests for calendar years 1979 and 1981, that municipality may substitute the lower average figure as the base figure for the calculation in this subsection. The municipality shall certify this substitution in writing to the Administrative Office of the Courts within 90 days of the effective date of this 1986 amendatory act. Once a substituted base year figure is used, it may not thereafter be changed. Beginning January 15, 1984, and each year thereafter the municipality shall report to the Administrative Office of the Courts the number of drunk driving arrests made in its municipality during the preceding calendar year.

(2) The Administrative Office of the Courts shall certify the amounts submitted by each municipality and shall calculate for each municipality any increase in the number of arrests between the base year and the number of arrests reported for the preceding calendar year. The Administrative Office of the Courts shall then calculate the sum of all increases for all municipalities reporting.

(3) Beginning for calendar year 1983, the following fraction shall be calculated for each municipality:

The increase in drunk driving arrests in the municipality between the base year and the preceding year over the total of increases in drunk driving arrests between the base year and the preceding year in all reporting municipalities in the State.

This fraction shall be multiplied by the total amount of the money available in the "Municipal Court Administration Reimbursement Fund" in the preceding calendar year. This amount shall be allocated to the municipality for the purpose of maintaining its municipal court, which may include payments to municipal court judges, municipal prosecutors and other municipal court personnel for work performed in addition to regular employment hours.

2. This act shall take effect immediately and shall apply to amounts allocated from the "Municipal Court Administration Reimbursement Fund" to municipalities in 1986.

Approved November 13, 1986.

CHAPTER 147

AN ACT concerning the Commission for the Blind and Visually Impaired, amending R. S. 30:6-1 and R. S. 30:6-15, and supplementing chapter 6 of Title 30 of the Revised Statutes.

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

1. R. S. 30:6-1 is amended to read as follows:

Commission for the Blind and Visually Impaired.

30:6-1. The commission for the amelioration of the condition of the blind and the visually impaired, hereinafter in this article referred to as the "commission," shall hereafter be known as the Commission for the Blind and Visually Impaired. It shall provide

all means which it deems feasible for ameliorating the condition of the blind and visually impaired and shall prepare and maintain a register of all the blind within the State. Wherever used herein, the word "blind" shall be deemed to mean and include the visually impaired.

2. R. S. 30:6-15 is amended to read as follows:

Inquiries; annual report.

30:6-15. The commission is empowered to make inquiries concerning the causes of blindness and the proportion of cases within the State which is preventable and is entitled to receive the cooperation of other State and local government agencies in making these inquiries. The commission shall publish an annual report, including, but not limited to, incidence and prevalence rates of blind and visually impaired persons in all areas of the State.

C. 30:6-1.1 Definitions.

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

a. "Blind" means having a condition which qualifies an individual as a blind person as defined in section 2 of P. L. 1964, c. 290 (C. 30:6-18).

b. "Commission" means the Commission for the Blind and Visually Impaired of the Department of Human Services.

c. "Visually impaired" means having a condition in which a person has a corrected visual acuity not exceeding 20/70, but not less than 20/200, in the person's better eye, or in which the peripheral field of the person's vision has contracted so that the diameter of the visual field subtends an angle no greater than 40 degrees but no less than 20 degrees.

C. 30:6-1.2 Confidential report.

4. (New section) a. The Commissioner of the Department of Human Services shall require the confidential reporting to the commission by every ophthalmologist, optometrist, other eye or health care provider, or any other agency, organization or facility as the commissioner determines to be appropriate, of all cases in which a person is known to be blind or visually impaired or may become blind or visually impaired as the result of a degenerative eye condition, including, but not limited to: corneal degeneration, uveitis, macular degeneration, retinitis pigmentosa, any progressive hereditary disease causing retinal degeneration, diabetic retinopathy which requires treatment, ischemic optic neuropathy, and glaucoma with a restriction of 10 degrees or less in either eye.

b. The Commissioner of Human Services shall determine by regulation the providers, facilities and agencies which shall be required to report to the commission pursuant to subsection a. of this section immediately upon ascertaining that a person is blind or visually impaired or has a degenerative eye condition. The commissioner shall also determine the types of conditions that shall be reported, the type of information that shall be contained in the confidential report and the method for making the report.

C. 30:6-1.3 Use of reports.

5. (New section) The confidential reports made pursuant to this act shall not be included under materials available to public inspection pursuant to P. L. 1963, c. 73 (C. 47:1A-1 et seq.). The reports shall be used only by the commission and other agencies that may be designated by the Commissioner of Human Services and shall not otherwise be divulged or made public so as to disclose the identity of any person to whom they relate, except insofar as:

a. The individual identified or his legal guardian, if any, or if he is a minor, his parent or legal guardian, consents to the disclosure; or

b. A court, upon making a determination that disclosure is necessary for the conduct of proceedings before it and that failure to make the disclosure would be contrary to the public interest, orders the disclosure.

C. 30:6-1.4 No liability.

6. (New section) An individual or organization providing information to the commission in accordance with this amendatory and supplementary act shall not be deemed to be or held liable for divulging confidential information.

C. 30:6-1.5 Voluntary use of services.

7. (New section) Nothing in this act shall be construed to compel any individual to receive services from the commission.

8. 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 necessary to effectuate the provisions of this amendatory and supplementary act.

9. This act shall take effect immediately.

Approved November 13, 1986.

CHAPTER 148

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

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

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that notices relating to such election were not published as required by the provisions of N. J. S. 18A:14-19, provided that notices of such election were posted prior to the election in accordance with the provisions of N. J. S. 18A:14-19; and provided further, that no action, suit or other proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved November 13, 1986.

CHAPTER 149

AN ACT providing a temporary period for certain persons to be licensed as audiologists and speech language pathologists without examination and supplementing P. L. 1983, c. 420 (C. 45:3B-1 et seq.).

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

1. Any person who, on January 5, 1984, was eligible for licensure as an audiologist or speech language pathologist pursuant to

section 10 or 11 of P. L. 1983, c. 420 (C. 45:3B-10 and C. 45:3B-11), or was eligible for provisional licensure as an audiologist or speech language pathologist pursuant to section 12 of P. L. 1983, c. 420 (C. 45:3B-12) may apply to the director of the Division of Consumer Affairs in the Department of Law and Public Safety for the issuance of a license on or before the 90th day following the effective date of this act.

2. The director shall publish within 30 days of the effective date of this act a notice containing the language of section 1 of this act and a brief description of the eligibility requirements for licensure without examination and provisional licensure pursuant to P. L. 1983, c. 420 (C. 45:3B-1 et seq.).

The notice shall contain the specific date of the 90th day following the effective date of this act. The notice shall be published at least twice during the 30 day period in one or more newspapers circulating in each county in the State.

3. This act shall take effect immediately.

Approved November 13, 1986.

CHAPTER 150

AN ACT establishing the Bureau of Marine Law Enforcement within the Division of State Police, amending N. J. S. 2C:39-6, and supplementing Title 53 of the Revised Statutes.

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

C. 53:1-11.10 Definitions.

1. As used in this act:

a. "Bureau" means the Bureau of Marine Law Enforcement established in section 2 of this act.

b. "Waters of the State" means, but shall not be limited to, the waters of the Atlantic ocean for three nautical miles eastward from the shores of this State; all navigable and non-navigable, tidal and non-tidal, rivers, bays, streams, and inlets; and any other water within the jurisdiction of the State.

c. "Superintendent" means the Superintendent of the Division of State Police in the Department of Law and Public Safety.

C. 53:1-11 Bureau of Marine Law Enforcement.

2. There is established in the Division of State Police in the Department of Law and Public Safety a Bureau of Marine Law Enforcement under the supervision of the superintendent. Marine police officers shall be in the unclassified service of the civil service of this State.

C. 53:1-11.12 Membership.

3. The bureau shall consist of the following:

a. The law enforcement personnel currently employed by the State Marine Police Force, established by section 2 of P. L. 1980, c. 96 (C. 52:17B-9.5).

b. Law enforcement personnel appointed to the bureau under this act and trained by the superintendent. Law enforcement personnel appointed to the bureau under this act shall not be subject to the provisions of Title 11 of the Revised Statutes and shall be removable by the superintendent at will for the first three years of employment; thereafter, these personnel shall serve during good behavior and shall not be removed except for cause.

c. Members of the State Police assigned to the bureau for a period of time by the superintendent.

C. 53:1-11.13 Existing tenure rights unaffected.

4. Nothing in this act shall be construed to deprive existing classified law enforcement personnel currently titled as Marine Police Officer, Senior Marine Police Officer, and Principal Marine Police Officer, or any other title which encompasses substantially the same duties and responsibilities, of tenure rights under the laws concerning civil service, pension, or retirement.

C. 53:1-11.14 Powers.

5. Marine law enforcement officers within the bureau:

a. Shall have the powers of police officers as the superintendent may prescribe;

b. Shall enforce the laws of this State on the waters of the State and the land areas contiguous thereto;

c. Shall perform related law enforcement duties throughout the State as the superintendent may prescribe;

d. Shall have the power to stop and board a vessel in the waters of the State to determine whether the vessel complies with State and federal boating safety laws and shall have the power to order a vessel that does not comply with these laws to return immediately to shore.

Nothing in this section shall limit the law enforcement authority of a member of the State Police assigned to the bureau by the superintendent, unless the superintendent shall so prescribe.

C. 53:1-11.15 Duties of superintendent.

6. a. The superintendent may make appointments to the bureau, train members of the bureau, and create ranks in the bureau as he deems necessary to effectuate efficient law enforcement on the waters of the State and the land areas contiguous thereto.

b. The superintendent shall adopt rules to effectuate the purposes of this act, including rules regarding the internal operating procedures of the bureau and the discipline and control of its members.

7. N. J. S. 2C:39-6 is amended to read as follows:

Exemptions.

2C:39-6. Exemptions. a. Provided a person complies with the requirements of subsection j. of this section, N. J. S. 2C:39-5 does not apply to:

(1) Members of the Armed Forces of the United States or of the National Guard while actually on duty, or while traveling between places of duty and carrying authorized weapons in the manner prescribed by the appropriate military authorities;

(2) Federal law enforcement officers, and any other federal officers and employees required to carry firearms in the performance of their official duties;

(3) Members of the State Police and, under conditions prescribed by the superintendent, members of the Marine Law Enforcement Bureau of the Division of State Police;

(4) A sheriff, undersheriff, sheriff's officer, county prosecutor, assistant prosecutor, prosecutor's detective or investigator, deputy attorney general or State investigator employed by the Division of Criminal Justice of the Department of Law and Public Safety, investigator employed by the State Commission of Investigation, inspector of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police in the Department of Law and Public Safety authorized to carry such weapons by the Superintendent of State Police, State park ranger, or State conservation officer;

(5) A prison or jail warden of any penal institution in this State or his deputies, or an employee of the Department of Corrections engaged in the interstate transportation of convicted offenders,

while in the performance of his duties, and when required to possess the weapon by his superior officer, or a correction officer or keeper of a penal institution in this State at all times while in the State of New Jersey, provided he annually passes an examination approved by the superintendent testing his proficiency in the handling of firearms;

(6) A civilian employee of the United States Government under the supervision of the commanding officer of any post, camp, station, base or other military or naval installation located in this State who is required, in the performance of his official duties, to carry firearms, and who is authorized to carry such firearms by said commanding officer, while in the actual performance of his official duties;

(7) (a) A regularly employed member, including a detective, of the police department of any county or municipality, or of any State, interstate, municipal or county park police force or boulevard police force, at all times while in the State of New Jersey;

(b) A special law enforcement officer authorized to carry a weapon as provided in subsection b. of section 7 of P. L. 1985, c. 439 (C. 40A:14-146.14);

(c) An airport security officer or a special law enforcement officer appointed by the governing body of any county or municipality, except as provided in subsection b. of this section, or by the commission, board or other body having control of a county park or airport or boulevard police force, while engaged in the actual performance of his official duties and when specifically authorized by the governing body to carry weapons; or

(8) A full-time, paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time or part-time to an arson investigation unit created pursuant to section 1 of P. L. 1981, c. 409 (C. 40A:14-7.1) or to the county arson investigation unit in the county prosecutor's office, while either engaged in the actual performance of arson investigation duties or while actually on call to perform arson investigation duties and when specifically authorized by the governing body or the county prosecutor, as the case may be, to carry weapons. Prior to being permitted to carry a firearm, such a member shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P. L. 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

b. Subsections a., b. and c. of N. J. S. 2C:39-5 do not apply to:

(1) A law enforcement officer employed by a governmental agency outside of the State of New Jersey while actually engaged in his official duties, provided, however, that he has first notified the superintendent or the chief law enforcement officer of the municipality or the prosecutor of the county in which he is engaged;
or

(2) A licensed dealer in firearms and his registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale, provided, however, that the weapon is carried in the manner specified in subsection g. of this section.

c. Provided a person complies with the requirements of subsection j. of this section, subsections b. and c. of N. J. S. 2C:39-5 do not apply to:

(1) A special agent of the Division of Taxation who has passed an examination in an approved police training program testing proficiency in the handling of any firearm which he may be required to carry, while in the actual performance of his official duties and while going to or from his place of duty, or any other police officer, while in the actual performance of his official duties;

(2) A State deputy conservation officer or a full-time employee of the Division of Parks and Forestry having the power of arrest and authorized to carry weapons, while in the actual performance of his official duties;

(3) (Deleted by amendment, P. L. 1986, c. 150.)

(4) A court attendant serving as such under appointment by the sheriff of the county or by the judge of any municipal court or other court of this State, while in the actual performance of his official duties;

(5) A guard in the employ of any railway express company, banking or building and loan or savings and loan institution of this State, while in the actual performance of his official duties;

(6) A member of a legally recognized military organization while actually under orders or while going to or from the prescribed place of meeting and carrying the weapons prescribed for drill, exercise or parade;

(7) An officer of the Society for the Prevention of Cruelty to Animals, while in the actual performance of his duties;

(8) An employee of a public utilities corporation actually engaged in the transportation of explosives;

(9) A railway policeman, at all times while in the State of New Jersey, provided that he has passed an approved police academy training program consisting of at least 280 hours. The training program shall include, but need not be limited to, the handling of firearms, community relations, and juvenile relations; or

(10) A campus police officer appointed under P. L. 1970, c. 211 (C. 18A:6-4.2 et seq.), while going to and from his place of duty and while in the course of performing official duties or while in the course of an official investigation within the State. Prior to being permitted to carry a firearm, a campus police officer shall take and successfully complete a firearms training course administered by the Police Training Commission, pursuant to P. L. 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use of a revolver or similar weapon prior to being permitted to carry a firearm.

d. (1) Subsections c. and d. of N. J. S. 2C:39-5 do not apply to antique firearms, provided that such antique firearms are unloaded or are being fired for the purposes of exhibition or demonstration at an authorized target range or in such other manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent.

(2) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to an antique cannon that is capable of being fired but that is unloaded and immobile, provided that the antique cannon is possessed by (a) a scholastic institution, a museum, a municipality, a county or the State, or (b) a person who obtained a firearms purchaser identification card as specified in N. J. S. 2C:58-3.

(3) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to an unloaded antique cannon that is being transported by one eligible to possess it, in compliance with regulations the superintendent may promulgate, between its permanent location and place of purchase or repair.

(4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to antique cannons that are being loaded or fired by one eligible to possess an antique cannon, for purposes of exhibition or demonstration at an authorized target

range or in the manner as has been approved in writing by the chief law enforcement officer of the municipality in which the exhibition or demonstration is held, or if not held on property under the control of a particular municipality, the superintendent, provided that performer has given at least 30 days' notice to the superintendent.

(5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S. 2C:39-5 do not apply to the transportation of unloaded antique cannons directly to or from exhibitions or demonstrations authorized under paragraph (4) of subsection d. of this section, provided that the transportation is in compliance with safety regulations the superintendent may promulgate. Nor do those subsections apply to transportation directly to or from exhibitions or demonstrations authorized under the law of another jurisdiction, provided that the superintendent has been given 30 days' notice and that the transportation is in compliance with safety regulations the superintendent may promulgate.

e. Nothing in subsections b., c. and d. of N. J. S. 2C:39-5 shall be construed to prevent a person keeping or carrying about his place of business, residence, premises or other land owned or possessed by him, any firearm, or from carrying the same, in the manner specified in subsection g. of this section, from any place of purchase to his residence or place of business, between his dwelling and his place of business, between one place of business or residence and another when moving, or between his dwelling or place of business and place where such firearms are repaired, for the purpose of repair. For the purposes of this section, a place of business shall be deemed to be a fixed location.

f. Nothing in subsections b., c. and d. of N. J. S. 2C:39-5 shall be construed to prevent:

(1) A member of any rifle or pistol club organized in accordance with the rules prescribed by the National Board for the Promotion of Rifle Practice, in going to or from a place of target practice, carrying such firearms as are necessary for said target practice, provided that the club has filed a copy of its charter with the superintendent and annually submits a list of its members to the superintendent and provided further that the firearms are carried in the manner specified in subsection g. of this section;

(2) A person carrying a firearm or knife in the woods or fields or upon the waters of this State for the purpose of hunting, target practice or fishing, provided that the firearm or knife is legal and

appropriate for hunting or fishing purposes in this State and he has in his possession a valid hunting license, or, with respect to freshwater fishing, a valid fishing license;

(3) A person transporting any firearm or knife while traveling:

(a) Directly to or from any place for the purpose of hunting or fishing, provided the person has in his possession a valid hunting or fishing license; or

(b) Directly to or from any target range, or other authorized place for the purpose of practice, match, target, trap or skeet shooting exhibitions, provided in all cases that during the course of the travel all firearms are carried in the manner specified in subsection g. of this section and the person has complied with all the provisions and requirements of Title 23 of the Revised Statutes and any amendments thereto and all rules and regulations promulgated thereunder; or

(c) In the case of a firearm, directly to or from any exhibition or display of firearms which is sponsored by any law enforcement agency, any rifle or pistol club, or any firearms collectors club, for the purpose of displaying the firearms to the public or to the members of the organization or club, provided, however, that not less than 30 days prior to the exhibition or display, notice of the exhibition or display shall be given to the Superintendent of the State Police by the sponsoring organization or club, and the sponsor has complied with such reasonable safety regulations as the superintendent may promulgate. Any firearms transported pursuant to this section shall be transported in the manner specified in subsection g. of this section;

(4) A person from keeping or carrying about a private or commercial aircraft or any boat, or from transporting to or from such vessel for the purpose of installation or repair a visual distress signalling device approved by the United States Coast Guard.

g. All weapons being transported under paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of subsection f. of this section shall be carried unloaded and contained in a closed and fastened case, gun-box, securely tied package, or locked in the trunk of the automobile in which it is being transported, and the course of travel shall include only such deviations as are reasonably necessary under the circumstances.

h. Nothing in subsection d. of N. J. S. 2C:39-5 shall be construed to prevent any employee of a public utility, as defined in R. S. 48:2-13, doing business in this State or any United States Postal

Service employee, while in the actual performance of duties which specifically require regular and frequent visits to private premises, from possessing, carrying or using any device which projects, releases or emits any substance specified as being noninjurious to canines or other animals by the Commissioner of Health and which immobilizes only on a temporary basis and produces only temporary physical discomfort through being vaporized or otherwise dispensed in the air for the sole purpose of repelling canine or other animal attacks.

The device shall be used solely to repel only those canine or other animal attacks when the canines or other animals are not restrained in a fashion sufficient to allow the employee to properly perform his duties.

Any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.

i. Nothing in subsection d. of N. J. S. 2C:39-5 shall be construed to prevent any person who is 18 years of age or older and who has not been convicted of a felony, from possession for the purpose of personal self-defense of one pocket-sized device which contains and releases not more than three-quarters of an ounce of chemical substance not ordinarily capable of lethal use or of inflicting serious bodily injury, but rather, is intended to produce temporary physical discomfort or disability through being vaporized or otherwise dispensed in the air. Any person in possession of any device in violation of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100.00.

j. A person shall qualify for an exemption from the provisions of N. J. S. 2C:39-5, as specified under subsections a. and c. of this section, if the person has satisfactorily completed a firearms training course approved by the Police Training Commission. Such exempt person shall not possess or carry a firearm until the person has satisfactorily completed a firearms training course and shall annually qualify in the use of a revolver or similar weapon. For purposes of this subsection, a "firearms training course" means a course of instruction in the safe use, maintenance and storage of firearms which is approved by the Police Training Commission. The commission shall approve a firearms training course if the requirements of the course are substantially equivalent to the requirements for firearms training provided by police training courses which are certified under section 6 of P. L. 1961, c. 56

(C. 52:17B-71). A person who is specified in paragraph (1), (2), (3) or (6) of subsection a. of this section shall be exempt from the requirements of this subsection.

8. This act shall take effect on the 91st day after enactment.

Approved November 13, 1986.

CHAPTER 151

AN ACT concerning blighted areas and amending P. L. 1949, c. 187 and P. L. 1949, c. 306.

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

1. Section 1 of P. L. 1949, c. 187 (C. 40:55-21.1) is amended to read as follows:

C. 40:55-21.1 "Blighted area" defined.

1. As used in this act, the term "blighted area" shall mean an area in any municipality wherein there exists any of the conditions hereinafter enumerated:

(a) The generality of buildings used as dwellings or the dwelling accommodations therein are substandard, unsafe, insanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living;

(b) The discontinuance of the use of buildings previously used for manufacturing or industrial purposes, the abandonment of such buildings or the same being allowed to fall into so great a state of disrepair as to be untenable;

(c) Unimproved vacant land, which has remained so for a period of ten years prior to the determination hereinafter referred to, and which land by reason of its location, or remoteness from developed sections or portions of such municipality, or lack of means of access to such other parts thereof, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;

(d) Areas (including slum areas), with buildings or improvements which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary

facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;

(e) A growing or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein and other conditions, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;

(f) Areas, in excess of 10 contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

2. Section 3 of P. L. 1949, c. 306 (C. 40:55C-3) is amended to read as follows:

C. 40:55C-3 Municipal "blighted area."

3. The term "blighted area" is defined to be that portion of a municipality which by reason of, or because of, any of the conditions hereinafter enumerated is found and determined as provided by law to be a social or economic liability to such municipality:

(a) The generality of buildings used as dwellings or the dwelling accommodations therein are substandard, unsafe, insanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living;

(b) The discontinuance of the use of buildings previously used for manufacturing or industrial purposes, the abandonment of such buildings or the same being allowed to fall into so great a state of disrepair as to be untenable;

(c) Unimproved vacant land, which has remained so for a period of 10 years prior to the determination hereinafter referred to, and which land by reason of its location, or remoteness from developed sections or portions of such municipality, or lack of means of access to such other parts thereof, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;

(d) Areas (including slum areas), with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors,

are detrimental to the safety, health, morals, or welfare of the community;

(e) A growing or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein and other conditions, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;

(f) Areas, in excess of 10 contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

It is hereby determined and declared that such conditions or any of them are responsible for or likely to lead to ill health, the spread of disease, depressed standards of living and poor morals, the growth of delinquency or crime, the presence of undue fire hazards and the inability of the property to produce sufficient income to enable the owners to pay taxes or to make said properties productive either for residential, commercial or manufacturing use.

3. This act shall take effect immediately.

Approved November 17, 1986.

CHAPTER 152

AN ACT to provide for the filling of legislative vacancies in certain cases and supplementing chapter 27 of Title 19 of the Revised Statutes.

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

1. Notwithstanding any provision of law to the contrary, in the case of a vacancy in the representation of this State in the Senate or General Assembly, which vacancy occurs such that the date of the special election must be fixed in accordance with the provisions of Title 19 of the Revised Statutes between Thanksgiving Day in this year and January 31 of 1987, the special election shall be held on the first Tuesday in February of 1987.

2. This act shall apply to vacancies occurring prior to its effective date for which writs of election have been issued, but

special elections not held. Any such writ of election issued need not be reissued, but the special election shall be held and notice thereof given in accordance with the provisions of this act and such other laws as may be applicable to special elections.

3. This act shall take effect immediately.

Approved November 17, 1986.

CHAPTER 153

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P. L. 1986, c. 41).

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

1. In addition to the sums appropriated under P. L. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

74 DEPARTMENT OF STATE

70 Government Direction, Management and Control

74 General Government Services

2505 Office of the Secretary of State

01-2505 Administration \$200,000

Special Purpose:

For expenses incurred to conduct a special election to fill a vacant General Assembly seat in District number 23 (\$100,000)

For expenses incurred to conduct a special election to fill a vacant Senate Seat in District number 28 (\$100,000)

2. This act shall take immediately.

Approved November 19, 1986.

CHAPTER 154

AN ACT to amend the "Raffles Licensing Law," approved February 20, 1954 (P. L. 1954, c. 5).

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

1. Section 13 of P. L. 1954, c. 5 (C. 5:8-62) is amended to read as follows:

C. 5:8-62 Cash prizes.

13. No prize shall be offered and given in cash except as hereinafter provided.

The aggregate retail value of all prizes to be offered and given by raffles held, operated and conducted under any license issued under P. L. 1954, c. 5 (C. 5:8-50 et seq.) in any calendar year shall not exceed \$50,000.00, except that in the case of licensees having one or more organizations which are auxiliary to it, said licensees shall not exceed \$25,000.00 for the principal licensee, and \$25,000.00 for each auxiliary organization thereto, but in lieu thereof there may be offered and given as a prize or award one article of merchandise having a retail value in excess of \$50,000.00, and in the case of licensees having one or more organizations which are auxiliary to it, there may be given one article of merchandise having a retail value in excess of \$25,000.00 for the principal licensee and \$25,000.00 for each auxiliary organization thereto, but the limits so fixed shall not apply to any raffle conducted by a drawing with respect to which all tickets are sold only to persons present at the place of the drawing, the winners determined, and the prizes awarded, on the occasion of the drawing, if the prizes are wholly donated. a. Cash prizes may be offered or given in a raffle with respect to which all tickets are sold only to persons present at the place of the drawing, the winners determined, and the prizes awarded, on the occasion of the drawing, if the prizes equal 50% of the total received for the tickets or rights to participate in the drawing; and b. Cash prizes may also be offered or given in a raffle in which tickets may be sold in advance of the occasion and at which the winner need not be present when the winner is determined, if the prizes equal 50% of the total received for the tickets or rights to participate in the drawing, provided that no such raffle authorized by this subsection shall be held, operated or conducted under any license issued under P. L. 1954, c. 5 (C. 5:8-50 et seq.) more than once in any one calendar month. The monetary limits prescribed above shall not apply to subsection a. of this section.

No prize having a retail value greater than \$250.00 shall be awarded in any raffle, not conducted by a drawing, for each spin of the wheel or other allotment by chance.

2. This act shall take effect immediately.

Approved November 24, 1986.

CHAPTER 155

AN ACT to amend the "New Jersey Higher Education Tuition Aid Act," approved February 11, 1969 (P. L. 1968, c. 429).

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

1. Section 7 of P. L. 1968, c. 429 (C. 18A:71-47) is amended to read as follows:

C. 18A:71-47 Tuition aid grants.

7. A college tuition aid grant shall be awarded annually to each eligible, qualified full-time undergraduate student enrolled in a curriculum leading to a degree or certificate in an institution of collegiate grade in New Jersey approved or licensed by the State Board of Higher Education, or in an institution of collegiate grade in another state, provided that such state permits its residents to utilize its state student financial assistance grants in New Jersey institutions of higher education through reciprocity agreements approved by the Student Assistance Board and the Board of Higher Education. In no event shall a New Jersey tuition aid grant be utilized at an out-of-State institution which is not licensed by that state and accredited by a regional accrediting association recognized by the Council on Postsecondary Accreditation.

(a) Eligibility. To each New Jersey resident enrolled as a full-time student after July 1, 1978 for the academic year beginning in September of 1978 the State shall grant an amount as provided in paragraph (b) of this section. No student shall be eligible for a grant unless he has certified in a form satisfactory to the Student Assistance Board that the grant is essential to his carrying out his plans for attending college. No student shall be eligible for grants in more than four and one-half academic years, unless the recipient is enrolled in an undergraduate program regularly requiring five academic years for completion, in which case the Student Assistance Board shall permit five and one-half years of eligibility. Notwithstanding the foregoing provisions, a student receiving aid under the provisions of P. L. 1968, c. 142 (C.

18A:71-28 et seq.) shall be entitled to a sixth year of eligibility. Notwithstanding the foregoing provisions, a county college student who transfers to a four year institution, or any student who is required to pursue 18 or more credit hours in a remedial or developmental curriculum, as defined by regulations adopted by the Board of Higher Education, is entitled to an additional half year of eligibility. For the purpose of this amendatory act, a remedial curriculum shall include only noncredit courses in which a student is directed to enroll as a result of his score on the New Jersey College Basic Skills Placement Test or its equivalent at independent colleges or universities. Eligibility for tuition aid grants may be extended to part-time students through regulations developed by the Student Assistance Board and approved by the Board of Higher Education if the level of appropriated funds allows such an extension, subject to prior approval by the Director of the Division of Budget and Accounting in the Department of the Treasury and Joint Appropriations Committee's Subcommittee on Transfers or its successor. No student shall be eligible for grants unless he maintains such minimum standards of academic performance as are required by the institution in which he is enrolled. No student shall be eligible for a tuition aid grant who is enrolled in a course leading to a degree in theology or divinity.

In the event a student for any reason ceases to continue to be enrolled or otherwise becomes ineligible during the course of an academic year, he shall cease to be eligible for tuition aid. Both the student and the institution shall have the responsibility to notify the Student Assistance Board when a student ceases to be eligible to receive student assistance because of withdrawal for any reason or a change in status from a full to part-time student.

(b) **Amount of grant.** The amount of a tuition aid grant under this act to any student attending an institution of higher education in New Jersey shall be established by the Student Assistance Board but shall not exceed the maximum amount of tuition normally charged at a public institution of higher education for students attending that institution or 50% of the average tuition normally charged at the independent colleges and universities for students attending those institutions. The amount of a New Jersey Tuition Assistance Grant under this act to any student attending an institution of higher education in any state other than New Jersey pursuant to this section shall not exceed \$500.00 in an academic year. The amount of grant to be paid for each semester or equivalent shall be based on the financial need for such a grant,

as determined by standards and procedures established by the Student Assistance Board and approved by the State Board of Higher Education. The standards and procedures which shall be established by the Student Assistance Board for the fiscal year 1978-79 shall be submitted to the Legislature, together with appropriate supporting information, and such standards and procedures shall be deemed approved by the Legislature at the end of 30 calendar days after the date on which they are transmitted to the Legislature, or if the Legislature is not in session on the 30th day, then on the next succeeding day on which it shall be meeting, unless between the date of transmittal and the end of the 30-day period the Legislature passes a concurrent resolution rejecting the standards and procedures, in which case the standards and procedures then in effect shall continue in effect.

Any subsequent revisions of said standards and procedures shall be submitted to the Legislature, together with appropriate supporting information, and such standards and procedures shall be deemed approved by the Legislature at the end of 60 calendar days after the date on which they are transmitted to the Legislature, or if the Legislature is not in session on the 60th day, then on the next succeeding day on which it shall be meeting, unless between the date of transmittal and the end of the 60-day period the Legislature passes a concurrent resolution rejecting the standards and procedures, in which case the standards and procedures then in effect shall continue in effect.

(c) Appropriations for each program category of tuition aid grants shall be separately made by line item.

2. This act shall take effect immediately and shall apply to tuition aid grants awarded for the 1987-88 academic year and thereafter.

Approved November 24, 1986.

CHAPTER 156

AN ACT concerning sending-receiving relationships between local boards of education, supplementing Title 18A of the New Jersey Statutes and amending N. J. S. 18A :38-13.

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

1. N. J. S. 18A :38-13 is amended to read as follows:

Change in designation, allocation.

18A:38-13. No such designation of a high school or high schools and no such allocation or apportionment of pupils thereto, heretofore or hereafter made pursuant to law, shall be changed or withdrawn, nor shall a district having such a designated high school refuse to continue to receive high school pupils from such sending district except upon application made to and approved by the commissioner. Prior to submitting an application the district seeking to sever the relationship shall prepare and submit a feasibility study, considering the educational and financial implications for the sending and receiving districts, the impact on the quality of education received by pupils in each of the districts, and the effect on the racial composition of the pupil population of each of the districts. The commissioner shall make equitable determinations based upon consideration of all the circumstances, including the educational and financial implications for the affected districts, the impact on the quality of education received by pupils, and the effect on the racial composition of the pupil population of the districts. The commissioner shall grant the requested change in designation or allocation if no substantial negative impact will result therefrom.

C. 18A:38-13.1 5-year minimum.

2. (New section) Any school district entering into a sending-receiving relationship subsequent to severing a prior sending-receiving relationship pursuant to the provisions of N. J. S. 18A:38-13 shall remain in the subsequent relationship for not less than five years. If, after that five year period that sending-receiving relationship is severed, any student in the sending district shall be permitted to complete his secondary education within the receiving district.

3. This act shall take effect immediately.

Approved November 24, 1986.

CHAPTER 157

AN ACT appropriating \$3,600,000.00 from the "Jobs, Science and Technology Bond Act of 1984" for the purpose of establishing and constructing a Computer Integrated Manufacturing Center at Camden County College.

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

1. There is appropriated to the Department of Higher Education from the "Jobs, Science and Technology Fund" created pursuant to the "Jobs, Science and Technology Bond Act of 1984," P. L. 1984, c. 99, the sum of \$3,600,000.00 for the purpose of establishing and constructing a Computer Assisted Design-Computer Assisted Manufacture Center at Camden County College to be operated in conjunction with the New Jersey Institute of Technology and a consortium of six southern county colleges.

2. The expenditure of the sum appropriated by this act is subject to the provisions and conditions of P. L. 1984, c. 99.

3. This act shall take effect immediately.

Approved November 24, 1986.

CHAPTER 158

AN ACT concerning the tenure rights of certain teachers and other certified professional educators, amending N. J. S. 18A:60-1 and N. J. S. 18A:60-3 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:60-1.1 Findings, declarations.

1. (New section) The Legislature hereby finds that it is in the best interests of the State of New Jersey to provide job security during good behavior and efficiency for the teachers and other certified professional educators employed in State institutions within the Department of Corrections and the Department of Human Services. To accomplish this goal it is appropriate to provide tenure protection for such professionals teaching in such State institutions, subject to the provisions set forth in this act.

2. N. J. S. 18A:60-1 is amended to read as follows:

Tenure in State institutions.

18A:60-1. The services of all professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, and other persons employed in a teaching capacity, who are or shall hereafter be employed by the commissioner in the Marie H. Katz-

enbach School for the Deaf or in any other educational institution, or employed in any State college or in any county college, and teachers and other certified persons employed in State institutions within the Department of Corrections or the Department of Human Services, with the exception of the Director of Educational Services, shall be under tenure during good behavior and efficiency:

a. after the expiration of a period of employment of three consecutive calendar years in any such institution or institutions; or

b. after employment for three consecutive academic years together with employment at the beginning of the next succeeding academic year in any such institution or institutions; or

c. after employment in any such institution or institutions, within a period of any four consecutive academic years, for the equivalent of more than three academic years.

An academic year, for the purpose of this section, means the period between the time school opens in the institution after the general summer vacation until the next succeeding summer vacation.

C. 18A:60-1.2 Tenure after 3 years' service.

3. (New section) Any teacher or other certified individual serving in a teaching capacity in a State institution within the Department of Corrections or the Department of Human Services as of July 1, 1986, who has completed at least two academic years of teaching service or its equivalent within three calendar years with satisfactory evaluations, shall acquire tenure under this act upon the completion of one additional calendar year of satisfactory service in such capacity.

4. N. J. S. 18A:60-3 is amended to read as follows:

Reduction in staff.

18A:60-3. Nothing contained in this chapter shall be held to limit the right of the commissioner, in the case of any educational institution conducted under his jurisdiction, supervision or control; or the Commissioner of Corrections or the Commissioner of Human Services, in the case of any State institution conducted under their jurisdiction, supervision or control; or of the board of trustees of a college, in the case of a college, to reduce the number of professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, or other persons employed in a teaching capacity in any such institution or institutions when the reduction is due to natural diminution of the number of students or pupils in the institution or institutions. Dismissals resulting

from such reduction shall not be by reason of residence, age, sex, marriage, race, religion, or political affiliation. When such professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, or other persons employed in a teaching capacity under tenure are dismissed by reason of such reduction, those professors, associate professors, assistant professors, instructors, supervisors, registrars, teachers, or other persons employed in a teaching capacity having the least number of years of service to their credit shall be dismissed in preference to those having longer terms of service. Should any such professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher, or other person employed in a teaching capacity under tenure be dismissed as a result of such reduction, such person shall be and remain upon a preferred eligible list in the order of years of service for reemployment, whenever vacancies occur, and shall be reemployed by the commissioner in such order, when, and if, a vacancy in a position for which such professor, associate professor, assistant professor, instructor, supervisor, registrar, teacher, or other person employed in a teaching capacity shall be qualified. Such reemployment shall give full recognition to previous years of service.

5. This act shall take effect immediately.

Approved November 26, 1986.

CHAPTER 159

AN ACT concerning certain contracts of joint meetings and amending R. S. 40:63-95.

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

1. R. S. 40:63-95 is amended to read as follows:

Joint meeting.

40:63-95. Whenever any work to be performed or materials to be furnished in or about any improvement or works to be made under the provisions of this article shall involve an expenditure of a sum of money exceeding the amount under which a contracting unit may award contracts or make purchases or agreements without

public advertising pursuant to the provisions of section 3 of P. L. 1971, c. 198 (C. 40A:11-3), the municipal bodies or boards of the contracting municipalities, by their official action taken in joint meeting as herein provided, shall designate a time when they will meet at their usual place of meeting to receive proposals in writing, for doing the work or furnishing the materials, and such joint meeting shall order the chairman and secretary thereof to give notice by advertisement inserted in one or more newspapers circulating in one or more of the contracting municipalities in each county in which the contracting municipalities are situate, at least 10 days before the time of such meeting, of the work to be done or materials to be furnished, of which at the time of such order they shall cause to be filed in the office of such joint meeting particular specifications. Not more than one proposal shall be received from any one person, directly or indirectly, for the same contract, work, or materials, and all proposals received shall be publicly opened by the chairman in the presence and during a session of such joint meeting, and of all others who choose to attend the meeting. The joint meeting may reject any and all proposals and direct its chairman and secretary to advertise for new proposals and accept such as shall, in the opinion of a majority of the municipalities represented in the joint meeting, be deemed most advantageous for the municipalities.

The proposal so accepted shall be reduced to a contract in writing, and a satisfactory bond to be approved by the joint meeting shall be required and given for its faithful performance, but all contracts when awarded shall be awarded to the lowest responsible bidder offering satisfactory security.

This section shall not prevent the joint meeting from having any work done by its own employees, nor shall it apply to repairs, or to the furnishing of materials, supplies or labor, or to the hiring of teams or vehicles, when the safety or protection of public property or the public convenience requires, or the exigency of the public service will not admit of such advertisement. In such case, however, the joint meeting shall, by resolution, passed by the affirmative vote of four-fifths of all contracting municipalities represented in such joint meeting, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be so expended.

This section shall not apply to any engineer or agent of the jointly contracting municipalities engaged in supervising or directing the work of the improvement.

Nothing in this section shall prohibit the joint meeting from entering into a joint agreement pursuant to section 10 of P. L. 1971, c. 198 (C. 40A:11-10) for the purchase of work related to sewage sludge disposal. All such agreements shall be entered into by resolution of the joint meeting and shall be subject to the requirements of P. L. 1971, c. 198 (C. 40A:11-1 et seq.).

2. This act shall take effect immediately.

Approved December 1, 1986.

CHAPTER 160

AN ACT concerning student records of newly enrolled students and supplementing chapter 36 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:36-19a Student records.

1. The chief school administrator or the administrator's designee of any local school district that enrolls a new student shall request, in writing, the student's records from the school district of last attendance within two weeks from the date that the student enrolls in the new school district. Additionally, the school district shall obtain proper identification of any new student such as a certified copy of the student's certificate of birth.

2. The State Board of Education, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), shall promulgate such rules and regulations as are necessary to effectuate the purpose of this act.

3. This act shall take effect immediately.

Approved December 1, 1986.

CHAPTER 161

AN ACT to amend "An act concerning security for deposits of governmental units in banks, savings banks and savings and loan associations," approved October 27, 1970 (P. L. 1970, c. 236).

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

1. Section 1 of P. L. 1970, c. 236 (C. 17:9-41) is amended to read as follows:

C. 17:9-41 Definitions.

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

"Association" means any State or federally chartered savings and loan association;

"Capital funds" means (a) in the case of a State bank or national bank, the aggregate of the capital stock, surplus and undivided profits of the bank; (b) in the case of a savings bank, the aggregate of the capital deposits, if any, and the surplus of the savings bank; and (c) in the case of an association, the aggregate of all reserves required by any law or regulation, and the undivided profits, if any, of the association;

"Commissioner" means the Commissioner of Banking;

"Defaulting depository" means a public depository as to which an event of default has occurred;

"Eligible collateral" means: (a) Obligations of any of the following:

(1) The United States;

(2) Any agency or instrumentality of the United States, including, but not limited to, the Student Loan Marketing Administration, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Federal Housing Administration and the Small Business Administration;

(3) The State of New Jersey or any of its political subdivisions;

(4) Any other governmental unit; or

(b) Obligations guaranteed or insured by any of the following, to the extent of that insurance or guaranty:

(1) The United States;

(2) Any agency or instrumentality of the United States, including, but not limited to, the Student Loan Marketing Administration, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Federal Housing Administration and the Small Business Administration;

(3) The State of New Jersey or any of its political subdivisions; or

(c) Obligations now or hereafter authorized by law as security for public deposits;

(d) Obligations in which the State, political subdivisions of the State, their officers, boards, commissions, departments and agencies may invest pursuant to an express authorization under any law authorizing the issuance of those obligations; or

(e) Any other obligations as may be approved by the commissioner by regulation or by specific approval;

“Event of default” means issuance of an order of a supervisory authority or of a receiver restraining a public depository from making payments of deposit liabilities:

“Governmental unit” means any county, municipality, school district or any public body corporate and politic created or established under any law of this State by or on behalf of any one or more counties or municipalities, or any board, commission, department or agency of any of the foregoing having custody of funds;

“Maximum liability” of a public depository means, with respect to any event of default, a sum equal to 5% of the average daily balance of collected public funds held on deposit by the depository during the six-month period ending on the last day of the month next preceding the occurrence of such event of default;

“Net deposit liability” means the deposit liability of a defaulting depository to a governmental unit after deduction of any deposit insurance with respect thereto;

“Obligations” means any bonds, notes, capital notes, bond anticipation notes, tax anticipation notes, temporary notes, loan bonds, mortgage related securities, or mortgages;

“Public depository” means a State bank, a national bank, a savings bank or an association located in this State, the deposits of which are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, as the case may be, and which receives or holds public funds on deposit;

“Public funds” means the funds of any governmental unit, but does not include deposits held by the State of New Jersey Cash Management Fund;

“Valuation date” means December 31 and June 30.

2. This act shall take effect immediately.

Approved December 1, 1986.

CHAPTER 162

AN ACT concerning the purchase of credit for time in active military service under the Police and Firemen’s Retirement System of New Jersey and amending P. L. 1983, c. 391.

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

1. Section 2 of P. L. 1983, c. 391 (C. 43:16A-11.8) is amended to read as follows:

C. 43:16A-11.8 Purchase of military service credit.

2. Notwithstanding the provisions of section 4 of P. L. 1944, c. 255 (C. 43:16A-4), any member who meets the definition of “veteran” as provided in this act may, upon filing an application with the board of trustees of the retirement system, purchase credit for all or a portion of the time spent in active military service, whether during the wars, uprisings, insurrections, expeditions or emergencies enumerated in section 1 of P. L. 1983, c. 391 or at any other time prior to his enrollment in the retirement system, but not exceeding five years. No application shall be accepted for the purchase of credit for such service, however, if at the time of application, the member has a vested right to retirement benefits in another retirement system based in whole or in part upon his military service. A member who applies to purchase credit for his previous military service under the provisions of this act shall be liable for payment to the retirement system of the entire amount of the contributions required to pay the cost of the purchase of such service. Neither the State nor the employer of a member who applies to purchase credit under the provisions of this supplementary act shall be liable for any payment to the retirement system on behalf of the member for the purchase of such credit.

The member may purchase credit for such military service by making his payment therefor to the retirement system in a lump sum or in regular monthly installments pursuant to such formulas, rules and regulations as shall be approved by the board of the retirement system. Notwithstanding any other provision of this act, if, upon retirement, the member's payment for purchase of military service credit is insufficient to provide for the additional retirement benefit attributable to such service, the difference may be assessed to the member, or a pro rata benefit may be granted based on the member's payment for such purchase prior to the date of retirement, at the election of the member.

If a member elects to purchase such military service and retires prior to completing payment therefor, he shall receive pro rata credit for such service purchased prior to the date of retirement, but if he elects at the time of retirement, he may make an additional lump sum payment at that time as will be necessary to provide full credit.

2. This act shall take effect immediately.

Approved December 2, 1986.

CHAPTER 163

AN ACT concerning county actions or authorizations involving cable television companies and amending P. L. 1972, c. 186.

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

1. Section 17 of P. L. 1972, c. 186 (C. 48:5A-17) is amended to read as follows:

C. 48:5A-17 Certificate of approval for CATV operations.

17. a. The board shall issue a certificate of approval when, after reviewing the application, and after hearing if one is held, the applicant establishes to its satisfaction that the applicant has all the municipal consents necessary to support the application, that such consents and the issuance thereof are in conformity with the requirements of this act, and that the applicant has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as

preconditions for engaging in his proposed CATV operations; provided, that in the case of any application which has omitted the attachment of municipal consent in the circumstance provided for in subsection a. of section 16 of this act, the board shall condition the issuance of the certificate upon the applicant's reasonably prompt attainment of the omitted municipal consent or reasonably prompt initiation of proceedings under subsection d. of this section.

b. In considering any such application, the board shall take into consideration the probable effects upon both the area for which certification is sought and neighboring areas not covered in the municipal consents; and if it finds that the probable effects, for technical and financial reasons, would be to impede the development of adequate cable television service, or create an unreasonable duplication of services likely to be detrimental to the development of adequate cable television service in any area either within or without the area for which certification is sought, it may deny the certificate or it may amend the certificate in issuing it so as to:

(1) Direct that areas covered in the application be excluded from the area certified; or

(2) Direct that areas not covered in the application be included in the area certified.

c. No such certificate amended pursuant to subsection b. of this section shall be issued except after hearing of which each affected municipality shall be given notice and afforded opportunity to be heard. No such amended certificate shall be issued which would impair the terms of any existing certificate or of any municipal consent upon which such existing certificate is based, except with the consent of the holder of such existing certificate and of any municipality having issued such municipal consent.

d. If a municipality shall arbitrarily refuse to grant the municipal consent required under the terms of this act prerequisite to issuance of a certificate, or to act upon an application for such municipal consent within 90 days after such application is filed, then the applicant CATV company may avoid the necessity of first obtaining such municipal consent by showing to the satisfaction of the board that the municipal consent is being arbitrarily withheld. But any CATV company certificated without municipal consent shall nevertheless pay the franchise tax to the municipality imposed under section 30 of this act. An application for certificate filed pursuant to this subsection shall be accompanied by a filing fee of \$200.00.

e. If any municipality or county shall refuse to any CATV company, whether the holder of a municipal consent from that municipality or otherwise, any zoning variance or other municipal act or authorization, or any county act or authorization, necessary to permit such company to locate any facility of such company within such municipality or county, or to install transmission facilities through such municipality or county for the purpose of serving subscribers or customers in any area for which such company has been issued a certificate by the board, the company may apply to the board for an order setting aside such municipal or county refusal and permitting such location of facility or installation of transmission facilities as requested by the company. An application pursuant to this subsection shall be accompanied by a filing fee of \$200.00. The board, after hearing upon notice and full opportunity for both the applicant and the municipality or county to be heard, shall issue such order when it appears to the board's satisfaction that such permission is necessary to enable the company to provide safe, adequate and proper CATV service to its customers or subscribers in the manner required by this act, and that such location or installation will not adversely affect the public health, safety and welfare.

f. The director shall issue a certificate to any CATV company lawfully engaged in the construction, extension or operation of a CATV system on the effective date of this act, for the construction, extension or operation then being conducted, without further review, if application for such certificate is filed with the board within 90 days after such effective date. The construction, extension or operation of such a CATV system may be lawfully continued pending the filing of such an application unless the director orders otherwise. An application for such certificate which is untimely shall be determined in accordance with the procedures prescribed in subsections a. through d. of this section. A certificate issued under this subsection shall expire five years from the date of issuance; and no CATV company holding such certificate shall be authorized to continue its operations after such expiration unless prior thereto it shall have obtained a certificate under the procedures specified in subsections a. through d. of this section, except that such a CATV company which has initiated proceedings for certification under subsections a. through d. of this section prior to the expiration of a certificate granted under this subsection may continue its operations pending the final disposition of such pro-

ceedings. An application pursuant to this subsection shall be accompanied by a filing fee of \$50.00.

2. This act shall take effect immediately.

Approved December 2, 1986.

CHAPTER 164

AN ACT concerning evaluative profiles of nursing homes, and supplementing P. L. 1971, c. 136 (C. 26:2H-1 et seq.).

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

C. 26:2H-35.1 Comparative report.

1. The State Commissioner of Health shall compile and periodically update a report which compares evaluative profiles of all nursing homes in this State. The report shall compare nursing homes on the basis of size, staff to patient ratio, the number of actions initiated by State agencies based upon verified complaints about the quality of patient care and conditions in each home, the number and types of violations charged against each home and shall contain such other information as the commissioner deems pertinent. The commissioner shall periodically publicize the existence of the report and shall supply a copy of the report, free of charge, to any member of the public who requests it.

C. 26:2H-35.2 Public notice.

2. Whenever the Department of Health determines that a life threatening condition exists at any nursing home in this State, the commissioner may as soon as is reasonably possible issue a public notice describing the details of the condition in such a manner as to make members of the public generally aware of the matter. The commissioner may postpone issuing the public notice until such time as the notice would not jeopardize an ongoing investigation of the nursing home.

3. There is appropriated \$50,000.00 from the General Fund to the Department of Health in order to effectuate the purposes of this act.

4. This act shall take effect immediately.

Approved December 2, 1986.

CHAPTER 165

AN ACT concerning the Police and Firemen's Retirement System of New Jersey and amending and supplementing P. L. 1944, c. 255.

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

1. Section 1 of P. L. 1944, c. 255 (C. 43:16A-1) is amended to read as follows:

C. 43:16A-1 Definitions.

1. As used in this act:

(1) "Retirement system" shall mean the Police and Firemen's Retirement System of New Jersey as defined in section 2 of this act.

(2) "Policeman or fireman" shall mean any permanent and full-time active uniformed employee, and any active permanent and full-time employee who is a detective, lineman, fire alarm operator, or inspector of combustibles of any police or fire department or any employee of a police or fire department who was a member of the retirement system for a period of 15 years prior to his transfer to a position within the department not otherwise covered by the retirement system or any officer or employee serving in the title of assistant superintendent I, assistant superintendent II, assistant superintendent III, superintendent I, superintendent II, superintendent III or administrator, prison complex within the Department of Corrections who, prior to appointment to any of those titles, was a member of the retirement system. It shall also mean any permanent, active and full-time firefighter or officer employee of the State of New Jersey, or any political subdivision thereof, with police powers and holding one of the following titles: motor vehicles officer, motor vehicles sergeant, motor vehicles lieutenant, motor vehicles captain, assistant chief, bureau of enforcement, and chief, bureau of enforcement in the Division of Motor Vehicles, highway patrol officer, sergeant highway patrol bureau, lieutenant highway patrol bureau, captain highway patrol bureau, assistant chief highway patrol bureau, and chief highway patrol bureau in the Division of State Police, alcoholic beverage control investigator, alcoholic beverage control inspector, assistant deputy director, bureau of enforcement, and deputy director, bureau of enforcement in the Division of Alcoholic Beverage Control, inspector recruit alcoholic beverage control, inspector alcoholic bev-

erage control, senior inspector alcoholic beverage control, principal inspector alcoholic beverage control, and supervising inspector alcoholic beverage control in the Division of State Police, conservation officer I, II, III, supervising conservation officer, and chief, bureau of law enforcement in the Division of Fish, Game and Wildlife, ranger trainee, ranger, chief ranger I and chief ranger II in the State Park Service, field section fire warden, chief, Bureau of Forest Fire Management, State forest fire warden, supervising forester (fire), principal forester (fire), senior forester (fire), assistant forester (fire), supervising forest fire warden, division forest fire warden, assistant division forest fire warden, and section forest fire warden in the Bureau of Forest Fire Management, Department of Environmental Protection, marine police officer, senior marine police officer, and principal marine police officer in the Division of State Police, marine patrolman, senior marine patrolman, principal marine patrolman, and chief, bureau of marine law enforcement, State fire marshal, deputy State fire marshal, and inspector fire safety, Department of Law and Public Safety, institution fire chief and assistant institution fire chief, Department of Human Services, correction officer, senior correction officer, correction officer sergeant, correction officer lieutenant, correction officer captain, investigator, senior investigator, principal investigator, assistant chief investigator, chief investigator and director of custody operations I, II, III in the Department of Corrections, medical security officer, assistant supervising medical security officer, and supervising medical security officer in the Department of Human Services, county detective, lieutenant of county detectives, captain of county detectives, deputy chief of county detectives, chief of county detectives, supervising auditor-investigator, auditor-investigator, electronics specialist, traffic safety coordinator-investigator, supervisor of electronics and investigations, and county investigator in the offices of the county prosecutors, county sheriff, sheriff's officer, sergeant sheriff's officer, lieutenant sheriff's officer, captain sheriff's officer, chief sheriff's officer, and sheriff's investigator in the offices of the county sheriffs, county correction officer, county correction sergeant, county correction lieutenant, county correction captain, and county deputy warden in the several county jails, industrial trade instructor and identification officer in a county of the first class having a population of more than 850,000 inhabitants, cottage officer, head cottage officer, interstate escort officer, juvenile officer, head juvenile officer, assistant supervising juvenile officer, and supervising juvenile

officer, chief investigator, assistant chief investigator, senior investigator and investigator in a county welfare agency in a county of the first class, if the county adopts an ordinance or resolution, as appropriate, pursuant to subsection a. of section 2 of P. L. 1985, c. 221 (C. 43:16A-62.3), police officer capitol police and senior police officer capitol police in the Division of State Police, patrolman capitol police, patrolman institutions, sergeant patrolman institutions, and supervising patrolman institutions and patrolman or other police officer of the Board of Commissioners of the Palisades Interstate Park appointed pursuant to R. S. 32:14-21.

(3) "Member" shall mean any policeman or fireman included in the membership of the retirement system as provided in section 3 of this act.

(4) "Board of trustees" or "board" shall mean the board provided for in section 13 of this act.

(5) "Medical board" shall mean the board of physicians provided for in section 13 of this act.

(6) "Employer" shall mean the State of New Jersey, the county, municipality or political subdivision thereof which pays the particular policeman or fireman.

(7) "Service" shall mean service as a policeman or fireman paid for by an employer.

(8) "Creditable service" shall mean service rendered for which credit is allowed as provided under section 4 of this act.

(9) "Regular interest" shall mean interest as determined annually by the State Treasurer after consultation with the Directors of the Divisions of Investment and Pensions and the actuary of the system. It shall bear a reasonable relationship to the percentage rate of earnings on investments but shall not exceed 105% of such percentage rate.

(10) "Aggregate contributions" shall mean the sum of all the amounts, deducted from the compensation of a member or contributed by him or on his behalf, standing to the credit of his individual account in the annuity savings fund.

(11) "Annuity" shall mean payments for life derived from the aggregate contributions of a member.

(12) "Pension" shall mean payments for life derived from contributions by the employer.

(13) "Retirement allowance" shall mean the pension plus the annuity.

(14) "Earnable compensation" shall mean the full rate of the salary that would be payable to an employee if he worked the full normal working time for his position. In cases where salary includes maintenance, the retirement system shall fix the value of that part of the salary not paid in money which shall be considered under this act.

(15) "Average final compensation" shall mean the average annual salary upon which contributions are made for the three years of creditable service immediately preceding his retirement or death, or it shall mean the average annual salary for which contributions are made during any three fiscal years of his or her membership providing the largest possible benefit to the member or his beneficiary.

(16) "Retirement" shall mean the termination of the member's active service with a retirement allowance granted and paid under the provisions of this act.

(17) "Annuity reserve" shall mean the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(18) "Pension reserve" shall mean the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(19) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality tables recommended by the actuary as shall be adopted by the board of trustees, and regular interest.

(20) "Beneficiary" shall mean any person receiving a retirement allowance or other benefit as provided by this act.

(21) "Child" shall mean a deceased member's or retirant's unmarried child (a) under the age of 18, or (b) 18 years of age or older and enrolled in a secondary school, or (c) under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester, provided that the member died in active service as a result of an accident met in the actual performance of duty at some definite time and place, and the death was not the result of the member's willful misconduct, or (d) of any age who, at the time of the member's or

retirant's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and his impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical board.

(22) "Parent" shall mean the parent of a member who was receiving at least one-half of his support from the member in the 12-month period immediately preceding the member's death or the accident which was the direct cause of the member's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

(23) "Widower" shall mean the man to whom a member or retirant was married at least two years before the date of her death and to whom she continued to be married until the date of her death and who was receiving at least one-half of his support from the member or retirant in the 12-month period immediately preceding the member's or retirant's death or the accident which was the direct cause of the member's death. The dependency of such a widower will be considered terminated by marriage of the widower subsequent to the death of the member or retirant. In the event of the payment of an accidental death benefit, the two-year qualification shall be waived.

(24) "Widow" shall mean the woman to whom a member or retirant was married at least two years before the date of his death and to whom he continued to be married until the date of his death and who has not remarried. In the event of the payment of an accidental death benefit, the two-year qualification shall be waived.

(25) "Fiscal year" shall mean any year commencing with July 1, and ending with June 30, next following.

(26) "Compensation" shall mean the base salary, for services as a member as defined in this act, which is in accordance with established salary policies of the member's employer for all employees in the same position but shall not include individual salary adjustments which are granted primarily in anticipation of the member's retirement or additional remuneration for performing temporary duties beyond the regular workday.

(27) "Department" shall mean any police or fire department of a municipality or a fire department of a fire district located in a township or a county police or park police department or the appropriate department of the State or instrumentality thereof.

(28) "Final compensation" means the compensation received by the member in the last 12 months of creditable service preceding his retirement.

2. (New section) a. Any officer eligible to become a member pursuant to the amendatory provisions of this act who is enrolled in the Public Employees' Retirement System (P. L. 1954, c. 84; C. 43:15A-1 et seq.) shall be permitted to transfer membership from that system to the Police and Firemen's Retirement System of New Jersey in accordance with the provisions of P. L. 1973, c. 156 (C. 43:16A-62 et seq.) and upon a lump sum payment into the Police and Firemen's Retirement System annuity savings fund of the amount of the difference between the contribution which was paid as a member of the Public Employees' Retirement System and the contribution that would have been required if he had been a member of the Police and Firemen's Retirement System since the date of last enrolling in the Public Employees' Retirement System. In addition, the employee shall be liable for the amount of the difference between (1) the total contribution paid by the employer of the employee to the Public Employees' Retirement System with respect to any service credit transferred therefrom to the Police and Firemen's Retirement System under this subsection, and (2) the contribution which the employer would have been required to pay to the Police and Firemen's Retirement System with respect to that service credit if the employee had been enrolled in the Police and Firemen's Retirement System during the entire period with respect to which he accumulated that credit; this payment may be made in regular monthly installments or in a lump sum, as the employee may elect, and pursuant to rules and regulations as may be promulgated by the Division of Pensions.

Any officer will likewise be permitted to continue his membership in the Public Employees' Retirement System by waiving all rights and benefits which would otherwise be provided by the Police and Firemen's Retirement System. A waiver to remain in the Public Employees' Retirement System or to transfer to the Police and Firemen's Retirement System shall be accomplished by filing forms satisfactory to the Division of Pensions with the division within 90 days after the effective date of this 1986 amendatory and supplementary act. In the absence of filing a timely waiver and, if appropriate, making payment to the Division of Pensions, an eligible officer's or employee's pension status shall remain unchanged and his membership shall not be transferred to the Police and Firemen's Retirement System.

Whenever in P. L. 1973, c. 156 a period of time is set which is to be calculated from the effective date of that act, the time shall be calculated from the effective date of this amendatory and supplementary act for the purposes hereof.

b. Each new officer who begins employment following the effective date of this act shall be required to enroll in the Police and Firemen's Retirement System of New Jersey as a condition of employment, provided he is otherwise eligible for membership by meeting appointment, age, and health requirements prescribed for all members. As of the effective date of this act, eligibility for membership of those new officers in the Public Employees' Retirement System shall be terminated and the requirements of this subsection shall be deemed satisfied by enrollment of those employees in the Police and Firemen's Retirement System.

3. This act shall take effect immediately.

Approved December 2, 1986.

CHAPTER 166

AN ACT extending time limitations for certain prosecutions and amending N. J. S. 2C:1-6.

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

1. N. J. S. 2C:1-6 is amended to read as follows:

Time limitations.

2C:1-6. Time Limitations. a. A prosecution for murder may be commenced at any time.

b. Except as otherwise provided in this section, prosecutions for other offenses are subject to the following periods of limitations:

(1) A prosecution for a crime must be commenced within five years after it is committed;

(2) A prosecution for a disorderly persons offense or petty disorderly persons offense must be commenced within one year after it is committed;

(3) A prosecution for any offense set forth in 2C:27-2, 2C:27-4, 2C:27-6, 2C:27-7, 2C:29-4, 2C:30-1, 2C:30-2, 2C:30-3, or any

attempt or conspiracy to commit such an offense, must be commenced within seven years after the commission of the offense;

(4) A prosecution for an offense set forth in N. J. S. 2C:14-2 or N. J. S. 2C:14-3, when the victim at the time of the offense is below the age of 18 years, must be commenced within two years of the victim's attaining the age of 18 years or within five years after the crime is committed, whichever date is later.

c. An offense is committed either when every element occurs or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

d. A prosecution is commenced for a crime when an indictment is found and for a nonindictable offense when a warrant or other process is issued, provided that such warrant or process is executed without unreasonable delay. Nothing contained in this section, however, shall be deemed to prohibit the downgrading of an indictable offense to a nonindictable offense at any time if the indictable offense was filed within the statute of limitations applicable to indictable offenses.

e. The period of limitation does not run during any time when a prosecution against the accused for the same conduct is pending in this State.

f. The limitations in this section shall not apply to any person fleeing from justice.

g. Except as otherwise provided in this code, no civil action shall be brought pursuant to this code more than five years after such action accrues.

2. This act shall take effect immediately.

Approved December 3, 1986.

CHAPTER 167

AN ACT concerning weights and measures and revising parts of the statutory law.

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

1. R. S. 51:1-2 is amended to read as follows:

Definitions.

51:1-2. As used in this chapter:

a. "Commodity" means any article of food, drink, trade or commerce, or any service or amusement, goods, wares, merchandise, or fuel measured by any weighing and measuring or counting system;

b. "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale. An individual item or lot of any commodity not in package form as defined in this section, but on which there is marked a selling price based on an established price per unit of weight or of measure, shall be construed to be a commodity in package form. Where the term "package" is used in chapter 1 of Title 51 of the Revised Statutes, it shall be construed to mean "commodity in package form" as herein defined. For the purpose of this definition, single unit produce items wrapped in clear film shall not be construed as commodities in package form;

c. "Food" or "foods" means articles used for food or drink for man or animals, chewing gum and articles used as ingredients of the foregoing;

d. "Physical property" means mass, weight, length, volume, pressure, electricity, electromagnetic forces, radiation, thermodynamics, coefficients of expansion, gravitational forces or any other measurable attribute or quantity, including count;

e. "Weight and measure" or "weights and measures" means a device, apparatus, or instrument designed or used to weigh, measure, count or time any physical property or determine value, and any auxiliary apparatus and accessories that indicate quantity or value, or records representative thereof;

f. "Weights and measures official" or "weights and measures officer" means, at the State level, the State superintendent, deputy State superintendent, assistant State superintendent, State supervisor, State metrologist, and State weights and measures officers of all grades; and at the county and municipal levels, means the superintendent, deputy superintendent, assistant superintendents of all grades, and weights and measures officers of all grades.

2. R. S. 51:1-3 is amended to read as follows:

Use of both systems.

51:1-3. The inch-pound system of weights and measures in customary use in the United States and the metric system or

System International (SI) of weights and measures are jointly recognized, and one or the other, or both, of these systems shall be used for all purposes in this State. The definitions of basic units of weight and measure, the tables of weights and measures, and the weights and measures equivalents, as published by the National Bureau of Standards, are recognized and shall govern weighing and measuring equipment and transactions in this State. It is the intent of the Legislature that nothing in this section shall mandate the exclusive use of SI; however, its use within this State is encouraged.

3. R. S. 51:1-6 is amended to read as follows:

Test of measuring devices.

51:1-6. Steel measuring tapes used by professional land surveyors and professional engineers shall be compared by the State superintendent at least once in five years with standards traceable to the National Bureau of Standards. Every professional land surveyor and professional engineer engaged in surveying and engineering within this State shall test and note the actual variation of his electronic distance measuring device from the "Calibration Base Lines" established by the National Geodetic Survey, at least once each year. He shall submit to the State superintendent, over the appropriate professional seal, a copy of his notes, including the date and time of the test, on forms acceptable to the National Geodetic Survey.

4. R. S. 51:1-29 is amended to read as follows:

Contents of label; packaging; penalties for violations.

51:1-29. a. No person shall distribute, expose for sale, sell, or have in his possession with intent to distribute, expose for sale or sell any article or commodity in package form, unless the label bears statements:

- (1) Specifying the identity of the commodity in common terms;
- (2) Identifying the legal name and principal place of business of the manufacturer, packer or distributor. The statement shall include the street address, city, state and zip code, except that the street address may be omitted if it is shown in a current city directory or telephone directory. If a person manufactures, packs or distributes a commodity in package form at a place other than his principal place of business, the statement may contain the principal place of business address in lieu of the actual place where the commodity was manufactured, packed or is to be distributed, un-

less that statement would be misleading. Packages packed on the premises where sold shall not be required to comply with this paragraph; and

(3) Specifying the net quantity of the contents by weight, measure, count or volume, as prescribed by the State superintendent.

b. Reasonable variations, tolerances and exemptions from the requirements of subsection a. shall be permitted. The State superintendent shall by regulation fix the permitted variations, tolerances and exemptions.

c. No container or package in which commodities are packaged shall have a false bottom, false sidewalls, false lid or covering, or be otherwise so constructed or filled, wholly or partially, as to facilitate the perpetration of a deception. No container or package shall be nonfunctionally slack-filled, that is, filled to substantially less than its capacity for reasons other than (1) protection of the contents of the package or (2) the requirements of machines used for enclosing the contents in the package.

d. Any person who manufactures, packs, distributes, exposes for sale or sells any commodity in package form in violation of this section shall for the first offense be liable to a civil penalty of not less than \$50.00 nor more than \$100.00, and for a second offense to a civil penalty of not less than \$100.00 nor more than \$250.00, and for each subsequent offense to a civil penalty of not less than \$250.00 nor more than \$500.00.

(1) No person shall be convicted of or assessed a civil penalty for a second or subsequent offense pursuant to this subsection unless the previous conviction:

(a) Occurred no earlier than one year prior to the occurrence of the second or subsequent offense; and

(b) Occurred at the same place of business as the second or subsequent offense. For the purposes of this paragraph, "same place of business" means identical store or outlet.

(2) Nothing in this subsection shall be deemed (a) to authorize or permit the imposition of penalties for second or subsequent offenses in conjunction with an adjudication of guilt based upon multiple counts or complaints arising from the same inspection, or (b) to mandate the imposition of penalties for a second or subsequent offense, if, in the discretion of the court, the imposition of a penalty for a first offense would be just and proper.

e. A shipment, delivery, aggregation or lot of a commodity in package form may be examined for compliance with the required

net quantity statement for determining the acceptance or rejection (off-sale action) by means of recognized sampling, statistical principles and methods published by the National Bureau of Standards. Packages having a minus error exceeding the Maximum Allowable Variation (MAV) shall be held in violation and appropriate legal action may be taken with respect to these individual packages according to the provisions of this section.

f. Notwithstanding any provision in Title 51 of the Revised Statutes, when a prosecution has been initiated against a retailer alleging a violation regarding any commodity in package form, the manufacturer or supplier of that package shall be substituted as the party-defendant upon motion, with the consent of all parties and the consent of that manufacturer or supplier, who shall agree to submit to the jurisdiction of the court. If a judgment imposed against a manufacturer or supplier remains unsatisfied, the State superintendent may docket that judgment in the Superior Court, and may enforce that judgment in the same manner as a judgment originating from the Superior Court.

5. R. S. 51:1-54 is amended to read as follows:

State superintendent as administrator.

51:1-54. The State superintendent shall have general supervision of the administration of the provisions of Title 51 of the Revised Statutes. He shall have general supervision over the work of county and municipal superintendents. He shall make such rules for the administration of the affairs of his office and of the offices of the county and municipal superintendents as may be necessary for the proper enforcement of Title 51 of the Revised Statutes. State weights and measures officials shall be under his direct control.

6. R. S. 51:1-55 is amended to read as follows:

Standards.

51:1-55. The State superintendent shall be the custodian of all standards of weight and measure. He shall procure, at the expense of the State, a set of standards properly certified by the National Bureau of Standards. He shall maintain traceability of the State standards to the national standards in the possession of the National Bureau of Standards. He shall correct the standards of the several counties and municipalities, and other government agencies and shall at least once in five years compare them with the standards in his possession. In addition, he shall at least once in every five years calibrate or verify standards used by professional

land surveyors and professional engineers in the performance of their duties, with the expense to be borne by the owners of the devices. The State superintendent, upon request, shall compare and verify any electronic distance measuring device, with the expense to be borne by the owner of the device.

7. R. S. 51:1-61 is amended to read as follows:

Regulations.

51:1-61. The State superintendent may 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 for the implementation of the provisions of Title 51 of the Revised Statutes. Statutes, rules and regulations published by the United States Government and standardizing groups listed in the National Bureau of Standards Publication 417, "Directory of United States Standardization Activities," or any subsequent publication may be adopted by title or reference only. Regulations may include, but are not limited to:

a. Provisions for the administration and enforcement of Title 51 of the Revised Statutes, and the supervision and training of personnel;

b. Testing, inspecting and reporting procedures and exemptions from the sealing or marking requirements of Title 51 of the Revised Statutes with respect to weights and measures of a character or size for which the sealing or marking thereof would not be appropriate;

c. Definitions;

d. Specifications, tolerances and technical requirements for weights and measures;

e. Methods of sale for commodities and services;

f. Standards of net contents, net weight, measure, volume, length, area, time, or count and reasonable standards of fill for any commodity in package form, including exemptions, variations and tolerances with regard to those standards;

g. Exemptions from disclosure pursuant to the public records law, P. L. 1963, c. 73 (C. 47:1A-1 et seq.), of reports or records in the custody of any weights and measures officer involving trade secrets or computer programs, if the owner of the secret or program so requests the exemption. Nothing in this subsection shall prevent a weights and measures officer from introducing that information

in a proceeding necessary for the enforcement of Title 51 of the Revised Statutes, but, upon application by the owner, the court may seal the record with regard to that information;

h. Any other matter which the State superintendent deems necessary for the effective enforcement of laws relating to standards, weights and measures, consistent with the provisions of Title 51 of the Revised Statutes.

8. R. S. 51:1-64 is amended to read as follows:

Identification device.

51:1-64. Each weights and measures officer shall be issued a badge or a similar identification device displaying his official number when he has satisfactorily completed a course of instruction in weights and measures conducted under the direction of the State superintendent. He shall exhibit that badge or identification upon demand during the performance of his official duties. The State superintendent shall design, number, register and issue such badges or identification devices.

9. R. S. 51:1-79 is amended to read as follows:

Records of public weighings.

51:1-79. All public weighmasters shall keep and preserve accurate records for a period of six years of all public weighings, which records shall be available at all times for inspection by the State superintendent or any weights and measures officer.

10. R. S. 51:1-88 is amended to read as follows:

Examination mandated.

51:1-88. No person shall refuse to exhibit any weights, measures, packages, containers, weight certificates, delivery tickets, invoices or any other documents setting forth the quantity or value of any commodity or service to any weights and measures officer for the purpose of being inspected and examined, nor shall any person refuse to admit such officer to his place of business, during his usual hours of business, nor shall any person who may be buying, selling or delivering goods, liquids, commodities, or services from any vehicle in transit refuse to permit such officer to examine any weights, measures, packages, containers, weight certificates, delivery tickets, invoices or any other documents setting forth quantity or value of any commodity or service which may be in or about the vehicle, under a civil penalty of not less than \$100.00 for every such offense.

11. R. S. 51:1-91 is amended to read as follows:

Changing weight or measure prohibited.

51:1-91. No person shall alter or change in any manner any weight or measure, or allow the same to be done, after the same has been tested and sealed or tested and condemned by any weights and measures officer under authority of law, so that the same shall weigh or measure incorrectly, under a civil penalty of not less than \$100.00 nor more than \$500.00 for each offense, unless the person has been duly licensed and registered pursuant to the provisions of P. L. 1938, c. 182 (C. 51:1-113 et seq.). This section shall not prohibit any authorized person from making adjustments necessary to achieve zero balance on any weighing or measuring device.

12. R. S. 51:1-93 is amended to read as follows:

Legal standard.

51:1-93. Every weight or measure sold, leased or delivered after sale to any person within the State for use in the purchase or sale of commodities or services shall be of the legal standard as provided in this Title.

Every person selling, leasing or delivering, or buying, renting or receiving any such weight or measure shall furnish to the local superintendent of the county or municipality in which such weights or measures are installed, a statement in writing, showing the sale or lease and location of such weights and measures, within 10 days.

Any person who shall sell or lease a false weight or measure or a weight or measure that has not been approved as to type, construction and operation by the State superintendent, or who otherwise violates this section, shall be liable to a civil penalty of not less than \$100.00 nor more than \$500.00 for each offense.

13. R. S. 51:1-96 is amended to read as follows:

Penalties for using false weights.

51:1-96. a. No person shall use, or cause to be used, or have in his possession: (1) a weight or measure found to be incorrect after having been theretofore duly tested and sealed; or (2) a false weight, measure or other apparatus for the measurement of a physical property, or for determining the quantity or value of any commodity or article of merchandise, or service, or both. Any person who violates this subsection shall for the first offense be liable to a civil penalty of not less than \$50.00 nor more than \$100.00, and for a second offense to a civil penalty of not less than

\$100.00 nor more than \$250.00, and for each subsequent offense to a civil penalty of not less than \$250.00 nor more than \$500.00.

b. No person shall be convicted of or assessed a civil penalty for a second or subsequent offense pursuant to this section unless the previous conviction:

(1) Occurred no earlier than one year prior to the occurrence of the second or subsequent offense; and

(2) Occurred at the same place of business as the second or subsequent offense. For the purposes of this subsection, "same place of business" means identical store or outlet.

c. Nothing in this section shall be deemed: (1) to authorize or permit the imposition of penalties for a second or subsequent offense in conjunction with an adjudication of guilt based upon multiple counts or complaints arising from the same inspection, or (2) to mandate the imposition of penalties for a second or subsequent offense, if, in the discretion of the court, the imposition of a penalty for a first offense would be just and proper.

14. R. S. 51:1-97 is amended to read as follows:

Illegal weighing activities; penalties.

51:1-97. a. No person shall:

(1) Sell or expose for sale less than the quantity represented of a commodity or service;

(2) Take any more of the quantity represented of any commodity or service, when, as a buyer, he furnishes the weight or measure by which the commodity or service is determined;

(3) Deliver or cause to be delivered less than the quantity or service represented of any commodity or service commonly sold by weight, measure, count or time;

(4) Misrepresent the price of any commodity or service sold, offered, exposed, or advertised for sale by weight, measure, count, or time, or represent the price in any manner calculated or tending to mislead or in any way deceive a person;

(5) Falsify, prerecord, issue or have in his possession a meter register, delivery ticket, invoice, bill or any document which contains a quantity representation recorded prior to the actual measurement at the time of delivery of the commodity; or

(6) Preprint, postprint, alter, or have in his possession a credit card, receipt or original containing a false representation of the quantity or value of petroleum products delivered.

Any person who violates the provisions of this subsection shall be liable for the first offense to a civil penalty of not less than \$50.00 nor more than \$100.00, and for a second offense to a civil penalty of not less than \$100.00 nor more than \$250.00, and for each subsequent offense to a civil penalty of not less than \$250.00 nor more than \$500.00.

b. No person shall be convicted of or assessed a civil penalty for a second or subsequent offense pursuant to this section unless the previous conviction:

(1) Occurred no earlier than one year prior to the occurrence of the second or subsequent offense; and

(2) Occurred at the same place of business as the second or subsequent offense. For the purposes of this subsection, "same place of business" means identical store or outlet.

c. Nothing in this section shall be deemed: (1) to authorize or permit the imposition of penalties for a second or subsequent offense in conjunction with an adjudication of guilt based upon multiple counts or complaints arising from the same inspection, or (2) to mandate the imposition of penalties for a second or subsequent offense, if, in the discretion of the court, the imposition of a penalty for a first offense would be just and proper.

15. R. S. 51:1-100 is amended to read as follows:

Separate violations.

51:1-100. The use, ownership or possession of each separate weight, measure, container or commodity in package form in violation of any of the provisions of this chapter shall be deemed as separate violations thereof.

16. R. S. 51:1-102 is amended to read as follows:

Certificate.

51:1-102. Each weight or measure used by any weights and measures officer as a standard for testing the weights and measures used in trade, commerce or in:

a. Any weights and measures office;

b. The enforcement of law; or

c. Any engineering or surveying

shall be marked by the State superintendent in such manner as he may determine. A certificate of the correctness thereof, designating it by number and giving the date of its comparison with any of the standard weights and measures shall be presumptive evidence that

such weight or measure has continuously since the date of such comparison conformed with the said standards and the national and State standards. Such certificate shall be signed and sealed by the State superintendent in a manner determined by him.

Any certificate substantially setting forth the above facts and purporting to be signed and sealed by the State superintendent shall, upon its production, be admitted as such presumptive evidence without further proof of its authenticity.

17. R. S. 51:1-103 is amended to read as follows:

Jurisdiction for action.

51:1-103. An action for the recovery of a penalty for violation of Title 51 of the Revised Statutes shall be within the jurisdiction of and may be brought before the Superior Court or municipal court in the county or municipality where the offense was committed or where the defendant may reside, or where the defendant may be found, or where the measurement of quantity determination was physically made, which court is hereinafter referred to in Title 51 of the Revised Statutes as the "court."

18. R. S. 51:1-105 is amended to read as follows:

Penalty enforcement.

51:1-105. A penalty incurred for the violation of any of the provisions of this Title may be enforced pursuant to "the penalty enforcement law," N. J. S. 2A:58-1 et seq., in a summary proceeding brought in the name of the State by any weights and measures officer.

All proceedings and all judgments arising therefrom shall be pursued and entered in accordance with "the penalty enforcement law," N. J. S. 2A:58-1 et seq., and the Rules Governing the Courts of the State of New Jersey. Judgments recovered in favor of the State in any court may be docketed in the Superior Court and, thereafter, shall operate as a judgment obtained in that court.

19. R. S. 51:1-106 is amended to read as follows:

Arrest; confiscation.

51:1-106. A weights and measures officer, on the violation of any of the provisions of this Title within his view or presence, may without warrant arrest the offender and conduct him before the court having jurisdiction.

A weights and measures officer may order off-sale, issue stop-use or removal orders, or may seize and take possession of any

commodity in package form, weight or measure, document or other item, when he has reason to believe that any provision of Title 51 of the Revised Statutes or any regulation adopted thereunder has been violated.

Any weights and measures officer, his employer, or the State shall not be liable for damages by reason of that seizure.

C. 51:1-103.1 Injunction.

20. (New section) Whenever it appears that a person engages in practices in violation of Title 51 of the Revised Statutes or regulations adopted pursuant thereto and other statutes relating to weights and measures, the State superintendent may seek to obtain in an action in the Superior Court an injunction prohibiting that person from continuing those practices.

The court may make orders or judgments to prevent that person from engaging in any prohibited practices.

C. 51:1-54.1 Issuance of subpoenas.

21. (New section) The State superintendent shall have the power to issue subpoenas to compel the production of any pertinent records, books, or documents or the attendance of witnesses in any matter pertaining to his duties under Title 51 of the Revised Statutes and other statutes relating to weights and measures and shall have the power to administer oaths in taking testimony. Subpoenas shall be issued under the seal of the State superintendent and shall be served in the same manner as subpoenas issued from any court in this State. The failure of any person to obey a subpoena may result in the State superintendent's applying to the Superior Court for appropriate relief.

C. 51:1-99.1 Prior violations not included.

22. (New section) No conviction of a violation of Title 51 of the Revised Statutes prior to the effective date of this 1986 amendatory and supplementary act shall be considered for the purpose of assessing a penalty for a second or subsequent offense pursuant to R. S. 51:1-29, R. S. 51:1-91, R. S. 51:1-96, or R. S. 51:1-97.

Repealer.

23. R. S. 51:1-57, R. S. 51:1-92, and R. S. 51:1-99 are repealed.

24. This act shall take effect immediately.

Approved December 3, 1986.

CHAPTER 168

AN ACT concerning the payment of delinquent taxes and redemption of real property and amending R. S. 54:5-59.

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

1. R. S. 54:5-59 is amended to read as follows:

Amount required for redemption.

54:5-59. If the certificate of sale is held by the municipality, the amount required for redemption shall include all subsequent municipal liens, except so much of the taxes for the year in which the redemption is made as are not delinquent as of the date of redemption under the provisions of R. S. 54:4-66, with interest thereon at the rate chargeable by the municipality on delinquent taxes and costs; but with the consent of the governing body, redemption may be made in installments. The first installment shall include all past due taxes with interest thereon, all costs required to be paid upon redemption, and all installments of assessments past due, together with interest on the assessments to the date of the payment of the installment. The balance of the assessments shall be paid in such installments and at such times as they would have been payable but for a default in payment thereof, or for such sale for unpaid taxes or assessments. After the payment of the first installment, the municipality shall not assign the certificate or take any action to cut off or foreclose the right of redemption so long as the installments shall be paid when due and no default shall exist in the payment of municipal liens accruing subsequent to the date of the payment of the first installment. If redemption is made after the claim of the municipality under any sale for the enforcement of the taxes or other municipal liens or charges has been apportioned, the amount required for redemption shall be the charge or charges as apportioned to the subdivision being redeemed, with interest and costs, including all subsequent municipal liens thereon, with interest from the date of such apportionment.

2. This act shall take effect immediately.

Approved December 4, 1986.

CHAPTER 169

AN ACT concerning flexible regulations and amending and supplementing P. L. 1968, c. 410.

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

C. 52:14B-16 Short title.

1. (New section) This act shall be known and may be cited as the "New Jersey Regulatory Flexibility Act."

C. 52:14B-17 "Small business" defined.

2. (New section) As used in this act, "small business" means any business which is resident in this State, independently owned and operated and not dominant in its field, and which employs fewer than 100 full-time employees.

C. 52:14B-18 Approaches.

3. (New section) In developing and proposing a rule for adoption, the agency involved shall utilize approaches which will accomplish the objectives of applicable statutes while minimizing any adverse economic impact of the proposed rule on small businesses of different types and of differing sizes. Consistent with the objectives of applicable statutes, the agency shall utilize such approaches as:

a. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small businesses;

b. The use of performance rather than design standards; and

c. An exemption from coverage by the rule, or by any part thereof, for small businesses so long as the public health, safety, or general welfare is not endangered.

C. 52:14B-19 Regulatory flexibility analysis.

4. (New section) In proposing a rule for adoption, the agency involved shall issue a regulatory flexibility analysis regarding the rule, which 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). Each regulatory flexibility analysis shall contain:

a. A description of the types and an estimate of the number of small businesses to which the proposed rule will apply;

b. A description of the reporting, record-keeping and other compliance requirements being proposed for adoption, and the kinds of professional services that a small business is likely to need in order to comply with the requirements;

c. An estimate of the initial capital costs and an estimate of the annual cost of complying with the rule, with an indication of any likely variation in the costs for small businesses of different types and of differing sizes; and

d. An indication of how the rule, as proposed for adoption, is designed to minimize any adverse economic impact of the proposed rule on small businesses.

This section shall not apply to any proposed rule which the agency finds would not impose reporting, record-keeping, or other compliance requirements on small businesses. The agency's finding and an indication of the basis for its finding 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).

C. 52:14B-20 Considered one rule.

5. (New section) In order to avoid duplicative action, an agency may consider a series of closely related rules as one rule for the purposes of complying with section 4 of this act.

C. 52:14B-21 Description of effects of rule.

6. (New section) In complying with the provisions of section 4 of this act, an agency may provide either a quantifiable or numerical description of the effects of a proposed rule or more general descriptive statements, if quantification is not practicable or reliable.

7. 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 socioeconomic impact of the rule, and 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);

(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 a 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-5o.) 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.

8. This act shall take effect immediately.

Approved December 4, 1986.

CHAPTER 170

AN ACT concerning penalties for certain environmental laws, and amending P. L. 1970, c. 39, P. L. 1976, c. 141, and P. L. 1977, c. 74.

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

1. Section 9 of P. L. 1970, c. 39 (C. 13:1E-9) is amended to read as follows:

C. 13:1E-9 Enforcement of solid waste regulations.

9. a. All codes, rules and regulations adopted by the department related to solid waste collection and disposal shall have the force and effect of law. Such codes, rules and regulations shall be observed throughout the State and shall be enforced by the department and by every local board of health, or county health department, as the case may be.

The department and the local board of health, or the county health department, as the case may be, shall have the right to enter a solid waste facility at any time in order to determine compliance with the registration statement and engineering design, and with the provisions of all applicable laws or rules and regulations adopted pursuant thereto.

The municipal attorney or an attorney retained by a municipality in which a violation of such laws or rules and regulations adopted pursuant thereto is alleged to have occurred shall act as counsel to a local board of health.

The county counsel or an attorney retained by a county in which a violation of such laws or rules and regulations adopted pursuant thereto is alleged to have occurred shall act as counsel to the county health department.

Any county health department may charge and collect from the owner or operator of any sanitary landfill facility within its jurisdiction such fees for enforcement activities as may be established by ordinance or resolution adopted by the governing body of any such county. Such fees shall be established in accordance with a fee schedule regulation to be adopted by the department, pursuant to law, within 60 days of the effective date of this amendatory act and shall be utilized exclusively to fund such enforcement activities.

All enforcement activities undertaken by county health departments pursuant to this subsection shall conform to all applicable performance and administrative standards adopted pursuant to section 10 of the "County Environmental Health Act," P. L. 1977, c. 443 (C. 26:3A2-28).

b. Whenever the commissioner finds that a person has violated any provision of P. L. 1970, c. 39 (C. 13:1E-1 et seq.), or any rule or regulation adopted, permit issued, or solid waste management plan adopted pursuant to P. L. 1970, c. 39, he shall:

- (1) Issue an order requiring the person found to be in violation to comply in accordance with subsection c. of this section;
- (2) Bring a civil action in accordance with subsection d. of this section;
- (3) Levy a civil administrative penalty in accordance with subsection e. of this section;
- (4) Bring an action for a civil penalty in accordance with subsection f. of this section; or
- (5) Petition the Attorney General to bring a criminal action in accordance with subsection g. of this section.

Pursuit of any of the remedies specified under this section shall not preclude the seeking of any other remedy specified.

c. Whenever the commissioner finds that a person has violated any provision of P. L. 1970, c. 39, or any rule or regulation adopted, permit issued, or solid waste management plan adopted pursuant to P. L. 1970, c. 39, he may issue an order specifying the provision or provisions of P. L. 1970, c. 39, or the rule, regulation, permit or solid waste management plan of which the person is in violation, citing the action which constituted the violation, ordering abatement of the violation, and giving notice to the person of his right to a hearing on the matters contained in the order. The ordered party shall have 20 days from receipt of the order within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order. If no hearing is requested, then the order shall become final after the expiration of the 20-day period. A request for hearing shall not automatically stay the effect of the order.

d. The commissioner, a local board of health or county health department may institute an action or proceeding in the Superior Court for injunctive and other relief, including the appointment of a receiver for any violation of this act, or of any code, rule or regulation promulgated, permit issued or solid waste management plan adopted pursuant to this act and said court may proceed in the action in a summary manner. In any such proceeding the court may grant temporary or interlocutory relief, notwithstanding the provisions of R. S. 48:2-24.

Such relief may include, singly or in combination:

- (1) A temporary or permanent injunction;
- (2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;
- (3) Assessment of the violator for any costs incurred by the State in removing, correcting or terminating the adverse effects upon water and air quality resulting from any violation of any provision of this act or any rule, regulation or condition of approval for which the action under this subsection may have been brought;
- (4) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for

any other actual damages caused by any violation of this act or any rule, regulation or condition of approval established pursuant to this act for which the action under this subsection may have been brought. Assessments under this subsection shall be paid to the State Treasurer, or to the local board of health, or to the county health department, as the case may be, except that compensatory damages may be paid by specific order of the court to any persons who have been aggrieved by the violation.

If a proceeding is instituted by a local board of health or county health department, notice thereof shall be served upon the commissioner in the same manner as if the commissioner were a named party to the action or proceeding. The department may intervene as a matter of right in any proceeding brought by a local board of health or county health department.

e. The commissioner is authorized to assess a civil administrative penalty of not more than \$50,000.00 for each violation; provided that each day during which the violation continues shall constitute an additional, separate and distinct offense. The commissioner shall not assess a civil administrative penalty in excess of \$25,000.00 for a single violation, or in excess of \$2,500.00 for each day during which a violation continues, until the department has adopted, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), regulations requiring the commissioner, in assessing a civil administrative penalty, to consider the operational history of the facility at which the violation occurred, the severity of the violation, the measures taken to mitigate or prevent future violations, and whether the penalty will maintain an appropriate deterrent. No assessment shall be levied pursuant to this section until after the violator has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute, rule, regulation, order, permit condition or solid waste management plan violated, a concise statement of the facts alleged to constitute a violation, a statement of the amount of the civil administrative penalties to be imposed, and a statement of the party's right to a hearing. The ordered party shall have 20 calendar days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, the notice shall become a final order after the expiration of the 20-day period. Payment of the assessment is due when a final order is issued or

the notice becomes a final order. The authority to levy a civil administrative penalty is in addition to all other enforcement provisions in P. L. 1970, c. 39, and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. The department may compromise any civil administrative penalty assessed under this section in an amount the department determines appropriate.

f. Any person who violates the provisions of this act or any code, rule or regulation promulgated pursuant to this act shall be liable to a penalty of not more than \$50,000.00 per day to be collected in a civil action commenced by a local board of health, a county health department, or the commissioner.

Any person who violates an administrative order issued pursuant to subsection c. of this section, or a court order issued pursuant to subsection d. of this section, or who fails to pay an administrative assessment in full pursuant to subsection e. of this section is subject upon order of a court to a civil penalty not to exceed \$100,000.00 per day of such violation.

Each day during which the violation continues constitutes an additional, separate and distinct offense. Any penalty imposed pursuant to this subsection may be collected with costs in a summary proceeding pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.). The Superior Court and the municipal court shall have jurisdiction to enforce the provisions of "the penalty enforcement law" in connection with this act.

g. Any person who knowingly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other

document required to be submitted to the department shall, upon conviction, be guilty of a crime of the third degree and, notwithstanding the provisions of N. J. S. 2C:43-3, shall be subject to a fine of not more than \$50,000.00 for the first offense and not more than \$100,000.00 for the second and each subsequent offense and restitution, in addition to any other appropriate disposition authorized by subsection b. of N. J. S. 2C:43-2.

h. Any person who recklessly:

(1) Transports any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(2) Generates and causes or permits to be transported any hazardous waste to a facility or any other place which does not have authorization from the department to accept such waste;

(3) Disposes, treats, stores or transports hazardous waste without authorization from the department;

(4) Makes any false or misleading statement to any person who prepares any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department; or

(5) Makes any false or misleading statement on any hazardous waste application, label, manifest, record, report, design or other document required to be submitted to the department, shall, upon conviction, be guilty of a crime of the fourth degree.

i. Any person who, regardless of intent, generates and causes or permits any hazardous waste to be transported, transports, or receives transported hazardous waste without completing and submitting to the department a hazardous waste manifest in accordance with the provisions of this act or any rule or regulation adopted pursuant hereto shall, upon conviction, be guilty of a crime of the fourth degree.

j. All conveyances used or intended for use in the willful discharge, in violation of the provisions of P. L. 1970, c. 39 (C. 13:1E-1 et seq.), of any solid waste, or hazardous waste as defined in P. L. 1976, c. 99 (C. 13:1E-38 et seq.) are subject to forfeiture to the State pursuant to the provisions of P. L. 1981, c. 387 (C. 13:1K-1 et seq.).

k. The provisions of N. J. S. 2C:1-6 to the contrary notwithstanding, a prosecution for a violation of the provisions of subsection g., subsection h. or subsection i. of this section shall be

commenced within five years of the date of discovery of the violation.

2. Section 22 of P. L. 1976, c. 141 (C. 58:10-23.11u) is amended to read as follows:

C. 58:10-23.11u Violations; penalties.

22. a. Any person who knowingly gives or causes to be given any false information as a part of, or in response to, any claim made pursuant to this act for cleanup costs, removal costs, direct damages or indirect damages resulting from a discharge, or who otherwise violates any of the provisions of this act or any rule promulgated thereunder shall be liable to a penalty of not more than \$50,000.00 for each offense, to be collected in a summary proceeding under "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.) or in a court of competent jurisdiction wherein injunctive relief has been requested. The Superior Court shall have jurisdiction to enforce "the penalty enforcement law." If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate and distinct offense.

b. If any person violates any of the provisions of this act, the department may institute civil action in the Superior Court for injunctive relief to prohibit and prevent the continuation of the violation or violations and said court may proceed in a summary manner.

c. All conveyances used or intended for use in the willful discharge of any hazardous substance are subject to forfeiture to the State pursuant to the provisions of P. L. 1981, c. 387 (C. 13:1K-1 et seq.).

3. Section 10 of P. L. 1977, c. 74 (C. 58:10A-10) is amended to read as follows:

C. 58:10A-10 Powers of commissioner.

10. a. Whenever, on the basis of any information available to him, the commissioner finds that any person is in violation of any provision of this act, or any rule, regulation, water quality standard, effluent limitation, or permit issued pursuant to this act he shall:

- (1) Issue an order requiring any such person to comply in accordance with subsection b. of this section; or
- (2) Bring a civil action in accordance with subsection c. of this section; or

(3) Levy a civil administrative penalty in accordance with subsection d. of this section; or

(4) Bring an action for a civil penalty in accordance with subsection e. of this section; or

(5) Petition the Attorney General to bring a criminal action in accordance with subsection f. of this section.

Use of any of the remedies specified under this section shall not preclude use of any other remedy specified.

b. Whenever, on the basis of any information available to him, the commissioner finds that any person is in violation of any provision of this act, or of any rule, regulation, water quality standard, effluent limitation or permit issued pursuant to this act, he may issue an order (1) specifying the provision or provisions of this act, or the rule, regulation, water quality standard, effluent limitation, or permit of which he is in violation, (2) citing the action which caused such violation, (3) requiring compliance with such provision or provisions, and (4) giving notice to the person of his right to a hearing on the matters contained in the order.

c. The commissioner is authorized to commence a civil action in Superior Court for appropriate relief for any violation of this act or of a permit issued hereunder. Such relief may include, singly or in combination:

(1) A temporary or permanent injunction;

(2) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and litigating the case under this subsection;

(3) Assessment of the violator for any cost incurred by the State in removing, correcting or terminating the adverse effects upon water quality resulting from any unauthorized discharge of pollutants for which the action under this subsection may have been brought;

(4) Assessment against the violator of compensatory damages for any loss or destruction of wildlife, fish or aquatic life, and for any other actual damages caused by an unauthorized discharge. Assessments under this subsection shall be paid to the State Treasurer, except that compensatory damages shall be paid by specific order of the court to any persons who have been aggrieved by the unauthorized discharge.

d. The commissioner is authorized to assess a civil penalty of not more than \$50,000.00 for each violation and each day during

which such violation continues shall constitute an additional, separate, and distinct offense. Any amount assessed under this subsection shall fall within a range established by regulation by the commissioner for violations of similar type, seriousness, and duration. No assessment shall be levied pursuant to this section until after the discharger has been notified by certified mail or personal service. The notice shall include a reference to the section of the statute, regulation, order or permit condition violated; a concise statement of the facts alleged to constitute a violation; a statement of the amount of the civil penalties to be imposed; and a statement of the party's right to a hearing. The ordered party shall have 20 days from receipt of the notice within which to deliver to the commissioner a written request for a hearing. After the hearing and upon finding that a violation has occurred, the commissioner may issue a final order after assessing the amount of the fine specified in the notice. If no hearing is requested, then the notice shall become a final order after the expiration of the 20-day period. Payment of the assessment is due when a final order is issued or the notice becomes a final order. The authority to levy an administrative order is in addition to all other enforcement provisions in this act, and the payment of any assessment shall not be deemed to affect the availability of any other enforcement provisions in connection with the violation for which the assessment is levied. Any civil penalty assessed under this section may be compromised by the commissioner upon the posting of a performance bond by the violator, or upon such terms and conditions as the commissioner may establish by regulation.

e. Any person who violates this act or an administrative order issued pursuant to subsection b. or a court order issued pursuant to subsection c., or who fails to pay an administrative assessment in full pursuant to subsection d. shall be subject upon order of a court to a civil penalty not to exceed \$50,000.00 per day of such violation, and each day's continuance of the violation shall constitute a separate violation. Any penalty incurred under this subsection may be recovered with costs in a summary proceeding pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.). The Superior Court shall have jurisdiction to enforce "the penalty enforcement law" in conjunction with this act.

f. Any person who willfully or negligently violates this act shall, upon conviction, be guilty of a crime of the fourth degree and shall be punished by fine of not less than \$5,000.00 nor more than \$50,000.00 per day of violation, or by imprisonment for not more

than one year, or by both. Punishment for a second offense under this subsection shall be a fine of not less than \$10,000.00 nor more than \$100,000.00 per day of violation, or by imprisonment for not more than two years, or both. Any person who knowingly makes a false statement, representation, or certification in any application, record, or other document filed or required to be maintained under this act or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained pursuant to this act shall, upon conviction, be subject to a fine of not more than \$20,000.00 or by imprisonment for not more than six months, or by both.

g. All conveyances used or intended for use in the willful discharge, in violation of the provisions of P. L. 1977, c. 74 (C. 58:10A-1 et seq.), of any pollutant or toxic pollutant are subject to forfeiture to the State pursuant to the provisions of P. L. 1981, c. 387 (C. 13:1K-1 et seq.).

4. This act shall take effect immediately.

Approved December 4, 1986.

CHAPTER 171

AN ACT to amend the "Multiple-party Deposit Account Act," approved February 28, 1980 (P. L. 1979, c. 491).

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

1. Section 12 of P. L. 1979, c. 491 (C. 17:16I-12) is amended to read as follows:

C. 17:16I-12 Beneficial ownership of funds in multiple-party accounts.

12. a. Payment made pursuant to subsection b. of this section, or pursuant to section 8, 9, 10 or 11 of this act, or section 89, 90 or 91 of P. L. 1963, c. 144 (C. 17:12B-89 through 17:12B-91) discharges the financial institution from all claims for amounts so paid, whether or not the payment is consistent with the beneficial ownership of the account as between parties, P.O.D. payees, or beneficiaries, or their successors. The protection here given does not extend to payments made after a financial institution has received written notice from any party able to request present payment to

the effect that withdrawals in accordance with the terms of the account should not be permitted. Unless the notice is withdrawn by the person giving it, the successor of any deceased party must concur in any demand for withdrawal, if the financial institution is to be protected under this section. No other notice or any other information shown to have been available to a financial institution shall affect its right to the protection provided here. The protection here provided shall have no bearing on the rights of parties in disputes between themselves or their successors concerning the beneficial ownership of funds in, or withdrawn from, multiple-party accounts. Financial institutions refusing or altering payment pursuant to written notice or order from any party able to request present payment shall not be liable to any other party to the account, or beneficiary thereof, by reason of such action.

b. When a beneficiary of a trust account, or a P.O.D. account payee, is under the age of 18 when the beneficiary or payee becomes entitled to payment as provided in this act, a state or federally chartered bank or savings bank in which the trust account or P.O.D. account is maintained shall make such payment (1) if a certificate of appointment of a guardian is filed with the bank or savings bank, to the guardian of the estate or to the guardian of the beneficiary or payee; or (2) if a certificate of appointment of a guardian is not filed with the bank or savings bank, the bank or savings bank shall prioritize payment as follows: (a) to the beneficiary or payee, if married; (b) to a parent or parents of the beneficiary or payee, or to any person having the care and custody of the beneficiary or payee, with whom the beneficiary or payee resides; or (c) to the beneficiary or payee, when the beneficiary or payee attains the age of 18.

2. This act shall take effect immediately.

Approved December 4, 1986.

CHAPTER 172

AN ACT concerning the penalties for aggravated manslaughter and kidnapping and amending sections N. J. S. 2C:11-4, N. J. S. 2C:13-1, N. J. S. 2C:43-7 and N. J. S. 2C:44-1.

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

1. N. J. S. 2C:11-4 is amended to read as follows:

Manslaughter.

2C:11-4. Manslaughter. a. Criminal homicide constitutes aggravated manslaughter when the actor recklessly causes death under circumstances manifesting extreme indifference to human life.

b. Criminal homicide constitutes manslaughter when:

(1) It is committed recklessly; or

(2) A homicide which would otherwise be murder under section 2C:11-3 is committed in the heat of passion resulting from a reasonable provocation.

c. Aggravated manslaughter is a crime of the first degree and upon conviction thereof, a person may, notwithstanding the provisions of paragraph (1) of subsection a. of N. J. S. 2C:43-6, be sentenced to an ordinary term of imprisonment between 10 and 30 years. Manslaughter is a crime of the second degree.

2. N. J. S. 2C:13-1 is amended to read as follows:

Kidnapping.

2C:13-1. Kidnapping. a. Holding for ransom, reward or as a hostage. A person is guilty of kidnapping if he unlawfully removes another from the place where he is found or if he unlawfully confines another with the purpose of holding that person for ransom or reward or as a shield or hostage.

b. Holding for other purposes. A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period, with any of the following purposes:

(1) To facilitate commission of any crime or flight thereafter;

(2) To inflict bodily injury on or to terrorize the victim or another; or

(3) To interfere with the performance of any governmental or political function.

c. Grading of kidnapping. (1) Except as provided in paragraph (2) of this subsection, kidnapping is a crime of the first degree and upon conviction thereof, a person may, notwithstanding the provisions of paragraph (1) of subsection a. of N. J. S. 2C:43-6, be sentenced to an ordinary term of imprisonment between 15 and 30 years. If the actor releases the victim unharmed and in a safe place prior to apprehension, it is a crime of the second degree.

(2) Kidnapping is a crime of the first degree and upon conviction thereof, an actor shall be sentenced to a term of imprisonment by the court, if the victim of the kidnapping is less than 16 years of age and if during the kidnapping:

(a) A crime under N. J. S. 2C:14-2 or subsection a. of N. J. S. 2C:14-3 is committed against the victim;

(b) A crime under subsection b. of N. J. S. 2C:24-4 is committed against the victim; or

(c) The actor sells or delivers the victim to another person for pecuniary gain other than in circumstances which lead to the return of the victim to a parent, guardian or other person responsible for the general supervision of the victim.

Notwithstanding the provisions of paragraph (1) of subsection a. of N. J. S. 2C:43-6, the term of imprisonment imposed under this paragraph shall be either a term of 25 years during which the actor shall not be eligible for parole, or a specific term between 25 years and life imprisonment, of which the actor shall serve 25 years before being eligible for parole; provided, however, that the crime of kidnapping under this paragraph and underlying aggravating crimes listed in subparagraph (a), (b) or (c) of this paragraph shall merge for purposes of sentencing. If the actor is convicted of the criminal homicide of a victim of a kidnapping under the provisions of chapter 11, any sentence imposed under provisions of this paragraph shall be served consecutively to any sentence imposed pursuant to the provisions of chapter 11.

d. "Unlawful" removal or confinement. A removal or confinement is unlawful within the meaning of this section and of sections 2C:13-2 and 2C:13-3, if it is accomplished by force, threat or deception, or, in the case of a person who is under the age of 14 or is incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare.

3. N. J. S. 2C:43-7 is amended to read as follows:

Sentence of imprisonment for crime; extended terms.

2C:43-7. Sentence of Imprisonment for Crime; Extended Terms.

a. In the cases designated in section 2C:44-3, a person who has been convicted of a crime may be sentenced to an extended term of imprisonment, as follows:

(1) In case of aggravated manslaughter sentenced under subsection c. of N. J. S. 2C:11-4 or kidnapping, when sentenced as a crime of the first degree under paragraph (1) of subsection c. of

2C:13-1, for a specific term of years which shall be between 30 years and life imprisonment:

(2) Except for the crime of murder and except as provided in paragraph (1) of this subsection, in the case of a crime of the first degree, for a specific term of years which shall be fixed by the court and shall be between 20 years and life imprisonment;

(3) In the case of a crime of the second degree, for a term which shall be fixed by the court between 10 and 20 years;

(4) In the case of a crime of the third degree, for a term which shall be fixed by the court between five and 10 years;

(5) In the case of a crime of the fourth degree pursuant to 2C:43-6c. and 2C:44-3d., for a term of five years.

b. As part of a sentence for an extended term and notwithstanding the provisions of 2C:43-9, the court may fix a minimum term not to exceed one-half of the term set pursuant to subsection a. during which the defendant shall not be eligible for parole or a term of 25 years during which time the defendant shall not be eligible for parole, where the sentence imposed was life imprisonment; provided that no defendant shall be eligible for parole at a date earlier than otherwise provided by the law governing parole.

c. In the case of a person sentenced to an extended term pursuant to 2C:43-6c. and 2C:44-3d., the court shall impose a sentence within the ranges permitted by 2C:43-7a. (1), (2), (3), (4) or (5) according to the degree or nature of the crime for which the defendant is being sentenced, which sentence shall include a minimum term which shall be fixed at or between one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall not be eligible for parole. Where the sentence imposed is life imprisonment, the court shall impose a minimum term of 25 years during which the defendant shall not be eligible for parole.

4. N. J. S. 2C:44-1 is amended to read as follows:

Criteria for withholding or imposing sentence of imprisonment.

2C:44-1. Criteria for Withholding or Imposing Sentence of Imprisonment. a. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court shall consider the following aggravating circumstances:

(1) The nature and circumstances of the offense, and the role of the actor therein, including whether or not it was committed in an especially heinous, cruel, or depraved manner;

(2) The gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, disability, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance;

(3) The risk that the defendant will commit another offense;

(4) A lesser sentence will depreciate the seriousness of the defendant's offense because it involved a breach of the public trust under chapters 27 and 30, or the defendant took advantage of a position of trust or confidence to commit the offense;

(5) There is a substantial likelihood that the defendant is involved in organized criminal activity;

(6) The extent of the defendant's prior criminal record and the seriousness of the offense of which he has been convicted;

(7) The defendant committed the offense pursuant to an agreement that he either pay or be paid for the commission of the offense and the pecuniary incentive was beyond that inherent in the offense itself;

(8) The defendant committed the offense against a police or other law enforcement officer, correctional employee or fireman, acting in the performance of his duties while in uniform or exhibiting evidence of his authority, or the defendant committed the offense because of the status of the victim as a public servant;

(9) The need for deterring the defendant and others from violating the law.

b. In determining the appropriate sentence to be imposed on a person who has been convicted of an offense, the court may properly consider the following mitigating circumstances:

(1) The defendant's conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's conduct, though failing to establish a defense;

(5) The victim of the defendant's conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his conduct for the damage or injury that he sustained, or will participate in a program of community service;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present offense;

(8) The defendant's conduct was the result of circumstances unlikely to recur;

(9) The character and attitude of the defendant indicate that he is unlikely to commit another offense;

(10) The defendant is particularly likely to respond affirmatively to probationary treatment;

(11) The imprisonment of the defendant would entail excessive hardship to himself or his dependents;

(12) The willingness of the defendant to cooperate with law enforcement authorities;

(13) The conduct of a youthful defendant was substantially influenced by another person more mature than the defendant.

c. (1) A plea of guilty by a defendant or failure to so plead shall not be considered in withholding or imposing a sentence of imprisonment.

(2) When imposing a sentence of imprisonment the court shall consider the defendant's eligibility for release under the law governing parole, including time credits awarded pursuant to Title 30 of the Revised Statutes, in determining the appropriate term of imprisonment.

d. Presumption of imprisonment. The court shall deal with a person who has been convicted of a crime of the first or second degree by imposing a sentence of imprisonment, unless, having regard to the character and condition of the defendant, it is of the opinion that his imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

e. The court shall deal with a person convicted of an offense other than a crime of the first or second degree, who has not previously been convicted of an offense, without imposing sentence of imprisonment, unless, having regard to the nature and circumstances of the offense and the history, character and condition of the defendant, it is of the opinion that his imprisonment is necessary for the protection of the public under criteria set forth in subsection a.

f. Presumptive sentences. (1) Except for the crime of murder, unless the preponderance of aggravating or mitigating factors, as set forth in subsections a. and b., weighs in favor of a higher or lower term within the limits provided in N. J. S. 2C:43-6, when a court determines that a sentence of imprisonment is warranted, it shall impose sentence as follows:

(a) To a term of 20 years for aggravated manslaughter or kidnapping pursuant to paragraph (1) of subsection c. of N. J. S. 2C:13-1, when the offense constitutes a crime of the first degree;

(b) Except as provided in paragraph (a) of this subsection, to a term of 15 years for a crime of the first degree;

(c) To a term of seven years for a crime of the second degree;

(d) To a term of four years for a crime of the third degree; and

(e) To a term of nine months for a crime of the fourth degree.

In imposing a minimum term pursuant to 2C:43-6b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

Unless the preponderance of mitigating factors set forth in subsection b. weighs in favor of a lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a. (1) shall have a presumptive term of life imprisonment. Unless the preponderance of aggravating and mitigating factors set forth in subsections a. and b. weighs in favor of a higher or lower term within the limits authorized, sentences imposed pursuant to 2C:43-7a. (2) shall have a presumptive term of 50 years' imprisonment; sentences imposed pursuant to 2C:43-7a. (3) shall have a presumptive term of 15 years' imprisonment; and sentences imposed pursuant to 2C:43-7a. (4) shall have a presumptive term of seven years' imprisonment.

In imposing a minimum term pursuant to 2C:43-7b., the sentencing court shall specifically place on the record the aggravating factors set forth in this section which justify the imposition of a minimum term.

(2) In cases of convictions for crimes of the first or second degree where the court is clearly convinced that the mitigating factors substantially outweigh the aggravating factors and where the interest of justice demands, the court may sentence the defendant to a term appropriate to a crime of one degree lower than that of the crime for which he was convicted. If the court does impose sentence pursuant to this paragraph, or if the court imposes a noncustodial or probationary sentence upon conviction for a crime of the first

or second degree, such sentence shall not become final for 10 days in order to permit the appeal of such sentence by the prosecution.

g. Imposition of noncustodial sentences in certain cases. If the court, in considering the aggravating factors set forth in subsection a., finds the aggravating factor in paragraph a. (2) and does not impose a custodial sentence, the court shall specifically place on the record the mitigating factors which justify the imposition of a non-custodial sentence.

5. This act shall take effect immediately.

Approved December 8, 1986.

CHAPTER 173

AN ACT concerning the sale by government agencies of motor vehicles which have been abandoned and amending P. L. 1964, c. 81 and N. J. S. 40A:14-157.

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

1. Section 1 of P. L. 1964, c. 81 (C. 39:10A-1) is amended to read as follows:

C. 39:10A-1 Public auction of motor vehicles.

1. a. When the State or any county, county park commission, municipality or any authority created by any thereof, hereinafter referred to as a "public agency," shall have taken possession of a motor vehicle found abandoned, such taking of possession shall be reported immediately to the Director of the Division of Motor Vehicles on a form prescribed by him, for verification of ownership.

b. When such motor vehicle which has been ascertained not to be stolen and which can be certified for a junk title certificate under section 3 of P. L. 1964, c. 81 (C. 39:10A-3) shall have remained unclaimed by the owner or other person having a legal right thereto for a period of 15 business days, even if at that time the owner has not been identified as a result of efforts to make identification by the public agency or the Division of Motor Vehicles, the same may be sold at auction in a public place. If the certified motor vehicle is sold at auction prior to identification of the owner, the public agency shall document the condition of the motor vehicle in writing and with photographs prior to the sale; document the amount

obtained from the sale of the motor vehicle; and notify the owner, if his name and address are identified after the sale, of the actions taken by the public agency to dispose of the motor vehicle.

c. When a motor vehicle which cannot be certified for a junk title certificate under section 3 of P. L. 1964, c. 81 (C. 39:10A-3) remains unclaimed by the owner or other person having a legal right thereto for a period of 20 business days, the motor vehicle may be sold at auction in a public place.

d. The public agency shall give notice of a sale conducted pursuant to subsection b. or c. of this section, by certified mail, to the owner, if his name and address be known and to the holder of any security interest filed with the director, and by publication in a form to be prescribed by the director by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which such motor vehicle is held.

2. N. J. S. 40A:14-157 is amended to read as follows:

Public auction of property.

40A:14-157. a. Where tangible personal property comes into the possession of the police department or force of a municipality, by finding and recovery, by a member of the police force acting in the line of duty, and if the owner or his whereabouts is unknown and cannot be ascertained, or if said owner shall refuse to receive such property, then the said property shall not be disposed of for six months, except in cases of motor vehicles, which shall be disposed of according to P. L. 1964, c. 81 (C. 39:10A-1 et seq.). In any such case the governing body of said municipality, by resolution, may then provide for the sale, in whole or in part of any such property, at public auction, after notice of a designated time and place therefor, not less than 10 days prior thereto, published in a newspaper circulating within the municipality. Perishable items may be sold without reference to the said periods of time. Moneys received from the sale of any such property shall be paid into the general municipal treasury.

All unclaimed moneys coming into the possession of any municipal police department or force shall be turned over within 48 hours to the municipal treasurer for retention in a trust account and, after six months, if unclaimed by any person entitled thereto, be paid into the general municipal treasury.

b. Whenever any money or tangible personal property other than a motor vehicle has been or shall be found or discovered by

any person other than by a member of a municipal police force acting in the line of duty and the finder shall have given or shall give custody of the found money or tangible personal property to the municipal police department or force for the purpose of assisting the police to find the owner thereof, the police department or police force shall retain custody of said money or tangible personal property for a period of six months. If the money or tangible personal property is unclaimed during said six-month period by the person entitled thereto, the money or personal property shall be returned by the municipal police department or police force to the finder, who shall be deemed the sole owner thereof.

c. This act shall apply to all money or tangible personal property which now is in, or which hereafter may come into, the possession or custody of any municipal police department, police force or municipal treasury in the manner herein described.

3. This act shall take effect immediately.

Approved December 8, 1986.

CHAPTER 174

AN ACT to amend and supplement the "Library Network Law," approved January 17, 1984 (P. L. 1983, c. 486), amending N. J. S. 18A:74-2, and repealing N. J. S. 18A:74-4 and N. J. S. 18A:74-5.

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

1. Section 2 of P. L. 1983, c. 486 (C. 18A:73-35b) is amended to read as follows:

C. 18A:73-35b Findings, declarations.

2. The Legislature finds and declares that promoting cooperation among the various types of libraries in New Jersey will provide this State's residents with full and equal access to library materials and programs not currently available within their communities; that increased cooperation and access will help control the cost of maintaining local libraries, while providing for improved services; that establishing a library network can best be accomplished by assisting libraries to form cooperatives on a regional basis and by having the Division of the State Library, Archives and History

promote, coordinate and fund such cooperative efforts, as well as provide and coordinate library services on a Statewide basis.

2. Section 4 of P. L. 1983, c. 486 (C. 18A:73-35d) is amended to read as follows:

C. 18A:73-35d Library network supervision.

4. In addition to the duties prescribed in section 20 of P. L. 1969, c. 158 (C. 18A:73-35), the division shall establish, organize, supervise and fund the library network, as well as provide library services on a regional as well as a Statewide basis. To effectuate the purposes of this act, the division shall: a. establish library regions to encompass all of the State's territory; b. provide for the creation, structure, funding, and governance of a regional library cooperative for each library region; c. enter into contracts with any library or service-providing agency to provide cooperative library services to any members of the library network; d. determine the kinds of cooperative services to be provided and received by members of the network; and e. provide direct services to members of the network, on a regional as well as a Statewide basis.

3. Section 5 of P. L. 1983, c. 486 (C. 18A:73-35e) is amended to read as follows:

C. 18A:73-35e Cooperative services.

5. Any library eligible for participation in the library network is authorized to enter into agreements with other such libraries to provide and receive cooperative library services on a regional as well as Statewide basis. Libraries entering into an agreement pursuant to this act shall form an organization which may incorporate as a nonprofit corporation for the purposes of providing and receiving cooperative services on a regional as well as Statewide basis.

4. Section 8 of P. L. 1983, c. 486 (C. 18A:73-35f) is amended to read as follows:

C. 18A:73-35f State funding restriction.

8. To provide an efficient and effective library network in accordance with objectives of this act, no regional library cooperative or any library with which the division contracts to provide cooperative services on a regional as well as a Statewide basis to the library network shall participate in any apportionment of State funds pursuant to this act unless it operates in compliance with the rules and regulations which have been, or may be, prescribed by law or promulgated by the division and approved by the commissioner and the State Board of Education.

5. Section 9 of P. L. 1983, c. 486 (C. 18A:73-35g) is amended to read as follows:

C. 18A:73-35g Budget estimates.

9. On or before November 15 in each year, the State Librarian, with the approval of the commissioner, shall estimate the amount necessary to be appropriated to carry out the provisions of this act for the succeeding fiscal year and shall determine for budget purposes the amount estimated to be payable to each regional library cooperative or library with which the division contracts to provide cooperative service to the library network for that year and the amount necessary for supplemental library services provided directly. The amount requested for direct services shall not exceed 20% of the total amount appropriated. The State Librarian shall make such determination for budget purposes upon the basis of appropriations for library network purposes made by the Legislature in the current calendar year.

On or before September 15 of each succeeding year, the State Librarian shall make a final determination of the payments to be made under this act.

6. Section 10 of P. L. 1983, c. 486 (C. 18A:73-35h) is amended to read as follows:

C. 18A:73-35h Payments.

10. The sums payable pursuant to this act shall be payable on October 1 following the final determination in each year. Payments shall be made by the State Treasurer upon certificate of the commissioner and warrant of the Director of the Division of Budget and Accounting. Payment shall be made to the receiving officer designated by each regional library cooperative, each library with which the division contracts to provide cooperative service to the library network and to the State library for the cost of providing direct Statewide library services to the library network.

7. N. J. S. 18A:74-2 is amended to read as follows:

Definitions.

18A:74-2. For the purposes of this chapter, unless the context clearly requires a different meaning:

“Annual expenditure for library services” shall mean the sum expended during the last completed fiscal year by a municipality or county for library services, as certified by the governing body of the municipality or county to the commissioner, excluding any sum paid to the municipality or county under the provisions of this chapter.

“Equalized valuation” shall mean the equalized valuation of the municipality, as certified by the director of the State Division of Taxation for the year preceding that in which the calculation of State aid hereunder is made.

“Per capita” shall mean for each of the number of inhabitants of a municipality or county, as shown by the latest federal census effective in this State; provided that upon application by a municipality or county to the commissioner, any special census of population taken by the United States Bureau of the Census subsequent to its latest effective census shall determine such number of inhabitants.

C. 18A:73-35g1 Funding.

8. (New section) Notwithstanding the provisions of any other law to the contrary, all funds previously appropriated to fund area libraries pursuant to N. J. S. 18A:74-4 and research library centers pursuant to N. J. S. 18A:74-5 are appropriated to the Division of the State Library, Archives and History for the purpose of funding the library network.

In succeeding fiscal years the State Librarian shall make the budget determinations required by section 9 of P. L. 1983, c. 486 (C. 18A:73-35g), based on previous appropriations for library network purposes, which shall include the transfer of area library and research library center appropriations made pursuant to this section.

Repealer.

9. N. J. S. 18A:74-4 and N. J. S. 18A:74-5 are repealed.

10. This act shall take effect immediately.

Approved December 8, 1986.

CHAPTER 175

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

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

1. All proceedings heretofore had or taken by any school district or at any school election for the authorization or issuance of bonds of the school district issued or to be issued in pursuance of any proposal adopted by the legal voters at such election, are hereby ratified, validated and confirmed, notwithstanding that a supplemental debt statement was not prepared and filed as required by the provisions of N. J. S. 18A:24-17 and notwithstanding that adequate notice of a special meeting of the board of education was not provided to the public as required by the provisions of sections 3 and 4 of the "Open Public Meetings Act," P. L. 1975, c. 231 (C. 10:4-8 and C. 10:4-9); provided, however, that such supplemental debt statement heretofore has been prepared and filed in the places required by N. J. S. 18A:24-17; and provided further, that no action, suit or other proceedings has heretofore been instituted prior to the date on which this act takes effect and within the time fixed therefor by or pursuant to law or rule of court, or when such time has not heretofore expired, is instituted within 30 days after the effective date of this act.

2. This act shall take effect immediately.

Approved December 8, 1986.

CHAPTER 176

AN ACT concerning the abandonment of animals and amending
R. S. 4:22-20.

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

1. R. S. 4:22-20 is amended to read as follows:

Abandonment of animals.

4:22-20. a. A person who shall abandon a maimed, sick, infirm or disabled animal or creature to die in a public place, shall be guilty of a disorderly persons offense.

b. A person who shall abandon a domesticated animal shall be guilty of a disorderly persons offense.

2. This act shall take effect immediately.

Approved December 8, 1986.

CHAPTER 177

AN ACT concerning the term of certain contracts and amending
P. L. 1971, c. 198.

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

1. Section 15 of P. L. 1971, c. 198 (C. 40A:11-15) is amended to
read as follows:

C. 40A:11-15 Duration of certain contracts.

15. Duration of certain contracts. All purchases, contracts or
agreements for the performing of work or the furnishing of
materials, supplies or services shall be made for a period not to
exceed 12 consecutive months, except that contracts or agree-
ments may be entered into for longer periods of time as follows:

(1) Supplying of

(a) Fuel for heating purposes, for any term not exceeding
in the aggregate, two years;

(b) Fuel or oil for use of airplanes, automobiles, motor
vehicles or equipment for any term not exceeding in the aggre-
gate, two years;

(c) Thermal energy produced by a cogeneration facility, for
use for heating or air conditioning or both, for any term not
exceeding 40 years, when the contract is approved by the
Board of Public Utilities. For the purposes of this paragraph,
"cogeneration" means the simultaneous production in one
facility of electric power and other forms of useful energy
such as heating or process steam;

(2) (Deleted by amendment; P. L. 1977, c. 53.)

(3) The collection and disposal of garbage and refuse and the
barging and disposal of sewage sludge, for any term not exceeding
in the aggregate, five years;

(4) The recycling of solid waste, including the collection of meth-
ane gas from a sanitary landfill facility, for any term not exceed-
ing 25 years, when such contract is in conformance with a solid
waste management plan approved pursuant to P. L. 1970, c. 39 (C.
13:1E-1 et seq.), and with the approval of the Division of Local
Government Services and the Department of Environmental Pro-
tection. The contracting unit shall award the contract to the high-

est responsible bidder, notwithstanding that the contract price may be in excess of the amount of any necessarily related administrative expenses; except that if the contract requires the contracting unit to expend funds only, the contracting unit shall award the contract to the lowest responsible bidder;

(5) Data processing service, for any term of not more than three years;

(6) Insurance, for any term of not more than three years;

(7) Leasing or servicing of automobiles, motor vehicles, machinery and equipment of every nature and kind, for a period not to exceed three years; provided, however, such contracts shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(8) The supplying of any product or the rendering of any service by a telephone company which is subject to the jurisdiction of the Board of Public Utilities for a term not exceeding five years;

(9) Any single project for the construction, reconstruction or rehabilitation of any public building, structure or facility, or any public works project, including the retention of the services of any architect or engineer in connection therewith, for the length of time authorized and necessary for the completion of the actual construction;

(10) The providing of food services for any term not exceeding three years;

(11) On-site inspections undertaken by private agencies pursuant to the "State Uniform Construction Code Act" (P. L. 1975, c. 217; C. 52:27D-119 et seq.) for any term of not more than three years;

(12) The performance of work or services or the furnishing of materials or supplies for the purpose of conserving energy in buildings owned by, or operations conducted by, the contracting unit, the entire price of which to be established as a percentage of the resultant savings in energy costs, for a term not to exceed 10 years; provided, however, that such contracts shall be entered into only subject to and in accordance with rules and regulations promulgated by the Department of Energy establishing a methodology for computing energy cost savings;

(13) The performance of work or services or the furnishing of materials or supplies for the purpose of elevator maintenance for any term not exceeding three years;

(14) Leasing or servicing of electronic communications equipment for a period not to exceed five years; provided, however, such contract shall be entered into only subject to and in accordance with the rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(15) Leasing of motor vehicles, machinery and other equipment primarily used to fight fires, for a term not to exceed seven years, when the contract includes an option to purchase, subject to and in accordance with rules and regulations promulgated by the Director of the Division of Local Government Services of the Department of Community Affairs;

(16) The provision of water supply services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility, or any component part or parts thereof, including a water filtration system, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection pursuant to P. L. 1985, c. 37 (C. 58:26-1 et seq.). For the purposes of this paragraph, "water supply services" means any service provided by a water supply facility; "water filtration system" means any equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, rehabilitated, or operated for the collection, impoundment, storage, improvement, filtration, or other treatment of drinking water for the purposes of purifying and enhancing water quality and insuring its potability prior to the distribution of the drinking water to the general public for human consumption, including plants and works, and other personal property and appurtenances necessary for their use or operation; and "water supply facility" means and refers to the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property, real, personal and mixed, acquired, constructed or operated, or to be acquired, constructed or operated, in whole or in part by or on behalf of a political subdivision of the State or any agency thereof, for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful or con-

venient for the collecting, impounding, storing, improving, treating, filtering, conserving or transmitting of water and for the preservation and protection of these resources and facilities and providing for the conservation and development of future water supply resources;

(17) The provision of solid waste disposal services by a resource recovery facility, the furnishing of products of a resource recovery facility, the disposal of the solid waste delivered for disposal which cannot be processed by a resource recovery facility or the waste products resulting from the operation of a resource recovery facility, including hazardous waste and recovered metals and other materials for reuse, or the design, financing, construction, operation or maintenance of a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Division of Local Government Services in the Department of Community Affairs, the Board of Public Utilities, and the Department of Environmental Protection; and when the facility is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(18) The sale of electricity or thermal energy, or both, produced by a resource recovery facility for a period not to exceed 40 years when the contract is approved by the Board of Public Utilities; and when the facility is in conformance with a solid waste management plan approved pursuant to P. L. 1970, c. 39 (C. 13:1E-1 et seq.). For the purposes of this subsection, "resource recovery facility" means a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse; or a mechanized composting facility, or any other solid waste facility constructed or operated for the collection, separation, recycling, and recovery of metals, glass, paper, and other materials for reuse or for energy production;

(19) The provision of wastewater treatment services or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system, or any com-

ponent part or parts thereof, for a period not to exceed 40 years, when the contract for these services is approved by the Division of Local Government Services in the Department of Community Affairs and the Department of Environmental Protection pursuant to P. L. 1985, c. 72 (C. 58:27-1 et seq.). For the purposes of this paragraph, "wastewater treatment services" means any service provided by a wastewater treatment system, and "wastewater treatment system" means equipment, plants, structures, machinery, apparatus, or land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewer sludge, or for the final disposal of residues resulting from the treatment of wastewater, including, but not limited to, pumping and ventilating stations, facilities, plants and works, connections, outfall sewers, interceptors, trunk lines, and other personal property and appurtenances necessary for their operation;

(20) The supplying of materials or services for the purpose of lighting public streets, for a term not to exceed five years, provided that the rates, fares, tariffs or charges for the supplying of electricity for that purpose are approved by the Board of Public Utilities.

All multi-year leases and contracts entered into pursuant to this section 15, except contracts for the leasing or servicing of equipment supplied by a telephone company which is subject to the jurisdiction of the Board of Public Utilities, contracts involving the supplying of electricity for the purpose of lighting public streets and contracts for thermal energy authorized pursuant to subsection (1) above, construction contracts authorized pursuant to subsection (9) above, contracts and agreements for the provision of work or the supplying of equipment to promote energy conservation authorized pursuant to subsection (12) above, contracts for water supply services or for a water supply facility, or any component part or parts thereof authorized pursuant to subsection (16) above, contracts for resource recovery services or a resource recovery facility authorized pursuant to subsection (17) above, contracts for the sale of energy produced by a resource recovery facility authorized pursuant to subsection (18) above, contracts for wastewater treatment services or for a wastewater treatment system or any component part or parts thereof authorized pursuant to subsection (19) above, shall contain a clause making them subject to

the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause.

The Division of Local Government Services shall adopt and promulgate rules and regulations concerning the methods of accounting for all contracts that do not coincide with the fiscal year.

2. This act shall take effect immediately.

Approved December 8, 1986.

CHAPTER 178

AN ACT concerning the New Jersey Natural Lands Trust and amending P. L. 1968, c. 425.

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

1. Section 1 of P. L. 1968, c. 425 (C. 13:1B-15.119) is amended to read as follows:

C. 13:1B-15.119 Natural Lands Trust.

1. There is hereby created and established in but not of the Division of Parks and Forestry of the Department of Environmental Protection, a body corporate and politic with corporate succession, to be known as the New Jersey Natural Lands Trust. The trust is hereby constituted an instrumentality exercising public and essential government functions and the exercise by the trust of the powers conferred by this act shall be deemed and held to be an essential government function of the State. The statutory goals of the trust shall include the preservation of land in its natural state for enjoyment by the public and to protect elements of natural diversity.

2. Section 3 of P. L. 1968, c. 425 (C. 13:1B-15.121) is amended to read as follows:

C. 13:1B-15.121 No compensation; reimbursement.

3. The trustees shall serve without compensation, but the trust may reimburse its members for necessary expenses incurred in the discharge of their duties.

3. Section 4 of P. L. 1968, c. 425 (C. 13:1B-15.122) is amended to read as follows:

C. 13:1B-15.122 Powers of trust.

4. The New Jersey Natural Lands Trust shall have the power:

(a) To sue and be sued in its own name, but the trustees shall be held harmless for acts performed in good faith;

(b) To adopt a seal and alter the same at pleasure;

(c) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(d) To maintain an office or offices at such a place or places within the State as it may designate;

(e) To appoint such officers, who need not be members of the trust, in addition to a secretary and a treasurer, as the trust shall deem advisable, and to employ such other employees and agents as may be necessary or desirable in its judgment, to fix their compensation, and to promote and discharge such officers, employees and agents, all without regard to the provisions of Title 11, Civil Service, of the Revised Statutes;

(f) To acquire in the name of the trust, hold and dispose of real or personal property in the exercise of its powers and the performance of its duties under this act;

(g) To apply for and accept any grant of money from the federal government, which might be or may become available for programs in furtherance of its statutory goals, and to subscribe to and comply with any rule or regulation made by the federal government with respect to the application of such a grant, and to enter into and perform any contract or agreement with respect to the application of such a grant;

(h) To make, enter into and perform all contracts and agreements necessary or incidental to the performance of its duties, the maintenance of its property and the execution of its powers under this act. No contract on behalf of the trust shall be entered into for the doing of any work, or for the hiring of equipment or vehicles, where the sum to be expended exceeds the sum of \$7,500.00, unless the trust first publicly advertises for bids therefor, and awards the contract to the lowest responsible bidder; but advertising is not required where the contract to be entered into is one for furnishing or performing services of a professional nature, where there is only one source for the product or service being procured, or for the supplying of any product or the rendering of any service by a public utility subject to the jurisdiction of the Board of Public Utilities, and tariffs and schedules of the charges, made, charged, or exacted by the public utility for such products to be supplied or

services to be rendered, are filed with the board. This section does not prevent the trust from having any work done by its own employees, nor does it apply to repairs, or to the furnishing of materials, supplies or labor, or the hiring of equipment or vehicles, when the safety or protection of its or other public property or the public convenience requires, or the exigency of the circumstances will not admit of such advertisement. In such case the trust shall, by resolution passed by the affirmative vote of a majority of its members, declare the exigency or emergency to exist, and set forth in the resolution the nature thereof and the approximate amount to be expended;

(i) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act;

(j) To hold and use all lands in said trust for educational and research purposes.

4. Section 5 of P. L. 1968, c. 425 (C. 13:1B-15.123) is amended to read as follows:

C. 13:1B-15.123 Particular powers.

5. The trust shall have power in particular:

(a) To accept gifts, legacies, bequests and endowments for any purpose which falls within that of the trust and, unless otherwise specified by the person making such a gift, legacy, bequest and endowment of money in furtherance of the trust, to invest the same in whole or in part in an interest-bearing trust account or general obligations of the State of New Jersey;

(b) To acquire and hold real and personal property and lands significant as natural areas, by gift, purchase, devise, bequest or by any other means, and to preserve, interpret and administer such properties; in the acquisition of such properties, to acquire properties deemed necessary for the proper use and administration of natural areas property;

(c) To apply all moneys, assets, property or other things of value it may receive as an incident to its operation to the general purpose of the trust;

(d) To cooperate with and assist, insofar as practicable, any agency of the State or any of its political subdivisions, and any private agency or person in furtherance of the purposes of the trust;

(e) To give any moneys or property held by the trust to the Commissioner of the Department of Environmental Protection on behalf of the State, for the purpose of administering, operating

or maintaining the natural areas programs of the State of New Jersey;

(f) To establish a stewardship program, comprising committees of volunteers under the direction and supervision of the board of trustees, and take all reasonable action necessary for maintenance of its property, and to employ such other employees and agents as may be required in its judgment to safeguard and maintain its lands, all without regard to the provisions of Title 11, Civil Service, of the Revised Statutes;

(g) To procure insurance against any losses in connection with its property, operations or assets, in such amounts and from such insurers as it deems desirable.

5. Section 7 of P. L. 1968, c. 425 (C. 13:1B-15.125) is amended to read as follows:

C. 13:1B-15.125 Approval mandatory.

7. The trust may not purchase any lands directly or indirectly through the Department of Environmental Protection which will result in the incurrence of any financial obligations on the part of the State of New Jersey, without express approval of the Commissioner of the Department of Environmental Protection or the Legislature.

6. This act shall take effect immediately.

Approved December 9, 1986.

CHAPTER 179

A SUPPLEMENT to the "Noise Control Act of 1971," approved January 24, 1972 (P. L. 1971, c. 418, C. 13:1G-1 et seq.).

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

C. 13:1G-4.1 Curfew hour alarm.

1. It shall not be a violation of the "Noise Control Act of 1971" P. L. 1971, c. 418 (C. 13:1G-1 et seq.) or any rule or regulation promulgated by the Department of Environmental Protection pursuant to that act, for a municipality to sound an alarm by siren, bell or other appropriate method in order to warn juveniles of the approach or arrival of the curfew hour established by municipal

ordinance; providing that the governing body of the municipality has, by ordinance, determined to sound an alarm.

2. This act shall take effect immediately.

Approved December 9, 1986.

CHAPTER 180

AN ACT establishing a Governor's teaching scholars education loan and loan redemption credit program in the Department of Education.

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

C. 18A:71-79 Findings, declarations.

1. The Legislature finds and declares that the most important component of quality public education is the skill and ability of public school teachers, and that the public interest requires efforts to attract our State's best high school students into careers in public education.

C. 18A:71-80 Teaching scholars' program.

2. The State Board of Education shall establish in the Department of Education a Governor's teaching scholars' program to provide student loans to New Jersey's top high school graduates who will pursue careers in teaching. Under the program, subject to the availability of funds appropriated for this purpose and a sufficient number of qualified applicants, the department shall select a minimum of 100 high school graduates per year, who shall each be eligible to receive a student loan, not to exceed \$7,500.00, to pursue a course of study at an institution of higher education. In no academic year shall a participant be eligible for a loan greater than the total cost of attendance, including tuition, room and board, and other necessary fees and expenses, less the total value of all scholarships and grants received by the participant for that academic year. Program participants may apply for loan renewals for three additional years, with the total loan received by any participant not to exceed \$30,000.00. The State Board of Education, upon the recommendation of the Commissioner of Education, may make periodic adjustments to this maximum tuition amount.

C. 18A:71-81 Redemption credit for loans.

3. Loans may be redeemed in full for teaching service in New Jersey public schools, according to the schedule recommended by

the steering committee established pursuant to section 4 of this act and approved by the State Board of Education.

The State board may designate critical geographic areas of teacher shortage and establish an accelerated schedule of redemption credits for program participants who teach in these designated areas.

C. 18A:71-82 Application procedure, selection criteria; steering committee.

4. The State board, in consultation with the Chancellor of Higher Education, shall establish an application procedure and student selection criteria, including but not limited to Scholastic Aptitude Test scores, class rank and teacher recommendations. In addition, the State board may establish high priority locations, subject areas and student groups, and incorporate these considerations in the selection criteria. The Commissioner of Education shall establish a steering committee composed of public and private school educators, school administrators, a representative from the Department of Higher Education and a representative from the Department of Education.

The State board shall also establish criteria for determining eligibility for loan renewals.

C. 18A:71-83 Aid in obtaining teaching positions.

5. The Department of Education shall assist program participants in securing teaching positions in public schools in New Jersey, after graduation from an institution of higher education.

C. 18A:71-84 Fund management, loan collection.

6. The State board shall establish procedures for the management of funds appropriated or otherwise made available for this program and for the collection of outstanding loans, which are similar to the procedures utilized in other student loan programs in New Jersey, when those procedures are appropriate.

C. 18A:71-85 Administration of program.

7. The Commissioner of Education shall contract with the New Jersey Higher Education Assistance Authority for the purposes of administering the loan program. Except as otherwise provided in this act, the terms and conditions of the loans shall be those established by rules and regulations of the State Board of Education.

C. 18A:71-86 Rules, regulations.

8. The State Board of Education shall, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regulations which are necessary to effectuate the purposes of this act.

9. This act shall take effect immediately, and the first loans made pursuant to this act shall be awarded for the 1987-1988 academic year.

Approved December 9, 1986.

CHAPTER 181

AN ACT concerning the tenure of municipal clerks and amending N. J. S. 40A:9-134.

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

1. N. J. S. 40A:9-134 is amended to read as follows:

Tenure for municipal clerks.

40A:9-134. On or before December 31, 1985, any person holding the office of municipal clerk in any municipality and having held such office continuously for five years from the date of his original appointment shall have tenure in such office and shall not be removed therefrom except for good cause shown after a fair and impartial hearing.

2. This act shall take effect immediately.

Approved December 9, 1986.

CHAPTER 182

AN ACT concerning sewerage authorities and amending P. L. 1946, c. 138.

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

1. Section 4 of P. L. 1946, c. 138 (C. 40:14A-4) is amended to read as follows:

C. 40:14A-4 Creation of sewerage authorities.

4. (a) The governing body of any county may, by resolution duly adopted, create a public body corporate and politic under

the name and style of "the sewerage authority," with all or any significant part of the name of such county inserted. Said body shall consist of the five members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, together with the additional members thereof, if any, appointed as hereinafter in subsection (i) of this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of said county. After the taking effect of the resolution for the creation of said body and the filing of a certified copy thereof as in subsection (d) of this section provided, five persons shall be appointed as the members of the sewerage authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the dates of their appointments. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term.

(b) The governing body of any municipality may, by ordinance duly adopted, create a public body corporate and politic under the name and style of "the sewerage authority," with all or any significant part of the name of such municipality inserted. Said body shall consist of five members thereof, who shall be appointed by resolution of the governing body as hereinafter in this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of said municipality. After the taking effect of such ordinance and the filing of a certified copy thereof as in subsection (d) of this section provided, five persons shall be appointed as the members of the sewerage authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the dates of their appointments. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the sewerage authority to serve

for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term.

(c) The governing bodies of any two or more municipalities or any two or more counties, the areas of which together comprise an integral body of territory, may, by parallel ordinances, or in the case of counties, by parallel resolutions, duly adopted by each of such governing bodies within any single calendar year, create a public body corporate and politic under the name and style of "the sewerage authority," with all or any significant part of the name of each such municipality or county or some identifying geographical phrase inserted. Said body shall consist of the members thereof, in an aggregate number determined as hereinafter in this subsection provided, who shall be appointed by resolutions of the several governing bodies as hereinafter in this section provided, and it shall constitute the sewerage authority contemplated and provided for in this act and an agency and instrumentality of the said municipalities or counties. The number of members of the sewerage authority to be appointed at any time for full terms of office by the governing body of any such municipality or county shall be as may be stated in said ordinances or resolutions, which shall be not less than one nor more than three. After the taking effect of the said ordinances or resolutions of all such municipalities or counties and after the filing of certified copies thereof as in subsection (d) of this section provided, the appropriate number of persons shall be appointed as members of the sewerage authority by the governing body of each municipality or county. In the case of municipalities or counties which by ordinance or resolution are entitled to appoint only one member of the authority, the total number of members, if five or more, shall be divided into five classes as nearly equal as possible, except that if there are less than five members, each member shall constitute a class. The members initially appointed shall be appointed for such terms that the terms of one class shall expire on the first day of each of the first, second, third, fourth and fifth Februarys next ensuing the date of appointment. In the event the several municipalities or counties cannot agree on the terms of the respective representatives, such terms shall be determined by lot. On or after January 1 in each year after such appointments, the

expiring terms shall be filled by the appointment for terms commencing February 1 in such year and expiring on the first day of the fifth February next ensuing.

Upon the expiration of the terms of office of members, in office on July 1, 1970, of sewerage authorities created by two or more municipalities or counties, where only one member is appointed by any participating municipality or county, their immediate successors, except for appointments to fill vacancies, shall be appointed for designated terms of one, two, three, four or five years in the same manner as in this subsection (c) provided as to initial appointees.

In municipalities or counties entitled to appoint three members, the appointing authority shall designate one of the initial appointees to serve for a term of three years, one for four years and one for five years. In municipalities or counties entitled to appoint two members, the appointing authority shall designate one of the initial appointees to serve for a term of five years and one for four years. On or after January 1 in the year in which expire the terms of the said members first appointed and in every fifth year thereafter, the appropriate number of persons shall be appointed as members of the sewerage authority by the governing body of each municipality or county, to serve for terms commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during the unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term by the governing body which made the original appointment for such unexpired term.

Upon the expiration of the terms of office of members, in office on July 1, 1967, of sewerage authorities created by two or more municipalities or counties, where more than one member is appointed by any participating municipality or county, their immediate successors, except for appointments to fill vacancies, shall be appointed for designated terms of three, four or five years in the same manner as in this subsection (c) provided as to initial appointees.

(d) A copy of each resolution or ordinance for the creation of a sewerage authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the resolution or ordinance or of certified copies of the parallel ordinances for the creation of a sewerage authority

as aforesaid, the sewerage authority therein referred to shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the sewerage authority, be conclusively deemed to have been lawfully and properly created and established and authorized to transact business and exercise its powers under this act. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(e) A copy of each resolution appointing any member of a sewerage authority adopted pursuant to this section, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. A copy of such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and, except in a suit, action or proceeding directly questioning such appointment, shall be conclusive evidence of the due and proper appointment of the member or members named therein.

(f) The governing body of a county which may create or join in the creation of any sewerage authority pursuant to this section shall not thereafter create or join in the creation of any other sewerage authority. No governing body of any municipality constituting the whole or any part of a district shall create or join in the creation of any sewerage authority except upon the written consent of the sewerage authority and in accordance with the terms and conditions of such consent, and in the event such consent be given and a sewerage authority be created pursuant thereto, the terms and conditions of such consent shall thereafter be in all respects binding upon such municipality and the sewerage authority so created, and any system of sewers or sewage disposal plants constructed or maintained in conformity with the terms and conditions of such consent by the sewerage authority so created shall be deemed not to be competitive with the sewerage systems of the sewerage authority giving such consent. In the event that prior to the creation of a sewerage authority of a county the governing body of any municipality located in said county shall have created or joined in the creation of a sewerage authority, the area within the territorial limits of such municipality shall not be part of the district of the sewerage authority of said county.

(g) Within 10 days after the filing in the office of the Secretary of State of a certified copy of a resolution for the creation of a sewerage authority adopted by the governing body of any county

pursuant to this section, a copy of such resolution, duly certified by the appropriate officer of the county, shall be filed in the office of the clerk of each municipality within the county. In the event that the governing body of any such municipality shall, within 60 days after such filing in the office of the Secretary of State, adopt a resolution determining that such municipality shall not be a part of the district of such sewerage authority and file a copy thereof, duly certified by its clerk, in the office of the Secretary of State, the area within the territorial limits of such municipality shall not thereafter be part of such district, but at any time after the adoption of such resolution, the governing body of such municipality may, by ordinance duly adopted, determine that such area shall again be a part of such district, and if thereafter a copy of such ordinance, duly certified by the appropriate officer of such municipality, together with a certified copy of a resolution of such sewerage authority approving such ordinance, shall be filed in the office of the Secretary of State, then from and after such filing the area within the territorial limits of such municipality shall forever be part of such district.

(h) The governing body of any local unit which has created a sewerage authority pursuant to subsection (a) or subsection (b) of this section may, in the case of a county by resolution duly adopted or in the case of a municipality by ordinance duly adopted, dissolve such sewerage authority on the conditions set forth in this subsection. The governing bodies of two or more local units which have created a sewerage authority pursuant to subsection (c) of this section may, by parallel ordinances duly adopted by each of such governing bodies within any single calendar year, dissolve such sewerage authority on the conditions set forth in this subsection. Such a sewerage authority may be dissolved on condition that (1) either the members of such authority have not been appointed or the sewerage authority, by resolution duly adopted, consents to such dissolution, and (2) the sewerage authority has no debts or obligations outstanding. Upon the dissolution of any sewerage authority in the manner provided in this subsection, the governing body or bodies dissolving such sewerage authority shall be deemed never to have created or joined in the creation of a sewerage authority. A copy of each resolution or ordinance for the dissolution of a sewerage authority adopted pursuant to this subsection, duly certified by the appropriate officer of the local unit, shall be filed in the office of the Secretary of State. Upon proof of such filing of a certified copy of the resolution or

ordinance or of certified copies of the parallel ordinances for the dissolution of a sewerage authority as aforesaid and upon proof that such sewerage authority had no debts or obligations outstanding at the time of the adoption of such resolution, ordinance or ordinances, the sewerage authority therein referred to shall be conclusively deemed to have been lawfully and properly dissolved and the property of the sewerage authority shall be vested in the local unit or units. A copy of any such certified resolution or ordinance, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any suit, action or proceeding.

(i) Whenever the sewerage authority of any county shall certify to the governing body of any county that it has entered into a contract pursuant to section 23 of this act with one or more municipalities situate within any other county, one additional member of the sewerage authority for each such other county shall be appointed by resolution of the governing body of such other county as in this section provided. The additional member so appointed for any such other county, and his successors, shall be a resident of one of said municipalities situate within such other county. The additional member first appointed or to be first appointed for any such other county shall serve for a term expiring on the first day of the fifth February next ensuing after the date of such appointment, and on or after January 1 in the year in which expires the term of the said additional member first appointed and in every fifth year thereafter, one person shall be appointed by said governing body as a member of the sewerage authority as successor to said additional member, to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. If after such appointment of an additional member for any such other county the sewerage authority shall certify to said governing body of such other county that it is no longer a party to a contract entered into pursuant to section 23 of this act with any municipality situate within such other county, the term of office of such additional member shall thereupon cease and expire and no additional member for such other county shall thereafter be appointed.

(j) If a municipality, the governing body of which has created a sewerage authority pursuant to subsection (b) of this section, has been or shall be consolidated with another municipality, the governing body of the new consolidated municipality may, by ordinance duly adopted, provide that the members of the sewerage authority shall thereafter be appointed by the governing body of

such new consolidated municipality, which shall make appointment of members of the sewerage authority by resolution as hereinafter in this subsection provided. On or after the taking effect of such ordinance, one person shall be appointed as a member of the sewerage authority for a term commencing on February 1 in each year, if any, after the date of consolidation, in which has or shall have expired the term of a member of the sewerage authority theretofore appointed by the governing body of the municipality which has been or shall be so consolidated, and expiring on February 1 in the fifth year after such year. Thereafter, on or after January 1 in each year, one person shall be appointed as a member of the sewerage authority to serve for a term commencing on February 1 in such year and expiring February 1 in the fifth year after such year. In the event of a vacancy in the membership of the sewerage authority occurring during an unexpired term of office, a person shall be appointed as a member of the sewerage authority to serve for such unexpired term. Each member of the sewerage authority appointed by the governing body of a municipality which has been or shall be so consolidated shall continue in office until his successor has been appointed as in this subsection provided and has qualified.

(k) If a municipality, the governing body of which has created a sewerage authority pursuant to subsection (b) of this section, has been or shall be consolidated with another municipality, the governing body of the new consolidated municipality, subject to the rights of the holders, if any, of bonds issued by the sewerage authority, and upon receipt of the sewerage authority's written consent thereto, may provide, by ordinance duly adopted, that the area within the territorial boundaries of the new consolidated municipality shall constitute the district of the sewerage authority, and upon the taking effect of such ordinance, such area shall constitute the district of the sewerage authority. Until the taking effect of such ordinance, the district of the sewerage authority shall be the area within the territorial boundaries, as they existed at the date of the consolidation, of the municipality the governing body of which created the sewerage authority.

(l) Whenever, with the approval of any sewerage authority created by the governing bodies of two or more municipalities, any other municipality not constituting part of the district shall convey to the sewerage authority all or any part of a system of main, lateral or other sewers or other sewerage facilities located within the district and theretofore owned and operated by such other munic-

pality, then, if so provided in the instruments of such conveyance, one additional member of the sewerage authority for such other municipality shall be appointed by resolution of its governing body as in this section provided. The additional member so appointed for such municipality, and his successors, shall be residents of such municipality. The additional member first appointed or to be first appointed for such municipality shall serve for a term expiring on the first day of the fifth February next ensuing after the date of such appointment, and on or after January 1 in the year in which expires the term of the said additional member first appointed and in every fifth year thereafter, one person shall be appointed by said governing body as a member of the sewerage authority as successor to said additional member, to serve for a term commencing on February 1 in such year and expiring on February 1 in the fifth year after such year. If at any time after such conveyance of sewers or sewerage facilities by a municipality its governing body shall adopt a resolution determining not thereafter to be represented in the membership of the sewerage authority and shall file a copy thereof duly certified by its clerk in the office of the sewerage authority, the term of office of any such additional member theretofore appointed for such municipality shall thereupon cease and expire and no additional member for such municipality shall thereafter be appointed.

(m) (i) The governing body of any municipality which is contiguous to the district of a sewerage authority created by the governing bodies of two or more other municipalities may at any time, by ordinance duly adopted, propose that the whole or any part of the area herein referred to as "service area" within the territorial limits of such municipality shall be a part of said contiguous district. Such ordinance shall (1) state the number of members of the sewerage authority, not less than one nor more than three, thereafter to be appointed for full terms of office by the governing body of such municipality, and (2) determine that, after the filing of a certified copy thereof and of a resolution of the sewerage authority in accordance with this subsection, such service area shall be a part of said contiguous district. If thereafter a copy of such ordinance duly certified by the appropriate officer of such municipality, together with a certified copy of a resolution of said sewerage authority approving such ordinance, shall be filed in the office of the Secretary of State, then from and after such filing the service area shall forever be part of said contiguous district and said sewerage authority shall consist of the members thereof acting or appointed as in this section provided and constitute an agency

and instrumentality of such municipality, as well as such other municipalities. The governing body of the said municipality so becoming part of said contiguous district shall thereupon appoint members of the sewerage authority in the number stated in such ordinance, for periods and in the manner provided for the first appointment of members of a sewerage authority under subsection (c) of this section.

(ii) If the service area of such municipality shall then be part of the district of any other sewerage authority or municipal authority, such other authority shall, by resolution adopted not more than one year prior to the adoption of such ordinance, consent to the inclusion of the service area in the district of said contiguous district, and the service area shall become part of said contiguous district as aforesaid and shall no longer be part of the district of such other authority for sewerage purposes. If only part of the area within the territorial limits of such municipality shall constitute the service area to become part of said contiguous district, the service area shall be that so designated or shown on a map thereof bearing legend or reference to this section and filed in the office of the clerk of such municipality and in the office of the secretary of each authority referred to in this section, and such map shall be incorporated by a reference thereto in such ordinance and resolution as or for a description of the service area. For all the purposes of this act, such sewerage authority shall be deemed to have been created by the governing body of such municipality jointly with the other municipalities (the territorial areas of which constitute the district of such contiguous authority), and such municipality shall have all powers, duties, rights and obligations provided for by this act or any other law for or with respect to such sewerage authority or any other sewerage authority or municipal authority, notwithstanding that only a part of the area within the territorial limits of such municipality shall become part of said contiguous district.

(n) The governing body of a county or municipality may provide, in the ordinance or resolution creating the sewerage authority, for not more than two alternate members. Alternate members shall be designated by the governing body as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. The governing body of the county or municipality shall provide by ordinance or resolution for the order in which the alternates shall serve. The term of each alternate member shall be five years commencing on February 1

of the year of appointment; provided, however, that in the event two alternate members are appointed their initial terms shall be four and five years, respectively. The terms of the first alternate members appointed pursuant to this amendatory act shall commence on the dates of their appointments and shall expire on the fourth or fifth January 31 next ensuing after the dates of their appointments, as the case may be. Alternate members may participate in discussions of the proceedings but may not vote, except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

(o) Whenever any sewerage authority has entered into a contract for the treatment or disposal of sewage originating in the district, pursuant to section 23 of P. L. 1946, c. 138 (C. 40:14A-23), with any contiguous sewerage authority, then, with the approval of the contiguous sewerage authority, the sewerage authority may appoint, by resolution duly adopted, two additional members to the contiguous sewerage authority, as provided in this subsection. The additional members shall be either residents of the district of the sewerage authority or members or the executive director of the sewerage authority. The additional members shall serve five year terms, except that the additional members first appointed shall serve for terms respectively expiring on the first days of the fourth and fifth Februarys next ensuing after the dates of their appointments. On or after January 1 in the years in which the terms of the additional members expire, one person shall be appointed by the sewerage authority as a member of the contiguous sewerage authority as successor to the additional member, to serve for a term commencing on February 1 of that year. Vacancies shall be filled in the manner of the original appointments, but for the unexpired terms only. If a sewerage authority has entered into a contract with a contiguous sewerage authority for the treatment or disposal of sewage, and thereafter adopts a resolution determining not to be represented in the membership of the contiguous sewerage authority and files a copy thereof, duly certified by its secretary, in the office of the contiguous sewerage authority, the terms of office of any additional members shall cease and no additional members shall be appointed thereafter.

2. This act shall take effect immediately.

Approved December 9, 1986.

CHAPTER 183

AN ACT concerning the acquisition of school buildings by lease purchase agreements and amending N. J. S. 18A :20-4.2 and N. J. S. 18A :20-6.

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 of education 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; 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;

(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.

2. N. J. S. 18A:20-6 is amended to read as follows:

Public sale; advertisement; exception.

18A:20-6. Any lands or rights or interests therein sold by any board of education, except lands conveyed as part of a lease purchase agreement pursuant to N. J. S. 18A:20-4.2 (f), shall be sold at public sale, to the highest bidder, after advertisement of the sale in a newspaper published in the district, or, if none is published therein, then in a newspaper circulating in the district, in which the same is situate, at least once a week for two weeks prior to the sale, unless:

a. The same are sold to the State, or a political subdivision thereof, in which case they may be sold at private sale without advertisement; or

b. The sale or other disposition thereof in some other manner is provided for in this Title.

3. This act shall take effect immediately.

Approved December 9, 1986.

CHAPTER 184

AN ACT concerning debt adjustment and credit counseling and amending P. L. 1979, c. 16 and N. J. S. 2C:21-19.

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

1. Section 1 of P. L. 1979, c. 16 (C. 17:16G-1) is amended to read as follows:

C. 17:16G-1 Definitions.

1. As used in this act,

a. "Nonprofit social service agency" or "nonprofit consumer credit counseling agency" means any corporation duly organized under Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes, no part of the assets, income or profit of which is distributable to, or enures to the benefit of its members, directors or officers, except to the extent permitted under this act, and which is engaged in debt adjustment.

b. "Credit counseling" means any guidance or educational program or advice offered by a nonprofit social service agency or nonprofit consumer credit counseling agency for the purpose of fostering the responsible use of credit and debt management.

c. (1) "Debt adjuster" means a person who either (a) acts or offers to act for a consideration as an intermediary between a debtor and his creditors for the purpose of settling, compounding, or otherwise altering the terms of payment of any debts of the debtor, or (b) who, to that end, receives money or other property from the debtor, or on behalf of the debtor, for payment to, or distribution among, the creditors of the debtor.

(2) The following persons shall not be deemed debt adjusters: (a) an attorney-at-law of this State who is not principally engaged as a debt adjuster; (b) a person who is a regular, full-time em-

ployee of a debtor, and who acts as an adjuster of his employer's debts; (c) a person acting pursuant to any order or judgment of court, or pursuant to authority conferred by any law of this State or the United States; (d) a person who is a creditor of the debtor, or an agent of one or more creditors of the debtor, and whose services in adjusting the debtor's debts are rendered without cost to the debtor; or (e) a person who, at the request of a debtor, arranges for or makes a loan to the debtor, and who, at the authorization of the debtor, acts as an adjuster of the debtor's debts in the disbursement of the proceeds of the loan, without compensation for the services rendered in adjusting those debts.

d. "Debtor" means an individual or two or more individuals who are jointly and severally, or jointly or severally indebted.

2. Section 2 of P. L. 1979, c. 16 (C. 17:16G-2) is amended to read as follows:

C. 17:16G-2 Debt adjuster.

2. a. No person other than a nonprofit social service agency or a nonprofit consumer credit counseling agency shall act as a debt adjuster.

b. It shall be unlawful for any nonprofit social service agency or nonprofit consumer credit counseling agency to act as a debt adjuster without first obtaining a license from the Commissioner of the Department of Banking pursuant to this act.

c. A licensee is authorized to offer credit counseling.

3. Section 3 of P. L. 1979, c. 16 (C. 17:16G-3) is amended to read as follows:

C. 17:16G-3 Application for licensure.

3. Application for said license shall be made on forms prescribed by the commissioner, who shall be empowered to require information deemed necessary to demonstrate that the applicant is qualified to be licensed and possesses the necessary financial resources to sustain its operation.

4. Section 6 of P. L. 1979, c. 16 (C. 17:16G-6) is amended to read as follows:

C. 17:16G-6 Debt adjustment fee.

6. a. A licensee may charge a fee to cover the cost of providing debt adjustment and credit counseling.

b. The fee for debt adjustment shall not exceed 1% of the gross monthly income of the person to whom the service is rendered, but

in no case more than \$15.00 in any one month, except as may be otherwise provided by rule or regulation promulgated by the commissioner. This fee may be waived in the discretion of the licensee.

c. The commissioner is authorized to establish the maximum fee that may be charged for credit counseling.

5. Section 8 of P. L. 1979, c. 16 (C. 17:16G-8) is amended to read as follows:

C. 17:16G-8 \$500 penalty; summary action.

8. Any person who violates any provisions of this act shall be subject to a penalty of \$500.00 to be collected by and in the name of the commissioner in a summary proceeding under "the penalty enforcement law," N. J. S. 2A:58-1 et seq.

If the commissioner has reason to believe that any person or licensee has engaged in or is engaging in any practice or transaction prohibited by P. L. 1979, c. 16 (C. 17:16G-1 et seq.), the commissioner may, in addition to any remedies available, bring a summary action in the name of and on behalf of the State against the person or licensee and any other person concerned or in any way participating in or about to participate in those practices or transactions, to enjoin the person or licensee from continuing those practices or engaging in or doing any act in furtherance of those practices or in violation of that act.

6. N. J. S. 2C:21-19 is amended to read as follows:

Wrongful credit practices and related offenses.

2C:21-19. Wrongful Credit Practices and Related Offenses.

a. Criminal usury. A person is guilty of criminal usury when not being authorized or permitted by law to do so, he:

(1) Loans or agrees to loan, directly or indirectly, any money or other property at a rate exceeding the maximum rate permitted by law; or

(2) Takes, agrees to take, or receives any money or other property as interest on the loan or on the forbearance of any money or other interest in excess of the maximum rate permitted by law.

For the purposes of this section and notwithstanding any law of this State which permits as a maximum interest rate a rate or rates agreed to by the parties of the transaction, any loan or forbearance with an interest rate which exceeds 30% per annum shall not be a rate authorized or permitted by law, except if the loan or forbearance is made to a corporation any rate not in excess of 50% per annum shall be a rate authorized or permitted by law.

Criminal usury is a crime of the second degree if the rate of interest on any loan made to any person exceeds 50% per annum or the equivalent rate for a longer or shorter period. It is a crime of the third degree if the interest rate on any loan made to any person except a corporation does not exceed 50% per annum but the amount of the loan or forbearance exceeds \$1,000.00. Otherwise, making a loan to any person in violation of subsection a. (1) and a. (2) of this section is a disorderly persons offense.

b. Business of criminal usury. Any person who knowingly engages in the business of making loans or forbearances in violation of subsection a. of this section is guilty of a crime of the second degree and, notwithstanding the provisions of N. J. S. 2C:43-3, shall be subject to a fine of not more than \$250,000.00 and any other appropriate disposition authorized by N. J. S. 2C:43-2b.

c. Possession of usurious loan records. A person is guilty of a crime of the third degree when, with knowledge of the nature thereof, he possesses any writing, paper instrument or article used to record criminally usurious transactions prohibited by subsection a. of this section.

d. Unlawful collection practices. A person is guilty of a disorderly persons offense when, with purpose to enforce a claim or judgment for money or property, he sends, mails or delivers to another person a notice, document or other instrument which has no judicial or official sanction and which in its format or appearance simulates a summons, complaint, court order or process or an insignia, seal or printed form of a federal, State or local government or an instrumentality thereof, or is otherwise calculated to induce a belief that such notice, document or instrument has a judicial or official sanction.

e. Making a false statement of credit terms. A person is guilty of a disorderly persons offense when he understates or fails to state the interest rate, or makes a false or inaccurate or incomplete statement of any other credit terms.

f. Debt adjusters. Any person who shall act or offer to act as a debt adjuster shall be guilty of a crime of the fourth degree.

“Debt adjuster” means a person who either (1) acts or offers to act for a consideration as an intermediary between a debtor and his creditors for the purpose of settling, compounding, or otherwise altering the terms of payment of any debts of the debtor, or (2) who, to that end, receives money or other property from the debtor, or on behalf of the debtor, for payment to, or distribution

among, the creditors of the debtor. "Debtor" means an individual or two or more individuals who are jointly and severally, or jointly or severally indebted.

The following persons shall not be deemed debt adjusters for the purposes of this section: an attorney at law of this State who is not principally engaged as a debt adjuster; a nonprofit social service or consumer credit counseling agency licensed pursuant to P. L. 1979, c. 16 (C. 17:16G-1 et seq.); a person who is a regular, full-time employee of a debtor, and who acts as an adjuster of his employer's debts; a person acting pursuant to any order or judgment of court, or pursuant to authority conferred by any law of this State or of the United States; a person who is a creditor of the debtor, or an agent of one or more creditors of the debtor, and whose services in adjusting the debtor's debts are rendered without cost to the debtor; or a person who, at the request of the debtor, arranges for or makes a loan to the debtor, and who, at the authorization of the debtor, acts as an adjuster of the debtor's debts in the disbursement of the proceeds of the loan, without compensation for the services rendered in adjusting such debts.

7. This act shall take effect immediately.

Approved December 10, 1986.

CHAPTER 185

AN ACT concerning agricultural commodity agent licensing and amending R. S. 4:11-21.

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

1. R. S. 4:11-21 is amended to read as follows:

Agricultural commodity agent licensure.

4:11-21. Upon the filing and approval of the application and bond or securities, as the case may be, the secretary shall thereupon issue to the applicant or his agent a license entitling the applicant or the agent to conduct the business of receiving, buying, soliciting or negotiating the sale of perishable agricultural or other agricultural commodities on behalf of the grower, of the kind or kinds,

and the place named in the application, which license shall expire on December 31 of the year next following its date of issuance.

2. This act shall take effect November 1 next following enactment.

Approved December 10, 1986.

CHAPTER 186

AN ACT concerning banks and qualified banks and amending various sections of and supplementing P. L. 1948, c. 67.

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

1. Section 35 of P. L. 1948, c. 67 (C. 17:9A-35) is amended to read as follows:

C. 17:9A-35 Trust funds.

35. Trust funds.

A. All moneys, securities and other property held by a qualified bank in fiduciary capacities, pursuant to paragraphs (5), (6), (7), (8), (9) and (10) of section 28, shall be kept separate and apart from the moneys, securities and other property belonging to such bank, and such moneys, securities and other property shall not be liable for the debts or obligations of the bank; except that moneys held by a qualified bank in one or more such fiduciary capacities, awaiting investment or disbursement, may be deposited in a single account or in separate accounts with itself or with any other banking institution or with any bank, trust company or national banking association having its principal office in any other state. Moneys so deposited with itself may be used by the bank in the conduct of its business. Securities held by a qualified bank in fiduciary capacities may also be deposited with any other banking institution, or with any bank, trust company or national banking association having its principal office in any other state. The duties of the depository in respect to securities so deposited with it shall be confined to the safekeeping thereof, the collection of interest thereon for the account of the depositing qualified bank, and the performance of such other clerical or ministerial acts as

the depositing qualified bank may from time to time request. Nothing herein contained shall be construed as relieving the depositing qualified bank from the duty to account for all securities deposited as authorized by this subsection.

B. In the event of the insolvency of a qualified bank which has deposited such moneys with itself, such bank in such fiduciary capacities shall have claims against the assets of the bank for moneys so deposited, preferred over claims not otherwise entitled to preference, but subordinate to all other claims which shall be entitled to preference. In the event of the insolvency of any other banking institution or of any bank, trust company or national banking association having its principal office in any other state, in which such moneys shall have been deposited, a qualified bank which shall have made such deposits shall be liable for the amount of such deposits as if such deposits had been made with it, and shall be subrogated to its claims as fiduciary against the insolvent banking institution, bank, trust company or national banking association in which such deposits shall have been made.

C. Notwithstanding any other provisions of law, any qualified bank holding securities in a trust estate, or any banking institution holding securities as a custodian or managing agent, or as custodian for a fiduciary, is authorized to deposit or arrange for the deposit with the Federal Reserve bank in its district, any securities so held, the principal and interest of which the United States of America or any department, agency or instrumentality thereof has agreed to pay, or has guaranteed payment. Securities so deposited shall be credited to one or more accounts on the books of such Federal Reserve bank in the name of such qualified bank or such banking institution, to be designated fiduciary or safekeeping accounts, to which other similar securities may be deposited. The records of such qualified bank and the records of a banking institution acting as custodian, as managing agent or as custodian for a fiduciary, shall at all times show the name of the party for whose account the securities are so deposited. Ownership of, and other interests in, such securities may be transferred by bookkeeping entry on the books of such Federal Reserve bank without physical delivery of certificates representing such securities. A qualified bank or banking institution depositing securities pursuant to this section shall be subject to such rules and regulations as, in the case of State-chartered institutions, the commissioner, and in the case of national banks, the comptroller of the currency, may from time

to time issue. A qualified bank or banking institution acting as custodian for a fiduciary shall, on demand by the fiduciary, certify in writing to the fiduciary the securities so deposited by such qualified bank or banking institution with such Federal Reserve bank for the account of such fiduciary. A qualified bank shall, on demand by any party to a judicial proceeding for the settlement of such qualified bank's account as fiduciary, or on demand by the attorney for such party, certify in writing to such party the securities deposited by such qualified bank with such Federal Reserve bank for its account as fiduciary. This subsection shall apply to any qualified bank or banking institution holding securities in a fiduciary, custodial or management capacity, acting on the effective date of this act or who thereafter may act, regardless of the date of the agreement, instrument or court order pursuant to which such qualified bank or banking institution is acting. Nothing contained in this subsection shall be construed as relieving a qualified bank or banking institution depositing securities as authorized by this subsection from the duty to account for all securities so deposited.

D. (1) For each account held by a qualified bank in a fiduciary capacity, pursuant to paragraph (5), (6), (7), (8), (9), or (10) of section 28 of P. L. 1948, c. 67 (C. 17:9A-28), all moneys in excess of \$100.00, whether income or principal, which are awaiting investment or disbursement, which are not otherwise subject to direction regarding investment and which are not held for distribution on a monthly basis, shall be invested by the qualified bank or deposited with the qualified bank or with another qualified bank, as set forth in this paragraph. The bank shall invest or deposit that portion of the moneys in excess of \$100.00 within seven business days of the account receiving or accumulating the \$100.00 or more. The investment or deposit shall be in accordance with the "Prudent Investment Law," N. J. S. 3B:20-12 et seq., and shall produce a rate of return commensurate with the short-term market rate of return then prevailing. If notice is given pursuant to paragraph (2) of this subsection, in addition to other compensation that the qualified bank is otherwise entitled to by law for services as a fiduciary, it shall be, entitled to pay itself out of the income earned on the investment or deposit for its reasonable charges for the maintenance and administration of the services referred to in this subsection. A qualified bank shall not be required to perform these investment services if it is not permitted under the terms of the instrument governing the fiduciary capacity in which it serves, or

by the person empowered to direct investments, to receive reasonable compensation for providing these services, unless the qualified bank expressly agrees to provide the investment services without compensation.

(2) The qualified bank shall notify its customers who are receiving or who will receive the investment services set forth in this subsection of the basis of the bank's charges for the services or any change in the basis of the bank's charges for the services. The notice shall be in writing and may be sent by regular mail and may be included with the periodic account statement. Notice given at any time prior to the institution of the services or within 30 days after the institution of the services, or any change in the basis of the bank's charges for the services, shall be in compliance with this paragraph. For the purposes of this paragraph, "customer" means the person or persons who receive the periodic account statements issued by the qualified bank.

E. A qualified bank acting in a fiduciary capacity is authorized, in the absence of an express provision to the contrary, whenever a law, regulation, governing instrument or order directs, requires, authorizes or permits investment in United States government obligations, to invest in those obligations, either directly or in the form of securities of, or other interests in, any open-end or closed-end management investment company or investment trust registered under the "Investment Company Act of 1940," 54 Stat. 847 (15 U. S. C. § 80a-1 et seq.), if the portfolio of that investment company or investment trust is limited to United States government obligations and to repurchase agreements fully collateralized by United States government obligations, which collateral shall be delivered to or held by the investment company or investment trust, either directly or through an authorized custodian. Nothing in this subsection shall alter the power of a qualified bank to otherwise invest funds or assets which it may receive and hold in a fiduciary capacity, nor shall anything in this subsection affect the degree of prudence and judgment which is required of qualified banks generally.

2. Section 79 of P. L. 1948, c. 67 (C. 17:9A-79) is amended to read as follows:

C. 17:9A-79 Annual meetings; notice.

79. Annual meetings; notice.

A. The annual meeting of the stockholders of every bank shall be held on such day in January, February, March or April in each

year as the bylaws shall provide; or, if there be no governing bylaw, then on the fourth Tuesday in March. The commissioner may require that prior notice be given to him of a change in the date of an annual meeting, and may prescribe the form of such notice and the time when such notice shall be given.

B. Not less than 10 days prior to the date fixed for such meeting, notice of the annual meeting shall be published once in a newspaper published and circulated in the municipality in which the bank maintains its principal office, or, if there be no such newspaper, then in one published in the county in which the bank maintains its principal office or in an adjoining county, and which has general circulation in the municipality in which the bank maintains its principal office. In addition, notice of such meeting shall be given as provided in section 81. At such annual meeting, directors shall be elected and such other business may be transacted as may properly be brought before a meeting of stockholders, except that no business other than the election of directors shall be transacted at such meeting unless notice of such other business shall have been given in the manner provided by section 81. Notice of such other business need not be included in the publication of notice required by this section.

C. 17:9A-79.1 Written consents.

3. (New section) Any action required or permitted to be taken at a meeting of stockholders by P. L. 1948, c. 67 (C. 17:9A-1 et seq.), or the certificate of incorporation or bylaws of a bank, may be taken without a meeting if all stockholders consent thereto in writing. Whenever action is taken pursuant to this section, the written consents of the stockholders consenting thereto shall be filed with the minutes of proceedings of stockholders. Any action taken pursuant to this section shall have the same effect for all purposes as if the action had been taken at a meeting of the stockholders. If any other provision of P. L. 1948, c. 67 (C. 17:9A-1 et seq.) requires the filing of a certificate upon the taking of an action by the stockholders, and the action is taken in the manner authorized by this section, the certificate shall state that the action was taken without a meeting pursuant to the written consents of all of the stockholders.

4. Section 81 of P. L. 1948, c. 67 (C. 17:9A-81) is amended to read as follows:

C. 17:9A-81 Stockholders' meetings; notice.

81. Stockholders' meetings; notice.

Notice of all meetings of stockholders shall be given to the stockholders not less than 10 nor more than 60 days prior thereto, by mail, postage prepaid, addressed to each stockholder at his address as it appears on the books of the bank. The notice shall specify the place, day and hour of the meeting and the nature of the business to be transacted. Except as otherwise provided by section 79, no business may be transacted at any meeting except that specified in the notice of the meeting.

5. Section 96 of P. L. 1948, c. 67 (C. 17:9A-96) is amended to read as follows:

C. 17:9A-96 Record date.

96. Record date.

A. The board of directors may fix a date, which shall precede by not more than 90 days

- (1) the date of any meeting of stockholders, or
- (2) the date upon which a dividend is to be paid, or
- (3) the date upon which rights are to be allotted, or
- (4) the date upon which any change or conversion or exchange of capital stock is to take effect,

as a record date for the determination of the stockholders who are entitled

- (5) to notice of and to vote at any such meeting, and at any adjournment thereof, or
- (6) to receive payment of any such dividend, or
- (7) to receive any such allotment of rights, or
- (8) to participate in any such change, conversion or exchange of capital stock,

and in any such case only stockholders of record at the close of business on the date so fixed shall be entitled to notice of and to vote at such meeting and at any adjournment thereof, or to receive payment of such dividend, or to receive such allotment of rights, or to participate in such change, conversion or exchange, as the case may be, notwithstanding any transfer of stock on the books of the bank after the record date so fixed.

B. If no such record date is fixed, only stockholders of record at the close of business on the 65th day prior to (1) the date of such meeting, or (2) the date upon which such dividend is to be paid, or (3) the date upon which such rights are to be allotted, or

(4) the date upon which such change, conversion or exchange of capital stock is to take effect, shall be entitled to notice of and to vote at such meeting and at any adjournment thereof, or to receive payment of such dividend, or to receive such allotment of rights, or participate in such change, conversion or exchange, as the case may be, notwithstanding any transfer of stock on the books of the bank subsequent to such 65th day.

6. Section 111 of P. L. 1948, c. 67 (C. 17:9A-111) is amended to read as follows:

C. 17:9A-111 Officers; election; appointment; limitation.

111. Officers; election; appointment; limitation.

A. At the first meeting of the board of directors following each annual meeting of the stockholders of a bank, the directors shall elect a chairman of the board of directors, if the office of chairman of the board of directors has been created pursuant to section 107, and a president, from their own number. They shall also elect at such meeting either a cashier or a secretary and a treasurer, none of whom need be a director. Other officers, including one or more vice-presidents, who need not be directors, may from time to time be elected or appointed by the board of directors.

B. Any person who holds more than one office in a bank shall not sign in more than one official capacity any writing requiring the signatures of more than one officer of the bank.

7. This act shall take effect immediately, except that no bank shall be required to comply with the provisions of this act for 90 days following the effective date.

Approved December 10, 1986.

CHAPTER 187

AN ACT concerning litter abatement and removal, amending P. L. 1981, c. 278, amending and supplementing P. L. 1985, c. 533, and making an appropriation.

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

1. Section 6 of P. L. 1985, c. 533 (C. 13:1E-99.1) is amended to read as follows:

C. 13:1E-99.1 Tax on sales of litter-generating products.

6. a. There is levied upon each person engaged in business in the State as a manufacturer, wholesaler, or distributor of litter-generating products a tax of $\frac{3}{100}$ of 1% (.0003) on sales of those products within the State, and each person engaged in business in the State as a retailer of litter-generating products a tax of $\frac{2.25}{100}$ of 1% (.000225) on sales of those products within the State, except any retailer with less than \$250,000.00 in annual retail sales of litter-generating products is exempt from this tax. A sale by a wholesaler or distributor to another wholesaler or distributor, a sale by a company to another company owned wholly by the same individuals or companies, or a sale by a wholesaler or distributor owned cooperatively by retailers to those retailers is not subject to tax under this amendatory and supplementary act. For the purposes of this amendatory and supplementary act, "retailer" includes restaurants one of the principal activities of which consists of selling for consumption off the premises of the restaurant a meal or food prepared and ready to be eaten.

The tax on the sale of litter-generating products imposed by this subsection shall expire December 31, 1991. However, this expiration shall not affect any obligation, lien or duty to pay taxes which may be due with respect to the imposition of any levy, or interest or penalties which may accrue by virtue of any assessment, which may be made with respect to taxes levied for any taxable year or part of a taxable year, prior to January 1, 1992, nor shall this expiration affect the legal authority to assess and collect the taxes which may be due and payable under section 6 of P. L. 1985, c. 533 (C. 13:1E-99.1), as the case may be, together with such interest and penalties as would accrue thereon under section 6 of P. L. 1985, c. 533 (C. 13:1E-99.1), nor shall this expiration invalidate any assessment or affect any proceeding for the enforcement thereof.

b. On or before October 1, 1986, or in the case of a person commencing or opening a new place of business after that date, within 30 days after the commencement or opening, every person subject to the tax imposed pursuant to this amendatory and supplementary act shall file with the director a certificate of registration on a form prescribed by the director. Any person who is registered under any law administered by the division or who is subject to and files returns under any of these laws shall not be required to comply with the provisions of this subsection.

c. Every person subject to this tax shall, on or before March 15, 1987, and on or before March 15 of each year thereafter, prepare and file a return, under oath, for the preceding calendar year with the director on forms and containing any information as the director shall prescribe. The return shall indicate the dollar value of the sales within the State of litter-generating products and at the same time the person shall pay the full amount of tax due.

d. If a return required by this amendatory and supplementary 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 whatever information may be available. Notice of the determination shall be given to the taxpayer liable for the payment of the tax. The determination shall finally and irrevocably fix the tax unless the person against whom 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 his own motion shall redetermine the same. After the hearing the director shall give notice of his determination to the person to whom the tax is assessed.

e. Any taxpayer who shall fail to file his return when due or to pay any tax when the tax becomes due, as herein provided, shall be subject to such penalties and interest as provided in the "State Tax Uniform Procedure Law," R. S. 54:48-1 et seq. If the director determines that the failure to comply with any provision of this section was excusable under the circumstances, he may remit any part of the penalty as shall be appropriate under the circumstances.

f. (1) Any person failing to file a return, failing to pay the tax, or filing or causing to be filed, or making or causing to be made, or giving or causing to be given any return, certificate, affidavit, representation, information, testimony or statement required or authorized by this amendatory and supplementary act, or rules or regulations adopted hereunder, which is willfully false, or failing to keep any records required by this amendatory and supplementary act or rules and regulations adopted hereunder shall, in addition to any other penalties herein or elsewhere prescribed, be guilty of a crime of the fourth degree.

(2) The certificate of the director to the effect that a tax has not been paid, that a return has not been filed, that information has not been supplied or that inaccurate information has been supplied pursuant to the provisions of this amendatory and supplementary act or rules or regulations adopted hereunder shall be presumptive evidence of a violation thereof.

g. In addition to the other powers granted by this section, the director may:

(1) Delegate to any officer or employee of his division those powers and duties as he may deem necessary to carry out efficiently the provisions of this section, and the person or persons to whom the powers have been delegated shall possess and may exercise all of the powers and perform all of the duties delegated by the director;

(2) Prescribe and distribute all necessary forms for the implementation of this section; and

(3) Adopt any rules and regulations necessary for the implementation of this amendatory and supplementary act.

h. The tax imposed by this section shall be governed in all respects by the provisions of the "State Tax Uniform Procedure Law," R. S. 54:48-1 et seq., unless otherwise provided by a specific provision of this section.

2. Section 7 of P. L. 1985, c. 533 (C. 13:1E-99.2) is amended to read as follows:

C. 13:1E-99.2 Clean Communities Account.

7. The Clean Communities Account is established as a non-lapsing, revolving fund in the Department of the Treasury to carry out the purposes of this amendatory and supplementary act. The Clean Communities Account shall be administered by the Department of Environmental Protection and credited, in addition to any appropriations made thereto, with all taxes and penalties levied or imposed pursuant to sections 6 and 10 of P. L. 1985, c. 533 (C. 13:1E-99.1 and 13:1E-99.5), and any sums received as voluntary contributions from private sources. Interest received on moneys in the account shall be credited to the account. Moneys in the Clean Communities Account shall, commencing July 1, 1987, be allocated and used for the following purposes and no others:

a. 5% of the estimated annual balance of the account shall be used for a litter patrol program to employ youth from the State to pick up and remove litter from State owned places and areas that are accessible to the public;

b. 50% of the estimated annual balance of the account shall be used for the annual expenses of providing grants to eligible municipalities with total housing units of 200 or more for litter pickup and removal programs which employ youth, among others. The amount of these grants shall be calculated based on the proportion which the housing units of a qualifying municipality bear to the

total housing units in the State. Total housing units shall be determined using the most recent federal decennial population estimates for New Jersey and its municipalities, filed in the office of the Secretary of State;

c. 30% of the estimated annual balance of the account shall be used for the annual expenses of providing grants to eligible municipalities with total housing units of 200 or more for litter pickup and removal programs which employ youth, among others. The amount of these grants shall be calculated based on the proportion which the municipal road mileage of a qualifying municipality bears to the total municipal road mileage within the State. For the purposes of this subsection, "municipal road mileage" means that road mileage under the jurisdiction of municipalities, as determined by the Department of Transportation;

d. 10% of the estimated annual balance of the account shall be used for the annual expenses of providing grants to eligible counties for litter pickup and removal programs. The amount of these grants shall be calculated based on the proportion which the county road mileage of an eligible county bears to the total county road mileage within the State. For the purposes of this subsection, "county road mileage" means that road mileage under the jurisdiction of counties, as determined by the Department of Transportation;

e. The Department of Environmental Protection shall develop model municipal and county litter control programs. To be eligible for a grant, a municipality or county must certify to the Department of Environmental Protection the adoption of one of the programs. Certification by the municipality or county of the enactment of an ordinance or resolution or regional plan establishing one of the model programs allows the immediate distribution of funds. Every county, and each municipality receiving \$30,000.00 or more in grant funds, shall submit an annual report to the Department of Environmental Protection on the implementation of the model program and the expenditure of funds. Failure to submit a report or a satisfactory report will result in a denial of future funds and an obligation to return the funds received. A municipality receiving less than \$30,000.00 in grant funds shall not be required to make an annual report, but shall maintain records of the use of the funds. The Department of Environmental Protection shall not approve a municipal or county litter program unless (1) the plan provides new employment; (2) the plan demonstrates it is in addition to or supplements existing litter

pickup and removal activities in the municipality or county, as the case may be; and (3) the municipality or county certifies that that portion of the litter picked up with a grant made pursuant to this subsection which is recyclable shall be recycled. No eligible municipality shall receive less than \$4,000.00 in grant funds as apportioned pursuant to subsections b. and c. of this section. A municipality or county may use up to 5% of its grant for administrative expenses;

f. 5% of the estimated annual balance of the account shall be used by the department for State administrative expenses and a public information and education program concerning antilittering activities.

3. Section 11 of P. L. 1985, c. 533 (C. 13:1E-99.6) is amended to read as follows:

C. 13:1E-99.6 Tax suspension.

11. The tax on the sale of litter-generating products imposed pursuant to subsection a. of section 6 of P. L. 1985, c. 533 (C. 13:1E-99.1) shall not be due and payable if, and as long as, any State of New Jersey or federal law, or any rule or regulation adopted pursuant thereto, requiring a deposit on, or establishing a refund value for, any litter-generating products shall be in effect.

4. Section 12 of P. L. 1985, c. 533 (C. 13:1E-99.7) is amended to read as follows:

C. 13:1E-99.7 Expenditures mandated by State law.

12. Additional expenditures or incremental costs necessary and reasonably incurred by a municipality or county for the abatement and control of litter or any other antilittering activities as a direct result of the implementation of P. L. 1985, c. 533 (C. 13:1E-99.1 et al.), or P. L. 1986, c. 187 (C. 13:1E-99.8 et al.), shall, for the purposes of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.), be considered expenditures mandated by State law.

5. Section 15 of P. L. 1985, c. 533 is amended to read as follows:

15. This act shall take effect 90 days following enactment. The department and the division shall take any action necessary or appropriate for the timely implementation of this amendatory and supplementary act prior to its effective date.

6. Section 3 of P. L. 1981, c. 278 (C. 13:1E-94) is amended to read as follows:

C. 13:1E-94 Definitions.

3. As used in this act:

a. "Department" means the State Department of Environmental Protection;

b. "Division" means the Division of Taxation in the Department of the Treasury;

c. "Director" means the Director of the Division of Taxation in the Department of the Treasury;

d. "Litter" means any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing;

e. "Litter-generating products" means the following specific goods which are produced, distributed, or purchased in disposable containers, packages or wrappings; or which are not usually sold in packages, containers, or wrappings but which are commonly discarded in public places; or which are of an unsightly or unsanitary nature, commonly thrown, dropped, discarded, placed, or deposited by a person on public property, or on private property not owned by him:

- (1) Beer and other malt beverages;
- (2) Cigarettes and tobacco products;
- (3) Cleaning agents and toiletries;
- (4) Distilled spirits;
- (5) Food for human or pet consumption;
- (6) Glass containers sold as such;
- (7) Groceries;
- (8) Metal containers sold as such;
- (9) Motor vehicle tires;
- (10) Newsprint and magazine paper stock;
- (11) Drugstore sundry products, but not including prescription drugs or nonprescription drugs;
- (12) Paper products and household paper;

(13) Plastic or fiber containers made of synthetic material and sold as such, but not including any container which is routinely reused, has a useful life of more than one year and is ordinarily sold empty at retail;

(14) Soft drinks and carbonated waters; and

(15) Wine;

f. "Litter receptacle" means a container suitable for the depositing of litter;

g. "Municipality" means any city, borough, town, township or village situated within the boundaries of this State;

h. "Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests;

i. "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products;

j. "Sold within the State" or "sales within the State" means all sales of retailers engaged in business within the State and, in the case of manufacturers, wholesalers and distributors, all sales of products for use and consumption within the State. It shall be presumed that all sales of manufacturers, wholesalers and distributors sold within the State are for use and consumption within the State unless the taxpayer shows that the products are shipped out of State for out-of-State use;

k. "Tax period" means every calendar month or any other period as may be prescribed by rule and regulation adopted by the director, on the basis of which the owner or operator of a sanitary landfill facility is required to report to the director pursuant to this act;

l. "Taxpayer" means the owner or operator of a sanitary landfill facility or the manufacturer, wholesaler, distributor, or retailer of litter-generating products subject to the tax provisions of section 4 of P. L. 1981, c. 278 (C. 13:1E-95) or section 6 of P. L. 1985, c. 533 (C. 13:1E-99.1), as the case may be.

C. 13:1E-99.8 Additional duties.

7. (New section) In addition to the duties and responsibilities imposed pursuant to P. L. 1985, c. 533 (C. 13:1E-99.1 et al.), the Department of Environmental Protection shall:

a. Coordinate the various industry and business organizations seeking to aid in the antilitter effort;

b. Recommend that local governing bodies adopt resolutions or ordinances, as appropriate, in conformity with the purposes and provisions of this amendatory and supplementary act and assist these bodies in the preparation of these ordinances and resolutions;

c. Encourage and cooperate with all local voluntary and government antilitter campaigns attempting to focus public attention on the State litter pickup and removal program;

d. Investigate the availability of, and apply for, funds available from any private or public source to be used in the litter pickup and removal program provided for in this amendatory and supplementary act;

e. Investigate the successful methods of litter pickup and removal programs in other states or jurisdictions, encourage the use of litter receptacles, and evaluate their possible incorporation into the New Jersey litter pickup and removal program.

C. 13:1E-99.9 Report on litter pickup plan.

8. (New section) The department shall report to the Legislature on its proposed plan of litter pickup and removal not later than two years after the effective date of this amendatory and supplementary act, and, every 18 months thereafter, upon the success of the plan in reducing litter in New Jersey, and any recommendations for improvement.

C. 13:1E-99.10 Contracts; rules, regulations.

9. (New section) The Departments of Environmental Protection and the Treasury may enter into contracts with other State agencies, local agencies, or local governing bodies, and shall adopt, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), any rules and regulations necessary to implement the provisions of this amendatory and supplementary act and the provisions of P. L. 1985, c. 533.

10. There is appropriated from the General Fund to the Department of Environmental Protection the sum of \$95,000.00, for the purpose of developing model antilitter programs.

11. This act shall take effect immediately and shall be retroactive to April 21, 1986.

Approved December 10, 1986.

CHAPTER 188

AN ACT concerning employee contributions to the State-administered pension funds and retirement systems, and supplementing Title 43 of the Revised Statutes.

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

C. 43:3C-9 Employer pickup of employee contributions.

1. The mandatory contributions by members to the Teachers' Pension and Annuity Fund required by N. J. S. 18A:66-31, to the Judicial Retirement System required by section 26 of P. L. 1981, c. 470 (C. 43:6A-34.1), to the Prison Officers' Pension Fund required by section 7 of P. L. 1941, c. 220 (C. 43:7-13), to the Public Employees' Retirement System required by section 25 of P. L. 1954, c. 84 (C. 43:15A-25), to the Consolidated Police and Firemen's Pension Fund required by R. S. 43:16-5, to the Police and Firemen's Retirement System required by section 15 of P. L. 1944, c. 255 (C. 43:16A-15), and to the State Police Retirement System required by section 38 of P. L. 1965, c. 89 (C. 53:5A-38), shall be picked up by their employers and shall be treated as employer contributions as provided by section 414(h) of the United States Internal Revenue Code. The amount of contributions on behalf of each member shall continue to be included as regular compensation for all other purposes, except that the amount shall not be included in the computation of federal income taxes withheld from the member's compensation.

2. This act shall take effect on January 1, 1987.

Approved December 16, 1986.

CHAPTER 189

AN ACT concerning immunity from civil and criminal liability for certain medical personnel and providing for the admission of certain sworn certificates into evidence.

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

C. 2A:62A-10 Civil, criminal immunity.

1. When acting in response to a request of a State, county or municipal law enforcement officer, a county prosecutor or his assistant, the Attorney General or his deputy; or a State or county medical examiner, any physician, nurse or medical technician who withdraws or otherwise obtains, in a medically accepted manner, a specimen of breath, blood, urine or other bodily substance and delivers it to the law enforcement officers specified herein shall be immune from civil or criminal liability for so acting, provided the skill and care exercised is that ordinarily required and exercised by others in the profession. The immunity from civil or criminal liability shall extend to the hospital or other medical facility on whose premises or under whose auspices the specimens are obtained, provided the skill, care and facilities provided are those ordinarily so provided by similar medical facilities.

C. 2A:62A-11 Certificate.

2. Any person taking a specimen pursuant to section 1 of this act shall, upon request, furnish to any law enforcement agency a certificate stating that the specimen was taken pursuant to section 1 of this act and in a medically acceptable manner. The certificate shall be signed under oath before a notary public or other person empowered to take oaths and shall be admissible in any proceeding as evidence of the statements contained therein.

3. This act shall take effect immediately.

Approved December 17, 1986.

CHAPTER 190

AN ACT extending the term of imprisonment for attempted murder and amending N. J. S. 2C:5-4.

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

1. N. J. S. 2C:5-4 is amended to read as follows:

Grading of criminal attempt and conspiracy; mitigation in cases of lesser danger.

2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitigation in Cases of Lesser Danger. a. Grading. An attempt or con-

spiracy to commit a crime of the first degree is a crime of the second degree; except that an attempt to commit murder is a crime of the first degree. Otherwise an attempt is a crime of the same degree as the most serious crime which is attempted, and conspiracy is a crime of the same degree as the most serious crime which is the object of the conspiracy; provided that, leader of organized crime is a crime of the second degree. An attempt or conspiracy to commit an offense defined by a statute outside the code shall be graded as a crime of the same degree as the offense is graded pursuant to sections 2C:1-4 and 2C:43-1.

b. Mitigation. The court may impose sentence for a crime of a lower grade or degree if neither the particular conduct charged nor the defendant presents a public danger warranting the grading provided for such crime under subsection a. because:

(1) The criminal attempt or conspiracy charged is so inherently unlikely to result or culminate in the commission of a crime; or

(2) The conspiracy, as to the particular defendant charged, is so peripherally related to the main unlawful enterprise.

2. This act shall take effect immediately.

Approved December 17, 1986.

CHAPTER 191

AN ACT concerning the reporting of wages and amending R. S. 43:21-14.

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

1. R. S. 43:21-14 is amended to read as follows:

Periodic contribution reports.

43:21-14. (a) (1) In addition to such reports as may be required under the provisions of subsection (g) of section 43:21-11 of this chapter (R. S. 43:21-1 et seq.), every employer shall file with the controller periodical contribution reports on such forms and at such times as the controller shall prescribe, to disclose the employer's liability for contributions under the provisions of this chapter (R. S. 43:21-1 et seq.), and at the time of filing each con-

tribution report shall pay the contributions required by this chapter (R. S. 43:21-1 et seq.), for the period covered by such report. The controller may require that such reports shall be under oath of the employer. Any employer who shall fail to file any report, required by the controller, on or before the last day for the filing thereof shall pay a penalty of \$5.00 for each day of delinquency until and including the fifth day following such last day and for any period of delinquency after such fifth day, a penalty of \$5.00 a day or 20% of the amount of the contributions due and payable by the employer for the period covered by the report, whichever is the lesser; if there be no liability for contributions for the period covered by any contribution report or in the case of any report other than a contribution report, the employer or employing unit shall pay a penalty of \$5.00 a day for each day of delinquency in filing or \$25.00, whichever is the lesser; provided, however, that when it is shown to the satisfaction of the controller that the failure to file any such report was not the result of fraud or an intentional disregard of this chapter (R. S. 43:21-1 et seq.), or the regulations promulgated hereunder, the controller, in his discretion, may remit or abate any unpaid penalties heretofore or hereafter imposed under this section. On or before October 1 of each year, the controller shall submit to the Commissioner of Labor a report covering the 12-month period ending on the preceding June 30, and showing the names and addresses of all employers for whom the controller remitted or abated any penalties, or ratified any remission or abatement of penalties, and the amount of such penalties with respect to each employer. Any employer who shall fail to pay the contributions due for any period, on or before the date they are required by the controller to be paid, shall pay interest on the amount thereof from such date until the date of payment thereof, at the rate of 1% a month through June 30, 1981 and at the rate of 1¼% a month after June 30, 1981. Upon the written request of any employer or employing unit, filed with the controller on or before the due date of any report or contribution payment, the controller, for good cause shown, may grant, in writing, an extension of time for the filing of such report or the paying of such contribution, with interest at the applicable rate; provided no such extension shall exceed 30 days and that no such extension shall postpone payment of any contribution for any period beyond the day preceding the last day for filing tax returns under Title IX of the federal Social Security Act for the year in which said period occurs.

(2) (A) For the calendar quarter commencing July 1, 1984 and each successive quarter thereafter, each employer shall file a report with the controller within 30 days after the end of each quarter in a form and manner prescribed by the controller, listing the name, social security number and wages paid to each employee and the number of base weeks (as defined in subsection (t) of R. S. 43:21-19) worked by the employee during the calendar quarter.

(B) Any employer who fails without reasonable cause to comply with the reporting requirements of this paragraph (2) shall be liable for a penalty in the following amount for each employee with respect to whom the employer is required to file a report but who is not included in the report or for whom the required information is not accurately reported for each employee required to be included, whether or not the employee is included:

(i) For the first failure for one quarter in any eight consecutive quarters, \$5.00 for each employee;

(ii) For the second failure for any quarter in any eight consecutive quarters, \$10.00 for each employee; and

(iii) For the third failure for any quarter in any eight consecutive quarters, and for any failure in any eight consecutive quarters, which failure is subsequent to the third failure, \$25.00 for each employee.

(C) Information reported by employers as requested by this paragraph (2) shall be used by the Department of Labor for the purpose of determining eligibility for benefits of individuals in accordance with the provisions of R. S. 43:21-1 et seq. Notwithstanding the provisions of subsection (g) of R. S. 43:21-11, the Department of Labor is hereby authorized to provide the Department of Human Services and the Higher Education Assistance Authority with information reported by employers as required by this paragraph (2). For each fiscal year, the Director of the Division of Budget and Accounting of the Department of the Treasury shall charge the appropriate account of the Department of Human Services and the Higher Education Assistance Authority in amounts sufficient to reimburse the Department of Labor for the cost of providing information under this subparagraph (C).

(D) For the purpose of administering the provisions of this paragraph (2), all appropriations, files, books, papers, records, equipment and other property, and employees currently assigned to the Division of Taxation for the implementation of the "Wage Reporting Act," P. L. 1980, c. 48 (C. 54:1-55 et seq.), shall be transferred to the Department of Labor as of September 1, 1984

in accordance with the provisions of the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

(b) The contributions, penalties, and interest due from any employer under the provisions of this chapter (R. S. 43:21-1 et seq.), from the time they shall be due, shall be a personal debt of the employer to the State of New Jersey, recoverable in any court of competent jurisdiction in a civil action in the name of the State of New Jersey; provided, however, that except in the event of fraud, no employer shall be liable for contributions or penalties unless contribution reports have been filed or assessments have been made in accordance with subsection (c) or (d) of this section before four years have elapsed from the last day of the calendar year with respect to which any contributions become payable under this chapter (R. S. 43:21-1 et seq.), nor shall any employer be required to pay interest on any such contribution unless contribution reports were filed or assessments made within such four-year period; provided further that if such contribution reports were filed or assessments made within the four-year period, no civil action shall be instituted, nor shall any certificate be issued to the Clerk of the Superior Court under subsection (e) of this section, except in the event of fraud, after six years have elapsed from the last day of the calendar year with respect to which any contributions become payable under this chapter (R. S. 43:21-1 et seq.), or July 1, 1958, whichever is later. Payments received from an employer on account of any debt incurred under the provisions of this chapter (R. S. 43:21-1 et seq.) may be applied by the controller on account of the contribution liability of the employer and then to interest and penalties, and any balance remaining shall be recoverable by the controller from the employer. Upon application therefor, the controller shall furnish interested persons and entities certificates of indebtedness covering employers, employing units and others for contributions, penalties and interest, for each of which certificates the controller shall charge and collect a fee of \$2.00 per name; no such certificate to be issued, however, for a fee of less than \$10.00. All fees so collected shall be paid into the unemployment compensation administration fund.

(c) If any employer shall fail to make any report as required by the rules and regulations of the division pursuant to the provisions of this chapter (R. S. 43:21-1 et seq.), the controller may make an estimate of the liability of such employer from any information it may obtain, and, according to such estimate so made, assess such employer for the contributions, penalties, and interest

due the State from him, give notice of such assessment to the employer, and make demand upon him for payment.

(d) After a report is filed under the provisions of this chapter (R. S. 43:21-1 et seq.) and the rules and regulations thereof, the controller shall cause the report to be examined and shall make such further audit and investigation as it may deem necessary, and if therefrom there shall be determined that there is a deficiency with respect to the payment of the contributions due from such employer, the controller shall assess the additional contributions, penalties, and interest due the State from such employer, give notice of such assessment to the employer, and make demand upon him for payment.

(e) As an additional remedy, the controller may issue to the Clerk of the Superior Court of New Jersey a certificate stating the amount of the employer's indebtedness under this chapter (R. S. 43:21-1 et seq.) and describing the liability, and thereupon the clerk shall immediately enter upon his record of docketed judgments such certificate or an abstract thereof and duly index the same. Any such certificate or abstract, heretofore or hereafter docketed, from the time of docketing shall have the same force and effect as a judgment obtained in the Superior Court of New Jersey, and the controller shall have all the remedies and may take all the proceedings for the collection thereof which may be had or taken upon the recovery of such a judgment in a civil action upon contract in said court. Such debt, from the time of docketing thereof, shall be a lien on and bind the lands, tenements and hereditaments of the debtor.

The Clerk of the Superior Court shall be entitled to receive for docketing such certificate, \$0.50, and for a certified transcript of such docket, \$0.50. If the amount set forth in said certificate as a debt shall be modified or reversed upon review, as hereinafter provided, the Clerk of the Superior Court shall, when an order of modification or reversal is filed, enter in the margin of the docket opposite the entry of the judgment, the word "modified" or "reversed," as the case may be, and the date of such modification or reversal.

The employer, or any other party having an interest in the property upon which the debt is a lien, may deposit the amount claimed in the certificate with the Clerk of the Superior Court of New Jersey, together with an additional 10% of the amount thereof, or \$100.00, whichever amount is the greater, to cover interest and the costs of court, or in lieu of depositing the amount in cash, may

give a bond to the State of New Jersey in double the amount claimed in the certificate, and file the same with the Clerk of the Superior Court. Said bond shall have such surety and shall be approved in the manner required by the Rules of the Supreme Court.

After the deposit of said money or the filing of said bond, the employer, or any other party having an interest in the said property, may, after exhausting all administrative remedies, secure judicial review of the legality or validity of the indebtedness or the amount thereof, and the said deposit of cash shall be as security for, and the bond shall be conditioned to prosecute, the judicial review with effect.

Upon the deposit of said money or the filing of the said bond with the Clerk of the Superior Court, all proceedings on such judgment shall be stayed until the final determination of the cause, and the moneys so deposited shall be subject to the lien of the indebtedness and costs and interest thereon, and the lands, tenements, and hereditaments of said debtor shall forthwith be discharged from the lien of the State of New Jersey and no execution shall issue against the same by virtue of said judgment.

Notwithstanding the provisions of subsections (a) through (e) of this section, the Department of Labor may, with the concurrence of the State Treasurer, when all reasonable efforts to collect amounts owed have been exhausted, or to avoid litigation, reduce any liability for contributions, penalties and interest, provided no portion of those amounts represents contributions made by an employee pursuant to subsection (d) of R. S. 43:21-7.

(f) If, not later than two years after the calendar year in which any moneys were erroneously paid to or collected by the controller, whether such payments were voluntarily or involuntarily made or made under mistake of law or of fact, an employer, employing unit, or employee who has paid such moneys shall make application for an adjustment thereof, the said moneys shall, upon order of the controller, be either credited or refunded, without interest, from the appropriate fund. For like cause and within the same period, credit or refund may be so made on the initiative of the controller.

(g) All interest and penalties collected pursuant to this section shall be paid into a special fund to be known as the unemployment compensation auxiliary fund; all moneys in this special fund shall be deposited, administered and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury, and shall be ex-

pended, under legislative appropriation, for the purpose of aiding in defraying the cost of the administration of this chapter (R. S. 43:21-1 et seq.); for the repayment of any interest bearing advances made from the federal unemployment account pursuant to the provisions of section 1202 (b) of the Social Security Act, 42 U. S. C. § 1322; and for essential and necessary expenditures in connection with programs designed to stimulate employment, as determined by the Commissioner of Labor. The Treasurer of the State shall be ex officio the treasurer and custodian of this special fund and, subject to legislative appropriation, shall administer the fund in accordance with the directions of the controller. Any balances in this fund shall not lapse at any time, but shall be continuously available, subject to legislative appropriation, to the controller for expenditure. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation auxiliary fund, in an amount to be fixed by the division, the premiums for such bond to be paid from the moneys in the said special fund.

2. This act shall take effect immediately.

Approved December 17, 1986.

CHAPTER 192

AN ACT concerning eligibility for participation in the Animal Population Control Program and amending P. L. 1983, c. 172.

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

1. Section 3 of P. L. 1983, c. 172 (C. 4:19A-2) is amended to read as follows:

C. 4:19A-2 Eligibility criteria.

3. In order to be eligible to participate in the program, an owner of a dog or cat shall be eligible for, and participate in, at least one of the following:

a. The Food Stamp Program authorized by Title VIII of the Food and Agriculture Act of 1977, Pub. L. 95-113 (7 U. S. C. § 2011 et seq.);

b. The Supplemental Security Income Program established pursuant to Title XVI of the Social Security Act, 42 U. S. C. § 1381 et seq.;

c. The program for aid to families with dependent children, pursuant to P. L. 1959, c. 86 (C. 44:10-1 et seq.);

d. The program for general public assistance, pursuant to the provisions of the "General Public Assistance Law," P. L. 1947, c. 156 (C. 44:8-107 et seq.);

e. The program of medical assistance pursuant to P. L. 1968, c. 413 (C. 30:4D-1 et seq.);

f. The program of "Pharmaceutical Assistance to the Aged and Disabled," established pursuant to P. L. 1975, c. 194 (C. 30:4D-20 et seq.);

g. The rental assistance program authorized pursuant to section 8 of the United States Housing Act of 1937 as added by the Housing and Community Development Act of 1974, Pub. L. 93-383 (42 U. S. C. § 1437 (f));

h. The "Lifeline Credit Program" established pursuant to P. L. 1979, c. 197 (C. 48:2-29.15 et seq.); or

i. The "Tenants' Lifeline Assistance Program" established pursuant to P. L. 1981, c. 210 (C. 48:2-29.30 et seq.);

or shall submit proof in the form of certificates of adoption and licensure that the dog or cat was adopted from a licensed nonprofit animal shelter or municipal, county, or regional pound and is duly licensed pursuant to State and municipal law, and shall pay an additional \$20.00 fee, to be deposited in the fund.

2. This act shall take effect immediately.

Approved December 17, 1986.

CHAPTER 193

AN ACT establishing a program to provide courses for college credit to high school pupils 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:61C-4 College credit.

1. The Chancellor of the State Department of Higher Education in cooperation with the Commissioner of the Department of Education, shall establish a program to provide courses for college credit on public high school campuses to high school pupils, through institutions of higher education in this State.

C. 18A:61C-5 Enrollment.

2. Any institution of higher education and any local school district may enroll in the program.

C. 18A:61C-6 Contents of program.

3. The program shall consist of at least the following:

a. Procedures for institutions of higher education and local districts who wish to enroll in the program;

b. Procedures for pupils who wish to enroll in the program, including procedures to insure that no student who is academically eligible shall be excluded from participation in college courses offered on high school campuses because of inability to pay;

c. Requirements prescribing minimum qualifications a teacher shall possess as a condition for enrollment in the program.

C. 18A:61C-7 Course limitations.

4. The chancellor may limit courses taught under the program to courses which are equivalent to those offered by the institution of higher education to its regularly admitted students.

C. 18A:61C-8 Course credit acceptance.

5. A public institution of higher education shall accept pursuant to standards established by the chancellor, the course credit of a student who successfully participates in the program.

C. 18A:61C-9 Rules, regulations.

6. The chancellor, in consultation with the commissioner and with the approval of the State Board of Higher Education, shall adopt rules and regulations in accordance with the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.) necessary for the operation of the program.

7. This act shall take effect immediately.

Approved December 17, 1986.

CHAPTER 194

AN ACT concerning cooperation between high schools and institutions of higher education.

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

C. 18A:61C-1 College-level instruction for high school students.

1. The Commissioner of Education and the Chancellor of Higher Education jointly shall establish a program to promote increased cooperation between the State's high schools and institutions of higher education. The objective of this program shall be to increase the access of our State's able high school students to the educational resources available in our institutions of higher education. This program shall supplement the efforts of local school districts to provide appropriate education to their students and shall not relieve a district of any obligation established by statute or regulation.

The program shall increase the availability of college-level instruction for high school students through courses offered by institutions of higher education at their campuses and in high schools. The program shall seek the involvement of all institutions of higher education, two-year and four-year, public and nonpublic, and all school districts, including those which are not located in close proximity to an appropriate institution of higher education.

C. 18A:61C-2 Modification of regulations; report.

2. The Commissioner of Education and the Chancellor of Higher Education shall examine the regulations previously adopted by their respective departments to identify and then modify any regulations which may be inconsistent with the objectives of this act. Within one year of the effective date of this act, they shall report to the Legislature on the effectiveness of the program.

C. 18A:61C-3 Rules, regulations.

3. The Department of Education and the Department of Higher Education each shall adopt, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act.

4. This act shall take effect immediately.

Approved December 17, 1986.

CHAPTER 195

AN ACT establishing a unified procedure for the certification of businesses owned by minorities or women for the purposes of qualifying for certain government programs, supplementing Title 52 of the Revised Statutes and making an appropriation.

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

C. 52:27H-21.17 Findings, declarations.

1. The Legislature finds and declares that:

a. Historically, businesses owned by minorities and women have been small establishments offering products and services and their participation in the nation's business community has been disproportionate to their numbers in society as a whole.

b. The opportunity for full participation in our free enterprise system by minorities and women is essential if social and economic justice for them is to be attained, and the functioning of our economy improved.

c. The role of government at the national, State and local levels in encouraging the development of businesses owned by minorities and women has been recognized and is developing at a rapid pace, with technical and financial assistance, contract procurement, contract set-asides and other programs designed to encourage development.

d. As a result, each year entrepreneurs in New Jersey spend an average of \$5,000.00 to demonstrate that they qualify for these programs designed to foster the growth and development of their businesses, so that the public agencies administering the programs can be certain that the businesses which benefit are bona fide minority or women's businesses.

e. A unified procedure for the certification of businesses owned by minorities and women, administered by the State, for the purpose of certifying the eligibility of the businesses for various State programs will eliminate duplication of effort and improve efficiency, thereby increasing productivity and reducing costs in the public and the private sectors.

C. 52:27H-21.8 Definitions.

2. As used in this act:

a. "Control" means authority over the affairs of a business, including, but not limited to, capital investment, property acquisition, employee hiring, contract negotiations, legal matters, officer and director selection, operating responsibility, financial transactions and the rights of other shareholders or joint partners; except that control shall not include absentee ownership, nor shall it be deemed to exist where an owner or employee who is not a minority, in the case of a minority business; or a male owner or employee, in the case of a women's business, is disproportionately responsible for the operation of the business or for policy and contractual decisions.

b. "Commissioner" means the Commissioner of the Department of Commerce and Economic Development.

c. "Director" means the Director of the Division of Development for Small Businesses and Women's and Minority Businesses in the Department of Commerce and Economic Development, created pursuant to P. L., c. . . . (C.), (now pending before the Legislature as Senate Bill No. 1709 of 1986).

d. "Division" means the Division of Development for Small Businesses and Women's and Minority Businesses in the Department of Commerce and Economic Development, created pursuant to P. L., c. (C.), (now pending before the Legislature as Senate Bill No. 1709 of 1986).

e. "Minority" means a person who is:

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

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

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

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

f. "Minority business" means a business which is:

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

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

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

g. "Public agency" means the State or any department, division, agency, authority, board, commission or committee thereof.

h. "Woman" or "women" means a female or females, regardless of race.

i. "Women's business" means a business which is:

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

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

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

C. 52:27H-21.19 Certification by division.

3. Notwithstanding the provisions of any law, rule or regulation to the contrary, the division shall have the exclusive authority within State government to certify to public agencies the eligibility of a business to bid on contracts as a "minority business" or "women's business" under any program conducted by the public agency for which such certification is so required. That certification by the division shall be binding on the public agency.

C. 52:27H-21.20 Procedure for certification.

4. The division shall establish a unified procedure for the certification of a business as a minority business or women's business, for the purpose of establishing eligibility to bid on public contracts.

In establishing and administering the procedure required by this section, the director shall insure that the application and certification process is clear, concise, and, to the extent practicable, does not require duplication of effort on the part of the applicant or the division or the public agency administering the program. In furtherance of these objectives, the director shall:

a. Establish criteria to be used to determine the status of a business as a minority business or women's business, as defined by section 2 of this act, which criteria, to the extent not inconsistent

with this act, shall conform to federal law or regulations and criteria used by the division;

b. Provide a single form for application for certification, which form shall be written in a simple, clear, understandable and easily readable way, and include instructions as to the certification procedure and any additional documents or information required to be separately supplied by the applicant for a particular program;

c. Have the authority to require the payment of a single fee, to be established by the director, to compensate the division for its cost in administering the certification process;

d. Screen applicants to insure that businesses seeking certification are not misrepresenting their status as minority businesses or women's businesses, as the case may be, and that the minority or women's business applicants are, in fact, in the control of members of minority groups or women, and are not merely "fronts" for businesses controlled by persons other than minorities or women;

e. Monitor the status of certified businesses to insure continued compliance with the criteria for certification and control by the appropriate persons;

f. Compile, maintain and make available to the public agencies lists of businesses certified as minority businesses or women's businesses; and

g. Provide for dissemination of information to interested parties, and the public at large, concerning the certification of businesses as minority businesses or women's businesses, as required by this act.

C. 52:27H-21.21 Precedence to federal certification procedure.

5. When the division's procedure for certification of a business as a minority business or women's business conflicts with a federal certification procedure that affects a State project in which the federal government participates, the federal certification procedure shall take precedence. Public agencies shall identify those projects and shall notify the division.

C. 52:27H-21.22 Determining eligibility.

6. The director may require of an applicant for certification as a minority business or women's business any information or documents he deems necessary to determine the applicant's eligibility for certification, including, but not limited to:

a. Names and addresses of the owner, partners or shareholders, as applicable, and their representative shares of ownership;

- b. Names and addresses of members of the board of directors, in the case of corporations;
- c. Names and addresses of the officers of the business;
- d. Names and addresses of capital investors;
- e. Number of shares of stock issued and outstanding, in the case of a corporation;
- f. Articles of incorporation, bylaws, partnership agreements, or joint venture agreements, as applicable;
- g. The capacity of the business to be bonded;
- h. The affiliation of the business or any of its owners, officers or directors with any other business entity;
- i. A representative list of prior and current clients;
- j. Major real and personal property holdings of the business;
- k. Financial statements and balance sheets;
- l. Banking institutions with which the business is affiliated; and
- m. Any other information he deems necessary to effectuate the purposes of this act.

C. 52:27H-21.23 Annual report.

7. The commissioner shall report to the Governor and the Legislature annually as to the status of the uniform certification procedure required by this act, including any recommendations for legislation which would enable the division to more efficiently and effectively carry out its duties and responsibilities under this act.

C. 52:27H-21.24 Rules, regulations.

8. The commissioner shall promulgate the rules and regulations he deems necessary to effectuate the purposes of this act, pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

9. There is appropriated from the General Fund to the Division of Development for Small Businesses and Women's and Minority Businesses in the Department of Commerce and Economic Development the sum of \$175,000.00 to effectuate the purposes of this act.

10. This act shall take effect immediately but shall remain inoperative until the enactment into law of Senate Bill No. 1709 of 1986.

Approved December 23, 1986.

CHAPTER 196

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, 1987 and regulating the disbursement thereof,” approved June 30, 1986 (P. L. 1986, c. 41).

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

1. In addition to the sums appropriated under P. L. 1986, c. 41, there is appropriated out of the General Fund the following sums for the purpose specified:

STATE AID

74 DEPARTMENT OF STATE

30 Educational, Cultural and Intellectual Development

37 Cultural and Intellectual Development Services—State Aid

06-2535 Museum Services \$4,000,000

State Aid:

Newark Museum—

Capital Improvements (\$4,000,000)

2. This act shall take effect immediately but shall remain inoperative until the enactment into law of the annual appropriations act for fiscal year ending June 30, 1987, P. L. 1986, c. 41.

Approved December 23, 1986.

CHAPTER 197

AN ACT concerning the disposition of motor vehicle fines, and amending R. S. 39:5-41.

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

1. R. S. 39:5-41 is amended to read as follows:

Penalties to finance litter control.

39:5-41. a. All fines, penalties and forfeitures imposed and collected under authority of law for any violations of R. S. 39:4-63 and R. S. 39:4-64 shall be forwarded by the judge to whom the same have been paid to the proper financial officer of the municipality wherein the violation occurred, to be used by the municipality to help finance litter control activities in addition to or supplementing existing litter pickup and removal activities in the municipality.

b. Except as otherwise provided by subsection a. of this section, all fines, penalties and forfeitures imposed and collected under authority of law for any violations of the provisions of this Title, other than those violations in which the complainant is the director, a member of his staff, a member of the State Police, an inspector of the Board of Public Utilities, or a law enforcement officer of any other State agency, shall be forwarded by the judge to whom the same have been paid as follows: one-half of the total amount collected to the financial officer, as designated by the local governing body, of the respective municipalities wherein the violations occurred, to be used by the municipality for general municipal use and to defray the cost 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.

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.

2. This act shall take effect January 1 next following enactment.

Approved December 30, 1986.

CHAPTER 198

AN ACT concerning fish and game licenses, amending R. S. 23:3-4, R. S. 23:3-34, section 1 of P. L. 1959, c. 37, section 3 of P. L. 1952, c. 328, section 3 of P. L. 1975, c. 117, and section 5 of P. L. 1970, c. 247, and supplementing Title 23 of the Revised Statutes.

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

1. R. S. 23:3-4 is amended to read as follows:

Types of licenses.

23:3-4. The licenses issued under this article shall be as follows:

a. A license issued to a person above 14 years of age, who has an actual and bona fide domicile in this State at the time of the application for the license and who has had an actual and bona fide domicile in this State for at least six months immediately prior thereto, provided that for a resident's trapping license the person shall be above 12 years of age. These licenses shall be of five kinds and designated as the resident's firearm hunting license, the resident's bow and arrow license, the resident's trapping license, the resident's fishing license and the resident's family fishing license. The Fish and Game Council in the Division of Fish, Game and Wildlife of the Department of Environmental Protection shall have the authority to adopt and promulgate regulations for family fishing licenses.

The resident's firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of \$16.25 and an issuance fee of \$0.50 shall be charged therefor, except that a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of \$8.50 and an issuance fee of \$0.50. The resident's bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of \$18.00 and an issuance fee of \$0.50 shall be charged therefor, except that a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of \$9.50 and an issuance fee of \$0.50. The resident's trapping license shall authorize its holder to trap only, and a fee of \$24.00 and an issuance fee of \$0.50 shall be charged therefor, except that a person 12, 13, 14 or 15 years of age shall be charged a fee of \$12.00 and an issuance fee of \$0.50. The resident's fishing license shall authorize its holder to fish only, and a fee of \$10.75 and an issuance fee of \$0.50

shall be charged therefor, except that in any case where the applicant is 70 or more years of age and is otherwise qualified, no fee shall be charged, and a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of \$6.00 and an issuance fee of \$0.50.

The resident's family fishing license shall authorize the parents or guardians and their children, foster children or wards between the ages of 14 and 18, named therein, to fish only. The fee for the parent's license permitting fishing only by the father or mother, or both, or the guardian shall be \$14.50 and an issuance fee of \$0.50; and each child, foster child or ward named therein shall be required to have and shall be issued an individual supplementary license as a member of such family, at a fee of \$1.25 and an issuance fee of \$0.50. The license shall be invalid from the date of its issuance when issued to a person not entitled thereto. Any person, a resident of this State, who is afflicted with total blindness, upon application to the Division of Fish, Game and Wildlife, shall be entitled to a resident's fishing license without fee or charge.

b. A license issued to a person above 14 years of age not entitled to a resident's license, authorizing him to trap or to hunt. These licenses shall be designated as the nonresident's firearm hunting license, the nonresident's bow and arrow license, the nonresident's trapping license, and the nonresident's two-day small game firearm hunting license, except that a nonresident's two-day small game firearm hunting license shall not permit the taking, hunting or killing of deer.

The fees for the nonresident's firearm hunting license and the nonresident's bow and arrow license shall each be \$86.00 and an issuance fee of \$0.50.

The fee for the nonresident's trapping license shall be \$120.00 and an issuance fee of \$0.50. The fee for a nonresident's two-day small game firearm hunting license shall be \$18.00 and an issuance fee of \$0.50.

c. A license issued to a person above 14 years of age not entitled to a resident's license, authorizing him to fish only. These licenses shall be designated as the nonresident's fishing license and the nonresident's seven-day vacation fishing license, valid for a period of seven consecutive days. The fees for these licenses shall be \$16.75 for the annual fishing license, together with an issuance fee of \$0.50, and \$8.50 and an issuance fee of \$0.50 for the seven-day vacation fishing license.

Every license issued hereunder shall be void after December 31 next succeeding its issuance, except the one-day hunting license which shall expire on the date of issuance; the nonresident's and seven-day fishing license, which is valid only for seven consecutive days after date of issuance; and the nonresident's two-day small game firearm hunting license, which shall expire on the day after the date of issuance.

2. R. S. 23:3-34 is amended to read as follows:

25 cents per tag.

23:3-34. The division shall receive and collect \$0.25 for each tag or seal affixed to the carcass of an animal or bird, as provided in sections 23:3-28 through 23:3-39 of this Title. These tags or seals shall remain affixed until the carcasses of the birds or animals are finally prepared for consumption, and the sale of a portion of a bird or animal which shall not at the time have affixed thereto the tag or seal shall constitute a violation of said sections 23:3-28 through 23:3-39. The keeper of a hotel, restaurant or boarding house, a retail dealer in meat, or a club may sell a portion of a bird or animal so tagged to a guest, customer or member for consumption.

3. Section 1 of P. L. 1959, c. 37 (C. 23:3-56.1) is amended to read as follows:

C. 23:3-56.1 Limited deer harvest.

1. When the Fish and Game Council has established a season for deer of either sex and has fixed a certain number of licenses to be issued for such harvest, the division is authorized to charge a fee of \$15.00 for each license so issued, which fee shall be in addition to any other fees authorized by law. No such fee shall be required of the occupant of a farm in this State, who actually resides thereon, or the members of his immediate family who also reside thereon, provided such person or persons are otherwise authorized to participate in such limited harvest. The exemption of this section shall not apply to a person residing on the farm or in a tenant house thereon who is not a member of the occupant's family, nor to a servant of the occupant.

4. Section 3 of P. L. 1952, c. 328 (C. 23:3-59) is amended to read as follows:

C. 23:3-59 Fees for stamps.

3. The fee for this stamp shall be \$6.25 for residents and \$11.50 for nonresidents. The amounts remitted to the State Treasury for

stamps issued under this law shall be placed to the credit of the "Hunters' and Anglers' License Fund" mentioned in R. S. 23:3-12.

5. Section 3 of P. L. 1975, c. 117 (C. 23:3-61.3) is amended to read as follows:

C. 23:3-61.3 Pheasant, quail stamps.

3. The fee for this stamp shall be \$20.00. The amounts remitted to the State Treasury for special pheasant and quail stamps shall be deposited to the credit of the "Hunters' and Anglers' License Fund."

6. Section 5 of P. L. 1970, c. 247 (C. 23:3-66) is amended to read as follows:

C. 23:3-66 Tagging of fish.

5. (a) All fish stocked in the waters of the fishing preserve in accordance with subsection (b) of section 2 of this act that are taken from the licensed fishing preserve waters shall be immediately tagged as prescribed in the license or by order of the division. Such tags shall be furnished by the division and sold to the licensee at the cost of \$0.15 per tag.

(b) The tag so affixed shall not be removed from the fish until the same is finally prepared for consumption.

(c) No fish, required to be tagged as specified in subsection (a) of this section, taken pursuant to this act, shall be possessed off the premises of the fishing preserve without such tag, and no person shall sell such fish without such tag attached, except for scientific, exhibition or stocking purposes.

(d) Fish taken from such fishing preserves and tagged as provided in this section may be possessed, bought, sold and offered for sale, and transported without restriction. Fish raised or possessed under licenses issued under this act may be sold at any time for scientific, exhibition, propagation or stocking purposes.

C. 23:3-27.1 Wild turkey permits.

7. (New section) Whenever an open season is prescribed for wild turkey by the State Fish and Game Code, the Division of Fish, Game and Wildlife is authorized to charge a fee of \$10.00 for each permit issued. This permit shall be void at the close of the prescribed open season. The amounts remitted to the State Treasury for wild turkey permits shall be deposited to the credit of the "Hunters' and Anglers' License Fund."

C. 23:3-4.11 Rifle permits.

8. (New section) All persons in possession of a muzzleloader rifle or other rifle while hunting or trapping shall have in their

possession, in addition to the appropriate and valid firearm hunting license or trapping license, an appropriate and valid rifle permit. The Division of Fish, Game and Wildlife is authorized to charge a fee of \$11.00 for each permit issued. A rifle permit issued hereunder shall be valid for a period not to exceed two years. The amount remitted to the State Treasury for rifle permits shall be deposited to the credit of the "Hunters' and Anglers' License Fund."

C. 23:3-1c Permit, license fees.

9. (New section) The Division of Fish, Game and Wildlife is authorized to charge a nonrefundable application fee, in addition to any other permit or license fees authorized by law, for each permit or license, as follows:

Duplicate hunting and fishing	\$2.00
Falconry	2.00
Beaver	2.00
Otter	2.00
Turkey	2.00
Special season deer	2.00
Rifle	2.00
Semi-wild hunting preserve	2.00
Commercial fishing preserve	2.00
Commercial shooting preserve	2.00
Senior citizen fishing (over 70 years of age)	2.00
Senior citizen clamming	2.00
Field trial	2.00
Horseback riding on wildlife management area	2.00
Daily use permit for wildlife management area	2.00
Clubhouse rental	2.00
Fire on wildlife management area	2.00
Fish stocking by clubs	2.00
Lake lowering	2.00
Alewife (for bait)	2.00
Carp and suckers	2.00
Fish basket for eels, catfish, carp, and suckers	2.00
Game animals and game birds:	
Individual hobby	2.00
Scientific holding	2.00
Zoological	2.00

Propagation and sale	2.00
Animal exhibitor	2.00
Animal theatrical agency	2.00
Fur farming	2.00
Salvage—recover carcass	2.00
Special purpose	2.00
Scientific collecting—fish	2.00
Crab pot (recreational)	2.00
Crab pot (commercial)	2.00
Menhaden netting	2.00
Food fish netting	2.00
Commercial fish netting	2.00

The amounts remitted to the State Treasury for these application fees shall be deposited to the credit of the "Hunters' and Anglers' License Fund."

10. This act shall take effect immediately and shall be applicable to the sale of licenses, permits, stamps and tags that are valid on or after January 1, 1987, except that the Division of Fish, Game and Wildlife is authorized to charge immediately the fees prescribed pursuant to sections 3 and 9 of this amendatory and supplementary act for the special season deer license.

Approved December 30, 1986.

CHAPTER 199

AN ACT permitting certain municipalities to anticipate the amounts of certain roll-back taxes due and payable in the 1987 local budget year.

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

1. In any municipality where there is situated a parcel of property which, due to a change in use in the 1986 calendar year, became ineligible for valuation, assessment and taxation as land devoted to agricultural or horticultural use as provided in the "Farmland Assessment Act of 1964," P. L. 1964, c. 48 (C. 54:4-23.1 et seq.) and for which no complaint was filed with the county board of

taxation and no judgment was rendered by that county board of taxation on or before October 1, 1986, the assessor, tax collector, governing body, or any taxpayer of that municipality may file a complaint with the county board of taxation prior to December 31, 1986 pursuant to the provisions of P. L. 1947, c. 413 (C. 54:4-63.12 et seq.) and if the county board of taxation shall render the required judgment, that municipality may, in preparing its budget for the 1987 local budget year, anticipate the receipt of the total amount of any roll-back taxes due and payable upon that parcel of property in the 1987 local budget year, notwithstanding any provision, rule or regulation of the "Local Budget Law," (N. J. S. 40A:4-1 et seq.).

2. The county board of taxation shall determine the amount of roll-back taxes a municipality may anticipate under the provisions of this act and shall, on or before January 30, 1987, certify to the Director of the Division of Local Government Services in the Department of Community Affairs and the governing body of the affected municipality the amount of roll-back taxes due and payable to the municipality.

3. This act shall take effect immediately, shall apply to the 1987 local budget year, and shall expire December 31, 1987.

Approved December 30, 1986.

CHAPTER 200

AN ACT concerning recycling and amending P. L. 1981, c. 278.

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

1. Section 10 of P. L. 1981, c. 278 is amended to read as follows:

10. This act shall take effect on January 1, 1982, except that section 6 of P. L. 1981, c. 278 (C. 13:1E-97) shall take effect immediately. Section 4 of P. L. 1981, c. 278 (C. 13:1E-95) shall expire on December 31, 1987.

2. This act shall take effect immediately.

Approved December 30, 1986.

CHAPTER 201

AN ACT concerning agricultural land, amending and supplementing P. L. 1964, c. 48, and making an appropriation.

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

1. Section 3 of P. L. 1964, c. 48 (C. 54:4-23.3) is amended to read as follows:

C. 54:4-23.3 Agricultural use of land.

3. Land shall be deemed to be in agricultural use when devoted to the production for sale of plants and animals useful to man, including but not limited to: forages and sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government, except that land which is devoted exclusively to the production for sale of tree and forest products, other than Christmas trees, and is not appurtenant woodland, shall not be deemed to be in agricultural use unless the landowner fulfills the following additional conditions:

a. The landowner establishes and complies with the provisions of a woodland management plan for this land, prepared in accordance with policies, guidelines and practices approved by the Division of Parks and Forestry in the Department of Environmental Protection, in consultation with the Department of Agriculture and the Dean of Cook College at Rutgers, The State University, which policies, guidelines and practices are designed to eliminate excessive and unnecessary cutting;

b. The landowner and a forester from a list of foresters approved by the Department of Environmental Protection annually attest to compliance with subsection a. of this section; and

c. The landowner annually submits an application, as prescribed in section 13 of P. L. 1964, c. 48 (C. 54:4-23.13), to the assessor, accompanied by a copy of the plan established pursuant to sub-

section a. of this section; written documentation of compliance with subsection b. of this section; a supplementary woodland data form setting forth woodland management actions taken in the pre-tax year, the type and quantity of tree and forest products sold, and the amount of income received or anticipated for same; a map of the land showing the location of the activity and the soil group classes of the land; and other pertinent information required by the Director of the Division of Taxation as part of the application for valuation, assessment and taxation, as provided in P. L. 1964, c. 48 (C. 54:4-23.1 et seq.). The landowner shall, at the same time, submit to the Commissioner of the Department of Environmental Protection an exact copy of the application and accompanying information submitted to the assessor pursuant to this subsection. For the purposes of this amendatory and supplementary act, "appurtenant woodland" means a wooded piece of property which is contiguous to, part of, or beneficial to a tract of land, which tract of land has a minimum area of at least five acres devoted to agricultural or horticultural uses other than the production for sale of trees and forest products, exclusive of Christmas trees, to which tract of land the woodland is supportive and subordinate.

C. 54:4-23.3a Application review for compliance.

2. (New section) a. Upon receipt of a copy of an application and accompanying information pursuant to section 3 of P. L. 1964, c. 48 (C. 54:4-23.3), the Commissioner of the Department of Environmental Protection shall acknowledge receipt of such to both the applicant and the assessor of the taxing district in which the land is situated.

b. The commissioner shall provide for a review of the application for compliance with subsection a. of section 3 of P. L. 1964, c. 48 (C. 54:4-23.3). The application review shall include an on-site inspection of the property during one of the first three years in which applications are received, and not less frequently than once every three years following the first inspection.

c. The commissioner shall notify the assessor of the taxing district, in writing, of his findings of compliance or noncompliance of each applicant with subsection a. of section 3 of P. L. 1964, c. 48 (C. 54:4-23.3). If the commissioner indicates to the assessor a finding of compliance, the assessor may, upon his own determination that the property is otherwise qualified for valuation, assessment and taxation, as provided in P. L. 1964, c. 48 (C. 54:4-23.1

et seq.), approve or disapprove the application. If the commissioner indicates to the assessor that the applicant is not in compliance, the assessor shall disapprove the application. The assessor's approval or disapproval shall be transmitted to the applicant as in the case of other applications for valuation, assessment and taxation, as provided in P. L. 1964, c. 48 (C. 54:4-23.1 et seq.).

d. In the event that the commissioner does not give timely notice to the assessor of his findings after review of the application, as timely notice is prescribed by rules and regulations adopted by the Director of the Division of Taxation, pursuant to section 3 of this amendatory and supplementary act, the assessor may approve or disapprove the application as in the case of other applications not subject to provisions of this amendatory and supplementary act.

3. (New section) Within 120 days of the date of enactment of this amendatory and supplementary act, the Director of the Division of Taxation, in coordination with the Department of Environmental Protection, is authorized to adopt, under the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the rules and regulations necessary to carry out the purposes of this amendatory and supplementary act.

Copies of all proposed rules and regulations under this amendatory and supplementary act shall be transmitted to the Senate Natural Resources and Agriculture Committee and the General Assembly Economic Development and Agriculture Committee, or their designated successors, on a day on which both Houses are meeting during a regular or special session of the Legislature. The committees may make recommendations to the Legislature on the proposed rules and regulations. Notwithstanding the provisions of the "Administrative Procedure Act" or any other law to the contrary, a proposed rule or regulation shall not take effect if, within 60 days of the date of the transmittal of the rule or regulation to the committees, a law is enacted which is contrary to the proposed rule or regulation.

C. 54:4-23.3b Disqualification.

4. (New section) Land used exclusively for the production of trees and forest products, other than Christmas trees, and previously deemed to be in agricultural use under section 3 of P. L. 1964, c. 48 (C. 54:4-23.3), the owner of which fails to meet the additional conditions imposed by this amendatory and supplementary act during the first tax year next following implementation of this act, is not subject to the rollback tax because of disqualification

under this amendatory and supplementary act, but shall be treated as land for which an annual application has not been submitted.

5. There is appropriated to the Department of Environmental Protection from the General Fund the sum of \$150,000.00 to implement the provisions of this amendatory and supplementary act.

6. This act shall take effect on August 1 of the year next following enactment.

Approved December 30, 1986.

CHAPTER 202

AN ACT concerning county and municipal budgets for the 1987 local budget year.

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

1. Notwithstanding the provisions of any law to the contrary, the dates concerning the introduction and approval, and adoption of local budgets for 1987 shall be as follows:

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

(1) In the case of a county, not later than February 27 of the fiscal year; and

(2) In the case of a municipality, not later than March 13 of the fiscal year.

b. The budget shall be adopted in the case of a county not later than March 27, and in the case of a municipality not later than April 21 of the fiscal year, except that the governing body may adopt the budget at any time within 10 days after the Director of the Division of Local Government Services in the Department of Community Affairs has certified his approval thereof and returned the same, if the certification is later than the date of the advertised hearing.

2. Notwithstanding the provisions of any law to the contrary, the dates concerning budget transmission to the county board of taxation, county board advisement to the director of the failure to receive a budget, and the filling out of the table of aggregates for late budgets for the year 1987 shall be as follows:

a. The clerk of the local unit shall transmit a certified copy of the budget, as adopted, to the county board of taxation not later than May 4 of the fiscal year.

b. Where the county board of taxation has not received a copy of the budget resolution or other evidence showing the amount to be raised by taxation for the purposes of a taxing district not later than May 4 of the fiscal year, the board shall immediately notify the director of that failure.

c. Immediately upon receipt of the director's certificate and in any event on or before May 11 of the fiscal year, the county board of taxation shall fill out the table of aggregates required by R. S. 54:4-52 and shall determine the amount of "other local taxes" for the year, based upon the certificate of the director.

If the local unit has adopted a budget for the fiscal year and has transmitted a certified copy thereof to the county board on or before May 11 of the fiscal year, the board may substitute the adopted budget in the place of the amount certified by the director, but no substitution shall be made after May 11 of the fiscal year.

3. Notwithstanding the provisions of any law to the contrary, the date concerning the preparation of the table of aggregates for the year 1987 shall be extended from May 3 to May 12.

In the event a county board of taxation is unable to prepare the table of aggregates on or before May 12, due to the failure of any of the several taxing districts of the county to transmit an adopted budget showing the amount to be raised by taxation for the purposes of the taxing district, the board shall prepare a certified schedule of the general tax rate for each of those taxing districts which has submitted an adopted budget. Each certified schedule so prepared shall be signed by the members of the county board of taxation and, within three days thereafter, shall be transmitted to the Director of the Division of Taxation, the county treasurer, and the clerk and tax collector of the affected municipality.

4. Notwithstanding the provisions of any law to the contrary, the date concerning the delivery of the corrected, revised and completed duplicates by the county board of taxation to the collectors of the various taxing districts in the county for the year 1987 shall be extended from May 13 to May 23.

5. The governing body may and, if any contracts, commitments or payments are to be made prior to the adoption of the 1987 budget, shall, by resolution adopted prior to March 1, 1987, make appro-

priations, in addition to any temporary appropriations made pursuant to N. J. S. 40A:4-19, to provide for the period between February 25, in the case of a county, or March 20, in the case of a municipality, and the adoption of the 1987 budget. The total of the appropriations so made shall not exceed $\frac{1}{12}$ of the total of the appropriations made for all purposes in the budget for the 1986 fiscal year, excluding, in both instances, appropriations made for the interest and debt redemption charges, capital improvement fund and public assistance.

6. Notwithstanding the provisions of P. L. 1979, c. 268 (C. 40A:4-45.3a) to the contrary, any referendum conducted during the 1987 budget year by a municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3), for the purpose of requesting approval for increasing the municipal budget by more than 5% over the previous year's final appropriations, shall be held on Tuesday, February 24, or Tuesday, March 24, 1987, as the governing body shall determine. The municipal budget proposing the increase shall be introduced and approved in the manner otherwise provided in N. J. S. 40A:4-5, at least 20 days prior to the date on which the referendum is to be held, and shall be published in the manner otherwise provided in N. J. S. 40A:4-6, at least 12 days prior to the referendum date.

7. Notwithstanding the provisions of N. J. S. 40A:4-27 or of any other law to the contrary, a local unit may anticipate as a miscellaneous revenue in its 1987 budget the total amount of all payments due and payable to the local unit during the fiscal year, directly or indirectly, as a result of the sale of property by the local unit, when the obligation to make the payment is entered into prior to March 14, 1987.

8. Notwithstanding the provisions of section 3-16 of P. L. 1950, c. 210 (C. 40:69A-46), the mayor shall submit to the council his recommended 1987 budget on or before February 13, 1987.

9. Notwithstanding the provisions of section 9-17 of P. L. 1950, c. 210 (C. 40:69A-97), the municipal manager shall submit to the council his recommended 1987 budget on or before February 13, 1987.

10. This act shall take effect immediately, shall apply to the 1987 local budget year and shall expire December 31, 1987.

Approved December 30, 1986.

CHAPTER 203

AN ACT concerning local budget caps, amending P. L. 1976, c. 68 and P. L. 1983, c. 49 and repealing section 10 of P. L. 1983, c. 49 (C. 40A:4-45.17).

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

1. Section 7 of P. L. 1983, c. 49 (C. 40A:4-45.14) is amended to read as follows:

C. 40A:4-45.14 Permissible increase in appropriations.

7. a. Notwithstanding the provisions of section 2, 3 or 4 of P. L. 1976, c. 68 (C. 40A:4-45.2, 40A:4-45.3 and 40A:4-45.4) to the contrary, in any year for which the index rate exceeds 5%, a municipality may, by ordinance, or a county may, by ordinance or resolution, as appropriate, provide that in the local budget year to which the ordinance or resolution applies, the final appropriations of the municipality, or the tax levy of the county, shall be increased by a percentage rate greater than 5%, but not to exceed the index rate, over the previous year's final appropriations, or county tax levy, as the case may be.

b. Notwithstanding the provisions of section 2, 3 or 4 of P. L. 1976, c. 68 (C. 40A:4-45.2, 40A:4-45.3 and 40A:4-45.4) to the contrary, in any year in which the index rate is less than 5% a municipality may, by ordinance approved by a majority vote of the full membership of the governing body, or a county may, by ordinance or resolution, as appropriate, approved by a majority vote of the full membership of the governing body, provide that in the local budget year to which the ordinance or resolution applies, the final appropriations of the municipality, or the tax levy of the county, shall be increased by a percentage rate greater than the index rate, but not to exceed 5% over the previous year's final appropriations, or county tax levy, as the case may be.

c. The ordinance or resolution, as appropriate shall be introduced after January 1 of the local budget year to which it applies and prior to the date provided by law for the introduction and approval of the annual budget of the municipality or county. The ordinance or resolution shall state the greater percentage rate to be adopted and the additional amount of increased final appropriations or tax

levy which that greater percentage rate represents over that which the 5% rate or index rate, as appropriate represents. The ordinance or resolution may, thereafter, be adopted, after publication and a public hearing separately afforded upon 10 days' notice duly published, by a majority vote of the authorized membership of the governing body. Any procedures provided in a form of local government for the exercise of veto powers by a mayor or county executive with respect to ordinances generally shall pertain. An ordinance or resolution so adopted shall, notwithstanding any other provision of law, take effect immediately upon adoption.

Upon adoption of the ordinance or resolution, the permissible final appropriations of the municipality, or permissible county tax levy of the county, shall be calculated for the year as provided in section 3 or 4 of P. L. 1976, c. 68 (C. 40A:4-45.3 or 40A:4-45.4), except that the percentage rate so adopted shall be used. The final appropriations or county tax levy so calculated shall be used in the immediately following year for the purposes of section 2 of P. L. 1976, c. 68 (C. 40A:4-45.2).

A copy of any ordinance or resolution introduced pursuant to this section shall be filed with the Director of the Division of Local Government Services within five days of introduction, and a copy of the ordinance or resolution adopted shall be filed with the director within five days of adoption.

In any year for which an ordinance is adopted by a municipality pursuant to this section, no referendum shall be held in that municipality pursuant to subsection i. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3).

No municipality adopting an ordinance pursuant to this section shall, in the year for which that ordinance is adopted, be entitled to an exception authorized pursuant to subsection m. of section 3 of P. L. 1976, c. 68 (C. 40A:4-45.3), greater than the amount of exception to which it would otherwise have been entitled if there had been no increase in appropriation in that year over the preceding year.

No county adopting an ordinance or resolution, as appropriate, pursuant to this section shall, in the year for which that ordinance or resolution is adopted, be entitled to an exception authorized pursuant to subsection h. of section 4 of P. L. 1976, c. 68 (C. 40A:4-45.4), greater than the amount of exception to which it would otherwise have been entitled if there had been no increase in appropriation in that year over the preceding year.

2. Section 8 of P. L. 1983, c. 49 (C. 40A:4-45.15) is amended to read as follows:

C. 40A:4-45.15 2-year exceptions.

8. a. Notwithstanding any provisions of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.) to the contrary, a municipality or county, which, in any year subsequent to 1982 for which the index rate is greater than 5%, increases its final appropriations or county tax levy in an amount less than that permitted under the 5% percentage rate, shall be permitted to appropriate the difference between the amount of its actual final appropriations or county tax levy and the amount of its permitted final appropriations or county tax levy under the 5% percentage rate, as an exception to its final appropriations or county tax levy in either of the next two succeeding years. In the year immediately following the year in which the amount of difference is so appropriated, the amount of difference shall be added to the final appropriations or county tax levy of the preceding year for the purposes of section 2 of P. L. 1976, c. 68 (C. 40A:4-45.2).

b. Notwithstanding any provisions of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.) to the contrary, a municipality or county which, in any year subsequent to 1986 for which the index rate is less than 5%, increases its final appropriations or county tax levy in an amount less than the index rate, shall be permitted to appropriate the difference between the amount of its actual final appropriations or county tax levy under the index rate, as an exception to its final appropriations or county tax levy in either of the next two succeeding years. In the year immediately following the year in which the amount of difference is so appropriated, the amount of difference shall be added to the final appropriations or county tax levy of the preceding year for the purposes of section 2 of P. L. 1976, c. 68 (C. 40A:4-45.2).

3. Section 7 of P. L. 1976, c. 68 is amended to read as follows:

7. This act shall take effect immediately and be applicable to the tax years beginning in 1977 and shall expire December 31, 1989.

Repealer.

4. Section 10 of P. L. 1983, c. 49 (C. 40A:4-45.17) is repealed.

5. This act shall take effect immediately.

Approved December 31, 1986.

CHAPTER 204

AN ACT establishing the "New Jersey Uncompensated Care Trust Fund," supplementing P. L. 1971, c. 136 (C. 26:2H-1 et seq.), and making an appropriation.

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

1. The Legislature finds and declares that: access to quality health care shall not be denied to residents of the State because of their inability to pay for the care; there are many residents of the State who cannot pay for needed hospital care and in order to ensure that these persons have equal access to hospital care it is necessary to establish a mechanism which will ensure payment of uncompensated hospital care; to protect the fiscal solvency of the State's general hospitals, as provided for in P. L. 1971, c. 136 (C. 26:2H-1 et seq.), it is necessary that all payers of health care services share in payment of uncompensated care on a Statewide basis; and, therefore, it is necessary to establish the "New Jersey Uncompensated Care Trust Fund."

2. As used in this act:

a. "Commission" means the Hospital Rate Setting Commission established pursuant to section 5 of P. L. 1978, c. 83 (C. 26:2H-4.1).

b. "Commissioner" means the Commissioner of the State Department of Health.

c. "Department" means the State Department of Health.

d. "Fund" means the "New Jersey Uncompensated Care Trust Fund" established pursuant to this act.

e. "Hospital" means a general acute care hospital whose schedule of rates is approved by the commission pursuant to section 11 of P. L. 1978, c. 83 (C. 26:2H-18.1).

f. "Payer" means a governmental or nongovernmental third party payer or any purchaser of hospital services whose hospital reimbursement rates are established by the commission pursuant to P. L. 1971, c. 136 (C. 26:2H-1 et seq.).

g. "Uncompensated care" means inpatient and outpatient care provided to medically indigent persons and bad debts as defined

New Jersey State Library

by regulation of the department pursuant to P. L. 1971, c. 136 (C. 26:2H-1 et seq.).

3. The commission is authorized to approve a hospital's rates to achieve an equitable collection and distribution mechanism among hospitals in the State for payment of uncompensated care, pursuant to the provisions of this act.

4. There is established the "New Jersey Uncompensated Care Trust Fund" in the Department of Health.

a. The fund shall be comprised of monies collected from hospitals pursuant to this act and monies appropriated from the General Fund to carry out the purposes of this act. The fund shall be a nonlapsing fund dedicated for use by the department to distribute payments for the cost of uncompensated care in the State and the reasonable cost of administering the fund. Interest earned on monies deposited in the fund shall be credited to the fund.

b. The fund shall be administered by a person appointed by the Commissioner of Health in consultation with the Uncompensated Care Trust Fund Advisory Committee established pursuant to section 5 of this act.

The administrator of the fund is responsible for overseeing and coordinating the collection and disbursement of fund monies. The administrator is responsible for promptly informing the commission and the commissioner if monies are not or are not reasonably expected to be collected or disbursed or if the fund's reserve as established in subsection c. of this section falls below the required level.

c. The fund shall maintain a reserve equal to 1/12 of the fund's total estimated annual payment for uncompensated care costs for the prior calendar year; except that, during the first year of the fund, the reserve shall be equal to 1/12 of the estimated annual payment for uncompensated care costs for the current calendar year.

5. a. There is created in the Department of Health a 19-member Uncompensated Care Trust Fund Advisory Committee which shall be comprised of the Commissioners of the Departments of Health, Human Services and Insurance and the Public Advocate, or their designees, who shall serve *ex officio*; two members of the Senate to be appointed by the President thereof, no more than one of whom shall be of the same political party, and two members of the General Assembly to be appointed by the Speaker thereof, no

more than one of whom shall be of the same political party; and 11 members appointed by the Governor as follows: one person who represents the Office of the Governor, who shall serve ex officio, and 10 public members who include two persons who represent payers, one to be appointed upon the recommendation of Blue Cross and Blue Shield of New Jersey, Inc. and one upon the recommendation of the Health Insurance Association of America; two persons who represent hospitals in the State, to be appointed upon the recommendation of the New Jersey Hospital Association; two persons who represent business and industry in this State, one to be appointed upon the recommendation of the New Jersey Business and Industry Association and one upon the recommendation of the New Jersey State Chamber of Commerce; two persons who represent organized labor in this State, to be appointed upon the recommendation of the New Jersey State AFL-CIO; and two persons who are consumers of health care.

The public members shall serve for a term of three years and are eligible for reappointment, but of the members first appointed, three shall serve for a term of one year, three for a term of two years and four for a term of three years. Vacancies on the advisory committee shall be filled in the same manner as the original appointments were made.

The advisory committee shall organize as soon as practicable after the appointment of its members and shall select a chairperson from among its members. Members of the advisory committee shall serve without compensation but shall be reimbursed for the necessary expenses incurred in the performance of their duties as members of the advisory committee.

b. The advisory committee shall:

(1) Review the methodology and assumptions used by the department to establish the Statewide uncompensated care add-on pursuant to section 6 of this act, and advise the commissioner on its conclusions about the accuracy of the calculations;

(2) Make recommendations to the commissioner on the procedures that shall be used to audit uncompensated care at the hospitals, including methods of indigent care cost recovery and bad debt collection by the hospitals;

(3) Make recommendations to the commissioner on alternative methods of funding uncompensated care that may be implemented upon the expiration of this act; and

(4) Make recommendations to the commissioner concerning any aspect of the fund.

6. For the periods beginning January or July of the hospital's rate year, the department shall determine a uniform Statewide uncompensated care add-on. The commission shall approve the add-on before it is included in hospital rates.

The add-on shall be determined by dividing the Statewide amount of approved uncompensated care plus an amount adequate to repay any direct appropriation of State funds pursuant to section 12 of this act and to fund the reasonable cost of administering the fund pursuant to subsection a. of section 4 of this act and maintaining the reserve pursuant to subsection c. of section 4 of this act, by the Statewide amount of approved revenue for all payers and approved revenue for medically indigent persons less the Statewide amount of approved uncompensated care.

The add-on and any increases made to the add-on are an allowable cost and shall be included as part of the hospital's rates as established by the commission.

7. a. The commission shall approve each hospital's reasonable uncompensated care costs and shall ensure that uncompensated care services financed pursuant to this act are provided in the most appropriate and cost-effective manner which the commission determines hospitals can reasonably be required to achieve. The commission shall require a hospital which engages in inefficient or inappropriate provision of uncompensated care services to submit to the commission a cost reduction plan. The commission may prospectively reduce the hospital's uncompensated care payments for failure to submit or implement a cost reduction plan that has been approved by the commission.

b. The commission shall semiannually determine the amount a hospital shall pay to the fund or the fund shall pay to the hospital, as appropriate.

The hospital payment to the fund shall be funded by the uniform Statewide uncompensated care add-on determined pursuant to section 6 of this act, which is charged by the hospital to all payers.

The commission shall require a hospital whose uncompensated care costs are lower than the amount the hospital will receive from the uniform Statewide uncompensated care add-on to remit the net difference to the fund. The commission shall authorize a hospital whose uncompensated care costs are higher than the amount the hospital will receive from the uniform Statewide uncompensated care add-on to receive the net difference from the fund.

8. a. Hospitals required to remit the net difference of funds received from payers pursuant to subsection b. of section 7 of this act shall remit the funds in equal installments at the end of every month; except that a hospital shall make its first payment no later than 75 days after the fund is established.

b. If a hospital is delinquent in its required payment to the trust fund, the commission may, pursuant to department regulations, remove from that hospital's schedule of rates the uniform State-wide uncompensated care add-on, or levy a reasonable penalty on the hospital. The penalty shall be recovered in a summary civil proceeding brought in the name of the State in the Superior Court pursuant to "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.). Penalties collected pursuant to this section shall be deposited in the fund established pursuant to this act.

c. Hospitals authorized to receive payments from the fund pursuant to subsection b. of section 7 of this act shall receive the payments on a monthly basis.

9. a. The department shall annually provide for an audit of each hospital's uncompensated care within a time frame established by regulation pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).

b. Prior to the department's final approval of the audit, the results of the audit shall be reviewed with the hospital. If a hospital disputes an audit adjustment, the hospital may appeal the adjustment to the commission. The commission shall resolve the dispute within 90 calendar days of the date on which the hospital appealed the adjustment.

c. Upon receipt and acceptance of the final audit, the commission, within 90 calendar days, shall adjust a hospital's schedule of rates so that the rates reflect the audit adjustment.

10. If the State is not eligible to receive federal matching funds to cover the cost of the uniform Statewide uncompensated care add-on for receipt of medical assistance under the Medicaid program pursuant to P. L. 1968, c. 413 (C. 30:4D-1 et seq.), the State is not liable for the amount of the federal matching funds.

11. Pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), the department shall adopt rules and regulations necessary to carry out the provisions of this act.

12. Prior to the expiration date of this act, the fund shall repay the State the total amount of any direct appropriations of State

funds made to the fund pursuant to this act. The administrator of the fund, under the direction of the commission, shall develop and implement a procedure for receiving sufficient repayments so that the fund is able to repay the State as required pursuant to this section.

13. The commissioner shall report to the Governor and the Senate Institutions, Health and Welfare and the General Assembly Health and Human Resources Committees no later than 90 days before the expiration date of this act on the cost to the State and other payers of uncompensated hospital care in this State and the effectiveness of the New Jersey Uncompensated Care Trust Fund in ensuring access to health care services for all residents of the State, ensuring payment of uncompensated hospital care costs in the State, and protecting the fiscal solvency of the State's general acute care hospitals. The commissioner shall accompany the report with any recommendations for legislative or administrative action that the commissioner deems necessary.

14. a. There is appropriated \$10,000,000.00 from the General Fund to the New Jersey Uncompensated Care Trust Fund to provide initial funding for the trust fund.

b. There is appropriated \$5,000,000.00 from the General Fund to the New Jersey Uncompensated Care Trust Fund for the fund's reserve required pursuant to subsection c. of section 4 of this act. Funds from this appropriation shall not be expended without the submission of adequate documentation as to the need for these funds to carry out the purposes of this act and without the approval of the Director of the Division of Budget and Accounting in the Department of the Treasury, who shall consult with the Legislative Budget and Finance Officer prior to authorizing an expenditure of the funds.

15. This act shall take effect immediately and shall expire on December 31, 1988.

Approved January 5, 1987.

CHAPTER 205

AN ACT establishing the New Jersey Boarding Home Advisory Council and supplementing P. L. 1979, c. 496 (C. 55:13B-1 et al.).

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

C. 30:1A-4 Boarding Home Advisory Council.

1. a. There is established in, but not of, the Department of Human Services the New Jersey Boarding Home Advisory Council. The council shall consist of 14 members, to be appointed by the Commissioner of Human Services in consultation with the Commissioners of Community Affairs and Health, the Public Advocate, the Public Guardian for Elderly Adults and the Ombudsman for the Institutionalized Elderly, as follows: two persons who own or operate a boarding house as defined in P. L. 1979, c. 496 (C. 55:13B-1 et al.); two persons who own or operate a residential health care facility as defined in section 1 of P. L. 1953, c. 212 (C. 30:11A-1) or licensed pursuant to P. L. 1971, c. 136 (C. 26:2H-1 et seq.); two persons who currently reside in a boarding house or a residential health care facility; one person who is a member of the organization which represents operators of boarding houses or residential health care facilities, or both; one person who represents the health care professions; one person who represents a county office on aging; one person who represents a municipal building code department; one person who represents an organization or agency which advocates for mentally ill persons in this State; one person who represents an organization or agency which advocates for physically disabled persons in this State; and two other members who shall be chosen from among persons whose work, knowledge or interest relates to boarding houses or residential health care facilities and the residents thereof, including but not limited to municipal and county elected officials, county prosecutors, social workers, and persons knowledgeable about fire prevention standards and measures needed to assure safety from structural, mechanical, plumbing and electrical deficiencies in boarding houses and residential health care facilities. In addition, the Chairman of the General Assembly Standing Reference Committee on Health and Human Resources and the Chairman of the Senate Standing Reference Committee on Institutions, Health and Welfare or their designees shall serve as ex officio members of the council.

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

C. 30:1A-5 Organization of council.

2. a. The council shall organize as soon as may be practicable after the appointment of its members and shall select a chairman from among its members and a secretary who need not be a member of the council.

b. The Department of Human Services shall provide the council with such legal, stenographic, clerical and technical assistance as the council may require in order to perform its duties under this act.

c. The council shall meet on a quarterly basis during each calendar year, but may at the discretion of the chairman hold additional meetings as deemed necessary to carry out its duties under this act.

C. 30:1A-6 Duties of council.

3. It shall be the duty of the council:

a. To make policy recommendations to the interdepartmental policy coordinating committee established pursuant to section 17 of P. L. 1979, c. 496 (C. 30:1A-2) regarding the development and coordination of licensing and enforcement standards in boarding houses and residential health care facilities and the provision of services to their residents;

b. To advise the Departments of Human Services, Community Affairs, and Health regarding methods for identification of boarding houses and residential health care facilities for which no license has been issued;

c. To advise the departments during the development and revision of regulations; and

d. To review and comment upon proposed regulations.

4. This act shall take effect immediately.

Approved January 5, 1987.

CHAPTER 206

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P. L. 1986, c. 41).

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. 1986, c. 41, there is appropriated out of the General Fund the following sum for the purpose specified:

DIRECT STATE SERVICES

DEPARTMENT OF HEALTH

20 Physical and Mental Health

21 Health Services

02-4220	Local and Community Health Services . . .	\$33,000
---------	---	----------

Grants:

National Tay-Sachs and Allied Disease Association, Inc., New Jersey Chapter	(\$33,000)
---	-------------

2. This act shall take effect immediately but shall remain inoperative until the enactment into law of the annual appropriations act for the fiscal year ending June 30, 1987, P. L. 1986, c. 41.

Approved January 5, 1987.

CHAPTER 207

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

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

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

Superior Court judges.

2A:2-1. a. The Superior Court shall consist of not less than 347 judges. Each judge shall receive such annual salary as shall be fixed by law.

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

Atlantic	8
Bergen	24
Burlington	5
Camden	14
Cape May	3
Cumberland	5
Essex	28
Gloucester	8
Hudson	20
Hunterdon	2
Mercer	8
Middlesex	18
Monmouth	16
Morris	13
Ocean	12
Passaic	14
Salem	2
Somerset	6
Sussex	3
Union	16
Warren	2

(2) Additionally, a number of those judges of the Superior Court satisfying the residency requirements set forth above equal to the number of judges of the county court authorized in each of the counties on December 6, 1978 shall at all times sit in the county in which they reside.

2. This act shall take effect immediately.

Approved January 6, 1987.

CHAPTER 208

AN ACT appropriating \$15,103,000.00 from the "1983 New Jersey Green Acres Fund" and \$21,500,000.00 from the "Green Trust Fund" to enable the State and local units of government to acquire and develop land for recreation and conservation purposes.

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

1. There is appropriated to the Department of Environmental Protection from the "1983 New Jersey Green Acres Fund," established pursuant to section 15 of the "New Jersey Green Acres Bond Act of 1983" (P. L. 1983, c. 354), the sum of \$15,103,000.00 for the purposes of public acquisition and development of lands by the State for recreation and conservation purposes. This sum shall include administrative costs and shall be allocated as follows:

a. For the State development of the following projects, \$6,376,000.00:

State Facility	County	Project
Barnegat Lighthouse State Park	Ocean	Bulkhead
Belleplaine State Forest	Cape May	Administration facility
Cape May Point State Park	Cape May	Picnic shelter
Cheesequake State Park	Middlesex	New entrance road
D & R Canal State Park	Mercer Hunterdon Middlesex Somerset	Recreational and historic development
D & R Canal State Park	Mercer Hunterdon Middlesex Somerset	Historic structures upkeep
Fort Mott State Park	Salem	Fortification restora- tion
Hacklebarney State Park	Morris	Repave parking area
High Point State Park	Sussex	Group cabin

State Facility	County	Project
Historic Village Program	Statewide	Restoration and reconstruction
Hopatcong State Park	Morris	Dam repair
Island Beach State Park	Ocean	Bathhouse
Liberty State Park	Hudson	Rehabilitation ferry concourse
Liberty State Park	Hudson	Terminal complex utilities and heating
Liberty State Park	Hudson	Outdoor amphitheater
Liberty State Park	Hudson	Site improvements
Liberty State Park	Hudson	Seawall
Morven Historic Site	Mercer	Old quarters rehabilitation
Palisades Interstate Park Commission	Bergen	Safety fence
Old Barracks Historic Site	Mercer	Restoration
Ringwood State Park	Passaic	Entrance road
Ringwood State Park	Passaic	Ringwood Manor roof replacement
Ringwood State Park	Passaic	Skylands Lodge stabilization
Ringwood State Park	Passaic	Roads and parkway area
Spring Meadow Golf Course	Monmouth	Expansion
Stokes State Forest	Sussex	Septic Treatment N. J. School of Conservation
Swartswood State Park	Sussex	New office
Wharton State Forest	Burlington Camden Atlantic	Green Bank maintenance expansion
Worthington State Forest	Warren	Old mine repair

b. For State acquisition of the following projects, \$8,727,000.00:

Project	County
Assunpink additions	Monmouth
Bayside tract	Cumberland

Project	County
Bear swamp	Sussex
Condemnation awards	Statewide
Great Piece Meadows	Morris-Essex
Heislerville gravel pits	Cumberland
Higbee beach	Cape May
Ken Lockwood gorge	Hunterdon
Mad Horse creek additions	Salem
Marine and freshwater access sites	Statewide
Pinelands	Burlington, Ocean, Atlantic
Sterling Forest	Passaic
Trail corridors	Statewide
Troy Meadows natural area	Morris
Opportunities, contingencies and inholdings	Statewide

2. There is appropriated to the Department of Environmental Protection from the "Green Trust Fund," established pursuant to section 16 of the "New Jersey Green Acres Bond Act of 1983" (P. L. 1983, c. 354), the sum of \$21,500,000.00 to provide loans to assist local units of government to acquire and develop land for recreation and conservation purposes, which sum shall include administrative costs. The following projects shall be eligible for funding with the moneys appropriated pursuant to this section:

Local Government Unit	County	Project
Absecon City	Atlantic	Heritage Park
Brigantine City	Atlantic	Beachfront Park Phase 2
Closter Boro.	Bergen	Vossler Avenue Park Dev.
Fort Lee Boro.	Bergen	Lewis St. Pk.
Glen Rock Boro.	Bergen	Faber Pk. Ph. 1
Haworth Boro.	Bergen	Multi-Pk. Imp.
No. Arlington Boro.	Bergen	Passaic River Proj.
Oakland Boro.	Bergen	Ramapo Pk. Acq.
Oakland Boro.	Bergen	Oakland Rec. Complex Redev.
Rutherford Boro.	Bergen	Leisure Lane
Teaneck Twp.	Bergen	Herrick Park Extension

Local Government Unit	County	Project
North Hanover Twp.	Burlington	North Hanover Pk. Ph. 2
Cherry Hill Twp.	Camden	Decou Park Phase 1
Cherry Hill Twp.	Camden	The Quad Ph. 1
Cape May City	Cape May	East Cape May Acq. Pro.
Middle Twp.	Cape May	Rio Grande Recreation Area
Sea Isle City	Cape May	Marina Rec. Complex
Sea Isle City	Cape May	Townsend Inlet Waterfront Pk.
Commercial Twp.	Cumberland	Waterfront Park
Millville City	Cumberland	Maurice River Waterfront Phase 3
Vineland City	Cumberland	Grampietro Pk.
Essex Co.	Essex	Long Meadow
Essex Co.	Essex	Black Bear Turtle Back Zoo
Cedar Grove Twp.	Essex	Morgan's Farm
Irvington Town	Essex	Parkway Pk.
Nutley Town	Essex	Development Kingsland Pk.
W. Caldwell Twp.	Essex	Richard Pk.
Gloucester Co.	Gloucester	Greenwich Lake Pk.
Logan Twp.	Gloucester	Oldman's Creek Park and Rec. Area
Newfield Boro.	Gloucester	Newfield Recreational Pk.
Woodbury Heights Boro.	Gloucester	Helen Ave. Sports Complex
Bayonne City	Hudson	Veterans Pk.
Kearny Town	Hudson	F. J. Vincent Waterfront Pk.
West New York Town	Mercer	St. Mary's Pk.
Hunterdon Co.	Hunterdon Mercer	Union Forge Nat. Preserve Add.
Hunterdon Co.	Middlesex	Uplands Reservation
Hunterdon Co.	Morris	Arboretum Extension
Hunterdon Co.	Hudson	Charlestown Reservation
Clinton Twp.	Hunterdon	Clinton Rec. Complex
Ewing Twp.	Hunterdon	Banchoff Pk.
Hamilton Twp.		Sayen Tract

Local Government Unit	County	Project
Hopewell Boro.	Mercer	Adreas-Ruland Tract
Princeton Twp.	Hunterdon	Larson Property
Princeton Twp.	Middlesex	Mountain Lakes
Middlesex Co.	Mercer	Warren Pk. Ext. Phase 2
Carteret Boro.	Mercer	Civic Center Pk.
E. Brunswick Twp.	Middlesex	Eastside Pk.
E. Brunswick Twp.	Middlesex	Chittick Pk.
Plainsboro Twp.	Middlesex	Lenape Trail/Water's Edge Pk.
Sayreville Boro.	Middlesex	Kennedy Pk. Exp.
Monmouth County Pks.	Monmouth	Bamm Hollow
Monmouth County Pks.	Monmouth	Dorbrook Pk. Dev.
Long Branch City	Monmouth	Ocean Place 3
Middletown Twp.	Monmouth	Bicentennial Pk.
South Belmar Boro.	Monmouth	Como Lake
Spring Lake Boro.	Monmouth	Rehab. of Divine Pk. 2
Morris County	Morris	Schooley's Mtn.—Albano
E. Hanover Twp.	Hunterdon	Lurker Pk. Lighting
Ocean County Pks.	Ocean	Forge Pond
Ocean County Pks.	Ocean	Jackson Twp. Acq.
Beach Haven Boro.	Ocean	Beachfront Access
Brick Twp.	Ocean	Ocean Beach 3
Lakehurst Boro.	Ocean	Horicon Lake
Pt. Pleasant Boro.	Ocean	Beaver Dam Creek
Pt. Pleasant Beach Boro.	Ocean	Pleasure Pk. Play Area
Stafford Twp.	Ocean	Mill Creek acq.
Ship Bottom Boro.	Ocean	4th St. Bayfront Pk.
Barnegat Twp.	Ocean	Dock and Recreation 2
Passaic Co. Pl. Bd.	Passaic	Sterling Forest
Clifton City	Passaic	Nash Pk. Renov.
Ringwood Boro.	Passaic	Stonetown Ath. Fac.
Wanaque Boro.	Passaic	Back Bch. Pk. Improv.
West Milford Twp.	Passaic	Echo Lake Pk.
Penns Grove Boro.	Salem	Waterfront Pk. Acq.

Local Government Unit	County	Project
Pilesgrove Twp.	Salem	Marlton Rec. Area—Ph. 2
Pittsgrove Twp.	Salem	Pittsgrove Rec. and Pk. Area
Salem City	Salem	New Skansen Rec. Area
Bridgewater Twp.	Somerset	Middlebrook Corridor
Franklin Twp.	Somerset	Hutcheson Mem. Forest
Hillsborough Twp.	Somerset	Stream Belt Pk.
Manville Boro.	Somerset	Valley Pk.
Watchung Boro.	Somerset	Watchung Lake
Stanhope Boro.	Sussex	Furnace Pond Dev.

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

4. In order to provide flexibility in administering this act, the Commissioner of the Department of Environmental Protection may request the Director of the Division of Budget and Accounting in the Department of the Treasury to authorize the transfer of a part of any item to any other item of appropriation, within the limitations imposed under sections 3 and 4 of P. L. 1983, c. 354; and upon the written authorizations of the transfer by the director and the Joint Budget Oversight Committee, or its designated successor, the commissioner shall make the transfer.

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

6. This act shall take effect immediately.

Approved January 6, 1987.

CHAPTER 209

AN ACT concerning the Delaware River Port Authority and amending and supplementing P. L. 1957, c. 35.

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

1. Section 1 of P. L. 1957, c. 35 (C. 32:4-6) is amended to read as follows:

C. 32:4-6 Delaware River Port Authority police officers.

1. The Delaware River Port Authority, a body corporate and politic, functioning under the legislation enacted by the Commonwealth of Pennsylvania and the State of New Jersey, and the express consent of the Congress of the United States, and its wholly-owned subsidiary corporations through which it is effectuating its authorized purposes, shall have the power and authority to appoint such number of police officers as may be found necessary to keep in safety and preserve order upon such bridges and tunnels and approaches thereto, and upon the rapid transit systems, ferries, facilities and other property as the Delaware River Port Authority or subsidiary corporations do or may hereafter own, lease or operate; to administer to the police officers an oath or affirmation faithfully to perform the duties of their respective positions or offices; and to provide for the payment of the police officers from the tolls, fares, charges and other revenue of the Delaware River Port Authority or subsidiary corporations. The police officers so appointed shall have the power and authority to make arrests for any crimes, misdemeanors, and the offenses committed under the laws of the State of New Jersey or the Commonwealth of Pennsylvania, upon said bridges or within said tunnels or approaches thereto, on the rapid transit systems, ferries, facilities or other property owned, leased or operated by the Delaware River Port Authority or a subsidiary corporation, for disorder or breach of the peace, or for violations of any lawful regulation which may be or may heretofore have been adopted by the Delaware River Port Authority or subsidiary corporations. Police officers shall be further authorized and empowered to make arrests or issue summonses for evasion or attempts to evade the payment of tolls, fares or other charges which may be fixed or may have been fixed for the use of a bridge, tunnel, rapid transit system, or ferry, facility

or other property owned, leased or operated by the Delaware River Port Authority or a subsidiary corporation. In addition, while acting within any other areas of the port district, police officers appointed by the Delaware River Port Authority shall have all of the powers, including the right to carry firearms while on duty, and all of the immunities conferred by law on police officers or municipal police officers in the enforcement of the laws of the State of New Jersey and the Commonwealth of Pennsylvania; provided that no police officer shall be so empowered unless the officer has satisfied all the training and requalification requirements of section 2 of this amendatory and supplementary act. To pass over any part of said bridges or through said tunnels and approaches thereto in any vehicle for which tolls shall be collectible, or for any person or vehicle to use the rapid transit systems or ferries or other facilities or property without passing through the toll gates or paying such tolls, fares or charges, shall constitute such evasion and shall subject the person so evading or attempting to evade such payment to arrest or receipt of a summons as aforesaid. Any such summons shall direct such person to appear before any proper judicial officer as defined in this section at such time as the summons shall direct. Upon the return of such summons or upon the apprehension or arrest of any person or persons for any of the other foregoing reasons, the offender may be taken before any proper judicial officer of the Commonwealth of Pennsylvania or of the State of New Jersey, without respect to the portion of the bridge, tunnel, ferry facility, rapid transit system, facilities or other property upon or within which such offense may have been committed or attempted or such offender arrested, and thereupon such judicial officer shall have the power and authority to punish such offender as hereinafter provided. The Delaware River Port Authority and its wholly-owned subsidiary corporations through which it is effectuating its authorized purposes shall have the power to adopt such rules and regulations as they may respectively deem expedient for the proper government of said bridges, tunnels, approaches thereto, rapid transit systems, ferries, facilities or other property and for the preservation of good order, safe traffic, and proper conduct thereon or therein. For any violation of any of the foregoing provisions of this act or of any rule or regulation adopted by the Delaware River Port Authority, or its said subsidiary corporations, or for any evasion or attempt to evade payment of tolls, fares or charges, the offender or offenders shall be subject to a fine or penalty of not less than \$10.00 or more than \$25.00, together with

costs, to be adjudged by the proper judicial officer of the city and county of Philadelphia or other proper judicial officer of the Commonwealth of Pennsylvania or of the State of New Jersey before whom such offender or offenders may be brought; and on default of payment of such fine or penalty, then to imprisonment of not less than 10 days or more than 30 days in the place of incarceration decreed by said magistrate or other judicial officer; and upon conviction of any subsequent offense, shall be subject to a fine or penalty of not less than \$25.00 or more than \$50.00, together with costs, or to imprisonment of not less than 30 days or more than 60 days, or both, at the discretion of the said magistrate or other judicial officer.

C. 32:4-6.1 Police training course.

2. (New section) a. The Delaware River Port Authority shall require a police officer appointed under section 1 of P. L. 1957, c. 35 (C. 32:4-6) to successfully complete a police training course jointly approved and authorized by the Attorneys General of the State of New Jersey and the Commonwealth of Pennsylvania, and shall further require that the police officer shall fully comply with the annual firearms qualifications standards established under subsection j. of N. J. S. 2C:39-6.

b. A police officer may be exempted from the police training requirements of subsection a. of this section if he demonstrates that he has successfully completed a police training course conducted by any federal, state or other public or private agency, the requirements of which are determined by the attorneys general of the two states to be substantially equivalent to the police training course requirements of subsection a. of this section; but notwithstanding such exemption, the police officer shall fully comply with the annual firearms qualification standards referenced in subsection a. of this section.

3. This act shall take effect upon the enactment into law by the Commonwealth of Pennsylvania of legislation having a substantially similar effect as this act, or if the Commonwealth of Pennsylvania shall have already enacted such legislation, this act shall take effect immediately.

Approved January 8, 1987.

CHAPTER 210

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, 1987 and regulating the disbursement thereof," approved June 30, 1986 (P. L. 1986, c. 41).

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

1. The following sums are hereby appropriated out of the General Fund, or such other sources of funds specifically indicated or as may be applicable, for the respective public officers and for the several purposes herein specified:

CLAIMS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Palisades Interstate Park Commission

Borough of Alpine, c/o Logan and Logan, Counselors at Law, 132 Engle Street, P. O. Box 664, Englewood, N. J. 07631, Attention: James P. Logan, Attorney at Law, for payment of municipal taxes for land situated within the borough:

Borough of Alpine \$34,000.00

That an award in the amount of \$34,000.00 be made payable by the Palisades Interstate Park Commission from the net share of revenues which it derives from the operation of gasoline stations in the New Jersey section of the Palisades Interstate Parkway.

DEPARTMENT OF THE TREASURY

Mr. Patrick J. Kearney, 119 Windmere Street, Springfield, Mass. 01104, for payment of an out- dated check.	\$64.29
Chaston and Company, Inc., P.O. Box 222, Riverton, N. J. 08077, for payment of an outdated check. . .	\$2,000.00
Ms. Donna C. Schwankert, 440 Willow Way, Clark, N. J. 08077, for payment of an outdated check.	\$11.75

Ms. Elizabeth A. Grant and Mr. Hilliard T. Grant, 210 North Beach Avenue, Beach Haven, N. J. 08008, for payment of an outdated check.	\$12.75
Florence S. Fiorile, Executrix, Estate of Wayne M. Spicer, 585 Nassau Avenue, Paulsboro, N. J. 08066, for payment of an outdated check.	\$105.22
Leo J. Kelly, Administrator, Estate of Marie T. Kelly, 6 North Delaware Avenue, Yardley, Pa. 19067, for payment of multiple outdated checks. ...	\$5,312.22
Robert R. Colot, Executor, Estate of Clara Colot, 10 New Brunswick Avenue, Matawan, N. J. 07747, for payment of an outdated check.	\$245.28
James L. Weimer, 248 20th Avenue, Brick, N. J. 08724, for payment of an outdated check.	\$30.80
Don K. Butterfield, 64 St. Philip Drive, Clifton, N. J., for payment of an outdated check.	\$194.53
Grace F. Morris, 44 Thompson Street, Dumont, N. J. 07628, for payment of two outdated checks.	\$243.00
Vivian Shirley Morris, 44 Thompson Street, Dumont, N. J. 07628, for payment of an outdated check. ...	\$84.75
Ms. Elsie Davis, 224 Oakland Terrace, Hillside, N. J. 07205, for payment of an outdated check.	\$18.00
Mr. Eugene W. Schneider, P.O. Box H, Iselin, N. J. 08830, for payment of an outdated check.	\$69.00
Mr. John Schmitz, Executor, Estate of Frederick Schmitz, 438 52nd Street, West New York, N. J. 07093, for payment of an outdated check.	\$119.31
Ms. Daphne Stevenson Reed, 305 Middle Street, Am- herst, Mass., for payment of an outdated check. ...	\$17.40
Ms. Dorothy M. Neumann, Executrix, Estate of Martha Beisswenger, 55 Mt. Prospect Avenue, Verona, N. J. 07044, for payment of an outdated check.	\$251.25
Mr. Robert and M. Hwang, 2466 Webb Avenue, Bronx, N. Y. 10468, for payment of an outdated check.	\$70.84

Mr. Nathaniel M. Banks, Jr., 75 Bralan Court, Gaithersburg, Md. 20877, for payment of an outdated check.	\$98.56
John and Barbara Bernat, 7 Sleepy Hollow Road, Edison, N. J. 08817, as former shareholders of the defunct Gordon Sand and Gravel Company, for reimbursement of payment in excess of their tax liability.	\$9,643.66
Job and Doris Gash, 3 Schindler Court, East Brunswick, N. J. 08816, as former shareholders in the defunct Gordon Sand and Gravel Company, for reimbursement of payment in excess of their tax liability.	\$10,412.83
Richard and Jean Gash, 8 Sleepy Hollow Road, Edison, N. J. 08817, as former shareholders of the defunct Gordon Sand and Gravel Company, for reimbursement of payment in excess of their tax liability.	\$8,641.98
Thomas and Elizabeth Swales, III, 6 Sleepy Hollow Road, Edison, N. J. 08817, as former shareholders of the defunct Gordon Sand and Gravel Company, for reimbursement of payment in excess of their tax liability.	\$9,174.99
Sea-Land Service, Inc. and Reynolds Leasing Corporation, as subsidiaries of Sea-Land Corporation, c/o McCarter and English, Counselors at Law, 550 Broad Street, Newark, N. J. 07102, Attention: Mr. Michael A. Guariglia, Attorney at Law, for reimbursement of payment in excess of its tax liability.	\$543,639.00
Mr. Marvin Olinsky, c/o Harvey L. Stern, Attorney at Law, 123 Franklin Corner Road, Suites 109-111, Lawrenceville, N. J. 08648, for payment of commissions earned as a Division of Motor Vehicles Agent during the calendar years 1979 and 1980. Commissions earned amounting to \$20,739.52, less funds owed to the State (\$1,000.13) results in net payment of \$19,739.39.	\$19,739.39
Mr. Michael Tango, c/o Harvey L. Stern, Attorney at Law, 123 Franklin Corner Road, Suites 109-111,	

Lawrenceville, N. J. 08648, for payment of commissions earned as a Division of Motor Vehicles Agent during calendar years 1979 and 1980.	\$14,557.44
Ms. Marie Luberto, c/o Harvey L. Stern, Attorney at Law, 123 Franklin Corner Road, Suites 109-111, Lawrenceville, N. J. 08648, for payment of commissions earned as a Division of Motor Vehicles Agent during calendar years 1979 and 1980.	\$24,477.41
	\$683,235.65
Total Appropriations, Claims	\$683,235.65

2. This act shall take effect immediately and be retroactive to July 1, 1986.

Approved January 8, 1987.

CHAPTER 211

AN ACT concerning automobile insurance and certain other motor vehicle insurance, and amending P. L. 1970, c. 217 P. L. 1983, c. 65, P. L. 1984, c. 1 and P. L. 1985, c. 520 and supplementing Title 17 of the Revised Statutes.

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

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

C. 17:30E-3 Definitions.

15. As used in sections 13 to 34 of this act:

a. "Association" means the New Jersey Automobile Full Insurance Underwriting Association.

b. "Automobile" means a private passenger automobile of a private passenger or station wagon type that is owned or hired, and is neither used as a public or livery conveyance for passengers nor rented to others with a driver; a motor vehicle with a pickup body, a delivery sedan or a panel truck or a camper type vehicle used for recreational purposes, owned by an individual or by husband and wife who are residents of the same household, not customarily used in the occupation, profession or business of the insured other than

farming or ranching; and, solely for the purposes of this act, a motorcycle, as defined in R. S. 39:1-1. An automobile owned by a farm family copartnership or corporation, which is principally garaged on a farm or ranch and otherwise meets the definition contained in this section, shall be considered a private passenger automobile owned by two or more relatives resident in the same household.

c. "Automobile insurance" means direct insurance against injury or damage, including the legal liability therefor, arising out of the ownership, operation, maintenance or use of automobiles, including, but not limited to, personal injury protection insurance, bodily injury liability insurance, property damage liability insurance, physical damage insurance and uninsured and underinsured motorist insurance.

d. "Board" or "board of directors" means the board of directors of the association.

e. "Company" or "member" means an insurer member of the association.

f. "Commissioner" means the Commissioner of Insurance.

g. "Director" means a member of the board of directors of the New Jersey Automobile Full Insurance Underwriting Association.

h. "Net direct car years of liability exposure" means direct bodily injury liability car years of exposure, after deducting returns for cancellations, but without adding reinsurance assumed or deducting reinsurance ceded, as determined by the board and approved by the commissioner.

i. "Net direct car years of physical damage exposure" means direct physical damage car years of exposure, after deducting returns for cancellations, but without adding reinsurance assumed or deducting reinsurance ceded, as determined by the board and approved by the commissioner.

j. "Person" means every natural person.

k. "Plan of operation" means the plan of operation of the association created pursuant to section 18 of this act.

l. "Producer" means an agent or broker licensed to transact the business of automobile insurance in this State.

m. "Qualified applicant" means a person domiciled in New Jersey who is an owner of an automobile registered, or to be registered within 60 days of application, and principally garaged in this State, except that a member of the United States military

forces, if otherwise eligible for insurance coverage issued by the association, shall be eligible with respect to an automobile if, at the time the application is made, he is either (1) a nonresident who is stationed in this State, whose automobile is registered in another state and garaged in this State; or (2) a resident who is stationed in another state, whose automobile is registered in this State and garaged in another state. No person shall, however, be deemed a qualified applicant, if the principal operator of the automobile to be insured does not hold a driver's license which is valid in this State; or if a regular operator of the automobile other than the principal operator does not hold such a license; or if timely payment of premium is not tendered; or if the principal operator of the automobile does not furnish the information necessary to effect insurance; or if such person rents or leases automobiles to others or automobiles which are used for commercial purposes.

n. "Underinsured motorist coverage" means insurance for damages because of bodily injury and property damage caused by accident and arising out of the ownership, maintenance or use of an underinsured automobile. An automobile is underinsured when the sum of the limits of liability under all bodily injury and property damage liability bonds and insurance policies available to a person against whom recovery is sought for bodily injury or property damage is, at the time of the accident, less than the applicable limits of liability afforded under the automobile insurance policy held by the person seeking such recovery.

o. "Residual market equalization charge" means the amount which, when added to all other sources of association income, will cause the association to operate on a no profit, no loss basis.

2. Section 17 of P. L. 1983, c. 65 (C. 17:30E-5) is amended to read as follows:

C. 17:30E-5 Board of directors.

17. a. Within 45 days after the effective date of this act, there shall be appointed a board of directors, and within 30 days after the appointment of the board, the commissioner shall call the first, or organizational, meeting of the association, which shall seat the board of directors. The board shall consist of 17 persons, 14 of whom shall be appointed by the Governor, one of whom shall be appointed by the Speaker of the General Assembly, and one by the President of the Senate; the Director of the Division of Motor Vehicles in the Department of Law and Public Safety shall be an ex officio member of the board. Of the board members appointed

by the Governor, eight shall represent member companies, three shall represent producers, and three shall be public members. Members of the board shall be compensated from the moneys of the association for their services, pursuant to standards and procedures set forth in the plan of operation. In appointing the representatives of the member companies, the Governor shall select two persons from a list of not fewer than three persons nominated by the American Insurance Association, or its successor organization, from the officers or employees of insurers which are licensed to transact automobile insurance in this State and which are members or subscribers of that organization; two persons from a list of not fewer than three persons nominated by the Alliance of American Insurers, or its successor organization, from the officers or employees of insurers which are licensed to transact automobile insurance in this State and which are members or subscribers of that organization; two persons from a list of not less than three persons nominated by the National Association of Independent Insurers, or its successor organization, from the officers or employees of insurers which are licensed to transact automobile insurance in this State and which are members or subscribers of that organization; and two persons from the officers or employees of any insurers which are licensed in this State and are not members or subscribers of any of the above-mentioned organizations or from the officers or employees of any noninsurer servicing carriers, as provided for in section 24 of P. L. 1983, c. 65 (C. 17:30E-12). All nominations made by the associations shall include at least one representative of an insurer which does not intend to be a servicing carrier. In appointing the producer representatives, the Governor shall select one person from a list of not fewer than three nominated by the Professional Insurance Agents Association or its successor organization; one person from a list of not fewer than three nominated by the Independent Insurance Agents Association or its successor organization; and one person from a list of not fewer than three nominated by the Insurance Brokers Association or its successor organization. The Governor shall name two surrogates for each director on the board from a list submitted to him by each appointee. The Governor shall, with the advice and consent of the Senate, also appoint three public members to the board. The Speaker of the General Assembly and the President of the Senate shall each appoint a public member. The commissioner or his designated representative shall be entitled to attend and participate in all meetings of the board or any of its committees.

Each trade association and producer association shall have 15 days from the effective date of this act to submit its prescribed list of board of director candidates to the Governor. The Governor shall have 30 days from receipt of each list to select permanent board members from it. If any of the associations named in this section fails to submit the list from which the Governor is to select members of the board of directors within time, the Governor shall appoint temporary board members to represent each association that has failed to submit its list. In selecting temporary board members, the Governor shall be guided by the selection criteria set forth herein. Upon subsequent receipt of the list from the association, the Governor shall select permanent board members to replace temporary board members within 30 days. Such replacement shall become effective immediately.

The initial appointment of four insurer directors, one producer-group director, and one public member appointed by the Governor shall be for a term of one year. The initial appointments of all other directors shall be for terms of two years. After the initial appointments all directors shall be appointed for terms of two years and shall serve until their successors are appointed and qualified. All appointive vacancies on the board shall be filled in accordance with the above-mentioned procedures and classifications. Appointments to fill vacancies shall be for the unexpired terms of the directors to be replaced. Except in the case of the Director of the Division of Motor Vehicles, directors may be reimbursed from the moneys of the association for reasonable expenses incurred by them as members.

b. After the board has been appointed, it shall elect from its membership a chairman and shall then meet thereafter at least annually, and as often as the chairman or the plan of operation shall require, or at the request of any five members of the board or the commissioner. All meetings of the board shall be held in New Jersey. Written notice setting forth the meeting agenda shall be provided for each board meeting. Written notice shall be provided, at least five days prior to the date of the meeting, to all directors, the commissioner, and the chairmen of the Assembly Banking and Insurance Committee and the Senate Labor, Industry and Professions Committee, or the successors to those committees. Minutes shall be kept of all meetings. A copy of the minutes shall be sent within five business days following the meeting to the commissioner and to the chairmen of the two legislative committees. Each member of the board shall be entitled to one vote. The commis-

sioner, or his designated representative, shall have no right to vote. Nine voting members of the board shall constitute a quorum. No votes shall be cast on any matter except at an authorized board meeting. All votes shall be recorded in the minutes of the meeting. No votes shall be cast on any matter not listed as an agenda item in the written notice for that meeting. No member or his surrogate shall be entitled to vote on any matter if not physically present at the meeting at which the vote is taken. A majority of the voting members shall determine any action of the board. No member may serve as chairman for more than two consecutive years.

c. The board shall have and exercise all powers of the association not reserved to the members by the plan of operation or as otherwise provided in this act.

3. Section 21 of P. L. 1983, c. 65 (C. 17:30E-9) is amended to read as follows:

C. 17:30E-9 Qualified applicants.

21. a. Any qualified applicant shall be entitled to apply to the association for insurance coverage available pursuant to section 27 of this act. Subject to procedures established in the plan of operation, producers shall have authority to issue binders to qualified applicants.

b. If the servicing carrier determines that the applicant is a qualified applicant, the carrier, as an agent of the association, upon receipt of the appropriate premium, or such portion thereof as is prescribed in the plan of operation, shall issue or cause to be issued a policy of automobile insurance which shall include coverages and limits requested by the applicant and available under section 27 of this act.

c. No licensed insurance producer selected by the association to sell association policies shall refuse to furnish to any applicant quotations of premiums for association automobile insurance or shall fail to submit the application of a qualified applicant to the association when requested to do so by a qualified applicant.

d. No company shall terminate any agent or restrict the authority of any agent, directly or indirectly, or in any manner whatsoever, solely by reason of the volume of such agent's business written on behalf of the association or the experience produced by such business.

e. The association shall accept applications for coverage 90 days after the plan of operation has been approved.

f. The board may suspend the binding authority of any producer who has violated any provision of the plan of operation. In no event shall any failure on the part of the producer to properly perform under the provisions of the plan of operation or any directive of the association prejudice the rights of a good faith applicant to coverage through the association.

4. Section 22 of P. L. 1983, c. 65 (C. 17:30E-10) is amended to read as follows:

C. 17:30E-10 Allocation.

22. a. Association business shall be serviced by producers selected by the board, in accordance with selection procedures and eligibility standards established by the plan of operation pursuant to rules and regulations promulgated by the commissioner. The selection procedures shall include an affirmative action program and the establishment of a producer-to-population ratio which shall ensure adequate service on a regional basis. The plan of operation shall also establish procedures to facilitate the transition from the procedures governing producers, which are in effect as of the effective date of this act, to the selection procedures established by the association pursuant to this subsection.

b. Producers who are exclusive representatives of a company which is a servicing carrier shall be assigned to that carrier for the servicing of association policies. Producers who are not exclusive representatives of a servicing carrier may, at the election of the producer and with the consent of the servicing carrier, contract with the association to do business through any servicing carrier. Producers who are not exclusive representatives of a company which is a servicing carrier, or who have not otherwise established a contractual relationship with a servicing carrier pursuant to this section, shall be assigned to all servicing carriers on an equitable basis by the association, pursuant to the plan of operation. The assignments shall be in proportion to the percentage of association business which each servicing carrier has contracted with the association to accept and shall be balanced among territories. The assignments shall be reviewed at least annually and upon the request of a servicing carrier or producer. Pursuant to the plan of operation, the assignments shall be reallocated if it is found that the allocations are demonstrably inequitable. Reallocations shall be made in a manner to minimize the shifting of producers.

c. Every producer shall be assigned two alternate servicing carriers, pursuant to the plan of operation. In the event that any servicing carrier normally assigned to any producer ceases, as may be provided in the plan of operation, to accept applications temporarily, such applications shall be redistributed by the association to each producer's alternate servicing carrier.

5. Section 24 of P. L. 1983, c. 65 (C. 17:30E-12) is amended to read as follows:

C. 17:30E-12 Servicing carrier.

24. a. Pursuant to the procedures and standards established in the plan of operation, the board shall solicit, by advertisement in at least two newspapers of general circulation in the State, proposals from members and eligible noninsurers to act as a servicing carrier for the association. Standards may include the submission of a deposit.

All proposals shall be publicly opened by the board, which, after consultation with, and the approval of, the commissioner, shall award a contract to the proposer or proposers, as the case may be, whose proposal, conforming to the solicitation for proposals, is most advantageous to the association and its policyholders in its judgment, upon consideration of price and other factors.

Any person who makes, or causes to be made, a false, deceptive, or fraudulent statement in any proposal to be a servicing carrier, or in the course of any proceeding in connection therewith, shall be subject to a fine of not less than \$20,000.00, shall forfeit any fee which may be required to be submitted in conjunction with the proposal, and shall be permanently disqualified from submitting any further proposal under this section.

b. Insurers under common management or ownership may elect to submit an application to act as a servicing carrier in the name of any company in the group which is licensed and authorized to transact automobile insurance in this State. The commissioner may disapprove the action by the board, if he finds that the action is not in the best interests of the association, the insurer, or the purposes of this act, within 20 days of final approval by the board. The disapproval shall be made in writing and shall set forth the reasons for disapproval.

c. Any person other than a member may act as a servicing carrier if: (1) the person meets the standards of eligibility for non-insurer servicing carriers established by the commissioner in the plan of operation, after consultation with the board; and (2) the

person is approved by the commissioner as being eligible. The plan of operation shall contain any standards of eligibility which the commissioner may deem appropriate for establishing the qualifications of persons desiring to become noninsurer servicing carriers, which standards may include, but not be limited to, financial soundness, the capacity to perform the services required, experience, and record of past performance. Notwithstanding the provisions of subsection a. of this section, noninsurer servicing carriers shall not service, in the aggregate, more than 50% of the policies issued by the association.

The commissioner shall have the authority to exercise all the powers granted to him by Title 17 of the Revised Statutes, including the powers of examination, with respect to noninsurer servicing carriers deemed to be eligible pursuant to this subsection.

d. The standards of eligibility shall require that every noninsurer servicing carrier: (1) shall have minimum assets of \$10,000,000.00; (2) shall have been in business for at least five years; (3) shall have had at least three years' experience in insurance related fields or activities; and (4) shall be able to demonstrate to the commissioner and the board that it has the capacity to issue and service a minimum of 100,000 private passenger automobile insurance policies.

e. After notice and hearing, the commissioner may require one or more members of the association or member of a group as provided in subsection b. of this section to act as servicing carriers, if he determines that the action is necessary to effectuate the purposes of this act, except that no company having less than 1% of the private passenger automobile insurance market in this State based on its net written cars years of exposure shall be subject to the provisions of this subsection.

f. Pursuant to procedures established by the commissioner, any member of the association or eligible noninsurer which is acting as a servicing carrier may apply to the commissioner for permission to discontinue acting as a servicing carrier or to reduce its participation. After notice and a hearing, the commissioner may permit such insurer or eligible noninsurer to discontinue acting as a servicing carrier or to reduce its participation, on terms to be imposed by the commissioner, if the commissioner finds that such action is in the best interests of the insurer or eligible noninsurer, the association and the purposes of this act.

g. After notice and hearing, the association may recommend to the commissioner that the authority of a servicing carrier be term-

inated or the commissioner may terminate the authority of a servicing carrier to act as a servicing carrier, if the association or the commissioner determines that it is in the best interest of the association.

h. Any order of the commissioner pursuant to this section shall be subject to review by the Appellate Division of the Superior Court.

6. Section 25 of P. L. 1983, c. 65 (C. 17:30E-13) is amended to read as follows:

C. 17:30E-13 Association rates.

25. The rates used by the association shall be the same as those used by the rating bureau which files rates for the greatest number of insurers transacting private passenger automobile insurance in the voluntary market in this State, except that notwithstanding the provisions of section 7 of P. L. 1983, c. 65 (C. 17:29A-36):

a. The commissioner may order the adjustment of association rates in any territory in which the relationship between the rates used by the association and the rates used by insurers in the standard voluntary market is such that the voluntary market is adversely affected;

b. The commissioner may order the establishment of association rates which are higher than the rates which are otherwise provided for by this section, which rates would be applicable to certain drivers, based on their accident or violation records. The rates applicable to these drivers shall be established additively to the rates otherwise authorized for the use of the association, shall be spread equably across all classes and territories and may, at the discretion of the commissioner, vary as to the extent of the at-fault accident or violation records of the drivers.

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

C. 17:30E-14 Voluntary coverage.

26. The association shall, in the plan of operation, establish procedures to encourage the voluntary writing of qualified applicants without the utilization of the association. These procedures shall include provisions for appropriate incentives to encourage companies to voluntarily write those applicants who are qualified for insurance by the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D-1).

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

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

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

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

(1) (a) Plan surcharges shall be levied, beginning on or after January 1, 1984, by the Division of Motor Vehicles on any driver who has accumulated, within the immediately preceding three year period, beginning on or after February 10, 1983, six or more motor vehicle points, as provided in Title 39 of the Revised Statutes, exclusive of any points for convictions for which surcharges are levied under paragraph (2) of this subsection; except that the allowance for a reduction of points in Title 39 of the Revised Statutes shall not apply for the purpose of determining surcharges under this paragraph. Surcharges shall be levied for each year in which the driver possesses six or more points. Surcharges assessed pursuant to this paragraph shall be not less than \$100.00 for six points, and not less than \$25.00 for each additional point. The commissioner may increase the amount of surcharges as he deems necessary to effectuate the purposes of subsection d. of this section and P. L. 1983, c. 65 (C. 17:29A-33 et al.), and may, pursuant to regulation, permit the deferral of all or part of any surcharges authorized by this subsection until the end of the policy term of an automobile insurance policy with an effective date prior to January 1, 1984, upon presentation of appropriate evidence that an insured has already paid an equivalent

surcharge arising from the same motor vehicle violation or conviction.

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

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

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

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

All moneys collectible under this subsection shall be billed and collected by the Division of Motor Vehicles. Of the moneys collected, 80% shall be remitted to the New Jersey Automobile Full Insurance Underwriting Association, and 20% shall be retained, for administrative expenses, by the Division of Motor Vehicles and turned over to the State Treasury for deposit in a special account to be used by the Division of Motor Vehicles, as may be necessary, to modernize its operations and improve its effective-

ness and efficiency in order to discharge its statutory obligations. Any moneys in the special account at the end of a fiscal year shall be transferred to the General Fund for use for general State purposes. Moneys shall be appropriated annually to the special account.

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

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

d. The dollar amount of all motor vehicle conviction surcharges shall be at least equivalent to the differential between the rates charged to insureds as promulgated by the rating bureau which files rates for the greatest number of insurers in the voluntary private passenger automobile insurance market in this State and the Supplement I rates in use as of December 31, 1982 by the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D-1), and the amount collectible under the motor vehicle conviction surcharge system in use by the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D-1 et seq.)

prior to the implementation of this act; except that in the first year of operation of the New Jersey Automobile Full Insurance Underwriting Association, the dollar amount of all motor vehicle surcharges shall be sufficient to eliminate the need for imposition of a residual market equalization charge authorized under section 20 of P. L. 1983, c. 65 (C. 17:30E-8).

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

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

C. 17:29A-37.1 Flat charges.

1. a. All flat charges (also referred to as flat capitation fees or policy constants, but not including premiums for uninsured motorist or towing coverage, or flattened tax and expense fees implemented pursuant to section 8 of P. L. 1983, c. 65 (C. 17:29A-37)), authorized by the Commissioner of Insurance for use by all filers, as defined in section 1 of P. L. 1944, c. 27 (C. 17:29A-1), writing private passenger automobile insurance in the voluntary and residual markets, which are collected on a per car and per coverage basis on automobile insurance policies issued or renewed in the voluntary or residual market, with an effective date of January 1, 1984 or thereafter, shall be paid to the New Jersey Automobile Full Insurance Underwriting Association for use for association purposes. All moneys collected from the flat charges shall be certified to by the filers, including servicing carriers of the association, and transferred, net of a pro rata portion of any producer commissions and all premium taxes payable thereon, to the association in accordance with the provisions of this subsection and the association's plan of operation. No other expenses shall be payable to or deductible from the flat charges transferable to the association.

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

b. Flat charges collected on any automobile insurance policy written in the voluntary or residual market with an effective date prior to January 1, 1984, the policy term of which, however, extends into 1984, shall be retained by the insurer or filer; except that if a policy subject to this subsection has been canceled for reasons other than nonpayment of premium, the insurer or filer shall retain only that portion of the flat charges earned on the policy up to the date of cancellation and shall return any unearned remainder to the policyholder in the same manner as other unearned premiums.

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

Flat charges collected in accordance with subsection a. of this section shall be considered in determining taxable premiums in accordance with P. L. 1945, c. 132 (C. 54:18A-1 et seq.), but shall not be considered in determining excess profits in accordance with section 2 of P. L. 1983, c. 357 (C. 17:29A-5.3).

c. The flat charges authorized by the Commissioner of Insurance for private passenger automobile insurance in the voluntary and residual markets may be imposed upon all insured motor vehicles other than private passenger automobiles, including motor vehicles insured by the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D-1), and motor vehicles which are registered with the Division of Motor Vehicles as self-insured vehicles pursuant to P. L. 1952, c. 173 (C. 39:6-52), in accordance with rules and regulations established by the commissioner. In the case of motor vehicles other than private passenger automobiles which are insured by an insurer in the voluntary market or in any insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D-1), the insurer shall forward the flat charge, net of a pro rata portion of the producer's commission, to the New Jersey Automobile Full Insurance Underwriting Association. In the case of a self-insurer, the self-insurer shall forward the full amount of the flat charge to the association. The Division of Motor Vehicles shall not issue a certificate of self-insurance unless the association has certified that the flat charge has been paid. Failure to pay the flat charge shall constitute a reasonable ground for cancellation of a certificate of self-insurance pursuant to P. L. 1952, c. 173 (C. 39:6-52). Any self-insurer which fails to pay the flat charge to the association for any self-insured vehicle shall be liable to pay a fine in the amount of \$100.00 per vehicle for the first offense and \$200.00 for the second and each subsequent offense.

10. Section 8 of P. L. 1985, c. 520 (C. 17:29C-2.1) is amended to read as follows:

C. 17:29C-2.1 Dangerous drivers.

8. No insurer, including the New Jersey Automobile Full Insurance Underwriting Association, shall be required to issue or renew collision or comprehensive insurance coverage, or both, at standard market rates, for an automobile, as defined in section 2 of P. L. 1972, c. 70 (C. 39:6A-2), or as defined in section 15 of P. L. 1983, c. 65 (C. 17:30E-3), in the case of the New Jersey Automobile Full Insurance Underwriting Association, to any person identified as a dangerous driver or as having excessive claims in accordance with standards and guidelines to be adopted by the Commissioner of Insurance. Insurers writing in the voluntary market may, and the New Jersey Full Insurance Underwriting Association shall, issue collision or comprehensive insurance coverage, or both, to a person whose coverage was not issued or not renewed pursuant to this section on the basis of the person's experience. With regard to the identification of dangerous drivers, the standards and guidelines adopted by the commissioner shall take into consideration the total driving record of the driver, as well as any serious driving offenses, as defined by the commissioner, committed within a three year period, including motor vehicle violations resulting in an at-fault automobile accident. In the case of the New Jersey Full Insurance Underwriting Association, the plan of operation may provide that certain risks may be excluded from collision and comprehensive coverages altogether.

The commissioner shall adopt rules and regulations necessary or appropriate to effectuate the purposes of this section.

11. Section 1 of P. L. 1970, c. 217 (C. 17:22-6.14a) is amended to read as follows:

C. 17:22-6.14a Cancellation of policy; rates of commission; exceptions; termination of contracts.

1. a. In the event that a policy is canceled by the insurer, either at its own behest or at the behest of the agent or broker of record, the unearned premium, including the unearned commission, shall be returned to the policyholder.

b. In the event that a policy of insurance, issued by the automobile insurance plan established pursuant to P. L. 1970, c. 215 (C. 17:29D-1) or any successor thereto, is canceled by reason of nonpayment of premium to the insurer issuing the policy or nonpayment of an installment payment due pursuant to an insurance

premium finance agreement, the broker of record for that policy may retain the full annual commission due thereon and, if a premium finance agreement is not involved, the effective date of cancellation of the policy shall be no earlier than 10 days prior to the last full day for which the premium paid by the insured, net of the broker's full annual commission, would pay for coverage on a pro rata basis in accordance with rules established by the commissioner.

c. Contracts between insurance companies and agents for the appointment of the agent as the representative of the company shall set forth the rate of commission to be paid to the agent for each class of insurance within the scope of such appointment written on all risks or operations in this State, except:

- (1) Reinsurance.
- (2) Life insurance.
- (3) Annuities.
- (4) Accident and health insurance.
- (5) Title insurance.
- (6) Mortgage guaranty insurance.

(7) Hospital service, medical service, or dental service corporations; investment companies; mutual benefit associations; or fraternal beneficiary associations.

Said rates of commission shall continue in force and effect unless changed by mutual written consent or until termination of said contract as hereinafter provided. Failure to achieve such mutual consent shall require that the agent's contract be terminated as hereinbelow provided. The rate of commission being paid on each class of insurance on the date of enactment hereof shall be deemed to be pursuant to the existing contract between agent and company.

d. Termination of any such contract for any reason other than one excluded herein shall become effective after not less than 90 days' notice in writing given by the company to the agent and the Commissioner of Insurance. No new business nor increases in liability on renewal or in force business shall be written by the agent for the company after notice of termination without written approval of the company. However, during the term of the agency contract, including the said 90-day period, the company shall not refuse to renew such business from the agent as would be in accordance with said company's current underwriting standards. The company shall, during a period of nine months from the effective date of such termination, provided the former agent has not been replaced as

the broker of record by the insured, and upon request in writing of the terminated agent, renew all contracts of insurance for such agent for said company as may be in accordance with said company's then current underwriting standards and pay to the terminated agent a commission in accordance with the previous agency contract of the terminated agent. Said commission can be paid only to the holder of a New Jersey broker's license. In the event any risk shall not meet the then current underwriting standards of said company, that company may decline its renewal, provided that the company shall give the terminated agent and the insured not less than 60 days' notice of its intention not to renew said contract of insurance.

e. The agency termination provisions of this act shall not apply to those contracts in which the agent is paid on a salary basis without commission or where he agrees to represent exclusively one company or to the termination of an agent's contract for insolvency, abandonment, gross and willful misconduct, or failure to pay over to the company moneys due to the company after his receipt of a written demand therefor, or after revocation of the agent's license by the Commissioner of Insurance; and in any such case the company shall, upon request of the insured, provided he meets the then current underwriting standards of the company, renew any contract of insurance formerly processed by the terminated agent, through an active agent, or directly pursuant to such rules and regulations as may be promulgated by the Commissioner of Insurance.

f. The Commissioner of Insurance, on the written complaint of any person stating that there has been a violation of this act, or when he deems it necessary without a complaint, may inquire and otherwise investigate to determine whether there has been any violation of this act.

g. All existing contracts between agent and company in effect in the State of New Jersey on the effective date of this act are subject to all provisions of this act.

h. The Commissioner of Insurance may, if he determines that a company is in unsatisfactory financial condition, exclude such company from the provisions of this act.

i. Whenever under this act it is required that the company shall renew a contract of insurance, the renewal shall be for a time period equal to one additional term of the term specified in the original contract, but in no event to be less than one year.

j. The provisions of subsection b. of this section shall not apply to policies written by the New Jersey Automobile Full Insurance

Underwriting Association established pursuant to sections 13 through 34 of P. L. 1983, c. 65 (C. 17:30E-1 et seq.).

k. The New Jersey Automobile Full Insurance Underwriting Association, established pursuant to sections 13 through 34 of P. L. 1983, c. 65 (C. 17:30E-1 et seq.), shall not be liable to pay any commission required by subsection b. of this section on any policies written by the association prior to January 1, 1986.

12. Section 23 of P. L. 1983, c. 65 (C. 17:30E-11) is amended to read as follows:

C. 17:30E-11 Schedule of commissions.

23. a. The producer shall receive commissions on association business which shall be designed to provide reasonable compensation for services performed by producers.

b. The rate of commission payable on policies issued by the association after January 1, 1987, shall be 10%, which rate shall remain in effect until January 1, 1988, at which time the rate of commission payable on association policies shall be 9%. This rate shall remain in effect until January 1, 1989, or until the number of drivers insured by the association is no greater than 30% of the aggregate number of insured private passenger automobiles in this State, whichever occurs later, at which time the commission payable on association policies shall be 8%.

c. Notwithstanding the provisions of subsection a. of this section, a higher commission, as established by the commissioner, may be paid by the association to producers who meet criteria established by the commissioner in the plan of operation, which criteria may include, but not be limited to, the territory in which the producer is located and whether or not the producer has an affiliation with an insurer which writes private passenger automobile insurance in the voluntary market.

d. In the event that a policy issued by the association is canceled by reason of nonpayment of premium or nonpayment of an installment payment due pursuant to an insurance premium finance agreement, the unearned commission shall be retained by the association and the effective cancellation date of the policy shall be no earlier than 10 days prior to the last full day for which the premium paid by the insured, net of the producer's full annual commission, would pay for coverage on a pro rata basis.

13. (New section) The study commission established by section 35 of P. L. 1983, c. 65 (C. 17:30E-23) shall be established no later

than 90 days after the effective date of this act, shall make an interim report no later than July 1, 1987 and a final report no later than January 1, 1988.

14. This act shall take effect immediately.

Approved January 12, 1987.

JOINT RESOLUTIONS

Joint Resolutions

JOINT RESOLUTION No. 1

A JOINT RESOLUTION to extend the designation of the
Blue Star Memorial Highway System.

WHEREAS, By Joint Resolution No. 14, approved September 29, 1983, it was resolved that certain highways be designated Blue Star Memorial Highways in the State's Blue Star Memorial Highway System; and

WHEREAS, It is the desire of the Garden Club of New Jersey and the Blue Star Memorial Highway Council to include Interstate Highway Route 287, from the New Jersey Turnpike in Edison to its northern terminus in Montville, in the State's Blue Star Memorial Highway System; now, therefore,

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

1. That the Commissioner of Transportation shall file with the Secretary of State a description of Interstate Highway Route 287, from the New Jersey Turnpike in Edison to its northern terminus in Montville, to be designated as a Blue Star Memorial Highway and to be included in the State's Blue Star Memorial Highway System as a memorial in commemoration of the efforts of the men and women who served in the Armed Forces of the United States of America.

2. That the Commissioner of Transportation is authorized to erect suitable tablets and landscaping to perpetuate this resolution.

3. This joint resolution shall take effect immediately.

Approved April 3, 1986.

JOINT RESOLUTION No. 2

A JOINT RESOLUTION designating that portion of State Highway Route 206 located in the township of Montgomery, Somerset county as "Van Horne Road."

WHEREAS, John Van Horne and his son, James Van Horne, were, respectively, the original purchaser and settler in the township of Montgomery, the land purchase and settlement of which date back to the early 18th century; and

WHEREAS, At the time John Van Horne made his original purchase of lands in the township of Montgomery in 1705, an allowance for highways was made; and

WHEREAS, State Highway Route 206 is presently the main thoroughfare in the township of Montgomery; and

WHEREAS, It is altogether fitting and proper that the Van Horne family be recognized and honored for its contribution to the township of Montgomery and the State of New Jersey; 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 206 located in the township of Montgomery, Somerset county as "Van Horne Road."

2. The Commissioner of Transportation is authorized to erect appropriate signs bearing that name.

3. This joint resolution shall take effect immediately.

Approved April 3, 1986.

JOINT RESOLUTION No. 3

A JOINT RESOLUTION designating the week of May 11-17, 1986, as
"Special Education Week".

WHEREAS, Nearly 163,000 children receive special education instruction in New Jersey's public and private schools; and

WHEREAS, More than 6,000 special need children are enrolled in pre-school and early intervention programs in this State; and

WHEREAS, Thousands of special need adults receive job counseling, housing assistance and continuing education instruction in New Jersey; and

WHEREAS, The public school districts and the private schools of New Jersey make a major contribution to the public welfare by preparing thousands of exceptional persons to participate as citizens of this State and as members of society; and

WHEREAS, Local public school board members as well as the boards of directors and trustees of the private schools and agencies for the handicapped in the State serve as advocates of the rights of exceptional citizens and provide an efficient lobby that represents the interests of this population; now, therefore,

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

1. The week of May 11-17, 1986, is proclaimed as "Special Education Week" in New Jersey.

2. The citizenry of this State is urged to recognize the contribution of public school board members, schools and agencies for the handicapped, educators, parents and the students themselves and to commend them for their dedication to ensuring quality education for the exceptional citizens of this State.

3. This joint resolution shall take effect immediately.

Approved May 8, 1986.

JOINT RESOLUTION No. 4

A JOINT RESOLUTION concerning the designation of a successor committee to the Subcommittee on Transfers of the Joint Appropriations Committee organized in the 201st session of the Legislature.

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

1. The successor committee to the Subcommittee on Transfers and the Subcommittee on Claims of the Joint Appropriations Committee organized in the 201st session of the Legislature is that committee so designated by the Legislature in the Joint Rules of the Senate and General Assembly.

2. Wherever, in any law, rule, regulation, procedure or otherwise, reference is made to the Subcommittee on Transfers or the Subcommittee on Claims of the Joint Appropriations Committee, that reference shall mean the committee designated as the successor committee to those two subcommittees by the Legislature in the Joint Rules of the Senate and General Assembly.

3. This joint resolution shall take effect immediately.

Approved June 17, 1986.

JOINT RESOLUTION No. 5

A JOINT RESOLUTION memorializing the United States Congress and the President of the United States to enact legislation providing an adequate funding source for the implementation of the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," and providing for shared federal-state financial responsibility for operation and maintenance costs associated with the mitigation and cleanup of hazardous discharge sites.

WHEREAS, On December 11, 1980, the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" (Pub. L. 96-510; 42 U.S.C. § 9601 et seq.) was enacted, which

established the "Hazardous Substance Response Trust Fund" (commonly known as "Superfund"), supported by revenues from a tax on chemical and petroleum feedstocks and contributions from the federal General Fund, and designed to make available \$1.6 billion over five years to fund a federal hazardous discharge site mitigation and cleanup program; and

WHEREAS, On September 30, 1985, the Superfund tax on chemical and petroleum feedstocks expired after Congress and the President failed to agree on the term of reauthorizing the tax, thus leaving the nation without a funding source with which to address its most serious environmental problem; and

WHEREAS, The United States Congress's Office of Technology Assessment has estimated that the \$1.6 billion level of funding in the original Superfund program was not adequate to fund the cleanup and mitigation of the approximately 15,000 hazardous discharge sites nationwide which may require cleanup and mitigation; and

WHEREAS, New Jersey currently has 98 sites on the National Priority List of hazardous discharge sites adopted by the Environmental Protection Agency, the largest number of any state, and in order for New Jersey to adopt a long-range strategy for the mitigation and cleanup of these hazardous discharge sites a stable, predictable, and adequate source of federal funding must be available; and

WHEREAS, The first five years of experience with the Superfund program has clearly shown that the mitigation and cleanup of many, if not most, of the serious hazardous discharge sites in New Jersey will necessitate engineering solutions which will require long-term monitoring and operation and maintenance, the cost of which may equal or exceed the initial capital expenditure; and

WHEREAS, Because the operation and maintenance costs associated with the mitigation and cleanup of hazardous discharge sites will constitute a significant portion of the total mitigation and cleanup costs, it is imperative that the reauthorization of the Superfund legislation provide that these operation and maintenance costs be eligible for federal funding on the same federal-state matching basis used to fund capital construction; and

WHEREAS, The United States Senate and House of Representatives have each approved legislation reauthorizing the Superfund program; the House bill providing for mitigation and cleanup funding at a level of approximately \$10 billion over five years, based primarily on the taxation of petroleum and chemical feedstocks; the Senate bill providing for approximately \$7.5 billion over five years, based on the taxation of petroleum and chemical feedstocks and a broad-based excise tax on manufactured and raw goods, and providing that operation and maintenance costs associated with the pumping and treatment of contaminated groundwater would be eligible for 90% federal funding for five years; and

WHEREAS, In the light of the dimensions of the environmental threat which uncontrolled hazardous discharge sites pose, and in the light of the limited resources available to the states to address such a large and costly environmental problem, there is compelling reason for the conference committee which is impaneled to reconcile the House and Senate versions of the Superfund reauthorization legislation to approve funding the Superfund program at a \$10 billion level over five years, and to provide that all operation and maintenance costs associated with the mitigation and cleanup of hazardous discharge sites be eligible for 90% federal funds, and, further, it is altogether fitting and proper that the State of New Jersey, which has established a national reputation as a leader in hazardous discharge site mitigation and cleanup, respectfully request that the Congress expeditiously approve, and that the President expeditiously sign, such legislation; now, therefore,

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

1. The State of New Jersey respectfully requests that the Congress and the President of the United States expeditiously adopt legislation reauthorizing the federal Superfund program at a level of \$10 billion over the next five years, and providing that operation and maintenance costs associated with the mitigation and cleanup of hazardous discharge sites be eligible for 90% federal funding.

2. Upon approval by the Governor, duly authenticated copies of this joint resolution shall be transmitted to the President and Vice President of the United States, the Speaker and the Minority

Leader of the United States House of Representatives, the Majority Leader and the Minority Leader of the United States Senate, to the members of the House-Senate Conference Committee considering the Superfund legislation, and to each member of Congress elected from the State of New Jersey.

3. This joint resolution shall take effect immediately.

Approved August 6, 1986.

JOINT RESOLUTION No. 6

A JOINT RESOLUTION designating that portion of Interstate Highway Route 676 in Camden county under the jurisdiction of the New Jersey Department of Transportation as the "Martin Luther King, Jr. Memorial Highway."

WHEREAS, The Reverend Martin Luther King, Jr. is a figure of heroic proportions in the struggle for the achievement of civil rights in this country; and

WHEREAS, Both the United States of America and the State of New Jersey now celebrate the birthday of Dr. King as a legal public holiday; and

WHEREAS, It is fitting that further action be taken to perpetuate the memory of this great civil rights figure; now, therefore,

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

1. That portion of Interstate Highway Route 676 in Camden county under the jurisdiction of the New Jersey Department of Transportation shall be designated as the "Martin Luther King, Jr. Memorial Highway."

2. The Commissioner of Transportation is authorized to erect appropriate route and directional signs bearing this name.

3. This joint resolution shall take effect immediately.

Approved October 20, 1986.

JOINT RESOLUTION No. 7

A JOINT RESOLUTION designating the week of December 1 through December 8, 1986, as "State Autistic Week."

WHEREAS, The National Society for Children and Adults with Autism is celebrating "National Autistic Week" throughout the United States during the week of December 1 to December 8, 1986; and

WHEREAS, The National Society for Children and Adults with Autism has addressed the problems of autistic children and adults for almost two decades and currently serves more than 12,000 autistic people in the State of New Jersey; and

WHEREAS, The New Jersey Society for Autistic Children and Adults, an affiliate of the National Society, provides support and assistance to New Jersey's children and adults with autism and their families as well as to Appropriate Living for the Autistic in Wyckoff, the Bancroft School in Haddonfield, Bergen County Special Services in New Milford, Burlington County Special Services in Mt. Holly, the Children's Day School in Trenton, the Children's Institute in Livingston, the Children's Psychiatric Center in Morganville, Community Living for the Autistic in Lawrenceville, Douglass Developmental Disabilities Center in New Brunswick, Eden Institute in Princeton, the Forum School in Waldwick, the John F. Kennedy Medical Center in Edison, the Midland School in North Branch, Princeton Child Developmental Institute in Princeton, Regional Day School/Helmbold Education Center at Corbin City, Search Day Program in Ocean Township, Sunny Day School Treatment Center in Marlton, and the Teaching Family Center for Autistic Children in Princeton; and

WHEREAS, These institutions and agencies, established by concerned parents and professionals, provide a meaningful learning and living experience for individuals; and

WHEREAS, The New Jersey Council of Organizations and Schools for Autistic Children and Adults, Inc. supports the efforts of those working on behalf of the autistic population; and

WHEREAS, Research has now established that autism is a disability that has a distinct and separate set of physiologically related characteristics and symptoms, for which services should be geared carefully to the distinctly individual needs of these children and adults through a separate educational and vocational classification; and

WHEREAS, The welfare of the State requires that this and future generations of autistic children and adults shall be assured ample residential, 12-month educational, prevocational, vocational and recreational opportunities to develop to the fullest of their capabilities; and

WHEREAS, It is fitting that this State do everything possible to assist the charitable activities of the New Jersey Council of Organizations and Schools for Autistic Children and Adults and the National Society for Children and Adults with Autism by drawing attention to the humane nature and worthiness of their activities; now, therefore,

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

1. The week of December 1 through December 8, 1986 is formally designated as "State Autistic Week" in the State of New Jersey.

2. The Governor, by appropriate proclamation, shall designate the week of December 1 through December 8, 1986, as "State Autistic Week."

3. This joint resolution shall take effect immediately.

Approved November 26, 1986.

EXECUTIVE ORDERS

(1023)

Executive Orders

EXECUTIVE ORDER No. 128

WHEREAS, There has been a reported death attributed to the ingestion of Tylenol capsules adulterated with cyanide, and there have been reports by the federal Food and Drug Administration of other instances of the adulteration of Tylenol capsules with cyanide; and

WHEREAS, There has been a nationwide warning issued against the sale, distribution and use of Tylenol capsules by the federal Food and Drug Administration and the manufacturer of the product; and

WHEREAS, Further investigations, sampling and analyses are necessary in order to obtain definite information as to the nature and extent of the adulteration of this product and to determine what action, if any, will be required to adequately safeguard public health and welfare; and

WHEREAS, At this time, in view of the unknown magnitude of the risk involved, it is appropriate to proceed with an abundance of caution and to take extraordinary measures to protect the public health, safety and welfare;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. I invoke such emergency powers as are conferred upon me by the Laws of 1942, chapter 251 (C. App. A:9-33 et seq.), and amendments and supplements thereto.

2. All Tylenol capsules and Tylenol-containing capsules shall be removed from all store shelves and the sale and distribution of those drug products shall be and hereby are banned in the State of New Jersey.

3. The Commissioner of Health is hereby authorized and directed to take such emergency measures as he may determine to be necessary in order to implement this Order and take whatever steps are necessary and proper to protect the health, safety and welfare of the citizens of this State.

4. The Commissioner of Health is hereby authorized to permit the sale and distribution of Tylenol capsules and Tylenol-containing capsules when he is satisfied that such action can be taken consistent with the public health, safety and welfare.

5. It shall be the duty of every person in this State or doing business in this State and of the members of the governing body, and of each and every official, agency or employee of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this emergency.

6. All citizens of this State are directed to comply and assist in carrying out this directive and any subsequent directive issued by the Commissioner of Health pursuant to the powers delegated hereunder. Any person who shall violate any of the provisions of this Order or any rules, regulations or orders issued pursuant hereto, or who shall impede or interfere with the implementation of this Order, or any rules, regulations or orders issued pursuant hereto, shall be subject to the penalties provided by C. App. A :9-49.

7. This Order shall take effect immediately.

Issued February 14, 1986.

EXECUTIVE ORDER No. 129

WHEREAS, The New Jersey Governor's School Program has been a successful effort to help foster excellence in education during its first two years of operation; and

WHEREAS, The New Jersey Governor's School Program is designed to provide an environment which will stimulate, develop, and challenge the minds of gifted and talented New Jersey high school students; and

WHEREAS, It is in the State's interest to ensure that this Program is operated in a coordinated, efficient fashion that provides Governor's Scholars with the best educational experience possible; and

WHEREAS, It is critical to the success of the Program that New Jersey high school students from all social, economic, and geographic backgrounds are given the fullest opportunity to participate in this Program; and

WHEREAS, It is the policy of the State to ensure that minority and economically disadvantaged students are particularly encouraged to apply for this Program and are strongly represented in the body of Governor's Scholars; and

WHEREAS, Jurisdiction for this Program is currently divided among the Governor's Office, the Department of Higher Education, and the Department of Education; and

WHEREAS, There exists a pool of contributions from private foundations and corporations over which no fiduciary control currently exists; and

WHEREAS, There is a need for a central oversight body to coordinate the various Governor's Schools and their relationships with involved State departments, to foster the continued quality of the program, to monitor the activities of the Governor's Schools and their expenditures of funds contributed by private sources, and to oversee any future fund-raising or expansion activities;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Governor's School Board of Overseers (hereinafter referred to as the "Board").

2. The Board shall consist of the following members: the Commissioner of Education, or his designee; the Chancellor of Higher Education, or his designee; a representative of the Governor's Office; the presidents of the institutions of higher education at which Governor's Schools are located; and eight public members,

to be appointed by the Governor, who shall be broadly representative of the State and have a particular interest in excellence in education generally and the Governor's School Program specifically. A chairman shall be appointed by the Governor from among the public members, and a vice chairman may be elected by the Board. All public members shall serve for terms of three years. The Governor shall make appointments for the unexpired portions of any terms. All Board members shall serve without compensation.

3. The Board shall meet at the call of the chairman and shall issue a report with recommendations to the Governor at least once a year.

4. The Board shall advise the Governor and serve as the principal oversight body for the Governor's School Program by performing the following functions:

a. Evaluating the overall quality of the Governor's School Program.

b. Allocating any private sector contributions received by the State to the institutions hosting Governor's Schools.

c. Overseeing any future fund-raising from the private sector.

d. Encouraging participation in the program by a broad range of students from all school districts in the State, with a special emphasis on minority students.

e. Making recommendations concerning the overall operation of the Governor's School Program.

5. The Board shall not have the power to dictate specific curriculum, faculty, or academic decisions to the individual Governor's Schools, as such matters shall remain the sole discretion of the participating institutions.

6. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Board and the furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

7. This Order shall take effect immediately.

Issued February 20, 1986.

EXECUTIVE ORDER No. 130

WHEREAS, Executive Order No. 80, signed by Governor Kean on August 28, 1984, create an Executive Study Commission on Public Procurement Law (Commission) to study the efficiency, cost-effectiveness and responsiveness of the public procurement systems throughout the State; and

WHEREAS, The Commission, on February 28, 1986, is required to submit to the Governor a final report on its findings and recommendations, if any, on improving the public procurement systems in the State; and

WHEREAS, The Commission has determined that further work is necessary to complete its task of surveying and evaluating the myriad of Statewide procurement provisions;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. The Commission shall continue in existence until December 31, 1986.
2. The Commission shall submit its final recommendations to the Governor at that time, or as soon thereafter as practicable.
3. The current members of the Commission shall continue to serve in their present capacity until December 31, 1986.
4. This Order shall take effect immediately.

Issued February 25, 1986.

EXECUTIVE ORDER No. 131

WHEREAS, Executive Order No. 83 created a Martin Luther King, Jr. Commemorative Commission in the State of New Jersey; and

WHEREAS, The purpose of the Commission is to develop, coordinate and advise the Governor of Statewide activities in honor of Martin Luther King, Jr.'s birthday and to create programs

designed to educate the people of New Jersey about Martin Luther King, Jr. and the Civil Rights Movement; and

WHEREAS, Executive Order No. 94, in view of the bipartisan composition of the Martin Luther King, Jr. Federal Holiday Commission which was created by the United States Congress, and in response to a need for bipartisan legislative representation on our State Commission, amended Executive Order No. 83 to increase our State's Commission's legislative membership; and

WHEREAS, It has been determined necessary, fitting and proper to increase the Commission's public membership at this time;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Section 2 of Executive Order No. 83, as amended by Executive Order No. 94, is hereby amended as follows:

2. The Commission shall consist of 45 members to be appointed by the Governor:

a. A representative from the Martin Luther King, Jr. Center for Nonviolent Social Change;

b. A representative of the Governor's office;

c. Eight members of the Legislature, four Senators, no more than two of whom shall be of the same political party, and four Assemblypersons, no more than two of whom shall be of the same political party, appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly;

d. Thirty-five representatives of the various civic and social organizations, including the clergy, education, the business sector and the arts. The members shall represent all major geographical segments of the State. These members shall be committed to resolving conflict and to the humanitarian philosophy of Dr. King.

2. This Order shall take effect immediately.

Issued March 5, 1986.

EXECUTIVE ORDER No. 132

WHEREAS, The State of New Jersey has a firm commitment to provide for the health, welfare, and safety of its citizens; and

WHEREAS, In furtherance of this commitment, the New Jersey Division of Motor Vehicles is statutorily obligated to register and regulate all motor vehicles as provided by Title 39 of the Laws of New Jersey; and

WHEREAS, In fulfillment of its charges, the Division of Motor Vehicles annually conducts in excess of 20 million transactions involving 5.2 million people in the State of New Jersey; and

WHEREAS, As outlined in my January 14, 1986 State-of-the-State Address, there is a need to establish and implement reforms which will create a "new" Division of Motor Vehicles which is efficient, professional, and responsive in every way to New Jersey's needs; and

WHEREAS, The goals and objectives set forth in my State-of-the-State Address cannot be achieved without the assistance, cooperation and affirmative efforts of all State departments and agencies which have an appreciable effect on the current and future functions of the Division of Motor Vehicles; and

WHEREAS, Various departments and agencies of State government possess significant expertise and ability which would be constructive in designing the "blueprint" for the reform of our Division of Motor Vehicles based upon the framework outlined in the State-of-the-State Address; and

WHEREAS, In order to successfully establish and implement a program for the effective reform of the motor vehicle system, it is necessary that the various State departments and agencies give this project a high priority;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created an Intergovernmental Task Force on Motor Vehicles (hereinafter referred to as the Task Force). The Task Force shall consist of the Attorney General, or his/her designee, who shall serve as Chairperson; Director of the Division of Motor Vehicles, or his/her designee; the State Treasurer, or his/her designee; the President, or his/her designee, of the Department of Civil Service; the Superintendent, or his/her designee, of the New Jersey State Police; the Administrator, or his/her designee, of the Office of Management and Budget within the Department of the Treasury; the Director, or his/her designee, of the Division of Purchase and Property within the Department of the Treasury; the Director, or his/her designee, of the Division of Building and Construction; the Administrator, or his/her designee, of the Office of Telecommunications and Information Systems (O. T. I. S.) within the Department of the Treasury; the Administrator, or his/her designee, of the General Services Administration within the Department of Treasury; and one representative of the Governor's Office.

2. The responsibilities and functions of the Task Force shall be to: (a) review, advise, and assist the Director of the Division of Motor Vehicles in the formation of the plans for and implementation of the reform of the Division of Motor Vehicles; and (b) coordinate and expedite, within the various and necessary departments and agencies of State government, the actions necessary to assure that a program for the reform of the Division of Motor Vehicles, substantially consistent with my January 14, 1986 State-of-the-State Address, is fully implemented and operational within a reasonable and expeditious period of time.

3. It shall be the responsibility of all State departments and agencies to cooperate with the Task Force and to render to it assistance to aid in the establishment and implementation of the goals and objectives required to achieve the successful reform of the Division of Motor Vehicles, including the special assignment of additional personnel and resources, where necessary, the cost of which shall be defrayed by the Department of Law and Public Safety, where appropriate.

4. The Task Force shall meet at least once a month, or more frequently as required, and shall immediately begin the process necessary to establish and implement a program for both short- and long-term needs associated with the goals and objectives I have established relating to the Division of Motor Vehicles.

5. The Task Force shall continue its responsibilities until such time as the Governor makes a determination that the Task Force has completed its goals.

6. This Order shall take effect immediately.

Issued March 7, 1986.

EXECUTIVE ORDER No. 133

WHEREAS, Executive Orders No. 97 and 102 were issued in April 1985 and May 1985 for the purpose of declaring a state of water emergency in the State of New Jersey in response to unusually dry weather conditions; and

WHEREAS, Emergency Resolution No. 85-13 was adopted by the Delaware River Basin Commission in May 1985 for the purpose of declaring an emergency in response to unusually dry weather conditions as the result of a shortage in our water supplies in the Delaware River Basin; and

WHEREAS, The water management measures implemented by the State and the Delaware River Basin Commission, and the water conservation measures practiced by New Jersey's residents and businesses on both a mandatory and voluntary basis, enabled us to preserve our dwindling water supplies; and

WHEREAS, Hurricane Gloria and subsequent precipitation events resulted in an above-normal rainfall for the months of September and November, with November's 7.24 inches exceeding the normal rainfall for that month by 3.06 inches; and

WHEREAS, On December 18, 1985 the Delaware River Basin Commission adopted a resolution declaring an end to the emergency declared by Emergency Resolution No. 85-13;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. A state of water emergency no longer exists in the State of New Jersey and Executive Orders No. 97 and 102, which instituted a state of emergency in this State, are hereby terminated.

2. This Order shall take effect immediately.

Issued March 24, 1986.

EXECUTIVE ORDER No. 134

WHEREAS, Executive Order No. 19 created a Governor's Council on Physical Fitness, which was later changed by Executive Order No. 82 to a Governor's Council on Physical Fitness and Sports; and

WHEREAS, The Council is composed of Commissioners of various State Departments and concerned citizens who have distinguished records in the areas of physical fitness, sports medicine, sports, public health, athletic competition, education, labor, business, management and nutrition; and

WHEREAS, The purpose of this Council was to afford New Jerseyans the opportunities to develop to their fullest potential through a planned regular program of physical activity that will assist the individual in achieving and maintaining optimal health and vigor; and

WHEREAS, One primary goal of the Council was to promote physical fitness at the local level by coordinating county councils on physical fitness, as well as local business, labor unions, health action and advocacy groups, religious, fraternal, and social organizations, and community-based recreational agencies;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Section 4 of Executive Order No. 19 is hereby amended as follows:

4. The Council shall plan and administer fund-raising programs and may solicit and accept donations to support physical fitness projects, research projects, and public information efforts to pro-

mote the development of physical fitness. Money raised by the Council shall be deposited into a special account established by the Department of Community Affairs.

2. Section 5 of Executive Order No. 19 is hereby amended as follows:

5. The Department of Community Affairs is authorized and directed, to the extent not inconsistent with the law, to cooperate with the Council and to furnish it with such office space and supplies as necessary to accomplish the purposes of this Order.

3. This Order shall take effect immediately.

Issued March 25, 1986.

EXECUTIVE ORDER No. 135

WHEREAS, Executive Order No. 80, signed by Governor Kean on August 28, 1984, creates an Executive Study Commission on Public Procurement Law (Commission); and

WHEREAS, The purpose of the Commission is to survey and evaluate the myriad of Statewide procurement provisions and make recommendations for change, where appropriate; and

WHEREAS, Increasing the public membership on the Commission would provide additional diversity of experience to ensure that the Commission will successfully achieve its objectives;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. Section 2 of Executive Order No. 80 be amended as follows:

2. The Commission shall consist of 18 members, as follows: one member of the New Jersey State Bar Association, five members of trade organizations representing contractors and providers typically engaged in the public procurement process, three members of organizations representing local government interests, two representatives from the Department of the Treasury's General Services Administration, and one representative from each of the

following: the Department of Community Affairs' Division of Local Government Services, the Department of Transportation's Bureau of Contract Administration, the New Jersey Interagency Coordinating Committee, the Office of the Attorney General, the Department of Education, the Department of Higher Education, and the Governor's Interagency Committee on Procurement.

2. This Order shall take effect immediately.

Issued April 15, 1986.

EXECUTIVE ORDER No. 136

WHEREAS, Executive Order No. 121 created the Governor's Task Force on Services for Disabled Persons; and

WHEREAS, This Task Force is charged with the responsibility to research and study the vast network of existing public and private services available to New Jersey's disabled population in the vocational, educational, community living and medical dimensions; and

WHEREAS, The Task Force has conducted several meetings since its initial meeting on January 9, 1986; and

WHEREAS, The Task Force reviewed its progress after three months and in an Interim Report recommended to the Governor that an extension of the Task Force for an additional six months would be appropriate in order to complete the mission of the Task Force set forth in Executive Order No. 121; and

WHEREAS, The Interim Report issued by the Task Force also recommended that the membership of the Task Force should be enlarged to include the Attorney General of New Jersey and four additional public representatives, to enhance the current list of Task Force members; and

WHEREAS, The Task Force plans to engage in data collection by means of a mail survey, telephone polling, a study of randomly selected users of disability services from typically urban, rural and suburban areas of the State and will conduct a series of

public hearings to aid the Task Force in identifying the key conceptual issues which it will address in its final recommendations; and

WHEREAS, In order for the Task Force to continue for an additional six months and to engage in the data collection and data analysis necessary for it to issue its final recommendations in furtherance of its mission, additional funds will be required, which funds the Task Force believes can be raised by fund-raising and the solicitation of public donations;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Task Force on Services for Disabled Persons shall continue in existence through and including December 31, 1986.

2. The Task Force shall submit its final recommendations to the Governor at that time.

3. The current members of the Task Force shall continue to serve in their present capacity through and including December 31, 1986.

4. Section 1 of Executive Order No. 121 is hereby amended as follows:

1. There is hereby created a Governor's Task Force on Services for Disabled Persons (hereinafter referred to as the "Task Force").

The Task Force shall consist of 33 members to be appointed by the Governor as follows: the Commissioners of the Departments of Corrections, Community Affairs, Education, Health, Higher Education, Human Services, Insurance, Labor, the Public Advocate, Transportation, and the Treasury, or their designees; the Attorney General, or his designee; and 21 public members, to be appointed from among persons and organizations with distinguished records and expertise concerned with services for disabled persons, who shall include representatives of consumers, providers, business, labor, government and other individuals and groups. The members shall serve without compensation, but public members may be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds.

The Governor shall designate from among the public members a Chairman, who shall serve at the pleasure of the Governor. The Task Force members shall choose a Vice-Chairman from among the members of the Task Force. Task Force vacancies shall be filled by appointment by the Governor for the remainders of any unexpired terms.

The Task Force shall organize itself into at least four (4) subcommittees reflecting the vocational, educational, medical and community living needs of disabled persons. All organizations and individuals interested in the mission of the Task Force shall be encouraged to participate and they may be called upon for subcommittee participation or for informational purposes.

5. The Departments of Education, Human Services, Labor, Transportation and the Public Advocate shall continue to cooperate with the Task Force and to furnish it with staff, office space and supplies as necessary to accomplish the purposes of this Order.

6. The Task Force shall be authorized to engage in fund-raising and to solicit the donation of private funds for the use of the Task Force consistent with the Task Force's responsibilities under this Order.

7. This Order shall take effect immediately.

Issued April 16, 1986.

EXECUTIVE ORDER No. 137

WHEREAS, On March 14, 1983, I created by Executive Order No. 35 a Governor's Committee on Children's Services Planning, a body composed of Commissioners of various State departments and concerned citizens who have distinguished records in the area of children's services, to review the findings of the Commission on Children's Services and to make recommendations to the Administration to improve the quality of services for the children and youth of this State; and

WHEREAS, Executive Order No. 44 and Executive Order No. 91 extended the term of the Committee through January 1, 1986; and

WHEREAS, The work of these talented individuals has focused attention on the problems of children and youth in New Jersey and has fostered improved planning and coordination of services for children; and

WHEREAS, The Governor's Committee on Children's Services Planning has prepared specific recommendations to improve services for children and youth in the State; and

WHEREAS, There is a continuing need for the Committee to work with the various State departments and the community in order to facilitate efforts to improve the quality of services for children and youth;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Committee on Children's Services Planning shall continue in existence until such time as the Committee is terminated by action of the Governor.

a. The Committee, which expired on January 1, 1986, shall be reconstituted and shall consist of no more than 10 public members appointed by the Governor for a term of two years. The members shall be appointed from among persons who have distinguished records in programming for children in the areas of social services, juvenile justice, developmental disabilities, mental health, education, medicine, employment, substance abuse and nutrition. The Governor may consider those public members who have previously served on the Committee when making new appointments.

b. The Commissioners of the Departments of Human Services, Education, Corrections, Health, Labor, Community Affairs and the Public Advocate, or their designees, and the Administrative Director of the Courts, or his designee, shall also serve on the Committee.

c. Committee vacancies shall be filled by appointment by the Governor for the remainders of the unexpired terms.

d. The Governor shall designate the Chairperson of the Committee from among the members of the Committee, who shall serve at the pleasure of the Governor. The Committee members shall choose a Vice Chairperson from among the members of the Committee.

e. The Committee may further organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Committee.

2. The Committee shall meet formally at least monthly during the life of the Committee.

3. The Committee shall work with the Governor's office, various State departments, the Administrative Office of the Courts, local public and private agencies, and community groups to:

a. Continue to foster improved planning and coordination of services for children;

b. Foster increased private sector involvement in developing programs and services to benefit New Jersey's children; and

c. Provide such information on children's services issues as the Governor may request.

4. The Committee shall make recommendations to the Governor and work with the Administration in developing legislative initiatives aimed at establishing an ongoing mechanism to cooperatively work with State government agencies and the community in the planning and coordination of services for children.

5. This Order shall take effect immediately.

Issued April 17, 1986.

EXECUTIVE ORDER No. 138

WHEREAS, Over the past two decades, New Jersey has made steady progress in acquiring open space and providing new recreational resources for the use of its citizens; and

WHEREAS, The availability of recreational areas and resources are perceived to have a positive impact on a society's economy, health and well-being; and

WHEREAS, The President's Commission on Americans Outdoors, which was established by the President in January 1985, shall be studying the recreational needs of the citizens of the United States and issuing recommendations based upon its findings in December 1986; and

WHEREAS, New Jersey's Conference on Recreational Resources, which was convened by the Governor in December 1984, sought to project the recreational needs of this State into the next century, to determine what resources will be needed to serve a growing populace and to explore means available to assure the continued expansion and high quality of this State's recreational resources; and

WHEREAS, The Conference on Recreational Resources issued a report in June 1985 calling for the establishment of a Governor's Council on New Jersey Outdoors to continue the work of the Conference; and

WHEREAS, It has been determined to be in the best interest of the citizenry of this State to establish this Council in order that their recreational needs will be monitored, projected and addressed;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Governor's Council on New Jersey Outdoors, hereinafter referred to as the Council.
2. The Council shall consist of 21 members to be appointed by the Governor:
 - a. Two representatives from this State's urban municipalities;
 - b. A representative serving in government at the county level;
 - c. A representative from the New Jersey Recreation and Parks Association;
 - d. Two public members;
 - e. Four members of the Legislature, two Senators, one of each political party, and two Assemblypersons, one of each political party, appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly;
 - f. Eleven representatives of the various civic and social organizations, including representatives with a background in finance, business and industry, health and medicine, arts and culture, the environment, coastal issues, and recreational sports.

3. All members shall serve, without compensation, at the pleasure of the Governor. Council vacancies shall be filled by the Governor as necessary.

4. The Governor shall select from among the members of the Council a Chairperson, who shall serve in this capacity at the pleasure of the Governor.

5. The Council shall be charged with the following responsibilities:

a. Examine this State's present outdoor recreational land and resources and project the land and water resource base necessary to meet this State's outdoor recreational needs to the year 2000;

b. Assess present recreational facilities and resources of State, county and local governments, including the availability of forests, parks, wildlife management areas, lakes and shores;

c. Make recommendations to implement proposals of the Governor's Conference on Recreational Resources, as set forth in a Conference report issued in June 1985;

d. Examine the role of the private sector in meeting present and future outdoor recreational needs and assess the potential for cooperation between the private sector and the State and local governments in providing outdoor recreational opportunities and protecting outdoor recreational resources;

e. Examine the relationship between outdoor recreation and personal and public health, the economy, and the environment;

f. Assess the underlying social, economic, and technological factors that are likely to affect the demand for and supply of outdoor recreational resources, including trends in disposable income and demographic characteristics of this State;

g. Conduct public hearings and otherwise secure information and expressions of public opinion on recreational issues, policies and programs and anticipated State and local recreational needs and concerns. Such hearings and information gathering shall consider the recreational resource needs of the State, its counties and municipalities to the year 2000;

h. Represent this State in responding to the activities of the President's Commission on Americans Outdoors and coordinate the State's response to recommendations of the President's Commission.

6. The Council shall convene as soon hereafter as is practicable. The Council shall prepare a final report to the Governor setting

forth its findings and recommendations relative to this State's recreational needs projected to the year 2000 and the financial and institutional means through which those needs can be addressed. This report shall be submitted to the Governor no later than March 31, 1987 and the Council shall terminate 30 days thereafter.

7. In carrying out its responsibilities pursuant to this Executive Order, the Council is authorized to call upon any department, office, division or agency of the State to supply such data, reports, or other information it deems necessary. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Council and to furnish it with such information, personnel and assistance as necessary to accomplish the purpose of this Executive Order.

8. The Council is authorized to accept such funds as may be made available to the Council to carry out its responsibilities pursuant to this Executive Order.

9. This Order shall take effect immediately.

Issued May 27, 1986.

EXECUTIVE ORDER No. 139

WHEREAS, Under current law, permanently and totally disabled workers and their eligible dependents who were being paid workers' compensation benefits prior to January 1, 1980 receive supplemental benefits as cost of living adjustments designed to increase total disability benefits awarded prior to 1980; and

WHEREAS, The current statutory system for the payment of supplemental benefits has resulted in previously unpredicted escalating costs; and

WHEREAS, There are concerns about the efficient and effective allocation and assessment of fiscal resources; and

WHEREAS, Under the current law there exist inadequate funding mechanisms for the funding of supplemental benefits; and

WHEREAS, It is necessary to insure the financial stability of the Second Injury Fund, through which these supplemental benefits and other workers' compensation benefits are administered;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Governor's Task Force on Benefits for the Totally and Permanently Disabled Worker (hereinafter referred to as the "Task Force").

The Task Force shall consist of 12 members to be appointed by the Governor as follows: the Commissioners of the Departments of Labor and Insurance, or their designees; and 10 public members to be appointed from among persons and organizations with distinguished records and expertise concerned with workers' compensation and disability insurance, who shall include representatives of consumers, providers, business, labor, government and other individuals and groups. The members shall serve without compensation, but public members may be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds.

The Governor shall designate from among the public members a Chairman, who shall serve at the pleasure of the Governor. The Task Force members shall choose a Vice Chairman from among the members of the Task Force. Task Force vacancies shall be filled by appointment by the Governor for the remainders of any unexpired terms.

All organizations and individuals interested in the mission of the Task Force shall be encouraged to participate, and they may be called upon for participation or for information purposes.

2. The Task Force shall be established for a period of 12 months and shall hold formal meetings at least once a month.

3. The Task Force shall research and study the current system of funding and distributing workers' compensation permanent and total disability benefits through the Second Injury Fund, the Stock Workers' Compensation Security Fund and the Mutual Workers' Compensation Security Fund. In order to accomplish this, the Task Force shall:

a. Identify the existing beneficiaries, benefits and the funding for those benefits;

b. Analyze the present system to determine whether it efficiently and adequately addresses the effects of inflation upon total disability benefits;

c. Analyze the existing funding mechanisms and determine their effectiveness and whether alternative measures are more effective and financially sound;

d. Recommend action to address any existing inequities in the current system;

e. Recommend any alternative funding and payment methods which more efficiently and effectively address the effects of inflation upon total disability benefits; and

f. Issue a final report of its findings and recommendations to the Governor.

4. The Departments of Labor and Insurance are authorized and directed, to the extent not inconsistent with the law, to cooperate with the Task Force and to furnish it with staff, office space and supplies as it may require and as may be available to it for its purposes. The Task Force is authorized to call upon any department, office, division or agency of the State to supply such data, program reports and other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Order.

5. This Order shall take effect immediately and expire 12 months after the organizational meeting of the Task Force.

Issued May 27, 1986.

EXECUTIVE ORDER No. 140

WHEREAS, The Constitution of the United States is the cornerstone for the welfare, prosperity and liberties of the people of this State and of the nation; and

WHEREAS, New Jersey was one of the original states participating in the 1787 Constitutional Convention and was the third state to ratify the Constitution, doing so unanimously on December 19, 1787; and

WHEREAS, The citizens of New Jersey played a major role in the creation and ratification of the United States Constitution; and

WHEREAS, Celebration of the historical event of the 200th anniversary of the 1787 Constitutional Convention will provide opportunities for the people of this State to express their loyalty to the principles embodied in the Constitution and reaffirm their allegiance to this State and to the nation;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established a commission in the Department of State to be known as the Constitutional Bicentennial Commission (hereinafter referred to as the Commission).

The Commission shall consist of 29 members as follows:

a. Four members of the Senate to be appointed by the President thereof, no more than two of whom shall be a member of the same political party;

b. Four members of the General Assembly to be appointed by the Speaker thereof, no more than two of whom shall be a member of the same political party;

c. The Chief Justice of the New Jersey Supreme Court, the Attorney General, the Secretary of State, the Chancellor of Higher Education, the Commissioner of Education, the Commissioner of Community Affairs, the Chairman of the New Jersey Historical Commission, the President of the New Jersey Historical Society and the Chairman of the New Jersey State Council on the Arts, or their designated representatives; and

d. Twelve public members to be appointed by the Governor, who are residents of the State. Public members shall serve at the pleasure of the Governor.

Vacancies in the membership of the Commission shall be filled in the same manner as the original appointments were made.

2. The Commission shall be chaired by the Secretary of State and a vice chairman shall be elected by the Commission from among its members. A secretary shall also be elected by the Commission, who need not be a member of the Commission.

3. The Department of State is designated as the official commemorative office in New Jersey for the purpose of implementing our State's celebration of the 200th anniversary of our ratification of the United States Constitution.

4. The Commission shall:

a. Plan, promote and coordinate the commemorative programs and activities sponsored and supported by agencies of the State government from 1987 through 1989;

b. Assist and coordinate the commemorative programs and activities developed by counties, municipalities and civic, veterans', historical and other organizations in the State from 1987 through 1989;

c. Consult and cooperate with the New Jersey Historical Commission in the development of the historical aspects of the commemorative programs and activities;

d. Plan a fitting observance on December 19, 1987 to commemorate the ratification of the United States Constitution by the State of New Jersey; and

e. Prepare any legislative bills it may desire to recommend for enactment.

5. The Commission shall establish a regular schedule of meetings, schedule hearings to solicit and receive recommendations for its programs and activities, and report periodically to the Governor on its activities and recommendations. An initial report to the Governor shall be made within six months of the first meeting of the Commission and on each January 1 thereafter, until a final report shall be made on December 31, 1989.

6. The Commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes; and to employ the professional and clerical assistance, and to incur traveling and other miscellaneous expenses as it may deem necessary, in order to perform its duties, as may be within the limits of funds appropriated or otherwise made available to it for its purposes.

7. The Commission may accept and disburse donations or grants of money, property or personal services from any source.

8. This Order shall take effect immediately and expire on December 31, 1989.

Issued May 30, 1986.

EXECUTIVE ORDER No. 141

WHEREAS, On March 14, 1983, I created by Executive Order No. 35 a Governor's Committee on Children's Services Planning, a body composed of commissioners of various State departments and concerned citizens who have distinguished records in the area of children's services, to review the findings of the Commission on Children's Services and to make recommendations to the Administration to improve the quality of services for the children and youth of this State; and

WHEREAS, Executive Order No. 44, Executive Order No. 91, and Executive Order No. 137 extended the term of the Committee; and

WHEREAS, The work of these talented individuals has focused attention on the problems of children and youth in New Jersey and has fostered improved planning and coordination of services for children; and

WHEREAS, Increasing the membership of the Committee will enhance the Committee's ability to work with the various State departments and the community in order to facilitate efforts to improve the quality of services for children and youth;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Section 1a. of Executive Order No. 137 is hereby amended as follows:

1. a. The Committee, which expired on January 1, 1986, shall be reconstituted and shall consist of no more than 13 public members appointed by the Governor for a term of two years. The members shall be appointed from among persons who have distinguished records in programming for children in the areas of social services, juvenile justice, developmental disabilities, mental health, education, medicine, employment, substance abuse and nutrition. The

Governor may consider those public members who have previously served on the Committee when making new appointments.

2. This Order shall take effect immediately.

Issued June 12, 1986.

EXECUTIVE ORDER No. 142

WHEREAS, Executive Order No. 19 created a Governor's Council on Physical Fitness, which was later changed by Executive Order No. 82 to a Governor's Council on Physical Fitness and Sports; and

WHEREAS, The purpose of this Council was to afford New Jerseyans the opportunities to develop to their fullest potential through a planned regular program of physical activity that will assist the individual in achieving and maintaining optimal health and vigor; and

WHEREAS, The Council has grown in size so that the membership has now reached 60 public members appointed by the Governor; and

WHEREAS, One primary goal of the Council was to promote physical fitness across a broad range of local and county levels, including local business, labor, health action and advocacy groups, religious, fraternal, and social organizations, community-based recreational agencies and county councils on physical fitness; and

WHEREAS, The appointment of an Executive Director to the Council by the Governor will provide strong leadership both within and without the Council to coordinate and implement its diverse activities;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Section 1d. of Executive Order No. 19 is hereby amended as follows:

1. d. The Governor shall designate the Chairperson of the Council from among the members of the Council and appoint the Executive Director. Both positions shall serve at the pleasure of the Governor. The same member may serve as Chairperson and Executive Director. The Council members shall choose a Vice-Chairperson from among the members of the Council.

2. This Order shall take effect immediately.

Issued June 18, 1986.

EXECUTIVE ORDER No. 143

WHEREAS, The Declaration of Independence states that it is the natural right of a free people to govern themselves; and

WHEREAS, The 15th Amendment of the United States Constitution recognizes the right to vote as a paramount right; and

WHEREAS, Article 2, paragraph 3 of the New Jersey Constitution acknowledges the importance of participation in the election process by all competent citizens, 18 years of age and older; and

WHEREAS, There is a continuing need to review and revise the laws governing elections in our State to foster democracy;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created an Election Advisory Council, which shall review our State's election procedures, recommend to the Governor revisions in our election laws and develop programs to increase voter participation in our election process.

2. The Council shall consist of 13 members:

a. The Secretary of State, who shall also serve as Chairperson of the Council;

b. The Chairpersons of the Republican and Democratic State Committees, or their respective designees, who shall serve ex officio;

c. Two representatives from the New Jersey Association of Election Officials, one Republican and one Democrat, who shall be

appointed by the Governor for terms of two years, but of the initial appointees, one shall serve for a term of one year and one shall serve for a term of two years;

d. One representative from the State Association of County Clerks, who shall be appointed by the Governor for a term of two years;

e. Seven residents of our State, appointed by the Governor for terms of two years, who shall possess broad knowledge and expertise in the election process in New Jersey. Four of the appointees, however, shall be appointed to initial terms of one year.

3. Members shall continue to serve after the expiration of their terms until a successor is appointed and qualified. All vacancies shall be filled by the Governor for the remaining portions of the unexpired terms. Members shall serve without compensation, but may be reimbursed for any reasonable expenses incurred while carrying out their duties hereunder.

4. The Council shall meet at the call of the Chairman.

5. By May 1 of each year, the Council shall submit to the Governor a written report outlining the critical election concerns in our State and proposing legislative or other action which should be taken to address these concerns.

6. Executive Order No. 16 of September 16, 1982 is hereby revoked.

7. This Order shall take effect immediately.

Issued July 9, 1986.

EXECUTIVE ORDER No. 144

WHEREAS, On May 30, 1986, I created by Executive Order No. 140 the Constitutional Bicentennial Commission in the Department of State for the purpose of implementing New Jersey's celebration of the 200th anniversary of our ratification of the United States Constitution; and

WHEREAS, The Commission is currently composed of 29 members, including the Chief Justice of the New Jersey Supreme Court, the Attorney General and the Secretary of State, among other distinguished members; and

WHEREAS, The planning, promotion and coordination of the various historical and commemorative programs to be formulated in honor of the bicentennial of the United States Constitution would be greatly enhanced by the honorary membership of the four living former Governors of the State of New Jersey, the Adjutant General of the Department of Defense and the Superintendent of State Police;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Section 1 of Executive Order No. 140 is amended as follows:

1. There is hereby established a commission in the Department of State to be known as the Constitutional Bicentennial Commission (hereinafter referred to as the Commission).

The Commission shall consist of 35 members as follows:

a. Four members of the Senate to be appointed by the President thereof, no more than two of whom shall be a member of the same political party;

b. Four members of the General Assembly to be appointed by the Speaker thereof, no more than two of whom shall be a member of the same political party;

c. The Chief Justice of the New Jersey Supreme Court, the Attorney General, the Secretary of State, the Chancellor of Higher Education, the Commissioner of Education, the Commissioner of Community Affairs, the Adjutant General of the Department of Defense, the Superintendent of the State Police, the Chairman of the New Jersey Historical Commission, the President of the New Jersey Historical Society, the Chairman of the New Jersey State Council on the Arts, or their designated representatives, and former New Jersey Governors, William Cahill, Robert Meyner, Richard Hughes and Brendan Byrne; and

d. Twelve public members to be appointed by the Governor, who are residents of the State. Public members shall serve at the pleasure of the Governor.

Vacancies in the membership of the Commission shall be filled in the same manner as the original appointments were made.

2. This Order shall take effect immediately.

Issued August 18, 1986.

EXECUTIVE ORDER No. 145

WHEREAS, There is a justified need in State government for certain employees to function on an intermittent, part-time or temporary basis to respond to projects of limited duration, seasonal work, or to situations involving fluctuating workloads, including emergency response activities; and

WHEREAS, State agencies have the inherent authority to appoint intermittent, part-time and temporary employees to adequately respond to the particular needs indigenous to the statutory responsibilities of those agencies; and

WHEREAS, In response to various agency employment needs, an umbrella Special Services category for intermittent, part-time and temporary employees has existed in State government for over approximately 30 years, where workers are generally paid on an hourly basis without uniform fringe benefits and without adequate planning or control; and

WHEREAS, Although joint regulations promulgated by the Departments of Civil Service and the Treasury in 1983 set forth definitions for Special Services employees, there is still a potential for misuse of this worker category and from time to time judicial and administrative complaints involving Special Services have been filed with the Superior Court, and various State and federal agencies; and

WHEREAS, Although there is clear legislative and regulatory authority for a bona fide employment of intermittent, part-time and temporary employees in State government, this permissible area must be more clearly defined and monitored, with each department held responsible for the appropriate use of such employees; and

WHEREAS, A reasonable and practical mechanism and implementation plan should be devised to deal with intermittent, part-time and temporary employees; and

WHEREAS, In keeping with this Administration's high priority for reform of the Civil Service system there must be established a

viable process for handling intermittent, part-time and temporary employment with maximum agency flexibility;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Departments of Treasury and Civil Service shall jointly determine uniform policy and guidelines to provide that intermittent, part-time and temporary employees, like other State workers, have their initial hiring and terms of employment regulated by the Department of Civil Service and that job categories are established and these workers placed either in the classified or unclassified service.

2. The Department of Civil Service shall establish a uniform policy for vacation, sick and other types of leave, on a pro rata basis where necessary, for intermittent, part-time and temporary employees in positions in either the classified or unclassified service.

3. The Departments of Civil Service and Treasury shall monitor the use of intermittent, part-time and temporary employees through payroll procedures and other means to ensure that these employee designations are used to meet a justified employment need.

4. The Division of Pensions shall establish uniform regulations and guidelines providing standards of eligibility for enrollment for intermittent, part-time and temporary employees in the pension system.

5. The Departments of Civil Service and Treasury and the Division of Pensions shall adopt necessary policies, guidelines and regulations to implement the terms of this Executive Order and provide for a phase-out period, not exceeding 24 months from the effective date of this Executive Order, of the Special Services designation. The Department of Civil Service will be primarily responsible for the review and allocation of job categories and the setting of pay rates as part of the State Compensation Plan, as well as incentive pay provisions, where appropriate. The Department of Civil Service shall also establish no-range positions in the State Compensation Plan, where appropriate to meet the State's need to recruit physicians or other health care professionals to

serve the institutional population on either an intermittent, part-time or temporary basis. A Civil Service designation shall be established for specific titles where the work assignment is determined to be on an intermittent basis. The Departments of the Treasury and Civil Service shall be responsible for monitoring on an ongoing basis the justification for the length of the project or specific work assignment requiring the use of an intermittent, part-time or temporary employee and the duration of such employment.

6. The Departments of Civil Service and Treasury shall establish guidelines to encourage departments to consider available and appropriate alternatives to State employment designations, such as contract, consultant or voucher procedures for intermittent, part-time and temporary functions.

7. In devising and implementing the plan set forth herein, the Departments of Civil Service and Treasury will work closely with the other departments in the Executive Branch to ensure that the individual requirements of those departments are identified and met to achieve an appropriate level of personnel flexibility.

8. The Departments of Civil Service and Treasury are authorized to call upon and receive from any department, office, division or agency of the State such data, information, personnel or support services as they deem necessary to discharge their responsibilities under this Order.

9. This Order shall take effect immediately.

Issued August 26, 1986.

EXECUTIVE ORDER No. 146

WHEREAS, Major initiatives relating to drunk driving, mandatory seat belt usage, improved highways, increased law enforcement, and a continual upgrading of the acute care network have resulted in a reduction in fatal accidents in New Jersey; and

WHEREAS, The recent initiation of helicopter services to bring persons more quickly to lifesaving procedures is a significant addition to the State's emergency medical services programs; and

WHEREAS, It is our intention to use these beginnings and to build in New Jersey the most comprehensive network of emergency medical services for persons with emergency needs;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

A. There is hereby created a Governor's Council on Emergency Medical Services, hereinafter referred to as the Council.

B. The Council shall consist of 33 members to be appointed by the Governor:

1. The Commissioner of Health, who shall also serve as Co-Chairperson of the Council;
2. The Superintendent of the State Police, Department of Law and Public Safety, who shall also serve as Co-Chairperson of the Council;
3. The Attorney General, or his designated representative;
4. The Commissioner of Human Services, or his designated representative from the Division of Medical Assistance;
5. The Deputy Commissioners of Health;
6. The Director of the Office of Emergency Health Services, Department of Health;
7. A representative from the New Jersey State Police, Aviation Bureau;
8. A representative from the Office of Highway Safety, Department of Law and Public Safety;
9. The Chairperson of the Mobile Intensive Care Advisory Committee;
10. Four members of the Legislature, two Senators, one of each political party, and two Assemblypersons, one of each political party, appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly;
11. The President of the New Jersey State First Aid Council;
12. The President of the New Jersey Medical Transportation Association;
13. One representative from the New Jersey Hospital Association;

14. The Chairperson of the Emergency Medical Services Committee, Medical Society of New Jersey;

15. One representative from the American College of Emergency Physicians (New Jersey Chapter);

16. One representative from the National Disaster Medical System;

17. The Chairperson of the New Jersey Chapter, American Heart Association;

18. One representative from each of the designated New Jersey Trauma Centers;

19. One representative from the designated New Jersey Burn Center;

20. One representative from the designated New Jersey Spinal Cord Center;

21. A physician specialist from a related service;

22. A New Jersey certified emergency medical technician;

23. A New Jersey certified paramedic;

24. One public member;

25. One representative from the New Jersey Emergency Nurses Association;

26. The Medical Director of the New Jersey Poison Information and Education System;

27. The New Jersey representative of the Health Care Financing Administration;

28. One representative of the private insurance industry.

C. All members shall serve, without compensation, at the pleasure of the Governor. Council vacancies shall be filled by the Governor as necessary.

D. The Council shall be charged with the following responsibilities:

1. Recommend an overall policy direction for a comprehensive, coordinated, Statewide emergency medical services system in New Jersey, including issues such as financing, training, communications, staffing and management, and administration;

2. Utilize consultants with national expertise to look for innovative and other efficient methods of providing emergency care.

E. The Council shall convene as soon hereafter as is practicable. The Council shall submit to the Governor a State Plan on Emergency Medical Services that will make maximum utilization of existing resources and will ensure the coordination of the State volunteer/private sector efforts. This State Plan shall be submitted to the Governor no later than November 30, 1988 and the Council shall terminate 30 days thereafter.

F. Resources for the staffing of this Council shall be the responsibility of the Department of Health and the Department of Law and Public Safety, Division of State Police. The Department of Health shall provide the Executive Secretary for the Council.

G. This Order shall take effect immediately.

Issued September 5, 1986.

EXECUTIVE ORDER No. 147

WHEREAS, As Governor, I have the authority and responsibility to protect and improve the State's financial position; and

WHEREAS, Such authority and responsibility include protecting and improving the State's capacity to finance public projects or programs by all appropriate means and protecting and improving the State's credit; and

WHEREAS, The issuance of obligations by entities of the State, including Authorities, other entities, and local units of government, represents a necessary and appropriate means of raising funds for public projects or programs critical to the State's continued growth and development; and

WHEREAS, The enabling legislation creating various State Authorities states that each Authority action, including those relating to the expenditure of monies and the issuance of obligations, shall not take effect until the Governor has reviewed or approved such proposed actions; and

WHEREAS, The incurrence of obligations by the entities of the State payable, directly or indirectly, in whole or in part, from

State appropriations may be imprudent or may affect the State's credit; and

WHEREAS, The financial condition and creditworthiness of the State, its Authorities, other entities, and local units of government are inherently linked because financial distress of any one may adversely affect all and may increase the cost of borrowing paid by all; and

WHEREAS, The Tax Reform Act of 1986 (the "Act") imposes an annual limitation on the issuance of tax-exempt "private activity bonds" by all issuers within the State; and

WHEREAS, The Act includes a provision that it applies to bonds issued after August 15, 1986; and

WHEREAS, The Act limits the annual volume of tax-exempt private activity bonds for the State of New Jersey to \$75 per resident for the balance of calendar year 1986 and \$75 per resident for calendar year 1987, based on the most recent population estimate provided by the Bureau of the Census before the beginning of the year to which the limitation applies; and

WHEREAS, Tax-exempt obligations that would be private activity bonds and subject to the volume limits under the Act include those which assist in the financing of projects necessary to improve the quality of New Jersey's environment, to stimulate economic development in the State, and to provide low-to-moderate income housing for New Jersey's citizens; and

WHEREAS, The uncertainties created by the Act have already resulted in a substantially reduced level of activity by issuers of bonds for housing, water supply, wastewater treatment, solid waste disposal/resource recovery and economic development within the State and will continue to do so until the State establishes procedures for allowing issuance of bonds within acceptable limits set forth in the Act; and

WHEREAS, In accordance with the Act, the Governor may allocate State volume limitation among the issuers in the State; and

WHEREAS, It is desirable to establish a procedure for allocating the State's available annual volume limitation among issuers in

order to ensure that such limitation is allocated in an equitable and beneficial manner for the citizens of New Jersey;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

Part I—Financial Monitoring

1. *Definitions*

For the purpose of this Executive Order, the following terms shall have the meanings set forth below:

“Authority(ies)” means one or more of the following entities:

Casino Reinvestment Development Authority
 Hackensack Meadowlands Food Distribution Center Commission
 New Jersey Building Authority
 New Jersey Economic Development Authority
 New Jersey Educational Facilities Authority
 New Jersey Higher Education Assistance Authority
 New Jersey Expressway Authority
 New Jersey Health Care Facilities Financing Authority
 New Jersey Highway Authority
 New Jersey Housing and Mortgage Finance Agency
 New Jersey Sports and Exposition Authority
 New Jersey Transit Corporation
 New Jersey Transportation Trust Fund Authority
 New Jersey Turnpike Authority
 New Jersey Wastewater Treatment Trust
 New Jersey Water Supply Authority
 South Jersey Food Distribution Authority
 South Jersey Port Corporation

“Financing Lease” means any lease obligation which would be treated as a capital lease, under generally accepted accounting principles, and in which a lender relies upon the State Entity’s obligations as lessee in making a loan to the lessor to purchase or construct the leased asset.

“Initial Public Action” means the first action by resolution (i) by a State Entity concerning a Transaction relating to a State Obligation or (ii) by an Authority concerning a Transaction. Examples of Initial Public Actions include the passage of a resolution

authorizing the mailing of a preliminary official statement, notice of sale, or solicitation for tender, the adoption of a resolution granting preliminary approval to a project, the passage of a resolution giving notice of future redemption or remarketing of bonds, or the appointment of financing professionals (financial advisor, bond counsel, underwriter, etc.).

“Obligation” means any bond, note, Financing Lease, or other evidence of indebtedness of any entity, which may be entered into by resolution of such a State Entity.

“State Entity” means any agency, department, subdivision, authority, or corporation of the State incurring a State Obligation, or any Authority.

“State Obligation” means (a) any Obligation directly or indirectly payable from or secured in part by State General Fund monies, even if subject to annual appropriation by the State Legislature, or (b) any Obligation creating a moral obligation on the part of the State.

“Transaction” means the authorization, sale, execution, issuance, reissuance, refunding, remarketing, redemption or purchase by tender of any Obligation, which a State Entity has authorized by resolution.

2. State Treasurer Review

The State Treasurer shall review Transactions proposed by each Authority. The State Treasurer shall also review proposed Transactions relating to the State Obligations proposed by any State Entity.

3. Public Actions and Transaction Review

At least 20 days before taking an Initial Public Action, (i) each Authority planning a Transaction shall send a general summary of the Transaction to the State Treasurer, Chief of Policy and Planning, and Director of the Authorities Unit and (ii) each State Entity planning a Transaction relating to a State Obligation shall send a general summary of the Transaction to the State Treasurer, the Chief of Policy and Planning, and the cabinet officer of the department having jurisdiction over the distribution of State General Fund monies to the State Entity. The contents of the general summary shall be as required by the State Treasurer, but shall generally include the amount of the Transaction, the type of Obligations involved (bonds, notes, Financing Leases, etc.), the proposed action (issuance, refunding, tender, etc.), the terms of the

Obligations (maturity, interest rate provisions), the expected rating and credit enhancements, the financing team members, the type of sale, and the financing schedule, as well as the expected date of the Initial Public Action, to the extent such information is ascertainable.

Through the course of the Transaction, the State Treasurer and the Authority or State Entity, as the case may be, shall consult periodically about the Transaction. The Authority or State Entity shall provide information relevant to the Transaction to the State Treasurer and to the Chief of Policy and Planning promptly as such information becomes available. Each Authority shall also provide to the Director of the Authorities Unit such information as is provided the State Treasurer.

4. Program Review Option

Recognizing that certain individual Authorities typically enter into a large number of Transactions within essentially uniform terms, methods of sale, purposes, and other general guidelines, each Authority may, with the approval of the State Treasurer, comply with the review process outlined in this section for certain categories of Transactions (except those relating to State Obligations) in lieu of that set forth in section 3 above by submitting general information about categories of Transactions. Information requirements shall be developed by the State Treasurer, and, when appropriate, such information should be provided in narrative form, showing numerical ranges, types of professionals hired, general selection methods, generally used methods of sale, and the general terms of Obligations. The State Treasurer will review this information and, to the extent that the Transactions described in the information submitted by the Authority are not sufficiently uniform to comply with the program review provided for in this section, the State Treasurer will so notify the Authority.

5. Local Government Finance Review

The State Treasurer shall also consult with the Commissioner of the Department of Community Affairs and the Chairman of the Local Finance Board to develop guidelines relating to the exchange of information about Local Finance Board review of Transactions proposed by local units of government to assure proper oversight of qualified bond issuance, compliance with changing federal tax law in respect to tax-exempt bonds, and integration of financial policies affecting the creditworthiness of all units of government in the State.

6. *Miscellaneous Provisions*

This Executive Order shall not operate so as to discharge any statutory requirements imposed upon any State Entity, pursuant to its enabling legislation, as it pertains to obtaining the Governor's prior written approval of an action providing for the issuance of debt. Nor shall this Executive Order inhibit or otherwise limit the power of any State Entity to comply with any terms of covenants of any outstanding obligations, or resolutions or agreements authorizing or securing any such obligations.

The State Treasurer may decide which information submitted is relevant for the purpose of this Executive Order.

The State Treasurer may allow a State Entity to submit less information and may modify any notice requirements set forth in this Executive Order.

Compliance by a State Entity with, or comment or failure to comment by the State Treasurer under, this Executive Order shall not be or deemed to be approval by the State or by the State Treasurer as to any Transaction or Initial Public Action.

This part of the Executive Order shall take effect immediately.

Part II—The Act

1. This Executive Order rescinds Executive Order No. 85.

2. A. The entire State volume limitation is allocated to the Department of Treasury to be held by the State Treasurer (the "State Treasurer") as custodian of the Statewide reserve (the "Statewide Reserve"). The State Treasurer may allocate all or any portion of the Statewide Reserve among State Entities or local units of government authorized to issue tax-exempt private activity bonds and to the New Jersey Department of Environmental Protection (DEP), in accordance with the requirements of the Act.

B. The State Treasurer shall set forth the terms and conditions for receiving an allocation to issue tax-exempt private activity bonds. Further, the State Treasurer may set forth the terms and conditions under which the New Jersey Housing and Mortgage Finance Agency (HMFA), the New Jersey Department of Environmental Protection (DEP), and the New Jersey Economic Development Authority (EDA) may reallocate their allocation received pursuant to the Treasurer's order.

3. This part of the Executive Order shall take effect immediately and applies to all obligations issued after August 15, 1986. This part of the Executive Order shall expire on December 31, 1987.

Issued October 20, 1986.

EXECUTIVE ORDER No. 148

I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. November 28, 1986, 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 or other funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternative day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 28, 1986.

Issued October 30, 1986.

EXECUTIVE ORDER No. 149

WHEREAS, The problem of drug and alcohol abuse has reached epidemic proportions in the State of New Jersey, adversely affecting the lives of all of our citizens, and particularly the lives of our young people; and

WHEREAS, Traditional law enforcement efforts to reduce the supply of illicit substances are a vital part of the effort to control drug and alcohol abuse, but alone cannot solve this problem; and

WHEREAS, As outlined in the "Blueprint for a Drug-Free New Jersey," presented at the October 15, 1986 Annual Governor's Conference on Crime, to be successful any plan to attack drug and alcohol abuse must include efforts to reduce the demand for

illicit substances through public awareness programs, and education, intervention, treatment and law enforcement initiatives; and

WHEREAS, Effective efforts to reduce the demand for as well as the supply of illicit substances will require the cooperative and coordinated efforts of the various departments and agencies of State, local and county government, as well as business, religious and community organizations; and

WHEREAS, The magnitude of the drug and alcohol abuse problem makes it essential that the various departments and agencies of State government make this effort their highest priority;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Cabinet Working Group on Substance Abuse (hereinafter referred to as the Working Group). The Working Group shall consist of the Attorney General, who shall serve as Chairperson; the Commissioner of Education, the Chancellor of Higher Education, the Commissioner of Health, the Commissioner of Human Services, the Commissioner of Corrections, and the Commissioner of Community Affairs, or their designees.

2. The responsibilities and functions of the Working Group shall include:

a. Preparing a plan to implement the initiatives contained in the Governor's "Blueprint for a Drug-Free New Jersey."

b. Coordinating the development and implementation of all State programs dealing with drug and alcohol abuse in conformance with Statewide policy.

c. Studying current drug and alcohol abuse issues and initiatives and making recommendations to the Governor regarding additional actions which should be taken to combat this problem.

d. Developing model programs and guidelines in conformance with Statewide policy for State, county, local and private drug and alcohol abuse programs and initiatives.

e. Acting as Executive Branch liaison to the Legislature and to the Judiciary with regard to drug and alcohol abuse issues and

programs, and working with the Commission to Deter Criminal Activity, the New Jersey Drug Abuse Advisory Council, the Governor's Committee on Children's Services Planning and other agencies and organizations dedicated to the elimination of drug and alcohol abuse in New Jersey.

3. The Statewide Narcotics Task Force shall act as staff to the Working Group. The Working Group and the Statewide Narcotics Task Force are authorized to call upon any department or agency of State government to provide such information, resources or other assistance deemed necessary to discharge their responsibilities under this Executive Order. Each member of the Working Group shall assign a representative of his or her department to work with the Narcotics Task Force and to provide such assistance from that department as the Task Force shall require.

4. The Working Group shall begin its efforts immediately to fulfill the objectives delineated in this Order and shall continue until such time as it is determined that the Working Group's objectives have been met.

5. This Order shall take effect immediately.

Issued November 3, 1986.

EXECUTIVE ORDER No. 150

WHEREAS, The fishing community in this State is currently experiencing great difficulty in securing their fishing rights in the Delaware River and Bay due to a boundary dispute between the States of New Jersey and Delaware; and

WHEREAS, The States of New Jersey and Delaware adopted a compact in 1905, which was approved by Congress in 1907, recognizing a common right of fisheries by citizens of both states in the river; and

WHEREAS, The Assembly of the State of New Jersey has passed a Resolution requesting the Governor to negotiate more equitable shad fishing rights between the States of Delaware and New Jersey and to afford New Jersey citizens consistent and unimpeded use of the waters of the Delaware River; and

WHEREAS, The State of New Jersey recognizes the importance and need of our State's shad fishermen to receive equitable rights with Delaware shad fishermen in the Delaware River and Bay; and

WHEREAS, The development of the New Jersey commercial and recreational fishing community requires cooperation and coordination with the Delaware commercial and recreational fishing community to insure that New Jersey licensed fishermen will be allowed to fish on the New Jersey side of the Delaware River without being required to have a Delaware commercial food fishing license or food fishing permit; and

WHEREAS, It is desirable and appropriate that the fishing community of New Jersey and Delaware develop a system of fishing rights in a manner which takes into account the needs of both states and thereby adopt uniform shad fishing laws for commercial and recreational fishermen; and

WHEREAS, The State of New Jersey is desirous of recognizing a common right of fisheries by citizens of both states in the Delaware River and Bay; and

WHEREAS, It is necessary to develop a program to promote and encourage public access along the Delaware River and Bay and to undertake the necessary steps to accomplish the goal of developing such fishing rights for the citizens of the State of New Jersey;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT that:

1. The following individuals will serve on a commission aimed at achieving the goals herein stated. The commission shall be composed of five members as follows: the Commissioner of the Department of Environmental Protection, or his designee; the Attorney General, or his designee; and three members of the Legislature appointed by the Governor, who represent the Third Legislative district. The chairperson shall be designated by the Governor. Members shall serve without compensation.

2. The chairperson shall preside over the meetings and affairs of the commission and shall have such further powers and duties as may be conferred upon him/her by the Governor. The members of the commission shall select a vice-chairperson by a majority vote of the membership. In the absence of the chairperson, the vice-chairperson of the commission shall have all the powers and duties of the chairperson.

3. The commission shall conduct a thorough study and make recommendations for actions to improve the shad fishing rights of New Jersey fishermen in the Delaware River and Bay and shall determine which steps should be taken to encourage the adoption of uniform shad fishing laws for the States of New Jersey and Delaware in the Delaware River and Bay.

4. The commission shall proceed promptly with its study and investigation and shall render as soon as practicable to the Governor and Legislature a report of its findings and recommendations, which report shall include a plan for the establishment of equitable and uniform fishing rights for the citizens of the States of New Jersey and Delaware.

5. a. The Department of Environmental Protection shall assist the commission in the preparation of its report. In addition, the commission is authorized to call upon any other department, office, division or agency of the State to supply such data, program reports and any other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Order.

b. The commission shall have the authority to meet with officials from Delaware who will represent their interests and work toward achieving the goals of this commission.

c. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the commission and to furnish it with such information and assistance as necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Issued November 18, 1986.

EXECUTIVE ORDER No. 151

WHEREAS, Executive Order No. 74 created the Governor's Advisory Commission on Diabetes and Executive Order No. 108 extended its existence until July 1, 1986; and

WHEREAS, This Commission is charged with the task of assessing the incidence and prevalence of diabetes in New Jersey, determining its economic and social impact, examining the effectiveness of health care facilities providing treatment for diabetics in this State and calculating the insurance requirements of New Jersey diabetics; and

WHEREAS, Diabetes mellitus affects more than 190,000 known diabetics in New Jersey as well as an estimated 160,000 undiagnosed diabetics; and

WHEREAS, The disease, along with its complications, drains approximately \$488 million annually from the economy of the State; and

WHEREAS, The Governor's Advisory Commission on Diabetes has met frequently during the past two years; and

WHEREAS, The Commission has determined that its work has not been completed and its mandate from the Governor has not been fully carried out; and

WHEREAS, The Commission plans to investigate further the possibility of establishing insurance risk-sharing pools, hopes to expand and improve health data collections, plans to continue to monitor diabetic education standards and to increase communication with major State insurance carriers;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Advisory Commission on Diabetes shall continue in existence until July 1, 1988.

EXECUTIVE ORDERS

2. The Commission shall submit its final recommendations to the Governor at that time.

3. The membership of the Commission shall be modified to consist of 22 members appointed by the Governor. The Governor shall designate the chairperson of this Commission from among its members, who shall serve at the pleasure of the Governor. The Commission shall include the following:

- a. A representative of the Governor's office;
 - b. The Commissioner of the Department of Health or his/her representative;
 - c. The Commissioner of the Department of Human Services or his/her representative;
 - d. The Commissioner of the Department of Insurance or his/her representative;
 - e. The Commissioner of the Department of Labor or his/her representative;
 - f. Three physicians who specialize in diabetes;
 - g. One dietician experienced in the field of diabetes;
 - h. Two allied health professionals in the field of diabetes;
 - i. An attorney experienced in legal matters related to diabetes;
- and
- j. Ten (10) public members.

4. This Order shall take effect immediately.

Issued December 11, 1986.

EXECUTIVE ORDER No. 152

WHEREAS, Executive Order No. 53 created the Hudson River Waterfront Development Committee; and

WHEREAS, The purpose of this Committee was to develop a program to promote and encourage waterfront development; and

WHEREAS, An increase in the membership to include the Commissioner of Community Affairs will result in a broader range of community interests being represented on the Committee;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. Section 1 of Executive Order No. 53 is hereby amended as follows:

1. There is hereby created a Hudson River Waterfront Development Committee composed of 13 members as follows:

a. The Chief of the Governor's Office of Policy and Planning, who shall act as Chairman of the Committee;

b. The Commissioner of Transportation or his designee;

c. The Commissioner of Commerce and Economic Development or his designee;

d. The Commissioner of Environmental Protection or his designee;

e. The Commissioner of Community Affairs or his designee;

f. A representative of the Port Authority of New York and New Jersey; and

g. Seven other members to be appointed by the Governor.

2. Sections 2 through 8 of Executive Order No. 53 are to remain in effect as originally issued.

3. This Order shall take effect immediately.

Issued December 22, 1986.

EXECUTIVE ORDER No. 153

WHEREAS, On May 14, 1985, I created by Executive Order No. 101 a New Jersey Bicycle Advisory Council, a body composed of commissioners of various State departments and concerned citizens who have demonstrated an active interest in bicycling; and

WHEREAS, The responsibilities of the Advisory Council include examining the status of bicycling in New Jersey, making recommendations that promote bicycling and issuing a public report which shall contain the Bicycle Advisory Council's findings and recommendations; and

WHEREAS, The coming together of these talented people has presented an excellent opportunity for focusing attention on the status and potential uses of bicycling in New Jersey; and

WHEREAS, Better communication and coordination of bicycling activities among public and private organizations serving the citizens of New Jersey will be established by this Council; and

WHEREAS, Executive Order No. 101 of 1985 provided that the Advisory Council shall render its findings and recommendations within one year of its first meeting; and

WHEREAS, The Bicycle Advisory Council requires additional time to complete its designated task;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey Bicycle Advisory Council shall continue in existence until June 1, 1987, or until submission of its findings, whichever shall come first.

2. The New Jersey Bicycle Advisory Council shall submit its final report to the Governor no later than May 30, 1987.

3. The current members of the New Jersey Bicycle Advisory Council shall continue to serve in their capacity until June 1, 1987.

4. This Order shall take effect immediately.

Issued December 17, 1986.

EXECUTIVE ORDER No. 154

WHEREAS, The State of New Jersey has a firm commitment to provide for the health, welfare, and safety of its citizens; and

WHEREAS, In furtherance of this commitment, the New Jersey Division of Motor Vehicles is statutorily obligated to register and regulate all motor vehicles as provided by Title 39 of the Laws of New Jersey; and

WHEREAS, As I have said on many occasions, there is a need to establish and implement reforms which will create a Division of Motor Vehicles which is efficient, professional, and responsive in every way to New Jersey's needs; and

WHEREAS, Recognizing that the goals and objectives set forth in my 1986 State-of-the-State Address could not be achieved without the assistance and affirmative efforts of all State departments and agencies which have an appreciable effect on the future of Motor Vehicles, on March 7, 1986, I created, by Executive Order No. 132, an Intergovernmental Task Force on Motor Vehicles; and

WHEREAS, The Intergovernmental Task Force, which is comprised of various departments and agencies of State Government who possess significant expertise and ability which would be constructive in designing and implementing the reform of the Division of Motor Vehicles over the next few years, has convened to begin its task; and

WHEREAS, I believe that many of the Division of Motor Vehicles' operations can be modeled along the organizational and functional lines employed successfully in retailing and other private sector enterprises which serve the general public; and

WHEREAS, It has become apparent to me that the State does not have at its direct disposal and access individuals with expertise in these areas; and

WHEREAS, I firmly believe that cooperation and sharing of ideas between the private sector and State Government is necessary to provide the kinds of public services New Jersey residents deserve;

Now, **THEREFORE**, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby **ORDER** and **DIRECT**:

1. There is hereby created a Private Sector Advisory Panel on Motor Vehicles (hereinafter referred to as the Advisory Panel). The Advisory Panel shall consist of individuals from the private sector whose organizations have employed successful programs in retail and other private sector enterprises which serve the

general public. The representatives, who shall be volunteers selected by the Governor in consultation with the Attorney General, may include those from public utilities, financial institutions, retail department stores, professional boards, and other organizations which may assist in the development of a motor vehicle system in New Jersey that provides the public with the service it deserves.

2. The Advisory Panel shall render assistance to, advise, and review recommendations of the Intergovernmental Task Force on Motor Vehicles, the Attorney General, and the Division of Motor Vehicles, related to the formation of the plans for and implementation of the reform of the Division of Motor Vehicles which will ultimately provide the public with courteous, professional, efficient, and responsive service.

3. It will be the responsibility of all State departments and agencies to cooperate with the Advisory Panel and to render it assistance to aid in the establishment and implementation of the goals and objectives required to achieve the successful reform of the Division of Motor Vehicles, including the special assignment of additional personnel and resources where necessary, the cost of which shall be defrayed by the Department of Law and Public Safety where appropriate.

4. The Advisory Panel shall meet as required, and shall, in coordination with the Intergovernmental Task Force, the Attorney General, and the Division of Motor Vehicles, immediately begin the process necessary to establish and implement a program for both short- and long-term needs associated with the goals and objectives I have established relating to the Division of Motor Vehicles.

5. The Advisory Panel shall continue its functions until such time as the Governor makes a determination that it has attained the objectives set forth in this Executive Order.

6. This Order shall take effect immediately.

Issued January 8, 1987.

EXECUTIVE ORDER No. 155

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, These conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 127 of January 17, 1986 expires January 20, 1987; and

WHEREAS, The conditions specified in Executive Order No. 106 of June 19, 1981, continue to present a substantial likelihood of disaster;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Orders No. 106 (Byrne) of June 19, 1981, No. 108 (Byrne) of September 11, 1981, No. 1 (Kean) of January 20, 1982, No. 8 (Kean) of May 20, 1982, No. 27 (Kean) of January 10, 1983, No. 43 (Kean) of July 15, 1983, No. 60 (Kean) of January 20, 1984, No. 78 (Kean) of July 20, 1984, No. 89 (Kean) of January 18, 1985, and No. 127 (Kean) of January 17, 1986 shall remain in effect until January 20, 1988, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued January 12, 1987.

EXECUTIVE ORDER No. 156

WHEREAS, The history of the people of Eastern Europe, of various nationalities existing within the Soviet Union and of other captive nations existing under the oppression of the Soviet Union is an integral part of New Jersey's public school curriculum; and

WHEREAS, Representatives of those ethnic factions have indicated that their history as presented in public school curriculum is often inaccurate and misleading; and

WHEREAS, It is desirous and beneficial to educate our children about the true and accurate historical events concerning the people of Eastern Europe and of other nationalities existing under the oppression of the Soviet Union; and

WHEREAS, Executive Order No. 69 created a Governor's Commission on Eastern European and Captive Nation History in an effort to conduct a thorough study of any inaccuracies in our public school curriculum dealing with the history of the people of Eastern Europe, of various nationalities existing within the Soviet Union and of other nations existing under the oppression of the Soviet Union and to report to the Governor and the State Board of Education on such findings along with recommendations for correcting those inaccuracies; and

WHEREAS, The Governor's Commission on Eastern European and Captive Nation History has met frequently over the past several years and has undertaken a comprehensive review of all teaching implements used in the public school curriculum concerning these nationalities; and

WHEREAS, The Commission has determined that its work has not been completed and its mandate from the Governor has not yet been fulfilled; and

WHEREAS, The Commission plans to complete its charge as set forth in Executive Order No. 69;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the

Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Commission on Eastern European and Captive Nation History shall continue in existence until December 31, 1987.

2. The Commission shall submit its final report and recommendations to the Governor and the State Board of Education at that time.

3. The current members of the Commission shall continue to serve in their present capacity until December 31, 1987.

4. This Order shall take effect immediately.

Issued January 12, 1987.

New Jersey State Library

The first part of the paper discusses the general theory of the firm, focusing on the role of capital structure and the trade-off between debt and equity financing.

The second part of the paper discusses the empirical evidence on the relationship between capital structure and firm performance, including the impact of leverage on profitability and risk.

The third part of the paper discusses the implications of the theory and evidence for corporate financial policy, including the optimal capital structure and the role of financial flexibility.

The fourth part of the paper discusses the role of capital structure in the context of corporate governance and the agency costs of debt.

The paper concludes by discussing the future research agenda in the area of capital structure and corporate financial policy.

REORGANIZATION PLAN

(1079)

Reorganization Plan

NOTICE OF A PLAN FOR THE REORGANIZATION AND COORDINATION OF RESPONSIBILITY FOR CERTAIN ENERGY MATTERS WITHIN THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Take notice that on June 30, 1986, Governor Thomas H. Kean hereby issues the following Reorganization Plan (No. 001—1986) to provide for the increased coordination and integration of the State's economic and energy policies by the transfer of certain functions from the Department of Energy to the Department of Commerce and Economic Development, the Department of Community Affairs and the Department of Environmental Protection.

GENERAL STATEMENT OF PURPOSE

Pursuant to its present statutory authority, it is the duty of the Department of Energy, among other responsibilities, to collect and to evaluate energy data and assimilate that data; issue and promote a State Energy Master Plan; design, implement and enforce a comprehensive energy conservation program; administer emergency energy planning and determine the need for and siting for new power facilities.

The purpose of this Reorganization Plan is to create a governmental structure that will promote the reduction of energy costs which will in turn promote and maximize economic growth, speed business development, promote employment and ensure general prosperity in the State. In transferring certain existing functions from the present Department of Energy to other State departments, this Plan is intended to promote the availability of energy at reasonable prices to all consumers—residential, commercial and industrial—and to integrate the State's economic, business and energy policies and programs to retain and to enhance this State's economic health and to ensure that the State's economy remains competitive.

Both congressional and court-ordered petroleum violation restitutionary programs have placed a significant administrative burden

on the State. This reorganization will allow the State to fulfill its obligations under these programs with greater efficiency.

In accordance with the provisions of the "Executive Reorganization Act of 1969," P. L. 1969, c. 203 (C. 52:14C-1 et seq.), I find with respect to each reorganization included in this Plan that each is necessary to accomplish the purposes set forth in section 2 of that Act and will do the following:

1. It will promote more effective management of the Executive Branch and its departments because it will group similar functions within already existing agencies;
2. It will promote the better and more efficient execution of the law by integrating the State's economic and energy public policies;
3. It will group, coordinate and consolidate functions in a more consistent and practical way according to major purposes;
4. It will reduce expenditures by more closely aligning similar functions; and
5. It will eliminate duplication and overlapping of effort by consolidating certain functions.

The provisions of the Reorganization Plan are as follows:

I. a. The Division of Energy Planning and Conservation in the Department of Energy, created pursuant to section 5.2 of P. L. 1977, c. 146 (C. 52:27F-7), together with all its functions, powers and duties, as set forth in section 12 of P. L. 1977, c. 146 (C. 52:27F-14), is continued and this Division is transferred to and constituted the Division of Energy Planning and Conservation in the Department of Commerce and Economic Development.

b. The Division of Energy Planning and Conservation shall be under the immediate supervision of a Director, who shall administer the work of the Division under the direction and supervision of the Commissioner and shall perform such other functions of the Department as the Commissioner may prescribe.

c. The Commissioner shall organize the work of the Division of Energy Planning and Conservation and establish therein such administrative subdivisions as he may deem necessary, proper and expedient.

d. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Energy Planning and Conservation in the Department of Energy, the same shall mean and refer to

the Division of Energy Planning and Conservation in the Department of Commerce and Economic Development.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will confer on the Department of Commerce and Economic Development the necessary authority to implement the important goals of coordinating and integrating the State's economic and energy policies to ensure the availability of energy at reasonable prices. This reorganization will also promote and assist the development and utilization of cogeneration of energy and programs of energy conservation for both residential and commercial users. This Plan will provide for the collection and dissemination of energy data for the benefit of promoting the economy.

II. a. The Advisory Council on Energy Planning and Conservation in the Division of Energy Planning and Conservation in the Department of Energy, created by P. L. 1977, c. 146, s. 10 (C. 52:27F-12), together with all its functions, powers and duties as set forth in P. L. 1977, c. 146, s. 11 (C. 52:27F-13), is continued and transferred to and constituted the Advisory Council on Energy Planning and Conservation in the Division of Energy Planning and Conservation in the Department of Commerce and Economic Development.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Advisory Council on Energy Planning and Conservation in the Department of Energy, the same shall mean and refer to the Advisory Council on Energy Planning and Conservation in the Department of Commerce and Economic Development.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will provide the Commissioner of the Department of Commerce with a body that can advise him regarding the relationship between the State's economic and energy policies.

III. a. All of the functions, powers and duties heretofore exercised by the Department of Energy and the Commissioner thereof pursuant to P. L. 1981, c. 278 (C. 13:1E-92 et seq.) are continued and transferred to and vested in the Department of Environmental Protection and the Commissioner thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Office of Recycling in the Department of Energy, the same shall mean and refer to the Office of Recycling in the Department of Environmental Protection or its successor.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will group functions which are now split between two departments and thereby provide a single supervisory control by a department—Environmental Protection—which is the most logical agency capable of providing a coordinated and unified approach to recycling matters.

IV. All of the functions, powers and duties heretofore exercised by the Department of Energy and the Commissioner thereof pursuant to P. L. 1977, c. 146 (C. 52:27F-1 et seq.) relating to the adoption, amendment and repeal of the energy subcode of the State Uniform Construction Code pursuant to P. L. 1975, c. 217 (C. 52:27D-119 et seq.) and P. L. 1977, c. 256 (C. 54:4-3.113 et seq.) are hereby transferred to and vested in the Department of Community Affairs and the Commissioner thereof.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will end the split jurisdiction between the Department of Energy and the Department of Community Affairs over energy subcode enforcement, which has proved cumbersome and as a result, hampered the efficient enforcement of the energy subcode. This transfer consolidates all such subcode responsibilities within the Department of Community Affairs.

V. All of the functions, powers and duties heretofore exercised by the Department of Energy and the Commissioner thereof pursuant to P. L. 1980, c. 68; s. 15 of P. L. 1971, c. 198 (C. 40A:11-15) as amended by P. L. 1981, c. 551; P. L. 1983, c. 115 (C. 48:7-16 et seq.); and N. J. S. 18A:18A-42 and N. J. S. 18A:18A-5 as amended by P. L. 1984, c. 49 are transferred to and vested in the Department of Commerce and Economic Development and the Commissioner thereof.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization would further consolidate conservation functions within the Department of Commerce and Economic Develop-

ment and help ensure the availability of low-cost energy supplies. In addition, the transfer of utility plant siting authority is also consistent with the need to ensure the lowest possible long-term electricity rates for all energy users.

VI. The responsibilities for the adoption of a State Energy Master Plan assigned to the Department of Energy, through the Division of Energy Planning and Conservation by P. L. 1977, c. 146, s. 12 (C. 52:27F-14), and the responsibility and authority to intervene in proceedings of State instrumentalities which regulate energy producers or distributors set forth in P. L. 1977, c. 146, s. 13 (C. 52:27F-15) are hereby transferred to the Department of Commerce and Economic Development and the Commissioner thereof.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will ensure that the relationship of energy policy to the State's economic policy will be considered in the preparation of the State's Energy Master Plan regarding the production, distribution, consumption and conservation of energy in this State.

VII. The responsibility and authority requiring the periodic reporting by energy industries of energy information, set forth in P. L. 1977, c. 146, s. 16 (C. 52:27F-18), is transferred to the Department of Commerce and Economic Development.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this transfer is consistent with the centralization of energy data collection and dissemination responsibilities within the Department of Commerce and Economic Development as an aid to integrating energy and economic policy.

VIII. The enforcement and penalty authority set forth in s. 19 (C. 52:27F-21), s. 21 (C. 52:27F-23) and s. 22 (C. 52:27F-24) of P. L. 1977, c. 146 is hereby transferred to the Department of Commerce and Economic Development.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, the transfer of this enforcement authority is necessary to best administer and execute the other powers and responsibilities transferred to the Department of Commerce and Economic Development by this Plan.

IX. All transfers directed by this act shall be made in accordance with the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies.

A copy of this Reorganization Plan was filed on June 30, 1986 with the Secretary of State and the Office of Administrative Law. This Plan shall become effective in 60 days on August 29, 1986 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 August 29, 1986 should the Governor establish such a later date for the effective date of the Plan by Executive Order.

TAKE NOTICE that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the pamphlet laws under a heading of "Reorganization Plans."

INDEX

INDEX

ADMINISTRATIVE PROCEDURE

"New Jersey Regulatory Flexibility Act," C. 52:14B-16 et seq., amends C. 52:14B-4, Ch. 169.

AGRICULTURE

Commercial farm buildings; construction code criteria, distinct; promulgation, mandated, C. 52:27D-123.2 et seq., amends C. 52:27D-121, Ch. 119.

Commodities agents, licenses; expiration date, changed, amends R. S. 4:11-21, Ch. 185.

Condemnation proceedings; compensation, additional, certain, C. 20:3-29.1, Ch. 53.

Organizations, entitled to representation; State convention, amends R. S. 4:1-6, Ch. 67.

Seafood wastes, use as fertilizer; regulation authorized, C. 4:9-15.33a and 4:9-15.33b, Ch. 80.

ALCOHOLIC BEVERAGES

Plenary retail consumption license; Fanwood, additional, issuance authorized, Ch. 95.

ANIMALS

Abandonment, certain; disorderly persons offenses, amends R. S. 4:22-20, Ch. 176.

Pounds, shelters; receiver, appointment; upon arrest of owner, operator, C. 4:22-50.1 et seq., Ch. 89.

Sterilization, low-cost; adopted pets, certain, amends C. 4:19A-2, Ch. 192.

APPROPRIATIONS

Annual, Ch. 41.

Blind and Visually Impaired, Commission for the; grant to Electronic Information and Education Service of New Jersey, \$95,000, Ch. 137.

Claims, \$683,235.65, Ch. 210.

Community Affairs, Department of; continuing care retirement facility regulation, \$50,000, Ch. 103.

Corrections, Department of; operating costs, \$13,500,000, Ch. 37.

Education, Department of; criminal history record checks; school employees, prospective, certain, \$75,000, Ch. 116.

Environmental Protection, Department of; hazardous substance underground storage regulation, \$700,000, Ch. 102.

Environmental Protection, Department of; litter control program, \$95,000, Ch. 187.

Environmental Protection, Department of; woodland management, compliance, verification, \$150,000, Ch. 201.

Gambling, Governor's Advisory Commission on, \$50,000, Ch. 115.

Green Acres Fund, from, for State projects, \$15,103,000; Green Trust Fund, from, for loans for local projects, \$21,500,000, Ch. 208.

Hazardous Waste Advisory Council, household chemical disposal study, \$25,000, Ch. 68.

APPROPRIATIONS (Continued)

- Health, Department of; AIDS patient services, \$1,600,000, Ch. 57.
- Health, Department of; federal funds; maternal, child health block grant, \$1,358,655, Ch. 76.
- Health, Department of; hospital respite care, senior citizens, \$50,000, Ch. 11.
- Health, Department of; nursing home report, \$50,000, Ch. 164.
- Health, Department of; pertussis vaccine pamphlet, \$75,000, Ch. 134.
- Health, Department of; PKU formula, \$99,000, Ch. 7.
- Human Services, Department of; child abuse, missing children; county commissions, \$60,000, Ch. 27.
- Jobs, Science and Technology Fund, from; to Higher Education, Department of; for Computer-Assisted Design, Manufacturing Center; establishment, \$3,600,000, Ch. 157.
- Jobs, Science and Technology Fund, from; to Science and Technology, Commission on; for advanced technology centers, establishment, \$31,780,000, Ch. 52.
- Labor, Department of; federal funds, reemployment demonstration project, \$5,200,000, Ch. 40.
- Labor, Department of; vocational rehabilitation services, West Essex Rehabilitation Center, \$150,000, Ch. 91.
- New Sweden Commemorative Commission, \$90,000, Ch. 128.
- Newark Museum, capital improvements, \$4,000,000, Ch. 196.
- Nursing Home Medicaid Reimbursement Study Commission, \$50,000, Ch. 63.
- Olympian Development and Recognition Study Commission, \$10,000, Ch. 108.
- Personnel, Department of; "Civil Service Act" implementation, \$250,000, N. J. S. 11A:12-4, Ch. 112.
- Radon testing; Environmental Protection, Department of, \$1,000,000; Community Affairs, Department of, \$140,000, Ch. 83.
- Rutgers, The State University; Wallenberg, Raoul, Visiting Professorship, \$100,000, Ch. 55.
- Shore Protection Fund, from; to Environmental Protection, Department of; for State projects; matching grants, counties, municipalities, \$6,000,000, Ch. 94.
- Small Businesses and Women's and Minority Businesses, Division of Development for; Commerce and Economic Development, Department of; certification; women's, minority businesses, \$175,000, Ch. 195.
- State, Department of; "Hazardous Discharge Bond Act," amendment; publication, \$5,000, Ch. 29.
- State, Department of; "Hazardous Discharge Bond Act of 1986," publication, \$5,000, Ch. 113.
- State, Department of; special elections, \$200,000, Ch. 153.
- Statue of Liberty Centennial Celebration; municipal assistance, essential public services, \$389,647; Environmental Protection, Department of, parks management, \$90,000, Ch. 84.
- Supplemental, fiscal year 1987, \$8,641,000, Ch. 107.
- Tay-Sachs and Allied Disease Association, New Jersey Chapter, \$33,000, Ch. 206.
- Transportation, Department of; federal funds, highways, \$27,400,000, Ch. 58.
- Transportation, Department of; railroad, bus subsidies, \$5,000,000, Ch. 48.
- Uncompensated Care Trust Fund; Health, Department of, \$10,000,000, Ch. 204.
- Union City, public safety, \$1,300,000, Ch. 54.
- World War I veterans' convention, \$10,000, Ch. 18.

ARTS

"Artists' Rights Act," C. 2A:24A-1 et seq., Ch. 97.

ATHLETICS

Immunity, civil; coaches, officials; volunteer, certain, C. 2A:62A-6, Ch. 13.

AUTHORITIES

Delaware River Port Authority, police officers; powers, expanded, C. 32:4-6.1, amends C. 32:4-6, Ch. 209.

Economic Development Authority, transfer of funds to; from former Area Redevelopment, Urban Loan authorities, C. 34:1B-7.7 et seq., repeals C. 52:27D-71 et al., Ch. 127.

BANKING

Bank holding companies; aggregate average deposit maximum, increased, temporarily, C. 17:9A-344.1 and 17:9A-348.1, amends C. 17:9A-344 et al., repeals C. 17:9A-347 et al., Ch. 4.

Bank holding companies; interstate acquisitions, reciprocal, certain; permitted, C. 17:9A-370 et seq., Ch. 5.

"Debt adjuster," redefined, amends C. 17:16G-1 and N. J. S. 2C:21-19, Ch. 184.

Government units; eligible collateral, expanded, amends C. 17:9-41, Ch. 161.

"New Jersey Banking Oversight and Change of Control Act," C. 17:9A-373 et seq., Ch. 6.

Trust beneficiaries, P.O.D. payees; disbursements to minors, amends C. 17:16I-12, Ch. 171.

Trust funds; investment, interim; permitted, C. 17:9A-79.1, amends C. 17:9A-35 et al., Ch. 186.

BONDS

"Hazardous Discharge Bond Act," amendment; authorization, revenue use, without regard to other fund availability; amends P. L. 1981, Ch. 275, s. 15; Ch. 29.

"Hazardous Discharge Bond Act of 1986," \$200,000,000, Ch. 113.

CEMETERIES

Interment spaces, crypts; resales; maintenance, preservation fund credits, amends N. J. S. 8A:4-5 and 8A:7-3, Ch. 46.

CHILDREN

Abused, missing; county commissions, establishment, encouraged, C. 9:6A-10 et seq., Ch. 27.

Youth Commission, State; abolished, amends C. 26:1A-102, repeals C. 9:23A-1 et al., Ch. 88.

CIVIL ACTIONS

Immunity; athletic coaches, officials; volunteer, certain, C. 2A:62A-6, Ch. 13.

Immunity; hazardous substance cleanup; third parties, certain, C. 2A:62A-7 et seq., Ch. 30.

Immunity; medical personnel, certain; specimen obtainment, C. 2A:62A-10 and 2A:62A-11, Ch. 189.

CIVIL SERVICE

"Civil Service Act," N. J. S. Title 11A, repeals R. S. Title 11 et al., Ch. 112.

COLLEGES AND UNIVERSITIES

- Academic degrees; fraudulent issuance, use; prohibited, C. 18A:3-15.1 et seq., Ch. 87.
- High school-college cooperation, fostered, C. 18A:61C-1 et seq., Ch. 194.
- High school pupils; college-credit courses, certain, C. 18A:61C-4 et seq., Ch. 193.
- Higher Education Assistance Authority; arrearages, certain; wage deductions, authorized; county, municipal employees, C. 18A:72-25.1 et seq., Ch. 12.
- Higher Education Assistance Authority; wage report receipt; from Labor, Department of, amends R. S. 43:21-14, Ch. 191.
- "State College Contracts Law," C. 18A:64-52 et seq., Ch. 43.
- State colleges; autonomy, increased, C. 18A:64-18.1 et al., amends N. J. S. 18A:3-14 et al., repeals C. 18A:64-6.4 et seq., Ch. 42.
- State colleges; boards of trustees, student representation, C. 18A:64-3.1 and 18A:64-3.2, Ch. 136.
- Teaching scholars' loan program, Governor's; established, C. 18A:71-79 et seq., Ch. 180.
- Tuition aid grants, 4½-year eligibility, amends C. 18A:71-47, Ch. 155.
- Wallenberg, Raoul, Visiting Professorship in Human Rights; established in Department of History, Rutgers, The State University, C. 18A:72I-1 et seq., Ch. 55.

COMMISSIONS

- Blind and Visually Impaired, Commission for the; reporting requirements, modified, C. 30:6-1.1 et seq., amends R. S. 30:6-1 and 30:6-15, Ch. 147.
- Child abuse, missing children; county commissions, establishment, encouraged, C. 9:6A-10 et seq., Ch. 27.
- Criminal Disposition Commission; Prosecutors' Association representative, added, amends N. J. S. 2C:48-1, Ch. 36.
- Football, Birthplace of, Monument Commission; established, C. 28:2-20 et seq., Ch. 111.
- Gambling, Governor's Advisory Commission on; established, Ch. 115.
- Local Expenditure Limitations Advisory Commission, abolished, repeals C. 40A:4-45.17, Ch. 203.
- New Sweden Commemorative Commission, established, Ch. 128.
- Nursing Home Medicaid Reimbursement Study Commission, established, Ch. 63.
- Olympian Development and Recognition Study Commission, established, Ch. 108.
- Park, county commissions, certain; abolition, permitted, C. 40:37-95.42 et seq., Ch. 90.
- Radiation Protection, Commission on; membership increased, amends C. 26:2D-3 et al., Ch. 28.
- Science and Technology, Commission on; Education, Commissioner of, added, amends C. 52:9X-4, Ch. 49.
- Youth Commission, State; abolished, amends C. 26:1A-102, repeals C. 9:23A-1 et al., Ch. 88.

CONSUMER AFFAIRS

- "Debt adjuster," redefined, amends C. 17:16G-1 and N. J. S. 2C:21-19, Ch. 184.

CORPORATIONS

- "New Jersey Shareholders' Protection Act," C. 14A:10A-1 et seq., Ch. 74.

CORRECTIONS

Inmates, State; mental health services, planning, mandated, C. 30:4-82.1 et seq., Ch. 71.

Parolees, State; federal supervision, authorized; under witness protection program, amends C. 30:4-123.59, Ch. 33.

Prisoner transfers, authorized; foreign citizens, certain, C. 30:7D-1, Ch. 141.

Teachers, certain; tenure protection, C. 18A:60-1.1 and 18A:60-1.2, amends N. J. S. 18A:60-1 and 18A:60-3, Ch. 158.

COUNTIES

Budgets; "cap" law; exception; insurance premiums, C. 40A:4-45.30 and 40A:4-45.31, repeals C. 40A:4-45.29, Ch. 3.

Budgets; "cap" law; extended, through 1989, amends C. 40A:4-45.14 et al., repeals C. 40A:4-45.17, Ch. 203.

Budgets, 1987; introduction, approval; adoption dates, Ch. 202.

Budgets, 1986; introduction, approval; adoption dates, Ch. 1.

Child abuse, missing children; commissions on, establishment, encouraged, C. 9:6A-10 et seq., Ch. 27.

Motor vehicle violations; penalties, certain; equal sharing, with municipalities, amends R. S. 39:5-41, Ch. 197.

Parks, recreation places; governing body control, certain; permitted, C. 40:37-95.42 et seq., Ch. 90.

COURTS

Municipal Court Administration Reimbursement Fund; substituted base year figure, permitted; for allocation calculation, amends C. 26:2B-35, Ch. 146.

Municipal housing, authorized, in first class counties, amends N. J. S. 2A:6-34 et al., Ch. 125.

CRIMES

Attempted murder, upgraded to first degree, amends N. J. S. 2C:5-4, Ch. 190.

Commercial bribery, rigging publicly exhibited contest; offerors, acceptors; equal liability, amends N. J. S. 2C:21-10 and 2C:21-11, Ch. 129.

Corrupting jury, certain; upgraded to second degree, amends N. J. S. 2C:29-8, Ch. 140.

Manslaughter, aggravated; kidnapping; penalties, increased, amends N. J. S. 2C:11-4 et al., Ch. 172.

Obstruction law administration, certain; fourth degree crime, amends N. J. S. 2C:29-1, Ch. 34.

CRIMINAL PROCEDURE

Forfeited property; division among law enforcement agencies, amends N. J. S. 2C:64-6 and 2C:64-7, Ch. 135.

Forfeited property; exemption, certain, amends N. J. S. 2C:64-5, Ch. 79.

Presentence reports; homicide victims' relatives, right to make statements, extended to, amends N. J. S. 2C:44-6 and C. 2A:4A-42, Ch. 85.

Sexual assaults; statute of limitations, extended, amends N. J. S. 2C:1-6, Ch. 166.

Smoking restrictions, violations by juveniles; municipal court jurisdiction, amends C. 2A:4A-23, Ch. 16.

Specimen obtainment; medical personnel, certain; immunity; criminal, civil, C. 2A:62A-10 and 2A:62A-11, Ch. 189.

DRUGS

Controlled dangerous substances, labeling; hypodermic instruments, prescriptions; requirements altered, amends C. 24:21-17 and 24:21-51, Ch. 75.

ELECTIONS

Special, legislative, certain; first Tuesday, February, 1987, Ch. 152.

EMINENT DOMAIN

Agricultural, horticultural land; compensation, additional, certain, C. 20:3-29.1, Ch. 53.

ENVIRONMENT

Coastal area facility permits; low, moderate income housing requirements, prohibited, C. 13:19-11.1, Ch. 145.

Hazardous Discharge Site Cleanup Fund, annual appropriations mandated; including corporation business surtax, C. 54:10A-5.1 and 54:10A-5.2, Ch. 144.

Hazardous substances; cleanup; immunity, civil; third parties, certain; C. 2A:62A-7 et seq., Ch. 30.

Hazardous substances; cleanup; State defense, indemnification authorized; contractors, certain, amends C. 58:10-23.11a et al., Ch. 59.

Hazardous substances; laws, regulations; violations, certain; penalties, increased, amends C. 58:10-23.11u, Ch. 170.

Hazardous substances; spill compensation, control tax; increased, C. 58:10-23.11h1 et al., amends C. 58:10-23.11b and 58:10-23.11h, Ch. 143.

Hazardous substances; underground storage, regulated, C. 58:10A-21 et seq., Ch. 102.

Hazardous Waste Advisory Council; household chemical disposal, study, mandated, Ch. 68.

Litter control program, established, C. 13:1E-99.8 et seq., amends C. 13:1E-99.1 et al., Ch. 187.

Natural Lands Trust; powers, broadened, amends C. 13:1B-15.119 et al., Ch. 178.

Radiation Protection, Commission on; membership increased, amends C. 26:2D-3 et al., Ch. 28.

Radon gas, progeny; certification; testers, mitigators, C. 26:2D-70 et seq., Ch. 83.

EXECUTIVE ORDERS

Bicycle Advisory Council, New Jersey; extended, No. 153.

Bonds, tax-exempt private activity; State volume limitation allocated to Department of Treasury, No. 147.

Children's Services Planning, Governor's Committee on; membership increased; amends No. 137; No. 141.

Children's Services Planning, Governor's Committee on; reconstituted, No. 137.

Constitutional Bicentennial Commission, established, No. 140.

Constitutional Bicentennial Commission, membership increased; amends No. 140; No. 144.

Diabetes, Governor's Advisory Commission on; extended, membership modified, No. 151.

Disabled Persons, Services for, Governor's Task Force on; extended, membership increased; amends No. 121; No. 136.

Disabled Worker, Benefits for the Totally and Permanently, Governor's Task Force on; established, No. 139.

Eastern European and Captive Nation History, Governor's Commission on; extended, No. 156.

EXECUTIVE ORDERS (Continued)

Election Advisory Council, established, No. 143.
Emergency Medical Services, Governor's Council on; established, No. 146.
Governor's School Board of Overseers, established, No. 129.
Hudson River Waterfront Development Committee, membership increased; amends No. 53; No. 152.
King, Martin Luther, Jr., Commemorative Commission; membership increased; amends No. 83; No. 131.
Motor Vehicles, Intergovernmental Task Force on; established, No. 132.
Motor Vehicles, Private Sector Advisory Panel on; established, No. 154.
Outdoors, New Jersey, Governor's Council on; established, No. 138.
Penal, correctional institutions; continuing state of emergency, declared, No. 155.
Physical Fitness and Sports, Governor's Council on; Community Affairs, Department of; cooperation directed; amends No. 19; No. 134.
Physical Fitness and Sports, Governor's Council on; executive director, appointment authorized; amends No. 19; No. 142.
Public Procurement Law, Executive Study Commission on; extended, No. 130.
Public Procurement Law, Executive Study Commission on; membership increased; amends No. 80; No. 135.
Shad fishing rights; Delaware River, Bay; study commission, established, No. 150.
State employees; day off, following Thanksgiving, No. 148.
State employees; intermittent, part-time, temporary; policy establishment directed, No. 145.
Substance Abuse, Cabinet Working Group on; established, No. 149.
Tylenol capsules; sale, distribution ban, No. 128.
Water emergency, state of; terminated, No. 133.

FEDERAL RELATIONS

Superfund, federal; \$10 billion authorization; State request of Congress, President, J. R. 5.
Witness protection program; State parolees; federal supervision, authorized, amends C. 30:4-123.59, Ch. 33.

FIRE SAFETY

Emergency response plans, preparation; facilities with hazardous substances, C. 52:27D-222 et seq., Ch. 142.
Police, Firemen and First Aid Recognition Day; third Sunday in May, annually, C. 36:2-10 and 36:2-11, Ch. 45.

FIRST AID AND RESCUE SQUADS

Emergency vehicles, equipment; purchases authorized; by counties, municipalities, fire districts, C. 40A:14-85.1, amends R. S. 40:5-2, Ch. 120.
Police, Firemen and First Aid Recognition Day; third Sunday in May, annually, C. 36:2-10 and 36:2-11, Ch. 45.
Travel, certain; in course of employment, for workers' compensation, amends R. S. 34:15-36, Ch. 35.

FISH AND GAME

License fees, certain; increased, C. 23:3-27.1 et al., amends R. S. 23:3-4 et al., Ch. 198.

GAMES AND GAMBLING

Raffles; annual maximum aggregate value, prizes, per licensee; increased, amends C. 5:8-62, Ch. 154.

HANDICAPPED PERSONS

Autistic Week, Dec. 1-8, 1986, J. R. 7.

Blind and Visually Impaired, Commission for the; reporting requirements, modified, C. 30:6-1.1 et seq., amends R. S. 30:6-1 and 30:6-15, Ch. 147.

Educational services, adult; State facility residents, certain; referral for, C. 18A:46-18.2 et seq., Ch. 32.

Motor vehicle examination permits, nine-month validity, amends R. S. 39:3-13, Ch. 23.

Motor vehicle parking privileges; reciprocity; out-of-State vehicles, certain, C. 39:4-207.5, Ch. 25.

HEALTH

Boards of; townships, certain; alternate members, appointment, authorized, amends R. S. 26:3-9, Ch. 78.

Chronic Sick, Advisory Council on the; abolished, amends C. 26:1A-102, repeals C. 9:23A-1 et al., Ch. 88.

Emergency Medical Service Helicopter Response Program, established, C. 26:2K-35 et seq., amends C. 26:2K-16, Ch. 106.

Pertussis vaccine; pamphlet preparation, directed, C. 26:2N-1 et seq., Ch. 134.

HIGHWAYS AND ROADS

Blue Star Memorial Highway System, extended to include Interstate Highway Route 287, J. R. 1.

Bridges, overpasses; clearance posting, certain, mandated, C. 27:5G-1 et seq., Ch. 104.

King, Martin Luther, Jr., Memorial Highway; designated, J. R. 6.

State Route 56, extended to include Landis Avenue, Vineland, amends P. L. 1977, Ch. 405, s. 1; Ch. 123.

Van Horne Road, designated, J. R. 2.

HOSPITALS

Senior citizen respite care programs, authorized, C. 26:2H-12.3 et seq., Ch. 11.

Uncompensated Care Trust Fund, established; in Health, Department of, Ch. 204.

HOUSING

Low, moderate income housing requirements, prohibited; coastal area facility permits, C. 13:19-11.1, Ch. 145.

HUMAN SERVICES

Medicaid; Nursing Home Reimbursement Study Commission, established, Ch. 63.

Mental health services, State inmates; planning, mandated, C. 30:4-82.1 et seq., Ch. 71.

Teachers, certain; State institutions; tenure protection, C. 18A:60-1.1 and 18A:60-1.2, amends N. J. S. 18A:60-1 and 18A:60-3, Ch. 158.

INSURANCE

Automobile Full Insurance Underwriting Association; operation of, revised, amends C. 17:30E-3 et al., Ch. 211.

INSURANCE (Continued)

Automobile; seat belt usage, impact on loss experience, study directed, C. 17:29A-36.1, Ch. 133.

Legal, group, authorized; school district employees, C. 18A:18A-3.2 et seq., Ch. 73.

INTERSTATE RELATIONS

Delaware River Port Authority, police officers; powers, expanded, C. 32:4-6.1, amends C. 32:4-6, Ch. 209.

JOINT RESOLUTIONS

Autistic Week, Dec. 1-8, 1986, J. R. 7.

Blue Star Memorial Highway System, extended to include Interstate Highway Route 287, J. R. 1.

Federal Superfund, \$10 billion authorization; requested of Congress, President, J. R. 5.

King, Martin Luther, Jr., Memorial Highway; designated, J. R. 6.

Legislature, Joint Appropriations Committee; Transfers, Claims, Subcommittees on; successor, designation, J. R. 4.

Special Education Week, May 11-17, 1986, J. R. 3.

Van Horne Road, designated, J. R. 2.

JUDGES

Superior Court; Hudson County, two additional, amends N. J. S. 2A:2-1, Ch. 207.

Superior Court; Monmouth County, four additional, amends N. J. S. 2A:2-1, Ch. 20.

Superior Court; Morris County, two additional, amends N. J. S. 2A:2-1, Ch. 44.

LABOR

"Conscientious Employee Protection Act," C. 34:19-1 et seq., Ch. 105.

Department of; wage report provision, to Higher Education Assistance Authority, amends R. S. 43:21-14, Ch. 191.

LANDLORD AND TENANT

Tenant eviction, regulated; permanent retirement, premises, residential use, C. 2A:18-61.1b et al., amends C. 2A:18-61.2 et al., Ch. 138.

LEGISLATURE

Joint Appropriations Committee; Transfers, Claims, Subcommittees on; successor, designation, J. R. 4.

LIBRARIES

Cooperative services; regional, Statewide, C. 18A:73-35g 1, amends C. 18A:73-35b et al., repeals N. J. S. 18A:74-4 and 18A:74-5, Ch. 174.

Joint; boards of trustees; designation of alternate members, authorized, amends C. 40:54-29.10, Ch. 99.

MARINE EQUIPMENT

Operation, while under influence of intoxicants, C. 12:7-54 et seq., amends C. 12:7-34.19 et al., Ch. 39.

MILITARY

Agent Orange damage awards; not income, for public assistance, amends C. 44:8-125, Ch. 65.

MINORITIES

Businesses, owned by; eligibility, certification; State programs, C. 52:27H-21.17 et seq., Ch. 195.

MOTOR VEHICLES

Abandoned, sale by public agencies; holding period, reduced, amends C. 39:10A-1 and N. J. S. 40A:14-157, Ch. 173.

Buses, school, retired; transportation use, children, senior citizens; safety regulations, certain, C. 39:3B-5.4, Ch. 92.

Commercial, certain; home municipality display exemption, amends R. S. 39:4-46, Ch. 77.

Driving while prohibited; imprisonment, mandatory; accident, personal injury, to another, amends R. S. 39:3-40, Ch. 38.

Handicapped parking privileges; reciprocity; out-of-State vehicles, certain, C. 39:4-207.5, Ch. 25.

Handicapped persons; examination permits, nine-month validity, amends R. S. 39:3-13, Ch. 23.

Inspection centers, private; permanent licensing; complementary to State-operated, C. 39:8-37 et seq., amends R. S. 39:8-1 et al., repeals C. 39:8-25 et seq., Ch. 22.

Intoxicated driving program fees, increased, amends R. S. 39:4-50, Ch. 126.

Violations; penalties, certain; equal sharing; municipalities, counties, amends R. S. 39:5-41, Ch. 197.

MUNICIPALITIES

"Blighted area"; definitions expanded, material depreciation by casualty, amends C. 40:55-21.1 and 40:55C-3, Ch. 151.

Budgets; "cap" law; exception; insurance premiums, C. 40A:4-45.30 and 40A:4-45.31, repeals C. 40A:4-45.29, Ch. 3.

Budgets; "cap" law; extended, through 1989, amends C. 40A:4-45.14 et al., repeals C. 40A:4-45.17, Ch. 203.

Budgets, 1987; introduction, approval; adoption dates, Ch. 202.

Budgets, 1987; taxes, rollback, certain; anticipation, Ch. 199.

Budgets, 1986; introduction, approval; adoption dates, Ch. 1.

Clerks, tenure; cutoff date, extended, amends N. J. S. 40A:9-134, Ch. 181.

Curfew; alarm, sounding; "Noise Control Act" exemption, C. 13:1G-4.1, Ch. 179.

Health, boards of; townships, certain; alternate members, appointment, authorized, amends R. S. 26:3-9, Ch. 78.

Motor vehicle violations; penalties, certain; equal sharing, with counties, amends R. S. 39:5-41, Ch. 197.

Referendum, indebtedness; petition, 15% of voters, C. 40:49-27a et seq., amends R. S. 40:49-27, Ch. 69.

Urban renewal projects, certain; tax exemptions, real property; 15-year extensions, permitted, C. 40:55C-41.2 et al., amends C. 40:55C-44.2 et al., Ch. 86.

NURSING HOMES, ROOMING AND BOARDING HOUSES

Administrators; license fee, increased, amends C. 30:11-13 and 30:11-14, Ch. 100.

Boarding Home Advisory Council, established; in Human Services, Department of, C. 30:1A-4 et seq., Ch. 205.

Evaluative profiles, reports by Commissioner of Health, mandated, C. 26:2H-35.1 and 26:2H-35.2, Ch. 164.

NURSING HOMES, ROOMING AND BOARDING HOMES (Continued)

Health Care Facilities Improvement Fund, established; patient safety enforcement provisions, strengthened, amends C. 26:2H-14 and 26:2H-16, Ch. 96.
 Medicaid qualified applicants, certain; nursing home retention permitted after withdrawal from program, amends C. 10:5-5 et al., Ch. 8.
 Medicaid Reimbursement Study Commission, established, Ch. 63.
 Ownership divestiture orders, permitted; nursing homes, certain, in receivership, amends C. 26:2H-41 and 26:2H-42, Ch. 132.

OATHS AND AFFIDAVITS

Sheriffs, added to officers authorized to take, amends R. S. 41:2-1, Ch. 124.

PARKS

County, certain; governing body control, permitted, C. 40:37-95.42 et seq., Ch. 90.

PENSIONS AND RETIREMENT

Alternate benefit program; Science and Technology, Commission on; employees, certain; continued participation, permitted, C. 18A:66-170.3, Ch. 21.
 Police and Firemen's Retirement System; Environmental Protection, Department of; job titles, certain; added, deleted, amends C. 43:16A-1, Ch. 165.
 Police and Firemen's Retirement System; military service, credit, purchase, amends C. 43:16A-11.8, Ch. 162.
 Public employees, certain; noncontributory pension benefit eligibility, C. 43:8B-4.1 and 43:5A-2.1, amends C. 43:8B-5, Ch. 122.
 Public Employees' Retirement System; accidental disability retirement; eligibility, expanded, amends C. 43:15A-43 and N. J. S. 18A:66-39, Ch. 51.
 Public Employees' Retirement System; federal Job Training Partnership Act employees, ineligibility, amends C. 43:15A-7, Ch. 109.
 Public Employees' Retirement System; minimum annual salary, increased to \$1,500, amends C. 43:15A-7 et al., Ch. 139.
 State-administered systems; employee contributions, federal income tax deferral, C. 43:3C-9, Ch. 188.
 Teachers' Pension and Annuity Fund; accidental disability retirement; eligibility, expanded, amends N. J. S. 18A:66-39 and C. 43:15A-43, Ch. 51.
 Teachers' Pension and Annuity Fund; full-time teaching requirement deleted, amends N. J. S. 18A:66-2, Ch. 24.

POLICE

Delaware River Port Authority, officers; powers, expanded, C. 32:4-6.1, amends C. 32:4-6, Ch. 209.
 Firearms training requirement, delayed; officers, certain, amends P. L. 1985, Ch. 324, s. 3; Ch. 64.
 Marine Law Enforcement, Bureau of; established; in State Police, Division of, C. 53:1-11.10 et seq., amends N. J. S. 2C:39-6, Ch. 150.
 Police, Firemen and First Aid Recognition Day; third Sunday in May, annually, C. 36:2-10 and 36:2-11, Ch. 45.
 "Special Law Enforcement Officers' Act," effective date postponed; amends P. L. 1985, Ch. 439, s. 15; Ch. 2.

PROFESSIONS AND OCCUPATIONS

Audiologists, speech language pathologists; licensure without examination, provisional; 90-day application grace period, Ch. 149.

PROFESSIONS AND OCCUPATIONS (Continued)

Movers and Warehousemen, Public; Advisory Board of; additional industry representative, amends C. 45:14D-4, Ch. 62.
 Optometrists; incorporation permitted, with other medical practitioners, amends C. 14A:17-3, Ch. 131.

PUBLIC CONTRACTS

Local; multiyear, permitted; methane gas collection from sanitary landfill facilities, 25-year maximum, amends C. 40A:11-15, Ch. 177.
 Local; multiyear, permitted; street-lighting, five-year maximum, amends C. 40A:11-15, Ch. 47.
 Local; public bidding exemption; construction code inspections, certain, amends C. 40A:11-5, Ch. 61.
 Local; public bidding exemption; telephone wiring, equipment, certain; extended; amends P. L. 1984, Ch. 150, s. 1; Ch. 31.
 Minorities, women; businesses, owned by; bidding eligibility, certification, C. 52:27H-21.17 et seq., Ch. 195.
 Municipal, joint meetings; local unit bid threshold, applicable, amends R. S. 40:63-95, Ch. 159.
 State; bid advertisement revisions, addenda; notice requirements, amends C. 52:34-12, Ch. 72.
 State; multiple awards, certain; permitted, C. 52:34-12.1, Ch. 26.
 "State College Contracts Law," C. 18A:64-52 et seq., Ch. 43.
 Transportation, Department of; hazardous substance contamination; defense, indemnification authorized; contractors, certain, C. 27:1A-5.2 et seq., Ch. 81.

PUBLIC EMPLOYEES

"Conscientious Employee Protection Act," C. 34:19-1 et seq., Ch. 105.
 County, municipal; wage deductions, authorized; Higher Education Assistance Authority arrearages, certain, C. 18A:72-25.1 et seq., Ch. 12.
 Prosecutors, assistant; compensation permitted, part-time, law enforcement education, amends C. 2A:158-15.1, Ch. 130.

PUBLIC UTILITIES

Cable television companies; board set-aside orders, county refusals, amends C. 48:5A-17, Ch. 163.

RACING

Parimutuel wagering, pool distribution, altered, amends C. 5:5-64 et al., repeals C. 5:5-90, Ch. 19.

RAILROADS

Freight; Transportation, Commissioner of; powers, duties, additional, C. 27:1A-5.1, amends C. 27:1A-5, Ch. 56.
 Passes; retired employees, certain, C. 27:25-5.1 et seq., Ch. 93.

REAL PROPERTY

Redemption, tax sale; payment of delinquencies only, required, amends R. S. 54:5-59, Ch. 168.

REFERENDA

Municipal indebtedness; petition, 15% of voters, C. 40:49-27a et seq., amends R. S. 40:49-27, Ch. 69.

REORGANIZATION PLAN

Energy, Department of; transfer of functions, certain; to other departments, No. 001—1986.

SCHOOLS

Boards of education; members' residency requirement, reduced to one year, amends N. J. S. 18A:12-1 and 18A:13-7, Ch. 98.

Educational services commissions, teaching staffs; mandatory minimum salary, C. 18A:6-62.1, amends N. J. S. 18A:29-5 et al., Ch. 9.

Elections; ballot marks, certain; validated, amends N. J. S. 18A:14-57, Ch. 14.

Employees, prospective, certain; criminal history record checks, mandated, C. 18A:6-7.1 et seq., Ch. 116.

Handicapped pupils; tuition determination, modification, amends N. J. S. 18A:46-21, Ch. 50.

High school-college cooperation, fostered, C. 18A:61C-1 et seq., Ch. 194.

High school pupils; college-credit courses, certain, C. 18A:61C-4 et seq., Ch. 193.

Lease-purchase agreements; conveyance of district-owned property, permitted, amends N. J. S. 18A:20-4.2 and 18A:20-6, Ch. 183.

Legal insurance, group; authorized, for employees, C. 18A:18A-3.2 et seq., Ch. 73.

Private, certain; day training, developmentally disabled; defined as "State facilities," amends C. 18A:7A-3, Ch. 10.

Sending-receiving relationships, modification, C. 18A:38-13.1, amends N. J. S. 18A:38-13, Ch. 156.

Senior Citizen Pen Pal Pilot Program, established, in public schools, Ch. 15.

Special Education Week, May 11-17, 1986, J. R. 3.

Students, new; records, identification required, C. 18A:36-19a, Ch. 160.

Teachers, certain; State institutions; tenure protection, C. 18A:60-1.1 and 18A:60-1.2, amends N. J. S. 18A:60-1 and 18A:60-3, Ch. 158.

Textbooks, nonpublic schools; State aid, payment by July 31, amends C. 18A:58-37.7, Ch. 17.

SECURITIES

Sales, unsolicited; record-keeping requirements, modified, amends C. 49:3-50, Ch. 101.

SENIOR CITIZENS

"Continuing Care Retirement Community Regulation and Financial Disclosure Act," C. 52:27D-330 et seq., Ch. 103.

Hospital respite care programs, authorized, C. 26:2H-12.3 et seq., Ch. 11.

Income tax, gross; exclusion, \$125,000; sale, principal residence, amends N. J. S. 54A:6-9, Ch. 66.

Pen Pal Pilot Program, established, in public schools, Ch. 15.

SEWERAGE

Authorities, contracting; membership, certain, amends C. 40:14A-4, Ch. 182.

Municipal system, certain, authorized; pending dissolution, existing authority, C. 40:14B-13.1, Ch. 110.

Passaic Valley Sewerage District; Bayonne added, C. 58:14-1.8, Ch. 114.

SOLID WASTE

Laws, regulations; violations, certain; penalties, increased, amends C. 13:1E-9, Ch. 170.

Recycling tax, extended through 1987; amends P. L. 1981, Ch. 278, s. 10; Ch. 200.

STATE GOVERNMENT

Collateral, eligible, expanded; government units, amends C. 17:9-41, Ch. 161.
Geodetic markers, data; responsibility for transferred from Environmental Protection, Department of; to Transportation, Department of, C. 27:1A-5.5, repeals C. 51:3-11 et seq., Ch. 118.

TAXATION

Corporation business, surtax; for Hazardous Discharge Site Cleanup Fund, C. 54:10A-5.1 and 54:10A-5.2, Ch. 144.
Income, gross; exclusion, \$125,000; sale, principal residence; person aged at least 55, amends N. J. S. 54A:6-9, Ch. 66.
Real property; assessment, as farmland; woodlands, certain, C. 54:4-23.3a and 54:4-23.3b, amends C. 54:4-23.3, Ch. 201.
Real property, exemptions; urban renewal projects, certain; 15-year extensions, permitted, C. 40:55C-41.2 et al., amends C. 40:55C-44.2 et al., Ch. 86.
Real property, redemption; payment of delinquencies only, required, amends R. S. 54:5-59, Ch. 168.
Real property, taxable; defined to include affixed business personal property, certain; storage tanks, certain, C. 54:4-1.12, amends R. S. 54:4-1 and C. 54:11A-2, Ch. 117.

TRANSPORTATION

Department of; hazardous substance contamination; defense, indemnification authorized; contractors, certain, C. 27:1A-5.2 et seq., Ch. 81.
Railroads, freight; Commissioner of Transportation; powers, duties, additional, C. 27:1A-5.1, amends C. 27:1A-5, Ch. 56.

URBAN RENEWAL

Tax exemptions, real property; projects, certain; 15-year extensions, permitted, C. 40:55C-41.2 et al., amends C. 40:55C-44.2 et al., Ch. 86.

VALIDATING ACTS

School district bonds, Chs. 60, 70, 121, 148, 175.

WATER SUPPLY

Pollution control; laws, regulations; violations, certain; penalties, increased, amends C. 58:10A-10, Ch. 170.

WEAPONS

Firearms training requirement, delayed; police officers, certain; amends P. L. 1985, Ch. 324, s. 3; Ch. 64.
Marine Law Enforcement Bureau members; State Police, Division of; weapon-carrying, certain, authorized, amends N. J. S. 2C:39-6, Ch. 150.

WEIGHTS AND MEASURES

Statutes, certain, revised; to incorporate current practices, C. 51:1-103.1 et al., amends R. S. 51:1-2 et al., repeals R. S. 51:1-57 et al., Ch. 167.

WELFARE

Public assistance; Agent Orange damage awards, not income, amends C. 44:8-125, Ch. 65.

WOMEN

Businesses, owned by; eligibility, certification; State programs, C. 52:27H-21.17 et seq., Ch. 195.

WORKERS' COMPENSATION

Funding, altered; benefits, supplementary, amends R. S. 34:15-94 et al., Ch. 82.

Travel, certain; first aid, rescue squads; in course of employment, amends R. S. 34:15-36, Ch. 35.

